

**BEFORE THE QUEENSTOWN LAKES
DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991
(the "Act")

AND

IN THE MATTER of the Queenstown Lakes Proposed
District Plan – Stage 3 Wahi Tupuna

**Statement of Evidence of
Duncan Lawrence White
and
Michael James Botting**

**For Paterson Pitts Limited Partnership #3384
Sunnyheights Limited, P and R Masfen #3193
Larches Station Trust #3386**

19 June 2020

1.0 Introduction

- 1.1 This is a corporate submission on behalf of the Wanaka office of Paterson Pitts Group. This submission is presented by two of the partners from the Wanaka office.

Qualifications and Experience

- 1.2 Paterson Pitts is a land development consultancy that undertakes a variety of surveying, engineering and planning projects, primarily around Wanaka. The company also has offices in Queenstown, Cromwell, Alexandra, Dunedin and Christchurch.
- 1.3 Mike Botting is a principal of the Wanaka Paterson Pitts office and has a Bachelor of Surveying, is a Registered Professional Surveyor and Licensed Cadastral Surveyor and a member of Survey and Spatial New Zealand (formerly the New Zealand Institute of Surveyors).
- 1.4 Mike started his surveying career working on a variety of land development projects across Auckland before moving to Wanaka in 2004. Mike now has over 20 years' experience in land development including 15 years of project management of large greenfield subdivisions.
- 1.5 Mike is experienced in all aspects of the land development process from feasibility, budgeting, project planning, detailed design, tendering, construction supervision and compliance with local authorities. As a Registered Professional Surveyor and Licenced Cadastral Surveyor Mike has particular expertise in mapping.
- 1.6 Duncan White is also a principal of the Wanaka office of Paterson Pitts. He has a Bachelor of Science in Geography, a Diploma for Graduates and a Post Graduate Diploma in Science. Both of the latter two qualifications are in Land Planning and Development. These qualifications are all from the University of Otago.
- 1.7 Duncan has over 17 years planning experience, including seven years planning experience with the Manukau City Council. His local government experience includes three years as a subdivision officer processing subdivision resource consent applications, followed by four years as an environmental policy planner undertaking district plan changes, policy development and the acquisition of

reserves. For the past ten years Duncan has lived in Wanaka and worked as a planner for Paterson Pitts Limited Partnership (Paterson Pitts).

Submission

- 1.8 Our submission supports the strategic intent and purpose of Chapter 39 and the Wahi Tupuna overlay, including the mapping of identified sites of significance to Manawhenua, but does have some concerns about the technical aspects of the mapping of the wāhi tūpuna areas and the practical implications of the proposed provisions. The submission and this evidence are specifically intended to provide feedback from practitioners who will deal with these provisions on a day to day basis.
- 1.9 In addition to the submission from Paterson Pitts, we provide evidence on behalf of two clients who are rural landowners and farmers – Sunnyheights Limited #3193 and the Larches Station Trust #3386.
- 1.10 While this is a Council hearing, rather than an Environment Court process, we confirm that we have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and agree to comply with it. We can confirm that this evidence is within our areas of expertise, except where we state that we have relied on material produced by other parties, and that we have not omitted to consider material facts known to us that might alter or detract from the opinions expressed.

2.0 Scope of Evidence

- 2.1 This evidence has been prepared in support of Proposed District Plan (PDP) submission #3384 by Paterson Pitts Limited Partnership in relation to Chapter 39 and the mapping of wāhi tūpuna. In addition to the submission from Paterson Pitts, we provide evidence on behalf of two clients who are rural landowners and farmers – Sunnyheights Limited #3193 and the Larches Station Trust #3386.
- 2.2 Paterson Pitts supports the strategic intent and purpose of Chapter 39 and the Wahi Tupuna overlay, including the mapping of identified sites of significance to Manawhenua. Submission #3384 relates instead to the method, detail and accuracy of the mapping of wāhi tūpuna overlays at a property scale; and the

consequential effects and inefficiency of this mapping approach through the proposed rules and standards. Simply put the question raised by the Paterson Pitts submission is do the notified wāhi tūpuna areas accurately represent the areas considered by Manawhenua to be significant enough to warrant a higher level of protection through the District Plan? Specifically, the mapping of wāhi tūpuna appears to have been undertaken on a large scale and then digitised into the planning maps, as a result the mapping does not appear to follow identifiable boundaries such as geographic features or cadastral boundaries, and in some places looks to contain obvious errors.

2.3 The Paterson Pitts submission considers that the wāhi tūpuna mapping should not apply to the urban zones as these areas have already been identified as being suitable for residential or business uses and with this comes expectations from landowners that these areas are capable of being developed in accordance with the provisions of the zone. For the most part sites in these areas have already been developed and undeveloped sites represent small areas which will presumably have a lower level of effect.

2.4 It is sought that the maximum volume threshold for earthworks of 10m³ (Rule 25.5.11¹) within the wāhi tūpuna areas be removed on the basis that the matters of discretion in PDP already refers to cultural, heritage and archaeological sites. This already provides Council with the ability to consider cultural matters when considering resource consent applications. This change would not increase the number of consent applications, particularly for smaller scale developments with presumably lower level of effects. This change does not increase costs, or reduce certainty for applicants and is considered efficient for Council to administer.

2.5 Submission #3384 therefore seeks that:

- the extent of wāhi tūpuna areas be reviewed and the location within individual sites be confirmed, with a preference for ease of understanding and administration that the mapping of wāhi tūpuna areas be amended to follow boundaries of public land, cadastral boundaries, or recognisable geographic features;

¹ Numbering as per s42A report

- the mapping of Wahi Tupuna be removed from urban zones; and
- the threshold volume for earthworks in wāhi tūpuna areas be removed.

2.6 It is considered that the current provisions are not consistent with Part 2 (in particular s7(b) for the efficient use of resources), and the s32 analysis lacks sufficient examination and evaluation of the efficiency and effectiveness of the provisions, particularly in relation to the accuracy of the mapping.

2.7 In preparing this evidence we have reviewed (amongst other documentation) the following:

- The PDP planning maps, including the Wāhi Tūpuna Overlay;
- The PDP S32 Evaluation Report – Chapter 39 Wāhi Tūpuna
- The PDP S42A Hearing Report – Chapter 39 Wāhi Tūpuna
- The PDP S42A Hearing Report – Strategic Overview for all of Stage 3
- Evidence of Dr Lynette Carter on behalf of Manawhenua
- Evidence of Michael Bathgate on behalf of Manawhenua
- Evidence of Edward Ellison on behalf of Manawhenua
- Evidence of Maree Kleinlangevalsloo on behalf of Manawhenua

3.0 Approach to the Mapping of Wahi Tupuna Overlays

3.1 The s32 and s42A reports discuss that the detail of the Wāhi Tūpuna overlay has been sourced from and undertaken by Aukaha, in conjunction with Te Ao Marama Incorporated (TAMI) on behalf of Runaka. The s32 report further notes that Manawhenua hold the knowledge of wāhi tūpuna and therefore are the appropriate source of the information for the identification of areas to be included in the overlay. We support the inclusion of wahi tupuna within the PDP and agree that Manawhenua are the appropriate source of information with regard to specific sites of significance and the extent of these sites. We also acknowledge the problems inherent in providing evidence of, and the mapping of features that might not have a physical manifestation, even at a broad scale overlay level. However, as is correctly pointed out in para 4.9 of the s42A report “*the GIS mapping itself is precise and can be applied in an exact way.*” This means that it is important, despite these difficulties, to ensure that the mapped

extents of the wāhi tūpuna areas are correct so they cover and protect areas of significance, and conversely that the mapped extents do not extend into areas that are not as significant. The result of larger than necessary wāhi tūpuna areas is unnecessary, inefficient resource consent processes. From the outset we acknowledge that we do not have expertise or knowledge of what particular sites are significant enough to be identified in the District Plan as wāhi tūpuna.

- 3.2 As noted in the introduction, our concern over the wāhi tūpuna mapping is focussed on the implications of what appears to be a high level mapping approach to the identification of wāhi tūpuna, which when digitised and transferred to the property scale look to result in some obvious mapping errors. The identified wāhi tūpuna areas contain artificial shapes and gaps over significant geographic features, for instance areas where part of the channel of a river has been excluded, but the rest of the river is included. This issue appears to in some cases result in the identified wāhi tūpuna areas being smaller than they possibly should be and so areas that should benefit from the protection afforded by the proposed rules are not protected. In other areas the identified wāhi tūpuna areas appear to be larger than adjacent areas that might be expected to share the same values and so areas would be subject to the wāhi tūpuna provisions when perhaps they should not. The inclusion of areas that are not as significant creates an unnecessary consent burden for landowners in affected areas. Specific examples from the Upper Clutha Basin are discussed in section 4 (below).
- 3.3 The high level mapping approach that was then digitised into a GIS layer is confirmed in the evidence of Maree Kleinlangeveksloo para 46 and covered again in para 45 of the evidence of Michael Bathgate (both for Manawhenua). The mapping of wāhi tūpuna overlays appears to have used a series of joined arcs or polylines to define identified areas. This method results in cloud-shaped areas that approximate the shape of the features, but do not necessarily reflect the intended shape or extent of the object with the level of accuracy required for district planning purposes. This inaccuracy means this is not an appropriate method to draw planning overlay boundaries with the level of precision now expected with GIS mapping.
- 3.4 This inaccuracy and the possibility of errors creates a question of whether the mapping is reliable and/or accurate enough to form the basis for the proposed

wāhi tūpuna provisions. This is a question that we cannot answer as we do not have any expertise or knowledge of what particular sites are significant enough to be identified in the District Plan as wāhi tūpuna and the geographic extent of these sites. What we do have is expertise in mapping and geographic features and ensuring accurate representation of such areas. From this expertise we can say that in some cases the mapped wāhi tūpuna overlay boundaries appear to be an inaccurate representation of the likely extent of the wāhi tūpuna areas. Also from our expertise in mapping it looks as though the maps have not been adequately checked to confirm correctness and accuracy.

3.5 We do not agree with wāhi tūpuna overlays where the mapping is uncertain or in error as this creates uncertainty, time delay and cost. For simplicity and ease of administration and understanding we would prefer the extent of mapped wāhi tūpuna to relate to specific features or boundaries where possible. We acknowledge that this is a pragmatic approach, rather than a direct correlation. In our submission we mention cadastral boundaries and accept that these do not form part of Manawhenua's cultural values, but they form convenient markers for a change in land use controls and so are very useful points to transition from one set of land use controls to another. There are examples where the notified wāhi tūpuna boundary almost coincides with a cadastral boundary (the example in para 4.6 below is one such case). For ease of administration we consider in such cases the wāhi tūpuna area boundaries should be aligned with the cadastral boundary. More significantly our submission also mentioned that the identified wāhi tūpuna areas did not follow geographic features, but this was not picked up in the summary of the submission, nor in the s42A report, nor the evidence from Manawhenua. The discrepancy between the mapped wāhi tūpuna areas and obvious natural landform boundaries for us raises significant questions over the accuracy of the mapping.

3.6 In our opinion the discrepancy between the mapped wāhi tūpuna extents and obvious geographic features is significant as these features would make obvious, understandable and orally describable landmarks to which values can be attributed. Paras 4.5 and 4.8 of the s42A report indicate that Council does not have the cultural understanding to be able to confirm the accuracy of wāhi tūpuna areas and so at para 4.8 relies on Manawhenua to confirm any changes to the extent of wāhi tūpuna areas. We also do not have the cultural

understanding to be able to confirm what areas should be protected but are able to discern from the mapping that there may be inaccuracies.

- 3.7 Ms Picard, at para 4.5-4.8 of the s42A report rejects all submissions seeking changes to the notified extent of wahi tupuna areas on the basis that the Council is not in a position to justify the extent of the mapping, and that the identification of areas for inclusion in the mapping sits with Manawhenua. We consider that it is Council's role under s32 of the RMA 1991 to undertake an appropriate evaluation of the material provided by Manawhenua, its efficiency and effectiveness, and risk, recognising the possible uncertainty of the subject matter as it applies to specific sites or areas. The absence of the ability to confirm the accuracy of this information would seem to preclude Council from fulfilling its obligations and members of the public from the ability to check the correctness and accuracy of the mapping. Without confirmation of the extent of the mapped wāhi tūpuna areas Manawhenua too may in some areas be disadvantaged as some of the possible inaccuracies we have identified appear to under-estimate the possible extent of wāhi tūpuna.
- 3.8 It is understood that many submitters have sought that the mapping be reviewed to apply an evidence based system to the identification of wahi tupuna. It is accepted that this would be a challenging process. However, as a result, the process applied by Council in this instance appears to be a blanket mapping of a wide area of possible sites of significance, to manage the potential risk, with this risk being deferred to landowners to prove otherwise through a resource consent process and consultation with Manawhenua. This approach results in inefficient costs to landowners and the potential for a large number of resource consent applications being submitted for works on land which may not have been intended to be included on the map in the first place.
- 3.9 This mapping approach also results in the extent of overlay boundaries being non-specific and unrelated to either geographic features or cadastral boundaries. It is accepted that cultural values do not necessarily follow such boundaries, as discussed at para 4.2-4.3 of the s42A report and consequently overlays have been mapped. However, the consequence of this District-wide mapping exercise at a property scale is the potential significant restrictions on development, in addition to the financial costs associated with the resource consent process, consultation and cultural impact assessments for an

environmental effect which is unknown or of low likelihood (particularly in modified urban areas or where the mapping method is inaccurate). It is our view that for many locations (such as modified urban areas and managed rural land) the regulatory approach proposed through the provisions is out of context with the potential risk and actual or potential environmental effects of the overlay.

- 3.10 The Paterson Pitts submission also opposed the identification of wāhi tūpuna within urban areas including Wanaka, Albert Town and Hawea. The position taken in para 4.13 of the s42A report is supported, but based on there being some level of support from the position of Manawhenua in Michael Bathgate's evidence (paras 46 – 61) whose comments apply to all mapped urban zones under Part Three: Urban Environment, rather than just the Wanaka and Queenstown urban areas identified in the s42A report. It is therefore considered that all urban areas should not be subject to the wāhi tūpuna provisions.

4.0 Specific Locations of Concern with the Mapping

- 4.1 We have identified a number of specific locations in which there appear to be issues with the mapping data and/or translation into the District Plan. These locations are outlined separately below. We have not undertaken a detailed review of this mapping across the District, yet these issues suggest that there are a likely to be a number of other locations subject to similar issues. More broadly, this questions the integrity of the data and the appropriateness of Council's consequential regulatory approach. In all the below examples the wāhi tūpuna area is shown with the tan coloured diagonal hatch.

4.2 Western-side of Hawea Township



Issues: The overlay extends across a large extent of the Hawea township, zoned as Lower Density Suburban Residential (LDSR), with the extent of the overlay defined by straight lines which bear no relationship to features, areas or geographic/topographical boundaries. We also note the extent of Lake Hawea and surrounding landform has been significantly modified as a result of the Hawea dam and associated works and raising of the level of the lake. In places the overlay intersects only parts of individual properties. The LDSR is identified to provide for residential development and if the wahi tupuna overlay is to be located across this urban area the 10m³ limit for earthworks is inappropriately restrictive and would prevent (for example) a landowner from excavating foundations for a dwelling without consultation with Manawhenua and a resource consent.

4.3 Albert Town (Residential):



Issues: The overlay extends across the river margin and into the Albert Town urban area, zoned as LDSR, with the extent of the overlay defined by straight lines and/or arcs which bear no relationship to features, areas or geographic/topographical boundaries. In places the overlay intersects only parts of individual properties. The LDSR is identified to support residential development and if the wahi tupuna overlay is to be located across this urban area the 10m³ limit for earthworks is inappropriately restrictive and would unduly restrict permitted activities.

4.4 Clutha River Outlet:



Issues: The overlay mapping in this location has a large gap at the outlet, between Lake Wanaka and the Clutha River.

4.5 Albert Town – Deans Bank



Issues: The mapping in this location excludes a large area of the river and river terrace on the right side of the river in the above image. This location demonstrates method used to plot the subject areas is inaccurate. The joined arcs gives a cloud-shaped area, but does not necessarily reflect the true shape of the object it is intended to protect. This is not an appropriate method to draw planning boundaries as it results in an inaccurate depiction of the shape of the area.

4.6 Clutha River – Upstream of Stevenson Road



Issues: Overlay closely follows but is not consistent with property boundaries or geographic feature, such as the edge of the river terrace.

4.7 Clutha River – Near Wanaka Airport



Issues: The identified area does not include full extent of the geographic feature (in this case the river) creating a gap within the river margins that is surrounded on all sides by identified area, and not all of the river corridor is identified.

4.8 Clutha River at Luggate – Devils Elbow



Issues: This location again demonstrates a mapping approach with various intersecting arcs, 90 degree angles and a weak correlation between the area and a geographic feature or a cadastral boundary.

4.9 Cardrona River – Riverbank Road



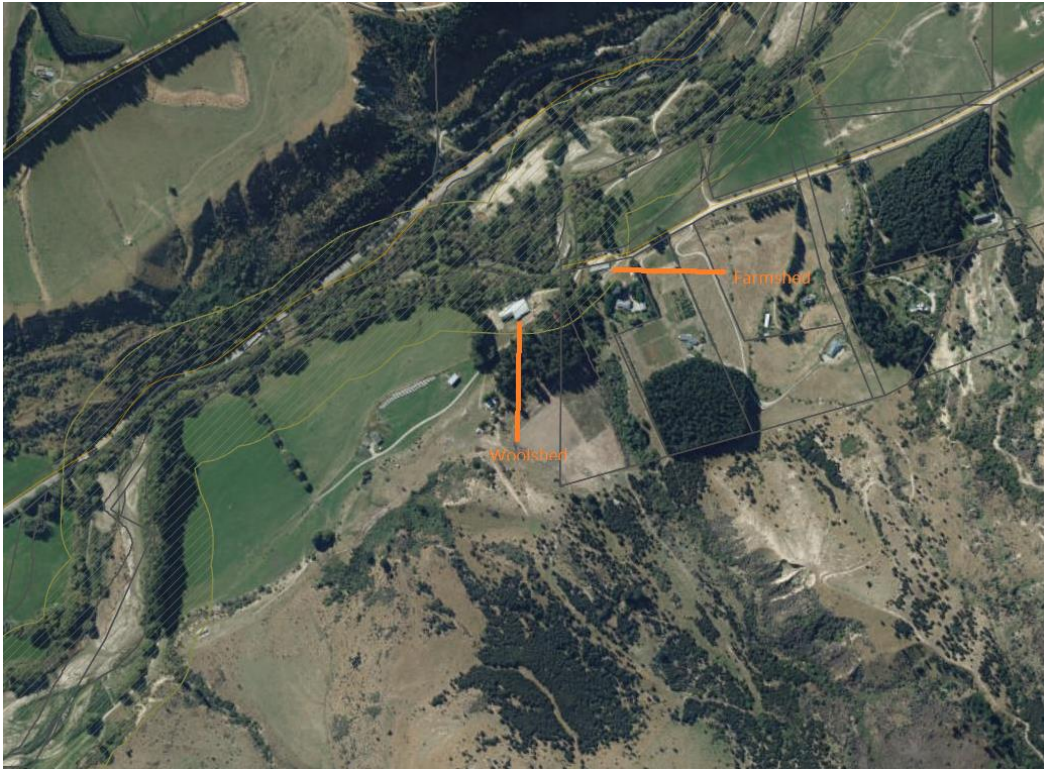
Issue – Appears to demonstrate inconsistency in mapping. There is a bulge extending up to the boundary of Riverbank Road and across existing dwellings. It is unclear why the affected three properties are any more significant than those to the north-east or south-west.

4.10 Cardrona River – Close to Intersection of Riverbank Road and Cardrona Valley Road



Issue – There is a gap evident in the centre of the Cardrona River (solid orange shape), plus another area (also highlighted in orange) where area does not follow extent of river. This location appears to demonstrate the joined arcs or polylines used to plot the subject area. The joined arcs results in a cloud-shaped feature that does not necessarily reflect the true shape of the object. This is not an appropriate method to draw planning boundaries as it results in an inaccurate depiction of the shape of the area. As demonstrated here and above the arc method also results in the inclusion of some areas which may have been unintentional, or in which cultural values are unknown or of low likelihood (such as urban areas or where the line bisects individual properties).

4.11 Cardrona River – The Larches Station, Mt Barker Road, Wanaka



Issue – The overlay in this location extends only partially across a rural property and includes areas of existing farm buildings. The mapping in this location does not appear to follow a defined boundary or geographic feature to warrant the practicalities of managing a different regulatory framework inside and outside of the mapped area.

5.0 Earthworks

5.1 The Paterson Pitts, the Sunnyheights and Larches submissions all opposed the earthworks threshold of 10m³ in the Rural zone and sought that this be increased. Para 5.9 of the s42A report considers that the 10m³ volume remains appropriate, that changes to the permitted volumes would be inappropriate and so recommends that submissions that request a change to earthworks volumes be rejected. To put this in context a standard truck contains 7m³ of soil, so to place two truck loads of soil would require resource consent. The amendments proposed in the evidence of Mr Bathgate are less restrictive and preferred, however from a farm management perspective 10m³ is still a very low threshold in the identified wāhi tūpuna areas that will mean an increased number of regular farm operations will require earthworks consent and this is not efficient

for the level of benefit it provides as opposed to just being more convenient for the landowners as suggested in para 5.8 of the s42A.

- 5.2 As an example, in the Rural Zone earthworks are enabled as a permitted activity up to a maximum volume of 1,000m³. The proposed Stage 3 variations to Chapter 25 reduce this limit to 10m³ where located within a mapped wahi tupuna area and this overlay is now proposed to cover a large extent of the Rural Zone. Such a limit is considered to significantly affect the efficient use of rural zoned land and be inconsistent with Strategic Directions and the purpose of Chapter 21 to enable farming activities. A limit of 10m³ will restrict a number of low risk farming activities and potentially require significant costs and delays for such works.

6.0 Farm Buildings

- 6.1 The Sunnyheights and Larches submissions both opposed the change in activity status of farm buildings within the wāhi tūpuna areas on the basis of the additional consent burden placed on farmers and so opposed Rule 39.5.3. The suggestions of Mr Bathgate for Manawhenua in paras 108 – 111 are preferable to the notified rule, but both submissions consider it would be preferable for the provisions to not restrict the location of farm buildings.

7.0 Conclusions

- 7.1 Submission #3384 seeks that Council review and confirm the wahi tupuna mapping within specific sites; and that the proposed 10m³ threshold for earthworks in all mapped wahi tupuna areas be reviewed.
- 7.2 Paterson Pitts support the strategic intent and purpose of Chapter 39 and the Wahi Tupuna overlay, including the mapping of identified sites of significance to Manawhenua. However, some locations have been identified where the mapping method appears to have created some unintended exclusions, inclusions or errors; and additionally, in our view this mapping should either not be applied to urban areas, or an alternative regulatory approach should be considered for these areas based on their modified state and/or urban zoning. Specific sites have been identified in this evidence. These demonstrate what appears to be a joined arc method used to map the wāhi tūpuna extents which

in many instances looks to have resulted in an inaccurate depiction of the shape and extent of the wāhi tūpuna area.

- 7.3 We do not agree that Council should simply adopt the mapping provided without undertaking the necessary evaluation of this material under s32 of the Act, and its consequential implications of its application through the proposed rules. In particular, we have concerns over the inefficiencies of time and costs associated with resource consents, consultation and possible Cultural Impact Assessments (CIA) for what would be otherwise minor or permitted works. In our view, based on the number of issues we have identified with the mapping, the s32 analysis is deficient in this regard and does not consider the efficiency and effectiveness of a blanket approach being applied to all mapped wahi tupuna areas. The s32 analysis also does not adequately consider other reasonably practicable options which may be applied to achieve the objectives, for example within previously modified or urban wahi tupuna sites.
- 7.4 The Paterson Pitts, the Sunnyheights and Larches submissions all opposed the earthworks threshold of 10m³ within the identified wāhi tūpuna areas as being too restrictive on normal farm operations and creating a burden on landowners.
- 7.5 The Sunnyheights and Larches submissions also both oppose the change in activity status of farm buildings within the wāhi tūpuna areas. The suggestions of Mr Bathgate for Manawhenua in paras 108 – 111 are preferable to the notified rule, but both submissions consider it would be preferable for the establishment of farm buildings to not be subject to additional consent requirements if located in wāhi tūpuna areas.