

Proposed District Plan: WAHI TUPUNA & MAPPING

Note: Abbreviations used herein, in the first instance, are shown in brackets following their meaning.

1. Submitter Details

- 1.1. We are Heather and Ewen Rendel.
- 1.2. Our properties Lots 1&3 DP 509575 (CT-783007 & 783009) have been mapped in Wahi Tupuna (WT) area #16 Punatapu, are zoned Rural Residential (RR), have been in our ownership for close to 30 years with our home located on Lot 1.
- 1.3. Our professional experience includes work in the electrical industry including renewable energy projects. We have been fortunate to work with and for indigenous peoples on projects in Australia, Hawaii and Alaska. While in Hawaii we were privileged to work on some Hawaiian tapu sites and others of significance.
- 1.4. We've also travelled extensively including, Easter Island, various Aztec and Mayan sites and the Pacific Islands. Our world travels have provided first hand experiences with indigenous cultures, cultural values and beliefs.

2. Introduction

- 2.1. We are focusing on some aspects of our original submission which covered all Wāhi Tūpuna related provisions in the entire Proposed District Plan (PDP), Chapter 39 and associated mapping, District Wide, #16 Punatapu area and Lots 1&3 DP 509575 (CT-783007 & 783009).
- 2.2. Many of Iwi's cultural values align with environmental standards we should be achieving throughout the district. "Kāi Tahu regard the whole of the district as its ancestral land..." 39.1. Purpose. We submit that whether or not an area is mapped WT or heavily urbanised these values (i.e. water quality, elimination of wilding pines, protection of stands of indigenous species, unrestrained development) should be recognised and treated equally district wide, not arbitrarily as currently proposed.
- 2.3. The entire process has been shambolic resulting in policy not fit for purpose. QLDC has been errant, mapping arbitrary and inconsistent, with resulting policy inequitable and divisive. As such we oppose all Wāhi Tūpuna policy in the PDP along with the mapping in their current form.
- 2.4. QLDC failed on crucial aspects:-
 - 2.4.1. Setting criteria for what constitutes a sufficient level of significance for Wahi Tupuna designation under the District Plan and...
 - 2.4.2. Accepting the mapping and list of values without requiring Mana Whenua to submit robust evidence qualifying inclusion of all of the properties within each area. Consequently individual properties may be unjustifiably designated Wahi Tupuna.
 - 2.4.3. Creating a separate Chapter to address Wahi Tupuna rather than an integrated policy.
- 2.5. As Landowners we're being asked to respect Mana Whenua's cultural values however respect is a two-way street; we should have been informed our property was considered WT and why, well in advance of publishing Chapters 5 & 39, we were not. Likewise we should have been informed what specifically requires protecting; we consider it unreasonable to expect property owners to be penalised to protect a secret. Hardly a partnership approach.

3. Process- Wahi Tupuna Mapping and Designation

- 3.1. Nationwide Local Authorities have taken differing approaches to addressing Wahi Tupuna. The majority of the proposed sites in Auckland and quite a number in Canterbury had to be removed until such time as robust evidence is produced to support the significance of the sites. In Dunedin Wāhi Tūpuna provisions kick in for anything other than permitted activities. The level of constraints on property owners has increased with successive District Plans in the South Island culminating in QLDC allowing the most aggressive version where Wāhi Tūpuna provisions override permitted activities.
- 3.2. QLDC erroneously published Chapter 5 Tangata Whenua prior to the finalised Wāhi Tūpuna mapping which was published 4 years later on 19 September 2019. Without mapping to reference the provisions seemed generally fair and reasonable. It was conceivable WT provisions would apply to waterway areas, some specific geographic features and a few notable sites like the Greenstone Valley (which surprisingly was not subsequently included). Instead large tracts of privately owned land, in multiple titles were designated Wahi Tupuna. Landowners weren't consulted prior to publication of Chapter 5 so had no way of knowing WT provisions would apply to their property. The court has since deemed this was errant on Councils part and as such Wahi Tupuna related provisions are not beyond appeal. (See Ian Bayliss QLDC Email- Appendix E.4.).
- 3.3. Communication with landowners was non-existent prior to September 2019 which we consider inexcusable; the LGA states Council "...should make itself aware of, and should have regard to, the views of all of its communities" (LGA Part2 14,b). QLDC ran its first drop in session on 25 September 2019 with two of its Planners in attendance and no Iwi representatives. They were surprised by the high number of attendees with 50 or so upset Ratepayers looking for answers that really weren't forthcoming. Afterwards we questioned the determination of significance, consultation process and outcomes and were told by one of the Planners "you just have to trust them"! We were shocked, our Council appeared not to have required Rūnaka to produce evidence to support the inclusion of properties within WT areas, instead expecting affected landowners to go to Rūnaka to have that discussion at their own expense.
- 3.4. Aukaha (previously KTKO) and QLDC have worked closely for at least 6 years to formulate Mana Whenua driven WT policy at Ratepayers expense. (Appendix E.1. Link to reference) Both QLDC and Rūnaka Representatives have now admitted the process could have been approached differently. At the 11th hour Rūnaka have suggested a raft of changes in their pre-lodged evidence. Senior Planner Michael Bathgate, recently employed by Aukaha, is recommending major amendments to the policy; creating urban WT areas, altering earthworks provisions for some areas but also strengthening provisions and wording throughout. The simple act of changing wording from "should" to "must" is an aggressive move which will significantly alter future decisions. If the policy requires so much modification, it is not fit for purpose.
- 3.5. We acknowledge Iwi association with the district however we can't find any record of Iwi full time occupation in the Wakatipu prior to the arrival of westerners in the 1800's. Documentation indicates seasonal visits to the area, with hunting and occasional pounamu gathering expeditions up until the end of the 1700's after which expeditions were much less frequent (record of one in 1865) as the area was pretty much (physically) abandoned due to more food and trading opportunity available in coastal areas with the arrival of the Whalers.
- 3.6. We question whether the significance of Mana Whenua values or Iwi association to each and every one of the 3000+ properties mapped meets a high enough threshold to warrant the designation of Wahi Tupuna under the District Plan?

- 3.7. QLDC and Rūnaka obviously chose not to follow any stringent guidelines like those set by Heritage New Zealand Pouhere Taonga Act 2014 adhering to criteria and a process requiring evidence including consultation with landowners. Currently there are only 10 Wahi Tupuna sites listed in the entire country, Waitangi being the first.
- 3.8. The overlay mapping was based on Rūnaka's arbitrary choice of sites. We were told by a QLDC Planner (Drop-In Meeting, Frankton) the mapping was finalised to ensure a "workable" policy based on Aukaha and TAMI's ability to process the volumes of expected consultations for consents.
- 3.9. QLDC chose to bypass a crucial step in the process by not requiring robust evidence to verify the inclusion of all properties mapped. Mana Whenua were not required to identify what specific features or aspects are to be protected on individual sites and why. Instead properties have been designated Wāhi Tūpuna (which will be added to LIM's) based on unverified mapping offering no protection for landowners. In doing so QLDC have essentially agreed that Mana Whenua have certain rights over each of the individual privately owned properties within mapped areas. This is unjust and will have far reaching consequences.
- 3.10. The process has been undertaken back to front; all evidence should have been produced and verified prior to publication of the Mapping not after the fact. Sarah Picard QLDC S42a Report: 4.5 The overlay was provided by Rūnaka as being representative of areas of significance. Iwi representatives also explained the significance and origins of the areas selected at a series of public meetings and discussions with landowners. I expect that Rūnaka will address this in their evidence in support of the overlays. **The Council is not in a position to justify their extent.** ... We attended meetings, asked questions particularly pertaining to our properties within #16 Punatapu, and neither QLDC or Rūnaka representatives were able to provide us with any more information or evidence regarding the area or to support the inclusion of our properties.
- 3.11. Property owners have essentially been deemed "guilty until proven innocent" with the onus and expense now on them to go to Aukaha and TAMI to prove what if any significance their property has to Mana Whenua. As such they will forever be subjected to additional financial burden and stress each time they wish to undertake a project which might be a threat to Mana Whenua even when it complies with their underlying zoning. This is not fair and reasonable.
- 3.12. Edward Allison has now stated in Rūnaka's pre-lodged evidence #40. ...The broad mapping of the wāhi tūpuna avoids us having to publicly identify individual sites of importance to us. He confirms properties that are not sites of importance have been included to disguise some important individual sites Rūnaka wish to keep secret! This points to unjust WT designation of possibly thousands of properties.
- 3.13. The above comment and that of Sarah Picard's for QLDC (S42a Report: 4.3 An important point is that unearthing, or intrusive investigation of evidence to 'authenticate' a site of significance may be antithetical to protecting its values.) indicates 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?
- 3.14. Edward Allison talks about "the story" and Rūnaka's approach to the mapping pre-lodged evidence #41 & 42. The District Plan mapping is formulated to provide an accurate straightforward reference for all users; dots, lines, icons and legends provide zoning and unique site information. It is not reasonable to broadly map areas as opposed to specific individual sites to in someway confer with or maintain secrets aspects of "the story".

- 3.15. Wāhi Tūpuna mapping needs to be revised to include only specific sites within individual properties which meet high level criteria (yet to be determined). Identify sites using “ring fencing” and icon pins (similar to that used for Historic Heritage Features) with legends and or links to silent files providing site specific information for Planners similar to the approach taken in Canterbury.
- 3.16. The inequity of mapping and WT designation excludes properties in some areas with recorded significance to Iwi while including property within areas such as Punatapu that don't appear to have any relevant links to the “values” chosen. Hardly a fair and reasonable process. Surely land is Wāhi Tūpuna or it is not.
- 3.17. QLDC have stated Queenstown, Frankton and Wanaka are too heavily urbanised suggesting in the Section 42a Report to remove them from the list. Rūnaka however are now suggesting urbanised areas be included with no threats recorded for them; 11th hour changes aiming to patch up inadequacies. The Section 42a Report also indicates some areas included will be removed 4.16 My understanding is that Council will withdraw the Wāhi Tūpuna overlay from Volume B land pursuant to clause 8D of the RMA.
- 3.18. A number of areas were excluded from the mapping; areas like Lake Hayes, Moke Lake, and subdivided rural development sites in areas such as Walter Peak, Cecil Peak, Halfway Bay, Wyuna Preserve, and Greenstone Valley. (See Screen Shot Examples- Appendix E.11. & E.12.) We question why a number of these areas have been excluded.
- 3.19. During a meeting with QLDC and Rūnaka representatives (18 October 2019) we specifically asked why Lake Hayes was completely excluded even though there's recorded evidence of an Iwi settlement and greenstone manufacturing occurring there. (Link to references- Appendix E.2. & E.3.) Edward Allison stated Rūnaka couldn't decide on the name for it. Yet Ngāi Tau's own Kā Huru Manu website shows Waiwhakaata (Lake Hayes) and offers no alternative name. (See Screen Shot- Appendix E.6.). The lake is an iconic waterbody in our district which we would have thought it important to Iwi to protect the wetlands surrounding it and the fresh water quality.
- 3.20. Moke Lake (Punamāhaka / Waikāmāhaka) is given as an example in Rūnaka's pre-lodged evidence submitted by David Higgins #50. “the importance of the Lake and the importance of the valley...”; yet Moke Lake and much of the valley have been omitted from the mapping. (See Screen Shot- Appendix E.8.).
- 3.21. Maori world view encompasses both tangible and intangible, particularly with regard to taonga, it can vary from Hapu to Hapu and is ever evolving. While we respect there are spiritual/metaphysical elements to Iwi's cultural values; the question is what specific values are Council required to protect via the District Plan? Does it extend to protecting the metaphysical? The Section 42a Report indicates non-physical values are also to be protected. Sarah Picard QLDC S42a Report: 5.7 Effects on cultural values are not limited to physical effects and in some instances adverse effects on cultural values may also be non-physical.
- 3.22. RMA Section 5, 6 & 8 all refer natural and physical resources. RMA Section 2 definition: **Natural and physical resources** includes land, water, air, soils, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures. RMA 6e pertains to managing the use, development and protection of natural and physical resources... there is no mention of metaphysical. QLDC must take the responsibility to provide clear direction regarding what if anything other than the natural and physical is to be afforded protection.

4. Policy- District Wide

- 4.1. The District Plan must recognise and provide for “social, economic and cultural well-being and health and safety” (RMA Part2 5.2) and it’s Council’s duty “(a) to enable democratic local decision making... & (b) to promote the social, economic, environmental and cultural well-being of communities in the present and for the future” (LGA Part2.10). Council must act for the wellbeing of all people within our district. QLDC has failed to achieve this requirement choosing to create exclusive not inclusive Wāhi Tūpuna policy to address Iwi’s cultural values.
- 4.2. The policy has been hobbled together on the basis of directives through various Acts such as the RMA, PORPS, LGA and Ngai Tahu Claims Settlement. Council is required to recognise and provide for “the relationship of Māori and their culture and traditions with their ancestral lands...” (RMA 6,e) and “should provide opportunities for Māori to contribute to its decision-making processes” (LGA Part2,14,d). It was correct for Council to consult with local Māori representatives when formulating policy for the District Plan, however none of the Acts:
 - 4.2.1. direct Council to write separate policy to address Wāhi Tūpuna or
 - 4.2.2. require Private Property owners to consult with Māori.
- 4.3. We consider Council erred by writing a separate policy. It is inappropriate, non-democratic and possibly not legal to create a policy for one demographic exclusively addressing Mana Whenua’s* values. *(Definitions from Chapter 5 Tangata Whenua, Glossary) Manawhenua- Those who exercise customary authority or rangatiratanga. Rangatiratanga - Chieftainship, decision making rights.
- 4.4. The objective of Chapter 39 Wāhi Tūpuna states 39.2.1 Objective- The values held by Manawhenua..., (worded Manawhenua not Iwi) and Kai Tahu Rūnaka’s further submission #3430 sights as a reason for the decision sought 3.1 (c) Restore the social, economic, cultural, and environmental wellbeing of mana whenua within the Queenstown Lakes District. A separate policy enacted for few negatively impacting many is not responsible policy making. Unfortunately it promotes division and has already created unnecessary disharmony, as evidenced by peoples reactions at meetings and in submissions, which is totally unacceptable.
- 4.5. Council have “acknowledged that Kāi Tahu regard the whole of the district as its ancestral land” (39.1) but chose not to enact the policies on a District wide basis. Instead properties in arbitrarily mapped areas are designated Wahi Tupuna and those in areas with “threats” are to be penalised accordingly while all others in the district have no additional restrictions. This not fair and reasonable policy.
- 4.6. Wāhi Tūpuna provisions take precedence over underlying Zoning essentially creating a new more restrictive zone by stealth. One that allows for a level of third party governance over privately owned land. One that comes with increased costs for property owners over each individual project... Iwi consultation and or Cultural Impact Assessment (CIA) reports, resource consents, and possibly expert consultants and environmental court proceedings.
- 4.7. Council have failed their Section 32 Evaluation 4.9 “...ensure the provisions are presented in a manner that is clearly interpreted to facilitate effective and efficient District Plan administration”. We’ve outlined much of the following in more detail in our submission:-
 - 4.7.1. Policy is inconsistent and not designed to achieve quantifiable outcomes.
 - 4.7.2. Threats are broadly stated with little to no definition.
 - 4.7.3. Insufficient standards and rules to provide clear guidance.
 - 4.7.4. No means for Council Planners to independently assess what is fair and reasonable regarding Rūnaka’s assessments and required mitigation.
 - 4.7.5. No means for requiring time frames for Aukaha and TAMI consultations.
 - 4.7.6. Provides no protection for landowners.
 - 4.7.7. Substantial additional costs for landowners on an ongoing basis.

4.8. We are concerned about Aukaha's ability to provide information in a timely manner. During the 18 October 2019 meeting an Aukaha representative offered to email us a copy of their Application Form for consultations; later we made three requests for it via a QLDC Policy Planner who said they'd forwarded our requests; seven months later we have still not received a copy of it.

5. Earthworks

- 5.1. Along with hundreds of other submitters we oppose the reduction of allowable Earthworks from that of the underlying zoning to 10m³ in Wāhi Tūpuna areas. We note Rūnaka are willing to make some concession in some areas but #16 Punatapu is not one.
- 5.2. We do not agree with the recommended earthworks amendments suggested by Rūnaka representative Michael Bathgate in his pre-lodged evidence: Earthworks located at an elevation exceeding 400 masl Earthworks within a wāhi tūpuna that modify a skyline or terrace edge when viewed either from adjoining sites, or formed roads within 2km of the location of the proposed earthworks. These provisions will make it difficult to determine (particularly for property owners) what land qualifies for exemption and will require unnecessary surveying. Many property owners not on ridgelines or upper slopes (i.e. those in valleys and on lower slopes of higher hills and mountains) will still be unfairly penalised. If ridgelines of significance were ring fenced as we've suggested in our submission, it would be very clear what required protection with no need to penalise property owners outside of those specific land forms.

6. Energy and Utilities

- 6.1. We opposed the variations to Chapter 30 Energy and Utilities and requested they be deleted or an exclusion made to allow Small or Community Distributed Electrical Generation (SCDEG) and Solar Hot Water within a Residential Unit.
- 6.2. We're pleased to see that QLDC and Rūnaka representatives are willing to make some concession to allow systems to be attached to existing buildings however these changes do not allow for small ground mounted solar panel tracking arrays which currently provide the most efficient mounting for solar panel operation. When sited within a Residential unit area these arrays would be no more obtrusive than a garden shed.

7. #16 Punatapu- area includes properties zoned Rural Residential, Rural Lifestyle and Rural.

- 7.1. Ngāi Tau's own Kā Huru Manu website describes Punatapu as "Punatapu (Fortune or Bobs Cove) is a picturesque small bay on the northern shoreline of Whakatipu Waimāori (Lake Wakatipu)". The site shows no Kā Ara Tupuna [trails] depicted by green lines or Ngā Ingoa (awa) [rivers] depicted by blue lines in the area. Depicted by a green diamond, the Nga Ingoa (place name) of Punatapu is sited in the cove on the lake as opposed to on a land area. (See Screen Shots- Appendix E.5. & E.7.)
- 7.2. #16 Punatapu area covers a distance of over 13Km's taking in a large area of DOC land and close to 300 privately owned properties in Bob's Cove, Glen Tui Heights, Flight Park, Closeburn Station, Wilson Bay, Closeburn area, Hammock Ridge, Matakauri area, Forest Hill, Corsican Cove, Alpine Retreat, and a portion of Sunshine Bay. Its notable some properties on the lower slopes of Jessie Peak in the Bob's Cove area have escaped mapping even though it would seem the chosen "values" below would be more applicable to them than the majority of other properties designated WT outside of the Bob's Cove area. We've also been told the prominent Jessie Peak was named Puketapu; it has not been mapped and designated WT and neither has Maori Gulley behind it. (See Screen Shots- Appendix E.9. & E.10.)

- 7.3. There's minimal reference to Iwi association with Punatapu aside from it being a waka landing site. Of the seventeen "values" identified throughout the district Mana Whenua have only associated three with #16 Punatapu. Schedule 39.6 lists them as: - **tauraka waka, settlements** and **archaeological**. These values don't appear to hold standing beyond the immediate Bob's Cove (Punatapu) area.
- 7.3.1. **Tauraka waka**... a waka landing site.
- 7.3.2. **Settlements**... it's documented the area now known as Bob's Cove was accessed via waka on occasion as a sheltered stop off during seasonal expeditions to the head of the lake and beyond.
- 7.3.3. **Archaeological**... we understand in 1968 a possible oven site of unknown origin was found in the immediate Bob's Cove area however it was never field checked and not ascertained whether it was a Maori oven. In the entire #16 Punatapu area outside of Bob's Cove the only record we've found of an archaeological / artefact is one nephrite adze found at Wilson Bay.
- 7.4. The vast majority of the area is not adjacent to the lakefront, has no trails or rivers according to Ngai Tau's Ka Huru Manu mapping. Mana Whenua did not choose or identify mahika kai (food gathering) or Nohoaka (seasonal settlement) when nominating values for the area prior to the publication of Chapter 39.
- 7.5. Edward Allison's pre-lodged evidence for Rūnaka now suggests to change the description of the area from just "Punatapu" to the following: - Punatapu was used as a nohoaka or staging post for mana whenua ancestors who travelled up and down Whakatipu Waimāori (Lake Wakatipu). This indicates the area was accessed via the lake on waka and not by overland trails. This new description does not alter the fact that the three chosen values have no standing beyond the immediate Bob's Cove (Punatapu) area.
- 7.6. The mapped area appears to have been grossly oversized. To date no evidence has been produced to support the inclusion of such a vast area. What is so significant about the entire 13km stretch of land that requires specific protection of something on each of the hundreds of privately owned properties? (See Screen Shots- Appendix E.8., E.9. & E.10.)
- 7.7. Since the 1800's the area has undergone a number of evolutions substantially changing both topography and use: (Link to references- Appendix E.13.)
- 7.7.1. Much of the land was heavily sluiced during gold mining operations; Few / 12 Mile creek along with Māori gully and Moke the 5 & 7 Mile Creeks were all worked for gold.
- 7.7.2. Limestone extraction was a major industry in the Bob's Cove area with 12 Kilns burning at the height of the operation; this would have brought about substantial change to the land.
- 7.7.3. Gravel extraction has taken place in various locations over the years.
- 7.7.4. Farming from the 1860's onward in most parts of the area at one time or another saw land cleared and cultivated along with repeated burn off's.
- 7.7.5. By the 1970's much of the area outside Bob's Cove was overrun with wilding pines, eucalyptus, other exotics, including gorse and broom.
- 7.7.6. The Cove itself has been a popular picnic and recreation destination since the early 1900's. A number of parcels of land in the area were vested to the government, much of it was labeled Recreation Reserve on maps right through until 1955 with most of these areas now in DOC ownership.
- 7.7.7. In more recent years, Council zoning allowed for the subdivision of larger parcels to provide residential opportunities in a rural setting. Once again changing the area substantially with hundreds of residential buildings and associated earthworks.
- 7.7.8. The majority of complying subdivision in the area has already been undertaken.

- 7.8. Existing stringent zone standards and rules have been put in place to protect the visual amenity of the area. Lot sizes must be 4000m² or greater (depending on the zone), landscape assessment is now a prerequisite, there are restrictions on density, building heights, colours and reflectiveness. No-build zones have already been implemented to protect view planes and certain areas; the one in our Closeburn area is sited approximately between 460 and 500 masl. (See Screen Shot- Appendix E.9.)
- 7.9. Zoning in the area provides the opportunity for for people to live a lifestyle connected to the land; much is zoned Rural Residential where building and earthworks and SCEDG are anticipated, as such there is no requirement for resource consent unless the project exceeds the zone standards or rules. WT overly will trigger the need for a Resource Consent and consultation with two Rūnaka for the bulk of zone complying activities. Property owners will also most likely need to employ independent Planners and Surveyors as QLDC will require engineering for earthworks.
- 7.10. Many who live in our area purchased land to build a home and live at least in part from the land, growing their own vegetables, planting fruit trees, running a few chickens. It's an ideal area to bring up young families in a grounded nurturing environment. For the most part we are not the rich high flyers that many people think of as land owners in the Queenstown area. Unnecessary additional WT related costs and uncertainty, in the post Covid-19 economic climate, are going to affect peoples wellbeing through added financial pressure and stress.
- 7.11. Projects, even small ones, that will have no extra costs for those not designated WT, will cost anything from \$4,500 (incl. GST) upwards for Resource Consent and Rūnaka consulting fees, without the addition of employing planners and surveyors. Moving 10m³ or more for things like levelling and digging out an area to erect a glasshouse, digging a new veggie garden plot or planting 10-12 large sapling trees. It'll also apply to levelling land for buildings up to 30m² which have recently been exempted from building consent requirement; so the government makes it more affordable on one hand but WT costs blow the budget on the other. If there were need for site visits, extra consultation or koha, the extra costs would skyrocket to in excess of \$10,000 very quickly. This is cost prohibitive and frankly simply unaffordable for many.
- 7.12. Had the process to identify WT sites been more precise as we've suggested, in many instances there would be no need for ongoing consultations or resource consents. We suspect a number of properties may have nothing that warrants protection under the District Plan and for those that do it would have been more straight forward for Council Planners and Landowners to determine whether a project posed a threat or not.

8. LOTS 1&3 DP 509575 (CT-783007 & 783009), previously Lot 1, DP 23456 Mid Wakatipu, mapped within #16 Punatapu.

- 8.1. The Ngai Tahu Claims Settlement Act 1998 statutory acknowledgement does not affect the lawful rights and interests of private property owners such as ourselves as we were not a party to the deed of settlement. (Referenced in various sections as Limitation of Rights including Taonga Species 292 and as an exception to Schedule 75... Whakatipu-wai-māori.) Our properties are not within or adjacent to the statutory area, activities undertaken on our land would not impact it directly nor does anything else within the Act appear to be applicable.
- 8.2. We question the validity of our Closeburn properties being included in #16 Punatapu and designated Wāhi Tūpuna without adequate due process and verification of robust evidence.

- 8.3. Our properties are sited 7km from Bob's Cove (Punatapu) in an inland location, not on a ridgeline and approximately 115m above lake level and no evidence of Iwi association has been produced.
- 8.4. The three Mana Whenua values assigned to the area (tauraka waka, settlements and archaeological) are not relevant as previously outlined.
- 8.5. When we purchased the property approximately 30 years ago there was nothing on the LIM and no covenant on the Title to evidence the property had any significance to Iwi; we've never been visited or contacted by Iwi or Council to advise us of any significance.
- 8.6. Our first indication the property was within a Site of Significance to Iwi (Wāhi Tūpuna) was a letter from QLDC dated 10 September 2019. We were shocked and thought there must have been some error... the only persons known to have strong association with the land are the previous owner and ourselves having settled there.
- 8.7. As freehold owners of the above two Lots, we consider ourselves guardians of the land caring for our environment. Our aim has been to transform what was essentially a wilding pine & larch forrest into a healthy ecosystem consisting mainly of indigenous flora and fauna enriching both the immediate and surrounding area in which we live and work. Our connection to the land goes beyond the physical and many of our values toward protecting the environment may well align with those of Iwi.

9. What we Want

- 9.1. We ask Commissioners take into consideration all points made in our original submission, not just QLDC's summarised version or those spoken to today.
- 9.2. In short we want the following:-
 - 9.2.1. Delete Chapter 39 Wāhi Tūpuna. A separate policy written for Mana Whenua is an inappropriate approach by which to address Iwi's association with the district.
 - 9.2.2. Readdress all Wāhi Tūpuna related policy throughout all Chapters of the District Plan. Formulate appropriate policy to address Iwi's cultural and environmental values on a district wide basis, applicable to all properties.
 - 9.2.3. Incorporate this policy into Zoning and other District Plan Chapters making it inclusive not exclusive. This would ensure values such as water quality, wilding exotics and indigenous species, general earthworks and unrestrained development are addressed benefitting everyone in the district including Iwi.
 - 9.2.4. Earthworks restrictions to remain as per the underlying zoning, utilising existing policy to address the disturbance / unearthing of artefacts and graves or preservation of other aspects specifically identified on the mapping.
 - 9.2.5. Zoning rules and standards would then address the bulk of issues; Non-complying activities would trigger Mana Whenua consultation (as in Dunedin).
 - 9.2.6. Readdress Wāhi Tūpuna mapping; include only specific evidenced individual sites with aspects that require unique protection.
 - 9.2.7. Identify specific ridgelines and individual sites by "ring fencing" and icon pins (similar to that used for Historic Heritage Features) with legends and or links to silent files providing site specific information for Planners.
 - 9.2.8. Re map #16 Punatapu removing mass areas that the chosen "values" don't apply to.
 - 9.2.9. Remove Lots 1&3 DP 509575 (CT-783007 & 783009) from the Wāhi Tūpuna mapping as the Wāhi Tūpuna designation has not been evidenced.

10. Conclusion


He waka eke noa- A canoe which we are all in with no exception... We are all in this together.

- 10.1. We are all in this together.. used often during the recent Covid-19 crisis this Maori proverb has resonated with many Kiwis no matter our whakapapa. We consider it appropriate for Council to also be reminded of this when forming policy.
- 10.2. Council have a responsibility to both Landowners and Iwi to ensure these policies are fair and reasonable to all, having been appropriately provisioned with legal standing on a District Wide basis.
- 10.3. We have attempted to gain a better understanding of why our properties have been designated Wāhi Tūpuna, attending meetings with QLDC and Rūnaka representatives and undertaken considerable research. We've read much of the historical information regarding the area that is available, have now read Rūnaka representatives pre-lodged evidence and still have no reasonable answers as to why our properties are designated Wāhi Tūpuna. While the process has been challenging we have at least gained some insight into our local history and some aspects of Iwi's cultural values.
- 10.4. Finally our experience with this process leads us to believe that education will ultimately do more to preserve Iwi's cultural values in the area. Given the opportunity many people would be interested to hear more about Iwi's association with the area and be open and receptive to gaining a better understanding of the aspects of Iwi's world view that Mana Whenua are willing to share.

APPENDIX - Evidence

- E. Documentation and Screen Shots:** Screen Shots (SS) forwarded in a separate file.
- E.1. Ashley Reid November 2015 thesis: Māori Cultural Landscapes in Otago; Acknowledgement, Recognition and Preservation. This thesis describes the processes Rūnaka and various Councils have undertaken toward formulating District Plan policy. There is significant reference to the QLDC process with comments from both Rūnaka and QLDC key informants. Link to document- <https://ourarchive.otago.ac.nz/bitstream/handle/10523/6386/ReidAshleyJ2016MPlan.pdf?sequence=1&isAllowed=y>
- E.2. Journal of the Polynesian Society, Volume 91 1982, No.1 Maori settlement in the interior of Southern New Zealand from the early 18th to late 19th centuries a.d. by A Anderson, p 53-80. Link to document- http://www.jps.auckland.ac.nz/document/Volume_91_1982/Volume_91%2C_No._1Maori_settlement_in_the_interior_of_Southern_New_Zealand_from_the_early_18th_to_late_19th_centuries_A.D.%2C_by_A._Anderson%2C_p_53-80?action=null#
- E.3. Both the Lakes District Museum and QLDC's own website also state there was a village or camping site at Lake Hayes. Link to QLDC's reference- <https://www.qldc.govt.nz/community/maori-community>
- E.4. SS- Email from Ian Bayliss QLDC Planning Policy Manager.
- E.5. SS- Ngāi Tau, Kā Huru Manu mapping- Queenstown Lakes District Overview (including operational layer legend).
- E.6. SS- Ngāi Tau, Kā Huru Manu mapping- Waiwhakaata, Lake Hayes (including description and references).
- E.7. SS- Ngāi Tau, Kā Huru Manu mapping- Punatapu, Fortune or Bobs Cove (including description and references).
- E.8. SS- PDP Stage 3 Wāhi Tūpuna mapping- #16 Punatapu, Moke Lake and surrounding areas.
- E.9. SS- PDP Stage 3 Wāhi Tūpuna mapping- section of #16 Punatapu area.
- E.10. SS- Stage 1&2 Decisions and Appeals PDP Map- section of #16 Punatapu area.
- E.11. SS- PDP Stage 3 Wāhi Tūpuna mapping- Walter Peak area.
- E.12. SS- PDP Stage 3 Wāhi Tūpuna mapping- Cecil Peak area.
- E.13. Queenstown Historical Society- Queenstown Courier, 30th Issue November 1982, Bob's Cove p 6-25 <https://www.queenstownhistoricalsociety.org.nz/Issue%2030.pdf>

E.4.

Ian Bayliss 

Inbox - rendels@gmail.com 7 October 2019 at 4:38 PM

IB

RE: Iwi Sites of Significance & Council District Plan Letters

[Details](#)

To: Alexa Forbes, Ewen & Heather Rendel, Cc: Tony Avery, Sarah Picard

Hi Alexa,

Your email covers the relevant matters very well but the matter you raise in your question is a bit complex unfortunately.

The issue of fairness to submitters/property owners where a plan is being reviewed in stages (like ours is) has been addressed through legal submissions to the Panel and in a recent decision on the proposed district plan by the Environment Court.

Council have tried through our public notices and communications to ensure that everyone interested in district-wide strategic chapters and district-wide topics like earthworks or transport or signs understood that they were intended to apply everywhere at the time they were reviewed so that the situation of people saying "we couldn't have known we were affected" shouldn't arise. Obviously, it would be inefficient and problematic to reconfigure and relitigate district-wide chapters over and over again with each stage of the review.

Notwithstanding these efforts, the Panel and recently the Court, have found that where notification of a new zone or planning annotation (like the Wahi Tupuna maps) brings district wide rules into play for a previously unaware landowner or interested party, they should be able to contest the district wide provisions such as the earthworks rules – even though this could potentially reopen matters that have already been heard and which we might consider to be already settled.

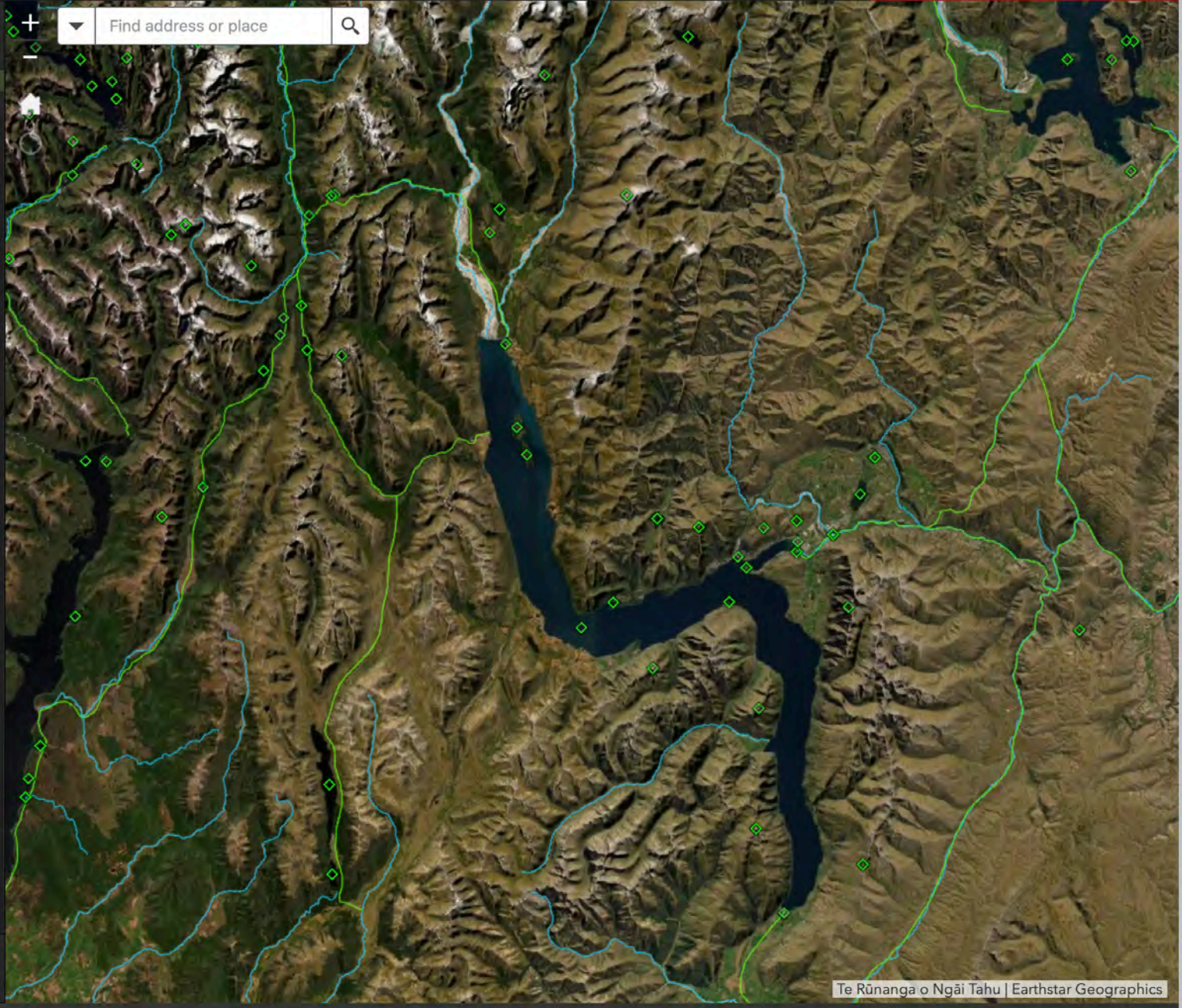
The upshot of all this is that submitters like Ewen and Heather can (if they want) submit on provisions like Chapters 5 Tangata Whenua, 25 Earthworks, 26 Historic Heritage, and 27 Subdivision if they are directly related to the relief they are seeking in relation to the Wahi Tupuna proposals. Changes to provisions that have already been decided will however be considered out of scope if they don't directly relate to the new matter (the Wahi Tupuna proposals).

Kind regards

Ian Bayliss | Planning Policy Manager | Planning and Development
Queenstown Lakes District Council
P: +64 3 441 0499
E: ian.bayliss@qldc.govt.nz



Map navigation icons: speech bubble, list, layers, grid, and information (i).



Layer List

- Operational layers**
- Data Layers
 - Ngā Ingoa
 - Kā Ara Tupuna
 - Ngā Ingoa (awa)
 - Ngā Whenua Rāhui (Māori Land Allocations)





Popup Panel

(1 of 1)

[Clear](#)

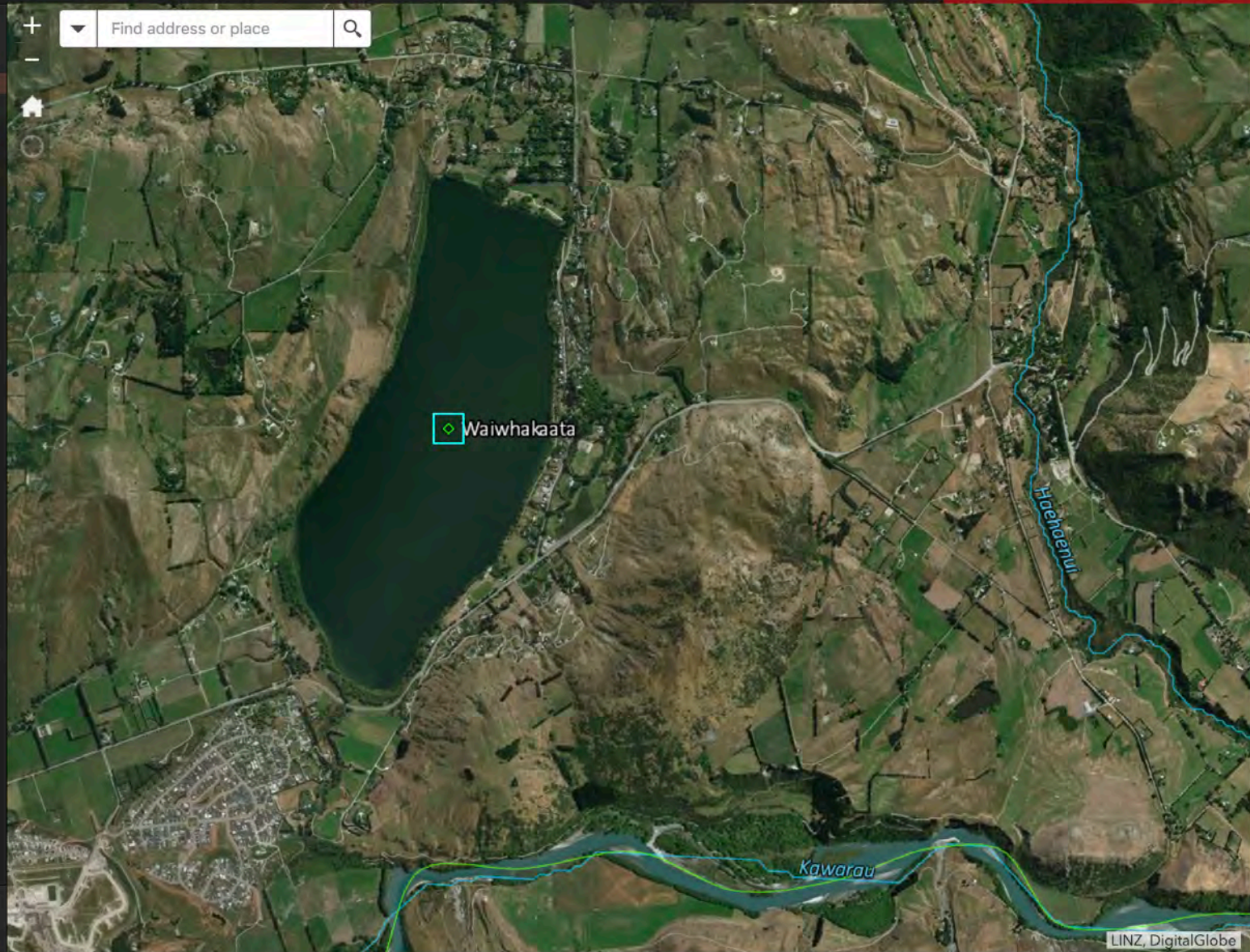
Waiwhakaata

"Lake Hayes"

Waiwhakaata (Lake Hayes) is a small lake situated near the junction of Kimiākau (the Shotover River) and Kawarau River in the Whakatipu Waimāori region.

References:

- Beattie, J.H. (1945) Maori Lore of Lake, Alp and Fiord. Dunedin, N.Z.: Otago Daily Times and Witness Newspapers Company Limited. P28.
- Beattie, J.H. (n.d.) [Map with ms annotations showing Maori placenames in Southland and Otago before 1840] Reference Number : MapColl-834.6ee/[pre-1840]/Acc.1976-81, Alexander Turnbull Library, Wellington, N.Z.
- Roberts, W.H.S. (1910) Maori Nomenclature: Early history of Otago. Dunedin, N.Z.: Otago Daily Times. P52.
- Beattie, J.H. (1930) XXIX. Round about Wakatipu. Written for the Otago Daily Times by H. Beattie. Published 22 November 1930 in Beattie, J.H. (1930-31) The Southern Maori: Stray Papers. [Series of 53 articles originally published in the Otago Daily Times from January 1930 to January 1931 pasted into an album]. Alfred Eccles Collection, Archive 88 - 88.1.6. Dunedin Public Library.

[Zoom to](#)


LINZ, DigitalGlobe



Popup Panel

(1 of 1)

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Punatapu

"Fortune or Bobs Cove"

Punatapu (Fortune or Bobs Cove) is a picturesque small bay on the northern shoreline of Whakatipu Waimāori (Lake Wakatipu).

References:

- Beattie, J.H. (1945) Maori Lore of Lake, Alp and Fiord. Dunedin, N.Z.: Otago Daily Times and Witness Newspapers Company Limited. P29.
- Beattie, J.H. (1930) XXIX. Round about Wakatipu. Written for the Otago Daily Times by H. Beattie. Published 22 November 1930 in Beattie, J.H. (1930-31) The Southern Maori: Stray Papers. [Series of 53 articles originally published in the Otago Daily Times from January 1930 to January 1931 pasted into an album]. Alfred Eccles Collection, Archive 88 - 88.1.6. Dunedin Public Library.

[Zoom to](#)


LINZ, DigitalGlobe, Earthstar Geographics

E.8.

Proposed District Plan Stage 3 and 3b

Notified 19/09/2019 (Stage 3) and 31/10/2019 (Stage 3b)



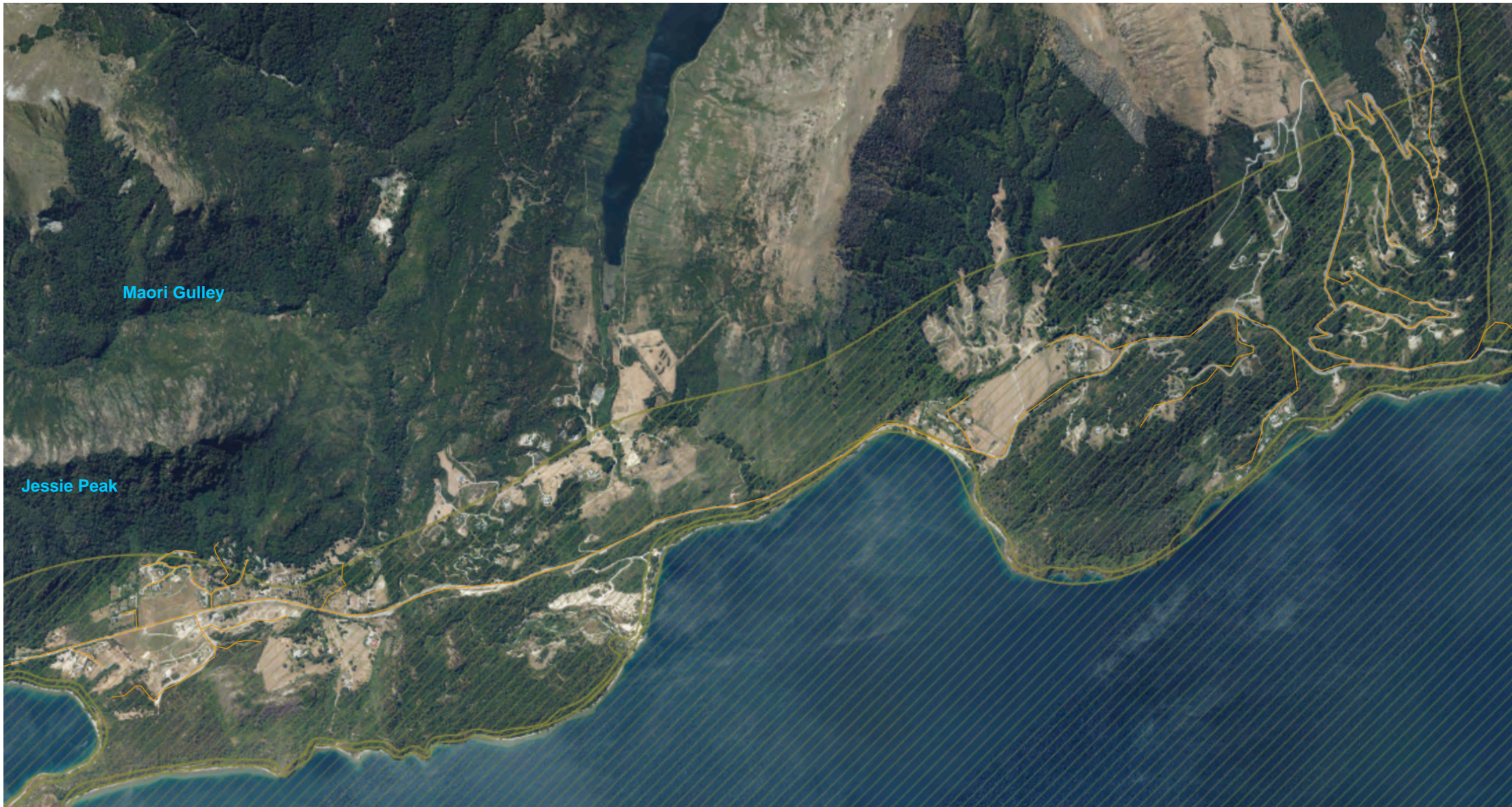
Find address or place

Map navigation icons: Home, Full Screen, Measure, Help, and a circular refresh icon.



1km
168.528 -45.015 Degrees

E.9.



E.10.

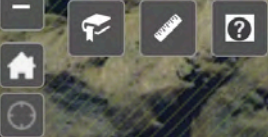
Stage 1 and 2 Decisions and Appeals PDP Map



E.11.



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Cecil Peak Rural Subdivision

ONL

ONL