

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

UNDER the Resource Management Act 1991

AND

IN THE MATTER of Proposed District Plan Chapter 39: Wāhi Tūpuna

EVIDENCE OF MAREE KLEINLANGEVELSLOO

ON BEHALF OF

**TE RŪNANGA O MOERAKI
KĀTI HUIRAPA RŪNAKA KI PUKETERAKI
TE RŪNANGA O ŌTĀKOU
HOKONUI RŪNANGA
Te RŪNANGA O WAIHŌPAI
TE RŪNANGA O AWARUA
TE RŪNANGA O ŌRAKA-APARIMA
(COLLECTIVELY KĀ RŪNAKA)**

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INTRODUCTION

1. My name is **MAREE CHRISTINE KLEINLANGEVELSLOO**. I am a senior planner and the acting manager of the Mana Taiao team at Aukaha, a regional environmental consultancy owned by the four Otago rūnaka (Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga) and Te Rūnanga o Waihao. I have worked at Aukaha since 2013.
2. Prior to joining Aukaha I worked for six years as a policy analyst at the Ministry for the Environment in the Maruwhenua (Māori policy) and Treaty Settlements teams.

QUALIFICATIONS AND EXPERIENCE

3. I hold the Degrees of Bachelor of Arts with Honours (first class) and Master of Regional and Resource Planning (with Distinction) from the University of Otago. I am a Full Member of the New Zealand Planning Institute.
4. I was involved in the development of Chapter 5 Tangata Whenua which was introduced in Stage 1 of the Queenstown Lakes District Council (QLDC) Proposed District Plan (PDP) and is beyond challenge. In Stage 3 I have worked on the development of the Chapter 39 Wāhi Tūpuna provisions. Aukaha has participated in Stage 3 of the QLDC plan review on behalf of Te Ao Marama Incorporated, the regional environmental consultancy owned by the three southern rūnaka (Te Rūnanga o Awarua, Te Rūnanga o Ōraka-Aparima and Te Rūnanga o Waihōpai).
5. In recent years I also worked on the Manawhenua chapter for the second-generation Dunedin City Council district plan, which follows a similar approach to managing wāhi tūpuna.
6. Although this is a Council hearing, I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

7. I have been asked by Kā Rūnaka to provide planning evidence in relation to the proposed Chapter 39 Wāhi Tūpuna in the proposed Queenstown Lakes District Plan (the Plan).

8. My planning evidence responds to matters set out in the Section 42A report of Sarah Pickard on behalf of Queenstown Lakes District Council (the Council).
9. My evidence will address:
 - A) an overview of the statutory framework relating to the wāhi tūpuna
 - B) the planning context for the wāhi tūpuna, and in particular section 6(e) and the overlap with landscape and heritage provisions in the Resource Management Act 1991 (RMA)
 - C) the process for mapping the wāhi tūpuna
 - D) general submissions in opposition.
10. Aukaha senior planner Michael Bathgate will respond to the remaining matters set out in the Section 42A Report in his planning evidence.
11. In preparing this evidence, I have reviewed the statements of evidence and conducted personal interviews with the following cultural experts:
 - a) Edward Ellison, Te Rūnanga o Ōtākou
 - b) David Higgins, Te Rūnanga o Moeraki
 - c) Lynette Carter, Kāti Huirapa Rūnaka Ki Puketeraki
12. For the purposes of my planning evidence, I adopt and rely on the cultural evidence prepared by these experts. I also rely on my understanding of wāhi tūpuna concepts, associations, values and threats gained through interviews with these experts.
13. In preparing my evidence, I have also reviewed the following:
 - a) Partially Operative Regional Policy Statement 2019 for Otago;
 - b) Iwi management plans Kāi Tahu ki Otago Natural Resource Management Plan 2005 and Te Tangi a Tauira 'The Cry of the People', Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008;
 - c) Queenstown Lakes District Proposed Plan: Chapter 3 Strategic Direction, Chapter 5 Tangata Whenua, Chapter 39 Wāhi Tūpuna and other chapters as relevant.
 - d) Section 32 evaluation and Section 42A Report, Chapter 39 Wāhi Tūpuna.
 - e) Statement of evidence of Michael Bathgate, Aukaha for Kā Rūnaka

A. STATUTORY FRAMEWORK

14. I adopt the summary of the statutory framework set out in section 4 of the section 32 report with the addition of the following provisions.

RMA Section 6: Matters of National Importance

15. Section 6 of the RMA sets out matters of national importance to be recognised and provided for in achieving the purpose of the Act. Section 6(a) was omitted from Ms Pickard's assessment of the statutory framework. It addresses "the preservation of the natural character of ... wetlands and lakes and rivers ... and the protection of them from inappropriate subdivision, use and development." This has particular alignment with the wāhi tūpuna that identify development as a threat to the margins of waterbodies.
16. It is worth highlighting the breadth of the terminology in section 6(e):

the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
17. "Ancestral lands" gives rise to landscape-scale considerations. It is clear that section 6(e) is not just referring only to discrete sites or wāhi tapu, as these are also listed. The landscape scale approach to mapping is discussed further below.
18. Section 7 of the RMA sets out other matters to which particular regard is required in achieving the Act's purpose. Of particular relevance to Chapter 39 are sections 7 (a) and (aa) which require particular regard to kaitiakitanga and the ethic of stewardship.
19. Kaitiakitanga is broader in scope than the exercise of guardianship. As articulated by Edward Ellison in his evidence, kaitiakitanga is not a choice but a responsibility inherited by Kāi Tahu whānau. Kaitiakitanga is a duty of active care and responsibility with the objective of maintaining and enhancing places of significance for the current generation and those generations that follow.
20. Section 8 of the RMA requires the Council to take into account the principles of Te Tiriti o Waitangi (The Treaty of Waitangi) in achieving the purpose of the RMA. The Crown is the primary Treaty partner responsible for the Treaty relationship. However, in delegating responsibilities to local authorities, the Crown acknowledges the need to ensure local authorities give appropriate consideration to the principles of the Treaty as part of their statutory obligations. Kāi Tahu is the Crown's Treaty partner in the Queenstown Lakes District.

21. The RMA and Local Government Act provide a clear direction on the QLDC's responsibilities in terms of Te Tiriti o Waitangi / the Treaty of Waitangi.
22. The overriding approach is one of active recognition of the principles of Te Tiriti o Waitangi/ the Treaty of Waitangi in the exercise of QLDC's functions and duties under the RMA. The Treaty implies a partnership exercised in the utmost good faith. The principles of the Treaty, as articulated by the Waitangi Tribunal and the Courts, include the following:
 - A) The principle of the government's right to govern.
 - B) The principle of tribal rakatirataka/management over resources.
 - C) The principle of partnership: that both Treaty partners will act reasonably and in the utmost good faith.
 - D) The principle of active protection of taoka.
 - E) The principle of the right of development. This Treaty right is not confined to customary uses or the state of knowledge as at 1840, but includes an active duty to assist Māori in the development of their properties and taoka.
 - F) The principle of consultation. Acting reasonably and with the utmost good faith to one another requires fully fledged discussion with every attempt to find an agreed position that is in accord with Treaty principles.
 - G) The principle of redress. The Court of Appeal has acknowledged that it is a principle of partnership generally, and of the Treaty relationship in particular, that past wrongs give rise to a right of redress.
23. Chapter 39 was developed in consultation with Kā Rūnaka and identifies the matters that have the potential to affect cultural values and wellbeing, along with enabling Kā Rūnaka to actively participate in resource management processes.

Partially Operative Otago Regional Policy Statement 2019

24. In my opinion, the framework for mapping the wāhi tūpuna set out in Chapter 5 and the provisions identified in Chapter 39 gives effect to the objectives and policies of the partially operative Regional Policy Statement for Otago (PORPS). The provisions relating to wāhi tupuna in the PORPS are operative.
25. Objective 2.1 states: The principles of Te Tiriti o Waitangi are taken into account in resource management processes and decisions.
26. Policy 2.1.2 regarding Treaty principles states:

Ensure that local authorities exercise their functions and powers, by:

- a) Recognising Kāi Tahu's status as a Treaty partner; and
- b) Involving Kāi Tahu in resource management processes implementation;
- c) Taking into account Kāi Tahu values in resource management decision-making processes and implementation;
- d) Recognising and providing for the relationship of Kāi Tahu's culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka;
- e) Ensuring Kāi Tahu have the ability to:
 - i. Identify their relationship with their ancestral lands, water, sites, wāhi tapu, and other taoka;
 - ii. Determine how best to express that relationship;
- f) Having particular regard to the exercise of kaitiakitaka;
- g) Ensuring that district and regional plans:
 - i. Give effect to the Ngāi Tahu Claims Settlement Act 1998;
 - ii. Recognise and provide for statutory acknowledgement areas in Schedule 2;
 - iii. Provide for other areas in Otago that are recognised as significant to Kāi Tahu;
- h) Taking into account iwi management plans.

27. Prominently, Policy 2.2.2 of the PORPS regarding recognising sites of cultural significance requires councils to:

Recognise and provide for the protection of wāhi tūpuna, by all of the following:

- a) Avoiding significant adverse effects on those values that contribute to the identified wāhi tūpuna being significant;
- b) Avoiding, remedying, or mitigating other adverse effects on the identified wāhi tūpuna;
- c) Managing the identified wāhi tūpuna sites in a culturally appropriate manner.

28. Method 4: City and District Plans states that all objectives and policies of the RPS must be considered and given effect to when preparing city and district plans. It directs that implementation of Policy 2.2.2 shall occur by: (Method 4.1.1)
- a. including provisions to recognise the wāhi tūpuna and to protect the values that contribute to wāhi tūpuna being significant;
 - b. Identifying the location on plans of the wāhi tūpuna to be protected and the values that contribute to their significance, using the guide in Schedule 1C to assist.
29. In my opinion the PORPS provides very clear direction for councils to include wāhi tūpuna maps, values and provisions to protect these in their plans.

Iwi Management Plans

30. Some relevant provisions from the Kā Rūnaka ki Otago Ltd Natural Resources Management Plan 2005 were omitted from the Section 32 report. Sections 61(2A)(a), 66(2A)(a), and 74(2A) require councils to take into account iwi management plans when preparing a policy statement or plan, to the extent that their content has bearing on the resource management issues of the district.

Policy Section	Policy
Otago Region: 5.4.4 Wāhi Tapu General Policies	<p>5.4.4.2 To promote the establishment of processes with appropriate agencies that:</p> <ul style="list-style-type: none"> i. enable the accurate identification and protection of wāhi tapu. ii. provide for the protection of sensitive information about the specific location and nature of wāhi tapu. iii. ensure that agencies contact Kā Rūnaka ki Otago before granting consents or confirming an activity is permitted, to ensure that wāhi tapu are not adversely affected.

<p>Otago Region: 5.6.4 Cultural Landscapes General Policies</p>	<p><i>5.6.4.18 High Country:</i> In the management of the high country provide for:</p> <ul style="list-style-type: none"> i. the identification of Kā Rūnaka ki Otago values; ii. no burning above 1000 metres; iii. the re-vegetation and enhancement of high altitude and other significant indigenous ecosystem using indigenous flora of local genetic origin. <p><i>5.6.4.19 Earth Disturbance:</i> To require all earthworks, excavation, filling or the disposal of excavated material to:</p> <ul style="list-style-type: none"> i. Avoid adverse impacts on significant natural landforms and areas of indigenous vegetation; ii. Avoid, remedy, or mitigate soil instability; and accelerated erosion; iii. Mitigate all adverse effects. <p><i>5.6.4.25 Subdivisions:</i> To discourage subdivisions and buildings in culturally significant and highly visible landscapes.</p>
<p>Clutha/Mata-au Catchments: 10.5 Cultural Landscapes</p>	<p><i>10.5.3.2</i> To promote the recognition of place names amended under the NTCSA 1998 and their use in regional and district plans, policy statements and non-statutory planning documents:</p>

	<ul style="list-style-type: none"> i. Mount Aspiring/Tītītea ii. Mount Alfred/Ari iii. Dart River/Te Awa Whakātipu iv. Pigeon Island/Wāwāhi Waka v. Pig Island/Mātau vi. Old Man/Range Kopuwai vii. Clutha River/Mata-au <p><i>10.5.3.3</i> To encourage the use of Kā Rūnaka place names in addition to those amended under the NTSCA 1998.</p> <p><i>10.5.3.4</i> To encourage and promote the importance of Tōpuni within this catchment, including:</p> <ul style="list-style-type: none"> i. Tītītea (Mount Aspiring) ii. Pikirakatahi (Mount Earnslaw) iii. Te Koroka (Dart/Slipstream)
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31. The section 32 report briefly mentioned Te Tangi a Taurira (The Cry of the People) iwi management plan, which was published by Ngāi Tahu ki Murihiku in 2008. Relevant objectives and policies omitted from the Section 32 report are below.

Policy Section	Policy
3.2.2 Amenity Values	3.3.2.6 Where there may be visual impacts on the natural and cultural landscapes as a result of development, encourage the integration of landscaping techniques which

	<p>utilise reserve planting or vegetation screens to soften intrusion.</p>
<p>3.4.2 High Country Pastoral Farming</p>	<p>3.4.2.15 Earthworks undertaken as a part of high country pastoral farming shall recognise for potential accidental discovery of kōiwi tangata, umu, wāhi pakanga or other taonga. It is encouraged that such discoveries be reported to Te Aō Marama Inc and mechanisms for protection be sought.</p> <p>3.4.2.16 Encourage and develop good working relationships with all private landowners with regards to the protection of, and access to wāhi tapu, archaeological, or other culturally significant sites.</p>
<p>3.4.3 Energy Generation and Efficiency</p>	<p>3.4.3.2 Ensure that Ngāi Tahu ki Murihiku is proactively involved with the management of future energy development within high country and foothill areas. This includes assessing the appropriateness of large and small scale energy development and the localised effects of these developments on communities, natural character, biodiversity, cultural significance and the possible changes in experiences tangata whenua may have when visiting the area or areas adjacent to the development.</p> <p>3.4.3.3 Protect the natural and cultural landscape and potential loss or irreversible change to landforms from inappropriate energy development.</p>

3.4.3.4 Ensure that the scale and location of any new energy development does not unreasonably detract from the natural landscape and character of the high country and foothill areas, e.g. wind farms. Such development must recognise and provide for cumulative effects on the land, water, possible downstream effects, biodiversity, changes to experiences with the land and visual impacts.

3.4.3.7 Adopt an integrated approach with neighbouring rūnanga with respect to the protection, maintenance and enhancement of cultural landscapes that may be affected by energy development.

3.4.3.12 All Ngāi Tahu Whānui, current and future generations, must have the capacity to access, use and protect high country landscapes, wāhi tapu and mahinga kai sites and the history and traditions that are linked to these landscapes. During any development the limitations of access (for safety and security reasons) and the implications of such must be identified. Where possible limitations of access which effect the ability of Ngāi Tahu Whānui to recognise for historical and cultural links to the landscape should be avoided, and relationships between the landowners/lessees/developers should be enhanced whereby protocols are put in place to allow continued access.

<p>3.4.5 Forestry (Exotic)</p>	<p>3.4.5.5 Protect mahinga kai habitats, wāhi tapu, wāhi taonga or other culturally significant sites through appropriate processes established as part of the management of forestry operations.</p> <p>3.4.5.10 Forestry operations should be located in appropriate areas where the effects of its activities on the surrounding environment will be minimised. Consultation with Ngāi Tahu ki Murihiku into the significance of a possible site is recommended to assess environmental, cultural and heritage values. This includes wetland areas, mahinga kai sites, wāhi tapu, wāhi taonga and other culturally significant sites.</p>
<p>3.4.6 Ngahere – Indigenous Forestry</p>	<p>3.4.6.4 Encourage protection of specific mahinga kai habitats, wāhi tapu and wāhi taonga sites within forestry boundaries.</p>
<p>3.4.8 Access and Tourism</p>	<p>3.4.8.2 Development that includes building activity should consider specific landscape and geographical features and the significance of these to Ngāi Tahu Whānui. Activity whereby buildings will protrude above ridgelines or displace sites of cultural significance should be avoided.</p> <p>3.4.8.3 Recognise and protect culturally significant sites and places associated with high country trails.</p> <p>3.4.8.4 All Ngāi Tahu Whānui, current and future generations, must have the capacity</p>

	<p>to access, use and protect high country landscapes, wāhi tapu and mahinga kai sites and the history and traditions that are linked to these landscapes.</p> <p>3.4.8.12 Encourage and develop good working relationships with all private landowners with regards to the protection of, and access to wāhi tapu, wāhi taonga, archaeological, or other culturally significant sites.</p>
<p>3.4.12 Mahinga kai – mahi ngā kai</p>	<p>3.4.12.2 Advocate for timely and appropriate consultation with Ngāi Tahu ki Murihiku with respect to areas that are considered particularly significant in terms of mahinga kai. All endeavours should be taken to protect areas and avoid inappropriate use and development. Furthermore management plans should recognise for taonga species as listed in the Ngāi Tahu Claims Settlement Act 1998 and all other species considered taonga by Ngāi Tahu ki Murihiku.</p> <p>3.4.12.3 All Ngāi Tahu Whānui, current and future generations, must have the capacity to access, use and protect high country landscapes, wāhi tapu and mahinga kai sites and the history and traditions that are linked to these landscapes.</p>
<p>3.4.14 Protecting Sites of Significance in High Country and Foothill Areas</p>	<p>3.4.14.1 Ensure that Ngāi Tahu ki Murihiku are able to effectively exercise their role as kaitiaki over wāhi tapu and wāhi taonga in Murihiku.</p>

3.4.14.3 Work with local authorities and other statutory agencies involved in the protection of cultural heritage to ensure that Ngāi Tahu perspectives and policies are reflected in statutory plans, best practice guidelines and strategies, and in resource consent processes (e.g. prohibited activity status for wāhi tapu areas).

3.4.14.6 Avoid compromising unidentified, or unknown, sites of cultural significance as a consequence of ground disturbance associated with land use, subdivision and development.

3.4.14.7 Ensure that oral history and customary knowledge is considered equally alongside documented evidence when determining the cultural heritage values of significant and cultural landscapes of a region or site.

3.4.14.8 Work with local authorities and agencies to improve and update information related to wāhi tapu and wāhi taonga sites contained in existing information registers.

3.4.14.9 Applications for activities in areas of cultural significance where there are no known sites but the likelihood of finding sites is high, may require one or more of the following (at the cost of the applicant):

- a. site visit;
- b. archaeological survey (walk over/test

pitting), or a full archaeological description, by an archaeologist approved by Ngāi Tahu Ki Murihiku;

c. cultural impact assessment;

d. cultural monitoring;

e. accidental discovery protocol agreement;

f. archaeological authority;

g. other (e.g. consent conditions).

3.4.14.10 Where an archaeological survey is required to assess the cultural heritage values in an area, the archaeologist must have the mandate of the appropriate kaitiaki rūnanga.

3.4.14.11 Any archaeological site that fulfils the criteria of the Historic Places Act 1993, whether recorded or not (it just has to be suspected), is protected under the Act. This refers to unexpected sites that may be uncovered during development, even after approval of the overall project has been consented to by tangata whenua.

3.4.14.12 Ensure that resource consent applicants are aware that liaising with iwi on the cultural impacts of a development does not constitute an archaeological assessment or iwi approval for a given proposal. An archaeological assessment requires follow up in respect to consultation.

3.4.14.13 Any interpretation or portrayal of Ngāi Tahu history or associations with wāhi tapu or wāhi taonga is subject to policies for

	cultural interpretation, as per Section 3.3.9 of this Iwi Management Plan.
3.4.15 Rock Art	<p>3.4.15.2 Protect rock art sites and the cultural landscape in which they are found from inappropriate subdivision, use and development.</p> <p>3.4.15.6 Adopt an integrated approach with neighbouring rūnanga with respect to the protection, maintenance and enhancement of rock art sites and cultural landscapes.</p>
3.5.9 Mining	<p>3.5.9.1 Avoid the establishment of commercial mining in areas and landscapes that are of cultural significance, particularly areas associated with wāhi tapu values.</p> <p>3.5.9.7 Avoid adverse effects on land, water, mahinga kai resources and places and biodiversity as a result of mining.</p>
3.5.10 General Water Policy	3.5.10.8 Protect and enhance the customary relationship of Ngāi Tahu ki Murihiku with freshwater resources.

WĀHI TŪPUNA: PLANNING CONTEXT

32. Kāi Tahu's traditions, culture and practices are intricately linked with their ancestral lands, water, sites, wāhi tapu, and other taoka. The RMA requires that these values are recognised and provided for as a matter of national importance (s. 6e). The exercise of kaitiakitaka requires both a healthy, functioning natural environment and recognition of values and sites of significance. The mapping of wāhi tūpuna supports Kā Rūnaka involvement in resource management matters relating to their interests and allows them to perform their role as kaitiaki.

33. Mapping wāhi tūpuna in district plans is Kāi Tahu's preferred approach for dealing with site and cultural landscapes of significance in second generation plans and is set out in the PORPS directives. First generation district plans generally contained a tangata whenua chapter outlining high level objectives and policies relating to Kāi Tahu interests in resource management. However, these were mostly poorly integrated throughout the plan chapters and did not flow through into specific rules.
34. Many iwi in Aotearoa, including Kāi Tahu, did not want to map specific sites of significance in council plans because of risks of fossicking and disturbance to them. However, with sparse information in plans, councils and applicants struggled to identify whether Kā Rūnaka were an affected party for resource consent applications.
35. In response to these issues, the wāhi tūpuna mapping approach was developed for the DCC second generation plan and was broadly replicated in QLDC's proposed Chapter 39. In my opinion the benefits of this approach are:
- Council consent planners and the public have clear information regarding places of cultural significance and activities of importance to Kā Rūnaka.
 - The alignment of possible 'threat' resource consent applications with specific cultural landscapes provides certainty for council, applicants and Kāi Tahu that consultation will take place on priority consents.
 - Kā Rūnaka can be assured it will not 'miss' the most important consent applications.
 - The circumstances in which Kā Rūnaka are likely to be considered an affected party are clarified.
 - Specific archaeological sites do not have to be disclosed to the public. Rather, earthworks are listed as a threat within a wāhi tūpuna and Kā Rūnaka retain the knowledge of specific locations of sites. Effects on these can be identified and addressed when an application is received by Kā Rūnaka.

Wāhi tūpuna – Cultural Landscapes

36. As the cultural experts have expressed in their evidence, Kāi Tahu cultural landscapes acknowledge history and past generations, and are the repository of cultural associations, practices and knowledge systems. Such landscapes contain the basis for understanding Kāi Tahu connection to place and values such as kaitiakitanga and mauri. If the landscape is degraded, the identity and wellbeing of the people is correspondingly degraded.

37. Cultural landscapes can have tangible and intangible values. Sacred mountains may lack tangible cultural elements (such as archaeological sites) but may have strong intangible cultural or spiritual associations. While archaeological sites may contribute to the cultural value of the landscape, they are by no means the major indicator of a cultural landscape. As Edward Ellison said, focussing only on tangible archaeology of Kāi Tahu origin, or reducing the landscapes to 'dots on maps' is of limited relevance to mana whenua.

Relationship to Heritage Provisions

38. The wāhi tūpuna chapter does not duplicate the PDP's landscape or heritage provisions as some submitters have suggested. The New Zealand Planning Standards require a 'sites of significance' chapter that is distinct from heritage and landscape matters and is better recognised and provided for under RMA section 6(e) than other section 6 provisions in my opinion.

39. I concur with the section 32 report when it says that although historic heritage and wāhi tūpuna often overlap, they are fundamentally dealing with separate matters of national importance set out under section 6 of the RMA. The inclusion of Chapter 39 provides a clear framework within the PDP to address section 6(e), the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga, as opposed to 6(f) historic heritage matters.

40. The cultural values in the wāhi tūpuna trigger a cultural assessment of consent applications, rather than relying on a general assessment under other matters of importance set out in RMA section 6.

41. As Edward Ellison said in his evidence, the wāhi tūpuna are mapped at a landscape scale although they may encompass discrete sites (e.g. archaeological sites, urupā).

Relationship to Landscape Provisions

42. Cultural landscapes are distinct from natural landscapes. While natural landscapes may be enriched by historical and cultural values, cultural landscapes also include highly modified sites that are significant in terms of section 6(e). In the Queenstown Lakes District a large number of wāhi tūpuna overlap with outstanding natural landscapes, as the landforms around which they are based are significant to both mana whenua and to the wider community.

43. Some councils have failed to afford protection to places of cultural and spiritual significance to tangata whenua simply because they have either been modified or do not satisfy the nationally outstanding landscape criteria. For example, in the hearings on the Meridian Energy consent applications to establish the North Bank Tunnel hydro scheme and the Hunter Downs Irrigation scheme, the applicant argued that section 6(b) of the RMA was not relevant because of the extensive modification that had occurred in the Waitaki Valley. This was in spite of the fact that, from a cultural perspective, the Waitaki is the awa to which all Ngāi Tahu whānui whakapapa and which is therefore central to Ngāi Tahu's overall wellbeing.
44. This example highlights the fact that a landscape may be outstanding from a cultural point of view even though it may not qualify as an outstanding natural landscape. The consequence of this is that many cultural landscapes are particularly susceptible to development pressure, and because they have often been modified, they may fail to obtain the protection afforded by section 6(b) of the RMA, despite cultural values and associations being recognised in the Pigeon Bay criteria. As such, in my opinion the wāhi tūpuna are better recognised and provided for under section 6(e) of the RMA.

MAPPING THE WĀHI TŪPUNA

45. The wāhi tūpuna were mapped by kaumatua from the Otago rūnaka, and were confirmed by members of the Southland rūnaka. The wāhi tūpuna are well known places of significance to Kā Rūnaka ancestors that remain significant today. They contain important values, evidence of use, may be tapu (sacred), or are the location or context of important traditions or narratives.
46. The wāhi tūpuna were drawn using large topographical maps. The lines were drawn without consideration of cadastral boundaries or plan zoning, but rather based on kaumatua knowledge of ancestral use, occupation, mahika kai gathering, travel and cultural traditions. The maps were converted to a GIS layer before being provided to council.
47. Kaumatua information about ancestral use and values comes from a number of sources. Much of this information has been compiled into Kā Huru Manu, the Ngāi Tahu Atlas, a tribal project to authenticate and bring to life Kāi Tahu place names and histories throughout the rohe.
48. This Ngāi Tahu cultural mapping project recorded and mapped the traditional Māori place names and associated histories in the Ngāi Tahu rohe. The place names are

tangible reminders of Kā Rūnaka history and values. They represent a significant symbol of the Ngāi Tahu historical association and relationship with the landscape.

49. Place names on Ka Huru Manu are primarily associated with people, historical events, geographical features, and natural flora and fauna. Ngāi Tahu has collected thousands of place names to make this traditional knowledge accessible to whānau and the wider public through the atlas. Over 5,000 place names were mapped and referenced from whānau manuscripts, published books, 19th century maps, newspaper articles and a vast array of unpublished material. Major sources relied on for the atlas are Herries Beattie's early records, the 1890 maps of rakatira H.K. Tairaroa, and the 1879 Smith-Nairn Royal Commission of Inquiry into the Ngāi Tahu land claims, in which Ngāi Tahu kaumātua recorded mahika kai gathering sites.

50. The atlas contains a publicly available layer of information, while another layer contains information that is still undergoing authentication.

51. Kaumatua descriptions of the QLDC PDP wāhi tūpuna sites and values are based on their knowledge of their use and traditions. Much of this information has come from whānau papers, maps and mahika kai lists created by rakatirataka post-European contact.

52. Values listed in the Queenstown Lakes wāhi tūpuna are set out below.

Wāhi Tūpuna Values	Description
Ara Tawhito	Ancient trails. A network of trails crossed the region linking the permanent villages with seasonal inland campsites and along the coast, providing access to a range of mahika kai resources and inland stone resources, including pounamu and silcrete.
Kāika	Permanent settlements or occupation sites. These occurred throughout Otago, particularly in coastal areas.
Nohoaka	These were a network of seasonal settlements. Kāi Tahu were based largely on the coast in permanent settlements, and ranged inland on a seasonal basis. Iwi history shows, through place names and whakapapa, continuous occupation of a

	network of seasonal settlements, which were distributed along the main river systems from the source lakes to the sea.
Mahika kai	The places where the customary gathering of food or natural materials occurs. Mahika kai is one of the cornerstones of Kāi Tahu culture.
Mauka	Important mountains. Mountains are of great cultural importance to Kāi Tahu. Many are places of spiritual presence, and prominent peaks in the district are linked to Kāi Tahu creation stories, identity and mana.
Tauraka waka	Canoe mooring sites. These were important for transport and gathering kai.
Tūāhu	Places of importance to Māori identity. These are generally sacred ground and marked by an object, or a place used for purposes of divination.
Urupā	Human burial sites. These include historic burial sites associated with kāika, and contemporary sites, such as the urupā at Ōtākou and Puketeraki marae.
Wāhi pakaka (Pā site)	Battle sites. Historic battle sites occur throughout Otago, such as that at Ohinepouwera (Waikouaiti sandspit) where Taoka's warriors camped for six months while they laid siege on Te Wera on the Huriawa Peninsula.
Wāhi taoka	Resources, places and sites treasured by manawhenua. These valued places reflect the long history and association of Kāi Tahu with Otago.
Wāhi tapu	Places sacred to Kāi Tahu. These occur throughout Otago and include urupā (human burial sites).

Wai Māori	Freshwater areas important to Māori, including wai puna (springs), roto (lakes) and awa (rivers).
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53. Statutory acknowledgements are an acknowledgement by the Crown of Kāi Tahu cultural, spiritual, historical, and traditional associations with specified areas. The Ngāi Tahu Settlement Act 1998 requires QLDC to send summaries of consent applications that may affect a Statutory Acknowledgement to Kāi Tahu, and to have regard to Statutory Acknowledgements when forming an opinion as to whether Kāi Tahu is an affected party for a consent application.
54. There are six areas covered by Statutory Acknowledgements within the QLDC area: Lakes Hāwea, Wānaka and Whakakatipu-wai-māori, Mata-Au (Clutha river), Pikiraka Tahī (Mt Earnslaw) and Tititea (Mt Aspiring). These have been included within the plan as wāhi tūpuna.
55. Once wāhi tūpuna sites were mapped for the QLDC PDP, threats to the sites were considered by kaumatua based on their knowledge of the types of activities that would affect the individual cultural landscapes, considering their histories, associations and values. The ‘threat’ activities were aligned with the district plan definitions to ensure council officers and kā rūnaka had the same understanding of the ‘threat’.
56. On reflection, not enough work went in at this stage (pre-notification) to narrow the threat activities. However, concerns expressed by submitters and members of the public at public meetings held after notification has resulted in some refinement of these threats, and their geographical application within the wāhi tūpuna. Michael Bathgate will discuss these in his evidence.
57. I am satisfied that these changes are the most appropriate way of achieving the objectives of the strategic framework, including RMA section 6e, the objectives and policies in the Proposed Otago Regional Policy Statement, the strategic directions set out in Chapters 3 and 5 of the PDP and the objective and policies of the iwi management plans.

CONCLUSION

58. Chapter 39 received a number of submissions in general opposition. Chapter 5 and the statutory framework provide clear mandate for the mapping of wāhi tūpuna and the inclusion of provisions to support their protection from adverse effects on cultural

values. As such, these submissions in general opposition are rejected. Other submissions are addressed in more detail by Michael Bathgate and the section 42A report.

59. The mapped areas reflect the correct extent of the wāhi tūpuna. The principle that the knowledge of wāhi tūpuna values sit with mana whenua is confirmed through Policy 5.3.1.4 of the PDP.

60. Some submitters requested information relating to Aukaha and Te Ao Marama processes. This sits outside of regulatory matters and as such I have not included it in my evidence.

61. In conclusion I consider that the provisions contained in Chapter 39 appropriately recognise and provide for Kā Rūnaka wellbeing and interests in QLDC, pursuant to sections 5(2), 6(e), 7(a) and 8 of the RMA.