

### Submission on the proposed district Plan Stage 3

18th November 2019

To: Queenstown Lakes District Council

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We are not trade competitors for the purposes of section 308B of the Resource Management Act (RMA) 1991.

The HCA wishes to be heard in support of our submission.

If others make a similar submission, we will consider presenting a joint case with them at a hearing.

The Hāwea Community Association Inc (HCA) is a community based incorporated society, established in 1989 to promote the interests, needs and well-being of our Hāwea community and surrounding environment. Our membership is made up of around 300 resident and ratepayer households living within the Central Otago townships of Lake Hāwea, Hāwea Flat and Johns Creek, as well as the farming areas of Hāwea Flat, Maungawera Valley and the surrounding high country stations.

### Chapter 39 Wāhi Tūpuna

We firstly wish to acknowledge and support recognising Kāi Tahu as a partner in the management of the district's natural and physical resources. We have met (once) at a community meeting with Aukaha (formerly known as Kāi Tahu ki Otako (KTKO)).

The RMA, in Section 6, includes reference to matters of national importance: "the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, Wāhi Tapu, and other taonga" for significant number of years. It should be acknowledged that this is the further actioning of a piece of legislation that has been in the district plan (Takata Whenua) for a long period of time.

We are aware of the fact this is a new planning tool that is still in development and wish to provide feedback that relates to the practical application of these zones and how they relate to what is already existing on the ground within the areas of relevance to the Hāwea Community Association.

The Hāwea Community Association's members have strong concerns that the Wāhi Tūpuna zoning has been applied too generally to the landscape. We recognise that the Rūnuka have justified concerns over the protection of certain sites where revealing their exact location may lead to them being compromised or destroyed.

However we would like to point out that there is a tension between the above mentioned concerns, and the fact that if the community/land owners are to address and recognise the cultural values that the Rūnuka are trying to protect, they must in the vast majority of cases be able to access the exact cultural history that applies to each particular part of their land. The application of the Wāhi Tūpuna zones covering large areas of the landscape which include all the possible recognised threats that could potentially be in the zone is far too broad an application of this zoning tool.

As an example, Zone number 2 in the Schedule of Wāhi Tūpuna Paetarariki & Timaru covers lake edge, rivers, flat land, slopes, mountains, ridgelines and part of the Lake Hāwea township zone. The recognised threats are applied to the whole zone where it is clear that they are only supposed to apply to certain areas of the Wāhi Tūpuna.

Without sufficient ability to access Manawhenua there is currently much confusion and uncertainty in the community as to how this zoning will affect property owners. We currently have one resident who is trying to carry out a development on the western side of the Hāwea river. The Council is holding up this development while it seeks a legal opinion as to whether this zoning is operative or proposed which extremely confusing in and of itself and begs the question what exactly is the Council trying to achieve here.

Land owners have had Wāhi Tūpuna Zones applied to their properties which contain threats over substantial areas if not all of their property. In a great many cases consultation will be triggered and extra costs and time delays will be borne by land owners whilst not resulting in any cultural values needing to be addressed. Such a result, indicates that as proposed, Chapter 39 leaves a lot to be desired and is fraught with impracticalities.

Stations and properties that have had Wāhi Tūpuna zoning applied to them capture just about anything that could be done on said property. There are significant concerns in the farming community that it will not be possible to farm properties economically with a Wāhi Tūpuna in place in its current form. For example, the 10m<sup>3</sup> earthmoving provisions which are far too restrictive and would be a common place activity daily on any working farm.

Throughout the QLDC Section 32 Wāhi Tūpuna evaluation there are frequent references to Kāi Tahu values and threats to these values resulting from intended land and water use. One of these values is water quality. It is not clear how the Wāhi Tūpuna process will respond to issues of threat to water quality, or whether these would be addressed by the Otago Regional Council through normal RMA resource consenting conditions. The implication in the QLDC Section 32 evaluation is that this is what would happen. However the Section 32 evaluation states, paragraph 4.10, “When preparing district plans, district councils must give effect to any National Policy Statement (NPS), National Environmental Standard (NES) or National Planning Standard. None are directly relevant to this proposal.”

The statement that “None are directly relevant to this proposal” seems to overlook recognition of the importance for example of the National Policy Statement for Freshwater Management and the National Environmental Standards for freshwater both of which are critically important for defining freshwater quality attributes, their threshold levels and standards for freshwater management decisions. This confusion must be clarified.

Further confusion in how water quality values will be managed in the Wāhi Tūpuna context is evident in QLDC Section 32 evaluation paragraph 4.25. This “Recognises wai māori in providing for the special relationship held for the many lakes and rivers within the District. Whilst primarily the function of the

Regional Council to manage water quality and flow, it is important to recognise the impact that land use activities might have, including sedimentation and accidental discovery of cultural material.”

This paragraph should, for clarity, expand on the full range of land use impacts on water and acknowledge that all values and their attributes intended to be protected under the RMA, the National Policy Statement for Freshwater Management and the National Environmental Standards for freshwater would also be protected in the Wāhi Tūpuna context.

We have looked into the application of Wāhi Tūpuna in the Dunedin city council area and believe its application strikes a far more reasonable balance between the needs of Kāi Tahu to protect their heritage and the ability of those land owners covered by Wāhi Tupuna to access the cultural values they may need to address. Even the titles of the zones in some cases explain the purpose of the zone.

**Example: Scheduled area: 32 “Views from Ōtākou Marae around Upper Harbour”**



This zone only relates to views; it is very specific. It is fragmented covering small and large areas of land around the Upper harbour. It carries many of the recognised threats that are similar to zones recognised in the QLDC area, but it is specific in that it is only looking to address views. It overlaps other zones such as a salt marsh but that it dealt with specifically with its own zone.

The QLDC zones must provide this level of specificity and clarity for effective implementation by land owners, council planners and Kāi Tahu. It also has the added benefit of making it easier for the general public to recognise what and why it is important to Kāi Tahu. It also enables the wider public to engage with the area’s history and possibly help to protect it. These elements are missing from a great deal of the Wāhi Tūpuna mapping around Hāwea.

A number of the recognised threats are so general that they could potentially cover activities not originally envisioned by Rūnaka. We understand that one particular example Aukaha planners gave us is a wind farm that was almost approved without Kāi Tahu consultation. As a result most of the QLDC zones have energy and utilities listed as a threat. This is far too general and could conceivably cover small scale solar panels on residential house roofs. Another example is that a number of Wāhi Tūpuna zones contain exotic species and wilding pine recognised threats and we fail to see how the current district plan rules do not already cover this issue sufficiently. Further the current district plan also already applies to a number of other values and threats such as water quality management as discussed above.

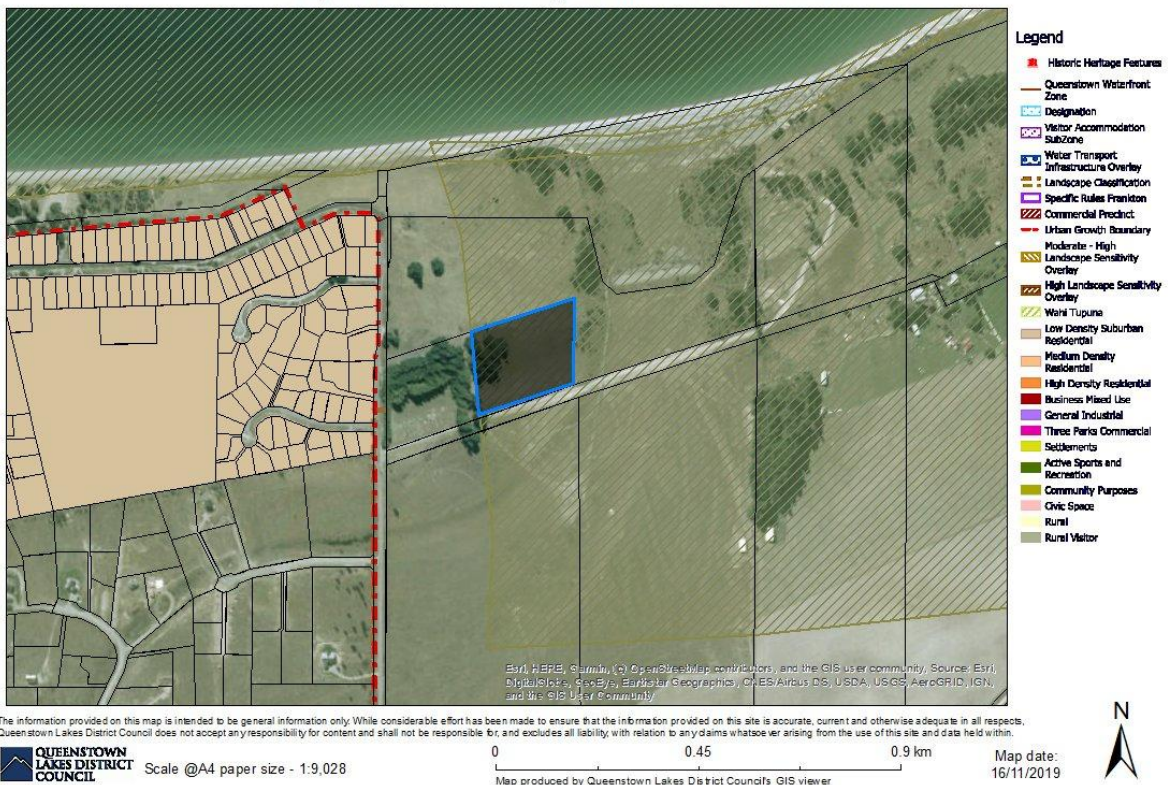
We see significant duplication of proposed rules involved with Wāhi Tūpuna. There are already significant protections in place in the RMA and district plan covering outstanding natural landscapes, fresh water bodies, earthworks etc and some effort should be given towards not duplicating rules when they are already covered by other parts of the district plan.

There are a number of inconsistencies/incompatibilities that specifically relate to Hāwea that need to be addressed.

**Zone number 2 in the Schedule of Wāhi Tūpuna: Paetarariki & Timaru**

1. Half of the Hāwea cemetery reserve has been included in a zone states that cemeteries are incompatible with the values held by Manuwhenua. The mapping should be altered to exclude the cemetery reserve.

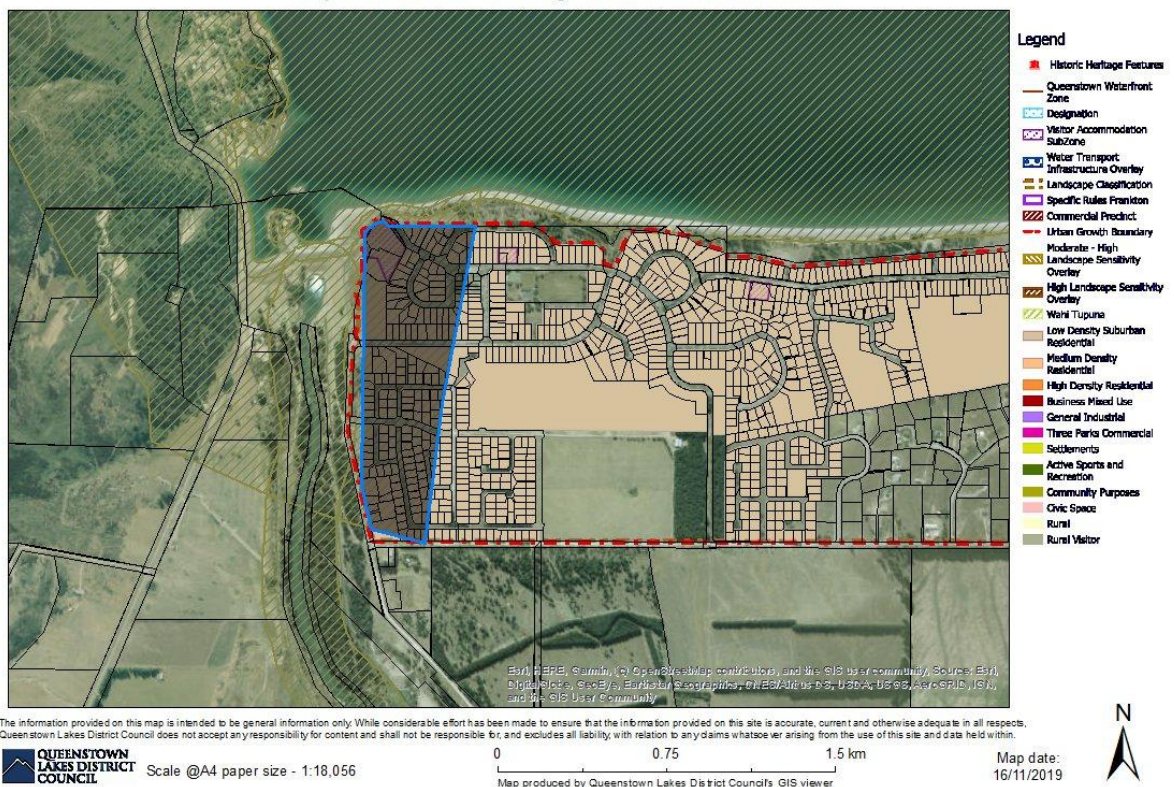
Proposed District Plan Stage 3 and 3b Notified Version



*The Dark shaded with blue boundary indicates the part of the cemetery that needs to be excluded from the mapping in relation to Hāwea Cemetery Reserve.*

2. All of the urban area of Queenstown, Frankton and Wānaka contain sites of significant cultural value and we have been advised by the QLDC that due to the significant modification (urban development) that has already happened to these areas they have been excluded from the Wāhi Tūpuna. Hāwea township also meets this threshold and should be treated accordingly.
3. In notified provision: 03. Chapter 39 Wāhi Tūpuna the schedule of Wāhi Tūpuna 39.6, site number 2 under description of sites included in this area there is a note that states that “the urbanised area of Hāwea within this Wāhi Tūpuna has been removed from the map due to extensive modification” A significant portion at the western end has not been removed from the zoning. This is probably the most developed part of the township, it contains the commercial town centre , the hotel and a significant number of developed residential houses. It is clear from zone number 2’s recognised threats that it was made to cover a rural area. Given the developed nature of the township we believe the statement above should stand and the zoning accurately reflect the language in it. The grey area shaded in the picture below should be removed from the mapping.

Proposed District Plan Stage 3 and 3b Notified Version



*Dark shaded area with blue boundary: part of the township covered by Wāhi Tūpuna area 2.*

4. The zoning contains reference to a pathway that skirted the southern boundary of the lake. The Lake was raised 60 feet in 1958 which resulted in the lake moving between 100-400 metres south. Therefore most if not all of the pathway is currently under the lake. As indicated in the Operative District Plan at 4.3 Takata Whenua: “Hāwea had a number of sites where small settlements and campsites were utilised seasonally. Manuhaea was an important eeling kaika at the neck of the lake. As occurred with a number of other sites around the edge of Lake Hāwea , the old kaika of Manuhaea was flooded when the Hāwea dam was constructed”.

Consequently the mapping should be changed to be more appropriate such that the setback requirements contained in 39.5 of the Wāhi Tūpuna zoning for rural zones apply: 20 metres from the current lakes edge are used in the mapping.

## CHAPTER 20 TOWNSHIP REZONING

The Proposed District Plan proposes to re-zone Lake Hāwea Township to Lower Density Suburban Residential Zone. Subject to the matters discussed below, the HCA supports this move. Feedback from the well attended community meetings indicated a strong desire to allow for a good variety of dwelling and lot sizes in the town within the Urban Growth Boundary and especially to allow elderly people to stay as an integrated part of the town by allowing them to live in smaller dwellings with less land to care for. However lot size should not be permitted to go below 450m<sup>2</sup>. A reduction to 300m<sup>2</sup> via upzoning gentle density scenario (LDSRZ 300m<sup>2</sup>) should be specifically excluded for Hāwea as it would result in the complete loss of any sense of open vista and the community believes it important to retain a good mix of 800m<sup>2</sup> lots.

The HCA acknowledges the growth in the District and notes the QLDC population projections – refer below.

However, concerns are deeply held about the current poor quality of infrastructure. It is critical that the infrastructure be fit for purpose and keep pace with growth of the town. There was clear support for dealing with waste water/sewerage locally; with green solutions being supported. The Community holds significant concerns about the wastewater treatment plant being non-compliant with its ORC consent conditions since 2012 and with the proposed solution being to transport wastewater across the Clutha River to “Project Pure”.

Sense of Community and the environment should come ahead of economic growth. There is a need for public transport in the Upper Clutha and urban sprawl is not seen as the only way forward. Protection of arable land is important.

The HCA is acutely aware that supporting the rezoning to lower Density residential places at risk the character of Hāwea Township. So HCA strongly recommends the development of a planned forward-thinking proposal in a thoughtful and proactive way. Urban sprawl does not result in good town planning. It is not good for the environment and is wasteful of land.

### Urban Growth Boundary

Critical to supporting the rezoning is that the Urban Growth Boundary (UGB) as introduced in Stage 1 of the District Plan Review, be retained in its current location (DVP Map 17). There is strong expert evidenced based data and town planning reasoning to support that boundary for the foreseeable future. It is also critical to the special nature and character of the Hāwea Township.

The Community supports keeping the UGB in the DVP Map 17, and believes that there is very strong evidence that further infill, by permitting residential flats and multi dwellings, in combination with a zone change to LDR for the Lake Hāwea Township Zone (per DVP Map 17) more than meets population growth projections for a considerable length of time. The Community’s position is in line with the QLDC’s policies 4.2.2.22 and 4.4.4.23.

Clearly the UGB is more than adequate for the next district planning cycle. Review of the population data along with up-zoning of the Township Zone will ensure that the UGB is fit for purpose for two or three further planning cycles.

As we understand it, the District plan Chapter 4 *Urban Development* is critical to the assessment of the placement of Urban Growth Boundaries. It states at 4.1 *Purpose* that: *Urban Growth Boundaries are established for the key urban areas ..... providing a tool to manage anticipated growth while protecting the individual roles, heritage and character of these areas. Specific policy direction is provided for these areas, including provision for increased density to contribute to more compact and connected urban forms that achieve the benefits of integration and efficiency and offer a quality environment in which to live, work and play.*

We believe that the UGB in DVP Map 17 meets all of the requirements of the QLDC Strategic Direction and 4.1 above.

## POPULATION GROWTH

We accept that, as stated at 4.2.1.4, Urban Growth Boundaries must encompass sufficient area for growth and should be subject to review periodically.

The QLDC has estimated population growth for Hāwea, and has presented this in its Population Projections, December 2018, [extract below].

Hāwea for the QLDC Population Projections is the same area as specified by Statistics New Zealand and extends well beyond Lake Hāwea Township and includes all the settlements of Makarora, Lake Hāwea Township, John Creek, Hāwea Flat, Maungwera valley, Dublin Bay and Luggate and the extensive rural population in the surrounds.

While we fully accept that the Lake Hāwea Township is the largest of these settlements and is likely to be where urban growth is greatest, we consider it has been and would continue to be seriously misleading for these population projections, and associated dwelling needs, to be quoted in relation to the consideration of the UGB for Lake Hāwea Township without also clearly acknowledging the extent of the Hāwea geographical Area.

Variable	2018	2028	2038	2048	2018 to 2028			2018 to 2048		
					Change	Annual change	% Change	Change	Annual change	% Change
<b>Wanaka Ward</b>										
Residents	12,320	18,300	21,460	24,300	5,980	598	4.0%	11,980	399	2.3%
Total Houses	7,780	10,870	12,830	14,660	3,090	309	3.4%	6,880	229	2.1%
Total Visitors (Average Day)	7,950	10,130	11,100	11,810	2,180	218	2.5%	3,860	129	1.3%
Total Visitors (Peak Day)	34,450	42,990	48,160	52,430	8,540	854	2.2%	17,980	599	1.4%
Average day population*	20,270	28,430	32,560	36,110	8,160	816	3.4%	15,840	528	1.9%
Total Rating Units	9,180	12,870	14,550	16,700	3,690	369	3.4%	7,520	251	2.0%
<b>Wanaka</b>										
Residents	8,720	12,750	15,030	17,070	4,030	403	3.9%	8,350	278	2.3%
Total Houses	5,720	7,800	9,210	10,530	2,080	208	3.2%	4,810	160	2.1%
Total Visitors (Average Day)	5,550	6,970	7,570	7,960	1,420	142	2.3%	2,410	80	1.2%
Total Visitors (Peak Day)	25,720	31,330	34,720	37,460	5,610	561	2.0%	11,740	391	1.3%
Average day population*	14,260	19,710	22,590	25,040	5,450	545	3.3%	10,780	359	1.9%
Total Rating Units	6,930	9,320	10,660	12,290	2,390	239	3.0%	5,360	179	1.9%
<b>Hāwea</b>										
Residents	2,880	4,150	4,700	5,210	1,270	127	3.7%	2,330	78	2.0%
Total Houses	1,630	2,280	2,630	2,950	650	65	3.4%	1,320	44	2.0%
Total Visitors (Average Day)	1,070	1,390	1,500	1,570	320	32	2.7%	500	17	1.3%
Total Visitors (Peak Day)	4,730	6,130	6,890	7,520	1,400	140	2.6%	2,790	93	1.6%
Average day population*	3,950	5,540	6,200	6,780	1,590	159	3.4%	2,830	94	1.8%
Total Rating Units	1,800	2,550	2,770	3,100	750	75	3.5%	1,300	43	1.8%

## HOUSING CAPACITY

The S32 Plan Enabled Capacity in Hāwea and Albert town report (by m.e Consulting August 2019) shows that the rezoning would provide housing capacity for the next thirty years projected population growth. The Concluding remarks of the report that the “modelling has shown that the proposed zone change, to the Low Density Suburban Residential Zone, of the Township Zone areas of Hāwea and Albert Town will significantly increase their residential dwelling capacity.

At the lower end of the range, under the lower density assumption of a 450m<sup>2</sup> minimum site size, it will increase the infill and greenfield (combined) capacity by 104%. If redevelopment potential is included, although a less likely occurrence, then the capacity would increase by 193%. This amounts to an additional 625 to 1,277 dwelling units.

At the upper end of the range, under the higher density assumption of a 300m<sup>2</sup> minimum site size, it will increase the infill and greenfield (combined) capacity by 250%. If redevelopment potential is included, although a less likely occurrence, then the capacity would increase by 501%. This amounts to an additional 1,495 to 3,309 dwelling units.

These increases are substantive when considered against the existing dwelling stock.”

As a result of the review of this expert report the HCA seeks a decision reflecting the rezoning be limited to lot sizes not being smaller than 450m<sup>2</sup>. The higher density of 300m<sup>2</sup> not be permitted.

## SPECIAL HOUSING AREA

The QLDC agreed the Lake Hāwea Township UGB in May 2018 by approving DVP Map 17. The decision of the QLDC to submit in December 2018 an application (since approved) to the Associate Minister of Housing for a Special Housing Area (SHA) outside of the Lake Hāwea Township UGB was contrary to QLDC’s own published strategy and planning policies. Council has recognized that SHA’s are outside the normal planning process and are to be considered special zones.



The existence of the SHA should not factor at all in determining the UGB for this this district planning cycle.

## LANDSCAPE

The HCA has reviewed the S32 Landscape Report, August 2019 prepared by Bridget Gilbert.

The HCA believes that a road, especially one that is 100kph road with limited number of access points can form an effective boundary to urban sprawl. The Community has for some years sought a green belt along cemetery road. A community plan was developed for the area in 2003, reviewed twice, and the updated 2015 version accepted by QLDC. That document articulated the community's vision, goals and priorities for Hāwea. In the community plan is a clear intention to provide for future growth south up to, but not south across, Cemetery Road. The community through that report requested a strong boundary between rural and urban areas with a green belt suggested on the south side of Cemetery Road.

The Cemetery Road UGB should be augmented by landscape development. The QLDC landscape assessment indicates that the extensive use of specimen tree and groundcover planting to create a distinctive 'green street' could result in the establishment of a distinctive streetscape that reads as quite different to any of the other 'urban' streets in Hāwea and forms a legible (and memorable) landscape element in its own right. The Hāwea Community would welcome such a move be undertaken as part of the consent process for the SHA and along the road reserve area of Cemetery Road.

We appreciate Ms Gilbert's acknowledgment "that increasing the extent of the urban footprint to fill the triangular area defined by Domain Road to the west and the flood hazard area to the east would advance the impression of Hāwea as a satellite town and move it further away from its identity as a somewhat sleepy, relatively small scale and 'old school' New Zealand rural lake side settlement".

We further appreciate her indication that "decisions with respect to the appropriate extent of any new urban footprint ultimately rest with the community and Council and will need to factor in a wide variety of matters that extend beyond the scope of landscape considerations". We would remind Council that urban sprawl across rural landscapes is contrary to the Council's strategic direction for the District.

## Chapter 20 Variation to Chapter 7 Low Density Residential Zone

The HCA has a mandate from its membership to embrace forms of intensification within the Urban Growth Boundary. However the Hāwea Community does not want to be seen as just another suburb of Wānaka and this must be reflected in the wording of the District Plan. . We therefore wish to retain a number of the provisions of the Township zone which specifically relate to Hāwea in order to ensure the retention of our own sense of identity and community. We recommend the inclusion of the following paragraphs (as amended)

### 1. 9.1.3.1

Hāwea: The Hāwea township is situated on the southern shores of Lake Hāwea. It has developed as a residential area for both permanent and holiday populations with some non-residential activities distributed throughout the settlement/town. A settlement is also established at Hāwea Flat. A significant feature is an extensive lakeshore setting. Issues

1.1. Protection of the visual amenity.

- 1.2. Maintenance and enhancement of access to the lake.
- 1.3. Retention of present residential amenity and character.
- ~~1.4. Opportunity for expansion of the low density residential environment.~~
- 1.5. Capacity for sewage treatment and disposal.
- 1.6. Avoidance of excessive shading, loss of vistas and inappropriate planting of exotic tree species.
2. Policies 1.1  
Rule pertaining to well defined and consolidated township boundaries.
3. 9.2.3.5  
Prohibited activity in Hāwea to plant the following species:  
Pinus Radiata,  
Pinus Muricata,  
~~Pinus Contorta~~  
~~Pinus Ponderosa~~  
Pinus Sylvestris  
Pinus nigra  
Douglas Fir  
All Eucalyptus varieties.  
(Struck out varieties contained in district wide chapter)
4. xi  
Boundary Planting (Hāwea)  
No trees or hedgerows shall exceed 1.9 metres in height within 2 metres of the boundary, at any point of its length.
5. iv  
Heavy vehicle storage  
No more than one heavy vehicle shall be stored or parked overnight on any site for any activity except within commercial precinct and visitor accommodation sub-zones. The standard applies to residential and non-residential activities cumulatively.
6. v  
Boarding and keeping of Animals  
No animals, except for domestic pets, shall stay overnight on a site except for a maximum of four animals in the care of a veterinarian for medical purposes. There shall be no keeping of pigs and/or commercial livestock.
7. vi  
Noise (a) Sound from non-residential activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in this zone: (i) daytime (0800 to 2000 hrs) 50 dB LAeq(15 min) (ii) night-time (2000 to 0800 hrs) 40 dB LAeq(15 min) (iii) night-time (2000 to 0800 hrs) 70 dB LAFmax (b) Sound from non-residential activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.  
(c) The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.

**THE HĀWEA COMMUNITY ASSOCIATION INC (HCA) SEEKS THE FOLLOWING DECISIONS FROM THE LOCAL AUTHORITY:**

1. Require the larger Wāhi Tupuna Zones around Lake Hāwea to be more closely aligned to the specific values they are trying to address.
2. Require more specific recognised threats that help not just the planners but the people utilising the maps and planning documents.
3. We seek far greater clarity around the zones purpose rules and recognised threats so that far less discretion is held by the consultants and thus clarity is provided to land owners as to how Wāhi Tūpuna is applied.
4. Require Changes to the earth moving provisions of part 39 of the proposed district plan in order to better reflect a workable solution.
5. Use Dunedin city council Wāhi Tūpuna as a model of zoning in order to provide specificity and clarity to those using the plan.
6. Require the recognised threats to be more tightly defined so as not to capture activities not envisioned to be captured.
7. Move the Wahi Tupuna boundary over the cemetery outside the township so that it's operation is not interrupted.
8. Remove the part of Wāhi Tūpuna zone 2 that covers the Lake Hāwea Township in order to reflect the fact that as with the other urban zones in the QLDC removed from the map due to extensive modification.
9. Reduce the Wāhi Tūpuna zone round the lake shore so as to better reflect the actual pathway around the southern shores to a 20 metre set back consistent with the rules for the rural zone set backs from waterways.
10. Reduce the Wāhi Tūpuna zone round the lake shore to a 20 metre set back consistent with the rules for the rural zone set backs from waterways.
11. Reduce the Hāwea River setbacks to match the 20 metre set back rule for rural zones in Hāwea.
12. Clarify the overlap of Wāhi Tūpuna water quality values assessment and management with the role of the RMA and the National Policy Statement for Freshwater Management and the National Environmental Standards for freshwater management.
13. Transfer the rules from the township zone into low density residential so that the change of zoning for Hāwea still allows the township to maintain its own identity and community feel with connections to the lake and control of town boundaries.
14. Amend the LDR zone rules such that lots sizes cannot go below 450 m<sup>2</sup>; and that the 300 m<sup>2</sup> lot size be prohibited.
15. That the UGB be confirmed as introduced in Stage 1 of the District Plan review and that a greenbelt buffer be required as part of the consent processes along Cemetery road , including the for the SHA.