

SUMMARY OF EVIDENCE – BLAIR DEVLIN – CHAPTER 39 WAHI TUPUNA

- 1.1** I consider it is appropriate that Wāhi Tūpuna areas should be mapped in the PDP given the Regional Policy Statement requirement that important areas be identified. However I consider the notified Chapter 39 objectives, policies and rules have not adequately taken into account the receiving environment over which Wāhi Tūpuna are applied and the implications of the identified threats, and how these threats relate to existing zone provisions. While some urban areas have been recognised as being modified, I consider the recognition needs to be expanded to other zones that enable development and where development has already occurred.
- 1.2** The S42A Chapter 39 provisions require amendment to better integrate with the PDP Zone and Earthworks chapters and to reflect the receiving environment. Further consideration is necessary of the National Policy Statement on Urban Development Capacity 2016 and the extremely broad range of threats that capture every activity and potentially act like a de facto open space zone.
- 1.3** The Wāhi Tūpuna areas are hundreds or thousands of hectares in area and are “landscape scale”, yet the threshold for earthworks is just 10m³, which is very much at the ‘site’ scale. The S42A version provisions will trigger potentially hundreds of resource consents per year, including for activities anticipated by the zoning. There has been no economic assessment of the cost of these applications.
- 1.4** If the driver of the 10m³ limit is protecting archaeological values, this is inappropriate as archaeological material is already protected under the Heritage New Zealand Pouhere Taonga Act 2014 which already protects all pre-1900 archaeological material from damage or destruction unless an archaeological authority is obtained.
- 1.5** The S42A provisions would also duplicate provisions from the Ngāi Tahu Claims Settlement Act 1998 whereby Manawhenua must already be consulted in relation to any resource consent on or adjacent to, or may affect, land that is the subject of a Statutory Acknowledgement as part of any activity that requires resource consent.
- 1.6** The Wāhi Tūpuna chapter also duplicates existing provisions from Chapter 25: Earthworks relating to archaeological sites and Statutory Acknowledgement areas, and Zone provisions of the PDP in relation to the setback of buildings and earthworks from waterways and farm buildings.
- 1.7** The identified ‘threats’ do not provide clear information in an effective and efficient way for both Council and plan users. The threats for most Wāhi Tūpuna areas capture every single activity so actually provide little guidance.

- 1.8** I support some changes in the S42A version of the provisions, including the change to subdivision consent status from discretionary to restricted discretionary. I do not consider a specific policy is required for Cultural Impact Assessments as these are already provided for under the Fourth Schedule and s92(2) of the RMA. I also support some of the changes put forward by Mr Bathgate for Ka Rūnaka.
- 1.9** In Appendix 3 of my evidence I have used the table of provisions used by Mr Bathgate for Ka Rūnaka to summarise my position with regard to the various topics raised by the notified Chapter 39.

8 July 2020