

Form 5

Submission on Proposed Queenstown Lakes District Plan - Stage 3

Clause 6 of Schedule 1, Resource Management Act 1991

To: Queenstown Lakes District Council

Submitter: Grant & Janet Cochrane, James & Jonelle Cochrane and Stayrod Trustees

(Cochrane) Limited - West Wanaka Station

Address for Service: Grant & Janet Cochrane, James & Jonelle Cochrane and Stayrod Trustees

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1.0 Background:

- 1.1 The submitters own and operate West Wanaka Station, a 6,482 hectare high country station that wraps around the southern end of the Buchanan Range on the western shore of Lake Wanaka. Please refer to the location plan attached as **Appendix A** to this submission.
- 1.2 The station is legally described as Sections 1, 6-7, 9, 11-12, 15, 26-28 Survey Office Plan 350038 and is held in Record of Title 247772. A copy of the Record of Title is attached as **Appendix B** to this submission.

- 1.3 The Matukituki River forms the western and southern boundaries of the station. The eastern boundary adjoins Lake Wanaka and extends to the Minaret Burn in the north.
- 1.4 The station includes scattered farm buildings with the main working hub of the farm located towards the station's southern end. The farm hub comprises a cluster of buildings including the main farm homestead which dates back to approximately 1933, a cottage, implement sheds, a large deer shed, deer pens and associated farm roading, accessory buildings and shelter planting.
- 1.5 Access to West Wanaka Station is provided via West Wanaka Road, a gravel road which connects onto Mt. Aspiring Road to the south. A single lane bridge provides access across the Matukituki River. West Wanaka Road continues through the station, reducing to a rough 4x4 track beyond the farm hub and terminating at Colquhouns Beach on the shore of Lake Wanaka approximately 6.5km to the north east.
- 1.6 West Wanaka Station forms part of an Outstanding Natural Landscape and the wider area includes the Outstanding Natural Landscapes and Features of Lake Wanaka, Roys Peninsula and Mou Tapu to the east, Rocky Hill and the Motatapu Valley to the south and the Buchanan Range, Matukituki Valley, Harris Mountains and Mount Aspiring National Park to the north and west.
- 1.7 West Wanaka Station currently runs in the order of 2,200 deer, 12,000 sheep and 1,300 cattle.
- 1.8 West Wanaka Station is freehold land having completed tenure review in 2006. Through the tenure review process consultation and assessments were carried out to identify parts of the pastoral lease land that contained features or values that required protection. The consultation that was undertaken included public consultation and consultation with the Department of Conservation, Fish and Game and local iwi. As part of the consultation process iwi visited West Wanaka Station on two occasions, viewing the land from the air and on the ground. While parts of the pastoral lease land were transferred into the conservation estate and public access easements were granted no specific values or features of significance to Māori that required protection were identified through the tenure review process.
- 1.9 As shown on the location plan (being an extract from the PDP Stage 3 Maps) attached as

 Appendix A to this submission approximately 2,115 hectares of West Wanaka Station

(approximately 33%) has been identified as wāhi tūpuna. The areas of the station that have been identified as wāhi tūpuna include all of the station's paddocks (with the exception of the paddock to the south of Colquhouns Beach at the north eastern extent of the station), the homestead and all farm buildings, the bridge across the Matukituki that provides access to the station and the majority of the stations internal roading.

- 1.10 The wāhi tūpuna areas that cover West Wanaka Station overlap each other and are scheduled as Area 7 (The area surrounding Te Poutu Te Raki) and Area 31 (Mātakitaki) in Chapter 39 of the Proposed District Plan. The values identified within the wāhi tūpuna areas listed as ara tawhito (trails or routes), urupū (burial places), nohoaka (settlements), archaeological values and mahika kai (food gathering). The recognised threats to those values are listed as:
 - Activities affecting water quality;
 - Earthworks;
 - Buildings and structures;
 - Energy and utility activities;
 - Activities affecting ridgelines and upper slopes;
 - Subdivision and development;
 - Damming; and
 - Commercial and commercial recreational activities.
- 2.0 Grant & Janet Cochrane, James & Jonelle Cochrane and Stayrod Trustees (Cochrane)
 Limited's (the submitters) submission relates to the following provisions of the Queenstown
 Lakes District Council's Proposed District Plan:
 - Stage 3 Wāhi Tūpuna mapping
 - The objectives, policies and rules of Proposed Chapter 39 Wāhi Tūpuna
 - The proposed variations to Chapter 25 Earthworks
- 3.0 The submitters' submission is that:

The submitters **support** that the majority (approximately 67%) of West Wanaka Station not being identified as wāhi tūpuna.

The submitters **oppose** the mapping of wāhi tūpuna areas and scheduling of values and recognised threats that is not supported by robust and transparent assessment that takes into account the specific circumstances and characteristics of the properties affected.

- 3.1 The submitters support the concept of cultural mapping to record stories and place names for future generations. The submitters also support the protection of specific cultural sites of importance and accept that there may be values of significance to Māori on, or in the vicinity of, West Wanaka Station. However, the mapping of wāhi tūpuna areas appears to have been undertaken at a high level with the extents of identified wāhi tūpuna areas appearing arbitrary. In the absence of detailed analysis and a clear methodology of how the extents of the wāhi tūpuna areas have been defined the submitters cannot have confidence that they are not being unreasonably and unfairly burdened by the identified wāhi tūpuna area. In addition the overlapping nature of the wāhi tūpuna areas adds further confusion and uncertainty in terms of which values and threats apply.
- 3.2 The identification of wāhi tūpuna areas on West Wanaka Station appears to conflict with the outcome of the tenure review process which did not identify or require the protection of any site or values of importance to iwi despite iwi visiting the site on two occasions and viewing the land from the air and on the ground.
- 3.3 It is understood that Ngāi Tahu have provided Council with maps identifying the wāhi tūpuna areas and those maps have been incorporated into the Stage 3 mapping. No explanation, evidence or methodology has been made available to the public or the affected landowners to support the extents of the identified wāhi tūpuna areas.
- 3.4 A number of values identified in wāhi tūpuna areas appear to be location specific such as urupā (burial places), nohoaka (settlements) and ara tawhito (trails or routes). It is submitted that if such values are present they could be more accurately identified and mapped to provide landowners, Council and tangata whenua with greater certainty in terms of the location and extents of such values.

- 3.5 Other values such as archaeological values and mahika kai are broad and appear to already be addressed, at least to an extent, by the provisions of Chapter 25 Earthworks (in particular Rules 25.5.11, 25.5.12, 25.5.13 and 25.5.14) and Chapter 33 Indigenous Vegetation and Biodiversity. Similarly many of the recognised threats (such as subdivision and development, roads, and activities affected ridgelines and upper slopes) are already addressed through the provisions Chapter 6 Landscape and Rural Character and Chapter 21 Rural.
- 3.6 It is submitted that if wāhi tūpuna areas are to be identified on the planning maps then the extents of those areas must be supported by robust methodology, analysis and reasoning with the values present and recognised threats to those values being scheduled to a level of detail that provides suitable direction to landowners in terms of what is of significance and requires protection and how best to manage their property in order to avoid compromising those values.
- 3.7 In addition the mapping of wāhi tūpuna areas should take into consideration the specific circumstances and characteristics of the affected properties and in the case of West Wanaka Station the outcomes of the tenure review process which sought to identify and protect inherent values including cultural values.

The submitters **oppose** proposed Rule 39.4.1.

- 3.8 Proposed Rule 39.4.1 states that any farm building within a wāhi tūpuna area shall be a restricted discretionary activity with Council's discretion being limited to effects on cultural values of Manawhenua.
- 3.9 Under Stage 1 of the Proposed District Plan Rules 21.4.2 and 21.8.1 provided for farm buildings within an Outstanding Natural Landscape as a permitted activity provided they:
 - Are on a landholding greater than 100ha; and
 - Do not exceed a density of one farm building per 50 hectares; and
 - Do not exceed 4m in height and/or 100m² in floor area; and
 - Are not located at an elevation greater than 600masl; and
 - Do not protrude onto a skyline or above a terrace edge when viewed from adjoining sites,
 or formed roads within 2km of the building.

- 3.10 If the above standards are breached a restricted discretionary activity resource consent would be required.
- 3.11 A 100m² / 4m high building is small by farming standards however the provision for such buildings as a permitted activity is a response to and helps to give effect to the higher order provisions of the Proposed District Plan that acknowledge the contribution farming makes to the District's economy and the management of the District's Outstanding Natural Landscapes.
- 3.12 The whole of West Wanaka Station is identified as an Outstanding Natural Landscape and the majority of the station's lower lying land and paddocks (being the areas where farm buildings are likely to be necessary) is identified as wāhi tūpuna. The identified wāhi tūpuna areas cover almost all of the station's land that is most suitable for cropping, cultivation and the rearing of stock.
- 3.13 Proposed Rule 39.4.1 therefore severely restricts the submitters' right, established through Stage 1 of the PDP, to construct a permitted farm buildings on the station and is likely to direct such farm buildings to be constructed outside of the wāhi tūpuna areas in locations that are less practical and potentially less appropriate in landscape terms than they would otherwise be.

The submitters **oppose** proposed Rule 39.5.2

- 3.14 Proposed Rule 39.5.2 states that, in the Rural Zone, any building or structure within a wāhi tūpuna area where activities affecting water quality are a recognised threat shall be setback a minimum of 20m from any waterbody. A breach of Rule 39.5.2 would trigger a restricted discretionary activity resource consent with Council's discretion being restricted to effects on cultural values of Manawhenua.
- 3.15 Under Stage 1 of the Proposed District Plan 'building' is defined as having the same meaning as the Building Act 2004 but excluding (amongst other things):
 - fences and walls not exceeding 2m in height;
 - retaining walls that support no more than 2 vertical meters of earthworks; and
 - structures less than 5m² in area and less than 2m in height above ground level.

3.16 The term 'structure' is defined in the Proposed District Plan as meaning:

"any building, equipment device or other facility made by people and which is fixed to land and includes any raft."

3.17 By including reference to 'any structure' in proposed Rule 39.5.2 small structures and arguably fences within 20m of a waterbody would require resource consent. Being a working station that adjoins Lake Wanaka and the Matukituki River and through which a number of streams and creeks flow the potential restriction on fencing within 20m of a waterbody, along with the restriction on small structures that could otherwise be constructed as a permitted activity, is of particular concern to the submitters and would add unnecessary cost and uncertainty to the ongoing operation of the station. In addition any such restriction would conflict with stock exclusion requirements and would be counterproductive in terms of protecting water quality.

The submitters **oppose** proposed Rules 25.4.5.1 and 25.5.2.

- 3.18 Proposed Rule 25.4.5.1 states that any earthworks that modify, damage or destroy a wāhi tapu, wāhi tūpuna or other site of significance to Māori requires a restricted discretionary activity resource consent. Given that any earthworks within a wāhi tūpuna area would modify that area Rule 25.4.5.1 appears to conflict with Rule 25.5.2 which sets the threshold for permitted earthworks in a wāhi tūpuna area at 10m³.
- 3.19 In addition the 10m³ threshold on permitted earthworks within a wāhi tūpuna area is impractical and unnecessarily restrictive. Under provision 25.3.2.10 a range of activities are exempt from the rules in Table 25.2 (and Tables 25.1 and 25.3) including:
 - Erosion and sediment control except where subject to Rule 25.5.19 setback from waterbodies;
 - The digging of holes for offal pits;
 - Fence posts;
 - Drilling bores;
 - Planting riparian vegetation;
 - Maintenance of existing vehicle and recreational accesses and tracks, excluding their expansion;
 - Deposition of spoil from drain clearance within the site the drain crosses;

- Cultivation and cropping;
- Fencing where cut and fill does not exceed 1m in height and earthworks do not exceed
 1m in width.
- 3.20 While the above provides for some of the routine earthworks required for the ongoing operation of West Wanaka Station and its farming activities it does not provide for earthworks associated with the extension of tracks or accessways, the clearance and levelling of building pads or yards or gravel extraction (which given the remote nature of the station is likely to be required for the maintenance of existing tracks). In addition it is unclear whether earthworks associated with cultivation and cropping would extend to the clearance, levelling and cultivation of new paddocks.

Conclusion

- 3.21 Proposed Chapter 39 and its associated variations will have a significant effect on parts of the Rural Zone and associated provisions that were notified and decided as part of Stages 1 and 2 of the Proposed District Plan. To relitigate the provisions that affect the submitters property in a third stage is unjust, particularly as the proposed provisions effectively remove rights established under Stages 1 and 2. Similarly it is unreasonable and unjust to identify wāhi tūpuna areas and apply associated restrictions when iwi have had the opportunity to identify such sites and values through the tenure review process and did not.
- 3.22 West Wanaka Station is already covered by an Outstanding Natural Landscape classification.

 The identification of the majority of the station's land that is practically suited to cropping, cultivation and the rearing of stock as wāhi tūpuna adds further restrictions on the ongoing operation of the existing farming activities.
- 3.23 The further restrictions and consent requirements associated with the identification of the wāhi tūpuna area will add unreasonable cost and uncertainty and do not adequately provide for practical farming on West Wanaka Station.
- 3.24 Overall Grant & Janet Cochrane, James & Jonelle Cochrane and Stayrod Trustees (Cochrane)
 Limited submit that the Wāhi Tūpuna Mapping, Proposed Chapter 39 Wāhi Tūpuna and its
 associated variations:

- do not promote or give effect to Part 2 of the Act,
- do not meet section 32 of the Act,
- are contrary to the purposes and provisions of the Act and other relevant planning documents;
- are inappropriate and inconsistent with the purpose and principles of the Act;
- conflict with and do not give effect to the higher order provisions of the Proposed District Plan and in particular Strategic Objectives 3.2.1, 3.2.1.7 and 3.3.20 and Policies 6.3.7 and 6.3.14; and
- are not the most appropriate method for achieving the objectives of the Proposed District
 Plan having regard to its efficiency and effectiveness, and taking into account the costs
 and benefits.

4.0 The submitters seek the following decision from the Queenstown Lakes District Council:

- 4.1 Decline Chapter 39 and its associated mapping and variations until such time as the mapping of wāhi tūpuna areas and the scheduling of their values and recognised threats is carried out in a fair and consistent manner and to a level of detail that takes into account the specifics of individual properties and provides meaningful direction to landowners and Council as to the extents of the wāhi tūpuna areas and the associated values and threats.
- 4.2 That the mapping and scheduling of values and recognised threats is supported by a clear methodology and an appropriate level of detail.
- 4.3 That if/when Chapter 39 is adopted a new policy be included that states:

Recognise and provide for the ongoing operation of existing farming activities within wāhi tūpuna areas.

- 4.4 That proposed Rule 39.4.1 is deleted.
- 4.5 That proposed Rule 39.5.2 is deleted or reworded to remove the reference to 'structures' as follows:

39.5.2 Any buildings or structures:

- a. within a wāhi tūpuna area (identified in Schedule 39.6);
- b. where activities affecting water quality are a recognised threat; and
- c. are within the following zones;
 - i. Rural;
 - ii. Rural Residential and Rural Lifestyle; or
 - iii. Gibbston Character.

Shall be setback a minimum of 20m from a waterbody.

- 4.6 That proposed Rule 25.4.5.1 is deleted.
- 4.7 That proposed Rule 25.5.2 is deleted or reworded to exclude earthworks associated with farming activities as follows:

Rule	Table 25.2 - Maximum Volume	Maximum
		Total
		Volume
25.5.2	Wāhi Tūpuna areas (with the exception of earthworks	10m³
	associated with farming activities)	

- 4.8 The submitters also seek such further or consequential or alternative amendments necessary to give effect to this submission, and to:
 - Promote the sustainable management of resources and achieve the purpose of the Resource Management Act 1991;
 - Meet the reasonably foreseeable needs of future generations;
 - Enable social, economic and cultural wellbeing;
 - Avoid, remedy or mitigate the adverse effects of the activities enabled by the Variation; and
 - Represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other means available in terms of section 32 and other provisions of the Act.
- 5.0 The submitters could not gain an advantage in trade competition through this submission.
- 6.0 The submitters wish to be heard in support of their submission.

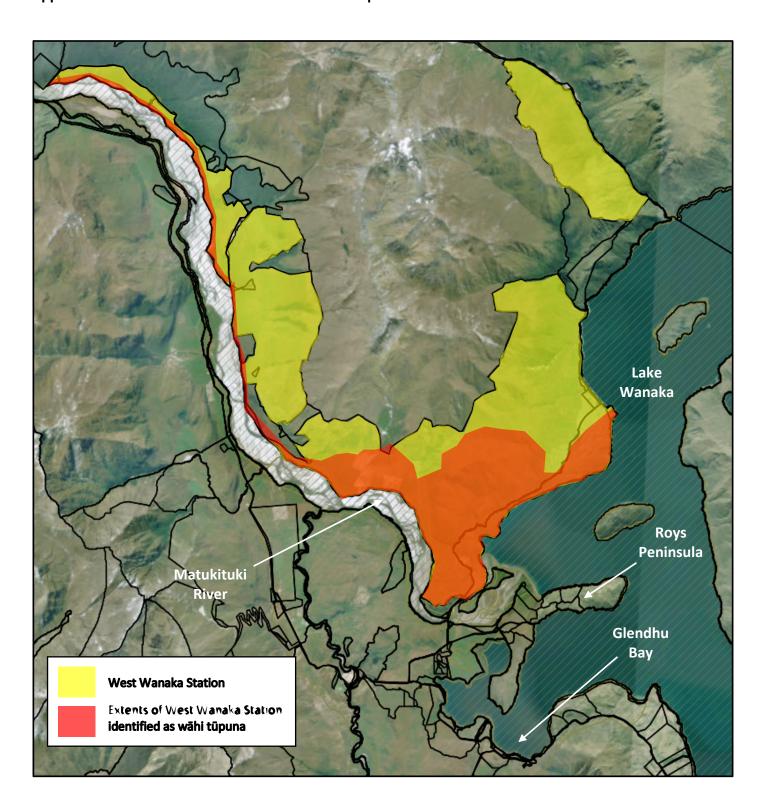
7.0 If others make a similar submission the submitters would consider presenting a joint case at a hearing.

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Scott Edgar (on behalf of Grant & Janet Cochrane, James & Jonelle Cochrane and Stayrod Trustees (Cochrane) Limited)

18 November 2019

James and Jonelle Cochrane - Stage 3 Proposed District Plan Submission Appendix A - Location Plan and Extents of Wāhi Tūpuna Area





RECORD OF TITLE **UNDER LAND TRANSFER ACT 2017 FREEHOLD**

Search Copy



Identifier Land Registration District Otago Date I ssued

247772 13 October 2005

Prior References

247771 142519

Fee Simple **Estate**

Area 6482.3780 hectares more or less

Legal Description Section 1, 6-7, 9, 11-12, 15, 26-28 Survey

Office Plan 350038

Registered Owners

Grant Clifford Cochrane, James Scaife Cochrane, Janet Lesley Cochrane and Stayrod Trustees (Cochrane) Limited

Interests

Subject to Part IVA Conservation Act 1987

Subject to Section 11 Crown Minerals Act 1991(affects Sections 1,6,7,11,12,15,26,27,28)

Subject to a right of way for public foot, horse and non-motorised vehicle access in gross over part Sections 1,6,7 SO 350038 marked A,B,C,D,D1,D2,H,I,J,K,L SO 350038 to Her Majesty the Queen created by Easement Instrument 6609050.4 - 13.10.2005 at 9:00 am

Subject to a right of way for public foot, horse and motorised vehicle access in gross over part Section 7 SO 350038 marked L SO 350038 to Her Majesty the Queen created by Easement Instrument 6609050.5 - 13.10.2005 at 9:00 am

Subject to a right of way for public foot access in gross over part Section 6 SO 350038 marked E,F,G,P,N,O,S,U,W,X SO 350038 to Her Majesty the Queen created by Easement Instrument 6609050.6 -13.10.2005 at 9:00 am

Subject to a right of way for management purposes in gross over part Sections 1,6,7,28 SO 350038 marked A,B,C,D,D1,D2,E,F,G,H,I,M,N,O,P,Q,R,S,T,U,V,W,X,Y SO 350038 to Her Majesty the Queen created by Easement Instrument 6609050.7 - 13.10.2005 at 9:00 am

Subject to a right of way for management purposes in gross over part Sections 6,28 SO 350038 marked M,N,P,Q,R,S,TU,V,Y SO 350038 to Her Majesty the Queen created by Easement Instrument 6609050.8 -13.10.2005 at 9:00 am

Subject to a right of way for public access on foot and with guns and dogs in gross over part Section 6 SO 350038 marked Q SO 350038 to Her Majesty the Queen created by Easement Instrument 6609050.9 - 13.10.2005 at 9:00 am

Subject to a right of way for foot, motor vehicle and machinery access for management purposes in gross over part Sections 6,28 SO 350038 marked Y, V, U, T, S, R, P, N, M SO 350038 to Her Majesty the Queen created by Easement Instrument 6609050.10 - 13.10.2005 at 9:00 am

6609050.11 Conservation Covenant pursuant to Section 77 Reserves Act 1977 - 13.10.2005 at 9:00 am

6609050.12 Conservation Covenant pursuant to Section 77 Reserves Act 1977 - 13.10.2005 at 9:00 am

6609050.13 Conservation Covenant pursuant to Section 77 Reserves Act 1977 - 13.10.2005 at 9:00 am

8960626.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 18.1.2012 at 10:31 am (Affects Section 6 & 27 SO 350038)

Transaction Id Client Reference smarshall003 Identifier 247772

11001218.3 Mortgage to Rabobank New Zeal and Limited - 31.1.2018 at 11:39 am

