

DDPR\_feedback\_0056s

	Name	Paul Rutledge
	Organisation	
	Email	██████████
	Response Date	Aug 30 22
	Notes	
Q1	Select the chapter you want to provide feedback on	
Q2	In general, to what extent do you support the contents of this chapter?	
Q3	Objective/Policy/Rule/Standard reference:	
Q4	Feedback/Comments	
Q5	Objective/Policy/Rule/Standard reference:	
Q6	Feedback/Comments	
Q7	Objective/Policy/Rule/Standard reference:	
Q8	Feedback/Comments	
Q9	Objective/Policy/Rule/Standard reference:	
Q10	Feedback/Comments	
Q11	supporting documents?	
	0	
Q12	If you need more space, or have any other general comments, please leave them here	

# Draft District Plan FEEDBACK FORM

scan for online  
feedback form

Have  
your say



Please get your feedback in by  
5pm on Wednesday 31 August 2022



Save time - Do it online!

Fill in our online feedback form: [www.waitaki.govt.nz/district-plan-review/have-your-say](http://www.waitaki.govt.nz/district-plan-review/have-your-say)  
- you can upload any extra documents and attachments there. Or:

- Email:** planreview@waitaki.govt.nz  
**Post:** Draft District Plan Feedback  
Waitaki District Council, Private Bag 50058, Ōamaru 9444  
**Deliver:** Drop it off at any Council office or district library

Thank you for taking the time to comment on the Draft Waitaki District Plan. We welcome your feedback. Your feedback will be used to inform what goes into the next stage of the District Plan Review process, which will be the formal notification of the Proposed District Plan.

### Points to remember when providing your feedback:

1. For your feedback to be considered you must include your full name, and a postal address or email address.
2. You are welcome to submit multiple feedback forms and add in any attachments if you have lots to tell us. Please make sure your feedback is provided under the relevant chapter heading. This helps us to make sure that we are considering your feedback correctly.
3. All feedback, including your name, are considered public under the Local Government Official Information and Meetings Act and may be published and made available to elected members and the public. Private contact details will not be made public.
4. If you would like help to fill out the feedback form, please contact one of our support team on 03 433 1661 or email planreview@waitaki.govt.nz

### Your contact details: (please print clearly)

Full name: PAUL JOSEPH RUTLEDGE

Organisation (if applicable):

Street address: 20 BRINKBURN STREET Town OAMARU

# Feedback on the Draft District Plan

Please provide your feedback on as many of the draft chapters that you would like to. If you run out of space, feel free to submit additional surveys or attachments.

## Which Chapter are you commenting on?

Name of Chapter: REFER ATTACHED SUBMISSIONS

In general, to what extent do you support the contents of this chapter?	Strongly support	Support	Neutral	Oppose	Strongly oppose
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

## Is there a particular objective, policy or rule you would like to provide feedback on for this chapter?


Please use the space below to identify which provision you are providing feedback on. Please use a separate box for each provision. If you run out of space, please use the 'General Feedback' section at the end of the feedback form or attach more pages - but please remember to let us know which chapter AND provision you are commenting on.

Objective/Policy/Rule/Standard ref: REFER ATTACHED  
Comments: SUBMISSIONS

Objective/Policy/Rule/Standard ref: REFER ATTACHED  
Comments: SUBMISSIONS

## General feedback

REFER ATTACHED SUBMISSIONS

 Need more room? You can add extra pages if there is not enough space on this form.

## **FEEDBACK AND SUBMISSIONS ON THE DRAFT WAITAKI DISTRICT PLAN**

### **MANA WHENUA – RECOGNITION OF IWI & HAPU; WAHI TUPUNA; SITES AND AREAS OF SIGNIFICANCE TO MAORI; SASM-R2, SASM- R23 & SASM-R4; ONFO57**

#### **1.0 PREVIOUS FEEDBACK & SUBMISSIONS ON THE WAITAKI DISTRICT PLAN REVIEW**

- 1.1 Attached to these submissions are my previous feedback and submissions dated 22 June 2021 together with the attachments to those submissions “A”, “B” & “C” (“Previous Submissions”). I rely upon my Previous Submissions and they should be regarded as incorporated into these present submissions (“Present Submissions”).
- 1.2 I refer to attachment “B” to my Previous Submissions and in particular the email that I sent to Hamish Barrell on 16 June 2021 at 2.50 pm and his responses to that email. Specifically I asked him *“So I want to know clearly please – is the WDC now confirming that in the draft plan the Wahi tupuna layout WILL NOT have rules across/relating to Residential zoned land?”*. Mr Barrell replied *“That’s the intention.”* Subsequently and following a further telephone discussion with Mr Barrell he sent to me a letter dated 2 July 2021 which is attached to these Present Submissions and marked (“1”).
- 1.3 In light of the difficulties that I encountered in the course of preparing my Previous Submissions, on 30 August 2021 I sent to the Chief Executive of the Waitaki District Council (“WDC”) a LGOIMA request which is attached and marked (“2”). Attached marked (“3”) is the only formal response to that request dated 8 September 2021.
- 1.4 I regarded the WDC response to my LGOIMA request as unsatisfactory in that, essentially, the response gave me no further useful information and accordingly I appealed to the Ombudsman with a request for urgency. While I have received an acknowledgement from the Ombudsman Office, to date my appeal has apparently not been progressed. In an effort to resolve directly with the WDC the issues arising from my appeal, I sent to David Campbell, Heritage & Planning Manager of the WDC, an email dated 18 June 2022. That email together with Mr Campbell’s response of 4 July is attached and marked (“4”). The information that I received via the links in Mr Campbell’s email was of very little assistance or indeed relevance in the context of the information that I had requested from WDC in my emails and my LGOIMA request.
- 1.5 Accordingly I am left in the quite unsatisfactory position of having to lodge these Submissions under protest, and I give notice that for the reasons set out in these Present Submissions and my Previous Submissions I regard the WDC as being in breach of its obligations under Section 82 of the Local Government Act 2002 (“LGA”). I also regard the WDC as being in breach of its obligations pursuant to Section 82A of that Act. For the avoidance of doubt, I reserve all rights and remedies that may flow from those breaches; the outcome of my appeal to the Ombudsman and generally.
- 1.6 Having regard to what I have said, and to the WDC’s failure to supply me with the

information and documents I have requested:

- I stand by what I said in paragraph 3.5 of my Previous Submissions that from the procedural point of view, the WDC has been unable to demonstrate that in the course of **Stage 1 – Investigation and Review of Issues** it has adopted and followed appropriate practises and procedures including an essential balancing of interests, and accordingly WDC’s actions in proceeding to **Stage 2 – Engagement**, have failed to comply with its own procedures.
- No relevant evidence has been produced by the WDC for the imposition of the Wahi Tupuna overlay and accordingly that should be removed from the DDP.
- Even if the Wahi Tupuna overlay is not removed, no evidence has been produced supporting the inclusion of my property, situated on the margin of the overlay, and accordingly my property should be excluded.

These Present Submissions are made in case all or any of the submissions in this paragraph are rejected.

## **2.0 PROCEDURAL ISSUES ARISING FROM THE WAHI TUPUNA OVERLAY AND THE MANA WHENUA SECTION OF THE DDP**

2.1 I note firstly the obvious – I am making these Present Submissions in respect of the Waitaki District Draft District Plan (“DDP”). Accordingly the WDC is solely responsible and answerable for the preparation of the DDP and its contents. I note from page 80 of the DDP the passage *Consistent with this recognition, Kai Tahu aspire to develop a true partnership with local government regarding resource management, rather than merely a stakeholder relationship.* That may be the aspiration of Ngai Tahu but in my submission there is presently no statutory basis for the WDC to abdicate its overriding statutory obligations and allow any third party, including Ngai Tahu, to write sections of the DDP in its place or indeed to dictate any of the key aspects of it.

2.2 I note the statement at page 84 of the DDP *This plan has been developed in consultation with Kai Tahu mana whenua and identifies the matters that have the potential to affect cultural values and well-being, along with enabling mana whenua to actively participate in resource management processes.* I have no difficulty with such *consultation* having taken place, but the use of that word clearly and properly implies:

- That the responsibility for the DDP rests with WDC as I have said; and
- That the involvement of Ngai Tahu has been secondary; and
- By implication that it would be quite improper to allow Ngai Tahu to write sections of the DDP in its place or indeed to dictate any of the key aspects of it.

2.3 However I now turn to the section of the DDP headed *Participation of mana whenua in RMA processes* appearing at pages 86 and 87 of the DDP. In the context of the Wahi Tupuna overlay of Cape Wanbrow, it appears to be the case that:

- WDC will give notice to Ngai Tahu of any resource consent application made in

respect of any property within the overlay area; and

- Ngai Tahu, through the runaka identified in this section, will then deal direct with the resource consent applicant in the context of *A letter detailing the runaka position on the application ...* ; and
- Ngai Tahu through this procedure is empowered to intervene in the resource consent process in ways that are not stated (except that in the case of *large application with extensive cultural effects* in respect of which a *Cultural Impact Assessment may be required as part of the Assessment of Environment Effects*); and
- Ngai Tahu is by implication empowered to directly charge the resource consent applicant for what is vaguely called *consultation*.

2.4 Having regard to the apparent intention that Ngai Tahu/Aukaha/the runaka (“Maori Entity”) should become directly involved in certain resource consent applications and should deal directly with the applicants, I note the absence of any detailed provisions, or even general commitments, as to time constraints; the lack of any template showing what the Maori Entity can or cannot take into account in reaching a *position*; and the absence of any stated authority or basis for any charge to be made by the Maori Entity for the *consultation* process.

2.5 No legal basis for this extraordinary and separate involvement of the Maori Entity in the resource consent application process is given. No information is given as to the extent of the powers impliedly conferred on the Maori Entity in the context of the *consultation* and the *position* of the runaka *on the application*. There is no dispute resolution process referred to. It is my submission that the entire process that I have outlined is unlawful as WDC has no power or authority to impose it.

### **3.0 RESOURCE MANAGEMENT ACT 1991 (“RMA”) AND LOCAL GOVERNMENT ACT 2002**

3.1 I do not regard this as being the appropriate time or process to make detailed submissions on legal issues, but I do believe that it is appropriate to flag in a general way provisions of the RMA and LGA that I believe to be relevant for present purposes.

3.2 In the Mana Whenua section of the DDP reference is made to Section 74(2)(A) of the RMA and to the *two iwi management plans said to be relevant namely the Kai Tahu ki Otago Natural Resource Management Plan 2005 and the Waitaki Iwi Management Plan 2019*. It is not said how either of those Plans has affected the DDP. In particular it is not said how either or both of those two Plans has affected the imposition of the Wahi Tupuna overlay and in particular the drawing of the western boundary of that overlay. While the effect of Section 74(2)(A) is correctly stated, the sub-section reads:

*“A territorial authority, when preparing or changing a district plan, **must take into account** any relevant planning document recognised by an iwi authority and lodged with the territorial authority, **to the extent that its content has a bearing on the resource management issues of the district.**”*

The highlighting in the above quote is mine. The sub-section and in particular the

highlighted content, makes it clear that it is incumbent on the WDC to engage in a determination process in this regard and then come to a decision itself on the manner in which any aspect of such document is to be given effect to or recognised in any district plan. My concern is that the WDC has failed in that regard and effectively accepted and incorporated significant aspects of the DDP drafted by or on behalf of Ngai Tahu.

3.3 As I read the relevant provisions of the DDP it is not suggested that the Cape Wanbrow Wahi Tupuna overlay has been incorporated pursuant to a heritage order under Section 187 of the RMA. However the proposed consequences of the overlay have a similar effect to the provisions of Section 193 of the RMA. I refer to this aspect because Section 195 of the RMA gives rights of appeal in respect of land that is subject to a heritage order or requirements made under it, whereas in neither the DDP nor any information given out in respect of it by the WDC that I have seen, is there any outline as to how challenge to the *position* of any runaka are to be resolved, as I have already submitted.

3.4 I also refer to the detailed provisions of Sections 36 and 36AAA of the RMA dealing with administrative charges. I have already noted that the DDP gives no authority for the imposition in favour of the relevant Maori Entity for any charge that such might make for the *consultation* process. This is to be contrasted with the very detailed provisions in those sections of the RMA to which I have referred.

3.5 Finally I refer again to the LGA:

- Section 10(1)(a) provides that the purpose of local government is *to enable democratic local decision-making and action by, and on behalf of, communities*. On the basis of the evidence made available to me, and indeed the lack of such evidence, I refute any suggestion that the imposition of the overlay in question can be described as the outcome of any *democratic local decision-making and action*.
- I also refer to the ***Principles of consultation*** enshrined in Section 82 of the LGA. I have previously submitted that the WDC is in breach of the provisions of Section 82(1)(a).
- I have also previously referred to Section 82A of the LGA and the requirement that the WDC must make publicly available in the context of the overlay *an analysis of the reasonably practicable options, including the proposed ...*

#### **4.0 FACTUAL BASIS FOR THE WAHI TUPUNA OVERLAY ON CAPE WANBROW**

4.1 Two issues arise:

- The actual basis for any such overlay on Cape Wanbrow; and
- The actual basis for the inclusion of my property within the overlay area.

4.2 At page 82 of the DDP the term *wahi tupuna* is explained as follows:

- Landscapes that embody the ancestral, spiritual and religious traditions of previous generations.

- The glossary is referred to, but no attempt has been made to specifically link any of the *types of sites of significance to mana whenua* to the area encompassed within the Cape Wanbrow overlay.
- It is said however that it is important to mana whenua that wahi tupuna areas *are protected from inappropriate activity and that there is continued access to such sites for Kai Tahu Whanui. Where sites are of significance, mana whenua may wish to protect them by restricting certain activities, access and information about their location.* I will return to those provisions later.

4.3 I note that in all of the material sent out by the WDC asking for *community feedback* on the DDP, the proposed overlay of the Cape Wanbrow area is justified on the basis that the area generally, and sites within it specifically, are of significance to Maori, and that the overlay is based upon the Maori notion of Wahi Tupuna. However in the Mana Whenua section of the DDP, the terms *Wahi Tapu* and *Wahi Tupuna* are dealt with together and Wahi tapu are described as *sacred sites or areas held in reverence according to whakapapa*. It is further said that *Wahi tapu may be associated with creation stories of mana whenua, particular events such as battles or ceremonies, sacred locations, such as where whenua or placenta are buried, or sites where a particular valued resource is found*. My submissions proceed upon the basis that, as previously and repeatedly stated by the WDC, the Cape Wanbrow overlay is based on the concept of Wahi Tupuna. I note that no attempt has been made in the DDP or otherwise in connection with the overlay to associate the Cape Wanbrow area with the concept of Wahi Tapu as so defined.

4.4 To add to the confusion as to the basis for the overlay, I note that in the SASM (Sites and Areas of Significance to Maori) section of the DDP, on page 270 it is said that Wahi tapu is a concept included within Wahi tupuna. Further at pages 270-271 of the DDP it is said that the values of wahi tupuna *can be adversely affected by a range of activities, including* (and I paraphrase):

- Through modification of the landscape and natural processes;
- Disturbance of wahi tapu and archaeological sites;
- Establishment of inappropriate activities;
- Loss of integrity of the limestone features that support rock art;
- Effects of vegetation clearance, earthworks and run off;
- Loss of access for customary activities.

It is then said (and I quote in full):

*The relationship of mana whenua with these areas is provided for in this Chapter by:*

1. *identifying and mapping wahi tupuna; and*
2. *enabling mana whenua to carry out customary activities in wahi tupuna; and*
3. *requiring resource consent for activities that may have adverse effects on the values of wahi tupuna to mana whenua, to ensure those values are protected and maintained; and*



4. *providing the opportunity for mana whenua input into decision-making through consultation and notification of proposals.*

4.5 Accordingly there are inconsistencies within the DDP in the sections to which I have referred dealing with mana whenua and wahi tupuna/wahi tapu and that is neither appropriate nor helpful and needs to be addressed so that properly directed and focused submissions can be made. Further, to the extent that the DDP purports to grant to Maori rights within the Cape Wanbrow wahi tupuna overlay area including the rights to *carry out customary activities* and the right to *ensure these values are protected and maintained*, it is the more important to understand and establish the underlying actual basis for the claim that the area identified in the DDP justifies definition as being wahi tupuna.

4.6 As to that actual basis:

- As I noted at paragraph 1.7 of my Previous Submissions, the only relevant entry on the New Zealand Heritage List is an entry dated 11 March 1985 relating to *Ovens/Middens* within a coastal area of 3.5815 hectares and at the south-eastern coastal edge of Cape Wanbrow. I attached a copy of that entry marked “C” to my Previous Submissions.
- It is however the case that in the Ngai Tahu Settlement of 16 October 1998, in section 3 under the heading ***Cultural, spiritual, historic and/or traditional association of Ngai Tahu with a Statutory Area*** and in sub-paragraph 3.7 there is a specific reference to *Notable Pa on the Otago Coast include: Makotukutuku (Oamaru)*.
- The Otago Regional Council description of Cape Wanbrow (WL3.) notes as to tangata whenua values that *Makotukutuku* was a pa situated on Cape Wanbrow headland (in the vicinity of bushy beach with an associated kaika). *There are wahi tapu and registered archaeological sites in the area*. No further detail is given however, and as I have noted, the only registered sites are the Ovens/Middens to which I have referred.
- Finally, Kirsty N. Potts in her Master of Arts thesis in Chapter Five, 5.2 *Critically Assessing Pa Sites in Murihiku* to a pa on Cape Wanbrow as follows –
  6. *Cape Wanbrow*  
*Located on the slopes of an eroding bank, no known cultural enclosing features exist and the natural features presently do not encompass the whole site (field visit 2010). While there is an ethnohistoric tradition of a “dwelling” named Makotuku-tuku-tuku Pa somewhere on Cape Wanbrow, its exact location is unknown (Taylor 1952:103).*

4.7 Accordingly while the pre-existence of a pa site on Cape Wanbrow has been formally acknowledged in the Treaty Settlement, it is clear that the site of the pa is unknown and the reference by Kirsty N. Potts in her thesis to the pa having been located *on the slopes of an eroding bank* implies that the pa was sited on the coast as there are no rivers on Cape Wanbrow significant enough to have eroded a pa site.

- 4.8 Importantly, it is the case that no heritage order has ever been made in respect of any structure or feature of the area encompassed by the overlay
- 4.9 The evidence to which I have referred above is of course physical evidence (or the lack of it) and I do not overlook that in the Mana Whenua section of the DDP there are lengthy and generalised esoteric arguments and explanations put forward as to the *relationship of mana whenua with the land generally*. I do not refer further to those because no attempt is made to link those more general considerations specifically to the area of the overlay. Indeed, dealing with the term *wahi tupuna* and the sites qualifying that definition, it is said in the Mana Whenua section of the DDP –

*These sites used by Kai Tahu are spread throughout the Waitaki District. These places did not function in isolation from one another but were part of a wider cultural setting and pattern of seasonal resource use.*

It follows that to justify the overlay on the basis of any consideration other than physical evidence it would need to be shown that there are special circumstances applying to the area within the overlay (for example to my property) that do not apply to the area outside the overlay (for example one-half of the neighbouring property on the western side of mine and indeed the whole of the property known as 16 Brickburn Street). No attempt has been made to do so.

- 4.10 In this regard I refer to a recent publication, Piers Seed's *Hoani's Last Stand*. In that book which the publisher says *is based on all the known written eye-witness accounts of the time – both native and European* which are included in the bibliography, an account is given of a controversial incident which is at odds with the Maori view. While the book and its findings may be contentious, it underlines an important consideration in circumstances such as this, where it is proposed to affect fee simple property rights, namely that the evidence and the grounds in support and opposition should be carefully considered by the policy maker – in this case the WDC.
- 4.11 On this basis there can be no justification for a wahi tupuna overlay on Cape Wanbrow affecting any area zoned Residential. The WDC has not attempted to justify the curved line marking the western boundary of the Cape Wanbrow wahi tupuna overlay and specifically there can be no justification in the inclusion of my property within the overlay area as the south-eastern boundary of my property is only approximately 20 metres from the overlay boundary line.

## 5.0 CONCLUSIONS

- 5.1 I think it is instructive to pull together some of the threads of comments/argument that I have dealt with in these submissions:
- I believe that the assurance that I was given by Hamish Barrell to which I refer in paragraph 1.2 that it was then the intention of the WDC that the Wahi tupuna *layout* would not have rules across/relating to residential zoned land was a genuine statement as to WDC current and future intention. So what changed? I have asked the WDC to explain but it has failed to respond. So I must speculate.
  - The obvious conclusion to be drawn from the facts that I have outlined are that Ngai

Tahu have insisted that the overlay and its attendant rules should extend across residential zoned land. Having regard to the fact that nearly all of the residential zoned land in question has already been developed and that accordingly houses and other structures have been built over it; the land has been remodelled for the buildings, gardens and other improvements; roads have been laid, drains dug and generally the land has been transformed; it is difficult to see why there should be continued Maori interest in it in the form and with the consequences proposed.

- I am driven to the conclusion that the answer lies in the provision for Maori Entities to charge fees for resulting *consultation* which appears coyly right at the end of the Mana Whenua section of the DDP. Obviously it is from the residential zoned land that the resulting income stream, and regularity thereof, will most likely arise. If I am correct in this assumption then I submit that the entire overlay proposal is tainted by an irrelevant and unfortunately cynical consideration.
- Finally, the hypothesis that I have laid out in this conclusion also supports firstly my suspicion that it is Ngai Tahu who have effectively written the relevant passages of the DDP, or who have at least had the power to dictate key aspects thereof, including the extent of the overlay.
- Aside from the other consequences of that conclusion to which I have referred, it also calls into question whether the WDC has discharged its relevant obligations to the ratepayers within the overlay area. I say that it has not.

5.2 I take no pleasure in preparing these submissions and in particular this conclusion, as for the reasons I have outlined, I have been forced to speculate on important matters in the absence of source documents and information I have repeatedly requested. The WDC and indeed Ngai Tahu have only themselves to blame for this having regard to the failure of both to truly engage in the feedback process.

**Dated:** This 30<sup>th</sup> day of August 2022

**Paul Joseph Rutledge**

# FEEDBACK AND SUBMISSIONS ON THE WAITAKI DISTRICT PLAN REVIEW – WAHI TUPUNA OVERLAY OF CAPE WANBROW OF PAUL JOSEPH RUTLEDGE, ASSESSMENT NUMBER 107077

## 1.0 BACKGROUND AND OUTLINE

1.1 I received from the Waitaki District Council (WDC) a letter dated 23 April 2021 together with a document entitled Landowner Information and two colour plans (together Package). One of those plans showed my property at 20 Brinkburn Street, South Hill, Oamaru, and its immediate neighbours with approximately three-quarters of the plan covered by a cross hatched overlay which, according to the legend, related to *Wahi Tupuna*. I note that notwithstanding the date of the letter I received the Package into my Post Office box on 5 May 2021. The delay has never been explained.

1.2 I note below from the documents in the Package the passages that appeared to be relevant, and I highlight those that I regarded as significant:

- The letter advised me:

*“The District Plan is the community rulebook for how land is used. It outlines how land is zoned and helps to make sure that the things people love about living in and visiting the Waitaki district are protected for future generations.*

*We want to release a draft District Plan for community feedback later this year. Before we do that we want to get feedback from the landowners who are responsible for managing these important values.*

***What’s this got to do with you?***

*An important part of the new District Plan will be to increase the level of protection for:*

*Sites and areas of significance to Maori (Wahi Tupuna)*

*We think the best way we can protect these areas and their values is to show them on our District Plan maps, known as overlays. Our mapping shows the following new overlay areas on your property: **Wahi Tupuna**. The maps attached to this area show you where the overlay areas are. .... Please note that all mapped boundaries are at a draft stage and are subject to change.*

***What does this mean?***

*Information about the map overlay areas is in the factsheets with this letter. The factsheets show how the overlays may affect you. ... It is important that you are aware that some new activities may also require a resource consent in the future. By mapping important areas we aim to let current and future landowners know where these values are and how we proposed to protect their values from the kinds of development and land use that could damage them forever.*

### ***How can I have my say?***

*We're inviting landowners to have a think about the areas and values identified on their properties and to let us know if you agree or disagree with them, and if not, why not. We also want to know if the areas and values we've identified are accurate, and if not, why not.*

*So, there is quite a lot of water still to go under the bridge and you will have more opportunities to be involved. However we encourage you to start the conversation with us sooner rather than later.*

### ***Where can I get more information?***

*More information about these overlays, as well as updated natural hazard mapping, is available online and we will be updating it with additional material as we work through the process.*

*If you want to speak with someone directly you can get in touch by emailing our Landowner Engagement Team at [planreview@waitaki.govt.nz](mailto:planreview@waitaki.govt.nz). Alternatively, if you call 03 433 1661 and leave a message letting us know a time between 8 am and 9 pm that suits you for a chat, one of our team will call you back.*

- From the Landowner Information:

### **Wahi Tupuna**

Areas of significant value to mana whenua.

***Wahi Tupuna*** are places are important to Maori for its ancestral significance and associated cultural and traditional values.

*Kai Tahu whanui have travelled, lived and used resources in the Waitaki District for many generations and have historical and cultural connections with land, waterbodies and resources across the district. Their whakapapa and traditions are embedded in the landscape. They have enduring rakatirataka rights in regard to ancestral lands and resources and kaitiakitaka responsibilities to protect and sustain the values associated with these areas and resources.*

*Mana whenua regard the whole of the Waitaki District as ancestral landscape, but they have identified a number of areas of particular significance due to the concentration of wahi tapu or taoka values, or the importance of the area to cultural traditions, history or identity. These areas are referred to as Wahi Tupuna.*

*Wahi Tupuna sites and areas have been mapped in the draft District Plan to identify those of significance to mana whenua. They reflect the association of landscapes with the people and the values inherent within these relationships. The records of these values are informed by written, oral and archaeological history, memories, ancestry, and traditional activities. By mapping them and*

incorporating them into the District Plan, it will help to encourage manage and protect these sites.

Council have worked closely with Kai Tahu to inform this section of the Plan and they have assisted by mapping out areas of significance across the district.

The Waitaki District Council is required under the RMA and the Heritage New Zealand Pouhere Taonga at 2014 to recognise and protect Maori heritage and the relationship of Maori with their ancestral lands, water, Wahi Tapu and other taoka.

### **Overall objectives**

The objective of protecting Wahi Tupuna is to maintain the rakatirataka of mana whenua over their significant sites and kaitiakitaka.

### **General Rules**

The new rules will allow appropriate activities where the values of Wahi Tupuna are protected. Activities such as larger buildings and structures, agricultural intensification, mining, quarrying, plantation forestry, planting of wilding conifer species, indigenous vegetation clearance and some earthworks within Wahi Tupuna may need a resource consent.

### **How does a Wahi Tupuna affect me?**

If your property has been identified as being located within a Wahi Tupuna site, this will generally not affect you unless you're proposing to undertake activities that could damage the values of the site. This could include large new buildings, exotic tree planting, agricultural intensification, indigenous vegetation clearance, earthworks, mining or quarrying. For these activities a resource consent may be needed.

If your property lies within one of the new sites identified as Wahi Tupuna you can visit our website for more information.

### **Definitions**

<b>Wahi Tupuna</b>	Areas of significant value to mana whenua.
<b>Kai Tahu whanui</b>	Kai Tahu Whanui means the collective of individuals who descend from the primary hapu of Waitaha, Ngati Mamoe, and Ngai Tahu, namely Kati Kuri, Kati Irakehu, Kati Huirapa, Ngai Tuahuriri, and Kai Te Ruahikihiki.
<b>Whakapapa</b>	Genealogy, cultural identify.
<b>Rakatirataka</b>	The mana or authority to exercise the relationship between Kai Tahu and their culture and traditions with the natural world, and includes the active involvement of mana whenua in resource management decision-making

processes.

<b><i>Kaitiakitaka</i></b>	<i>The active protection and responsibility for natural and physical resources by mana whenua.</i>
<b><i>Mana whenua</i></b>	<i>The people who have customary authority over an area and its resources.</i>
<b><i>wahi tapu</i></b>	<i>Sacred sites or areas.</i>
<b><i>taoka</i></b>	<i>Treasured possessions, including water, air, land and indigenous biodiversity.</i>

1.3 Based upon the information in the Package, I then undertook a detailed search of the WDC website:

- I downloaded the Waitaki 2030 Discussion Document which contained the following passages that appeared to be relevant, and once again I highlight those that I regarded as significant:

#### ***SITES AND AREAS OF SIGNIFICANCE TO MAORI***

*Kai Tahu are Takata Whenua of the Otago region. Waitaha were the first people of Te Waipounamu, the South Island. Led by Rakaihautu, they explored and settled Te Waipounamu, and their exploits are reflected in enduring place names and histories across the motu. Waitaha were followed by the arrival of Kati Mamoe and finally Kai Tahu. Through warfare, intermarriage and political alliances a common allegiance to Kai Tahu was forged. Kai Tahu means the “people of Tahu”, linking them by name to their common ancestor Tahu Potiki.*

*The Council must recognise the relationship of Maori and their culture and traditions with their land, special sites, Wahi Tupuna and taonga. Tangata Whenua values must be taken into consideration and the principles of the Treaty of Waitangi.*

#### ***KEY ISSUES***

*The cumulative effects of land use change and inappropriate land use and development on Wahi Tupuna, wahi taoka sites, mahika kai, indigenous biodiversity and the coastal environment.*

#### ***DRAFT RESPONSES TO KEY ISSUES***

*Development is holistic in approach and protects Kai Tahu cultural values and protects Wahi Tupuna in a culturally appropriate manner.*

*Adverse effects on **Wahi tapu and other sites of cultural heritage value** as a result of inappropriate land-use, subdivision and development are avoided.*

- I viewed the Wahi Tupuna page in the Change of Plan file on the WDC website which essentially repeated the material detailed above from the Landowner Information included in the Package and the Waitaki 2030 Discussion Document.
- I also viewed the video ***What is Wahi Tupuna (Sites of Significance)?***

1.4 Bearing in mind the vague and generally stated but significant consequences for affected property, none of the information to which I have referred made any detailed reference to:

- The overall extent of the Wahi Tupuna overlay in respect of the Cape Wanbrow area;
- The factual basis for the proposal that there should be a Wahi Tupuna overlay in respect of the Cape Wanbrow area generally; or
- Any specific aspect of my property which might justify the inclusion of it within the Wahi Tupuna overlay.

1.5 I subsequently had three lengthy telephone discussions with WDC staff:

- Max Crowe, at that time a Landowner Engagement Co-ordinator, on 12 May 2021 for 26 minutes –

He told to me that a consultancy in Dunedin (which I later discovered was named Aukaha) had prepared the Wahi Tupuna map overlay.

Mr Crowe commented that notwithstanding the Package sent to me and the description in it of the relevant process nevertheless the WDC still considered itself as being within the Investigation and Review stage of the process.

I complained to Mr Crowe about the short time allowed for Landowner feedback/submissions. Mr Crowe told me that there had been significant delay in the process to date, and he told me that it was likely that the WDC was going to grant an extension of the then existing deadline of 21 May 2021.

I outlined my initial concerns to Mr Crowe and he recorded those initial concerns in his email to me of the same day (attached marked “A”) to which I refer below (paragraph 1.6).

I complained also about the lack of specific information relating to the basis for the Wahi Tupuna overlay and Mr Crowe told me that effectively Ngai Tahu had expressed an interest in the whole of Cape Wanbrow. He told me also that to his knowledge the Ngai Tahu claim based on Wahi Tupuna was very broad brush.

- Hamish Barrell, WDC Planning Manager, on 18 May for 21 minutes –

I told Mr Barrell that my first focus was to get to the facts regarding the relevant contents of whatever report the WDC had obtained as part of its investigation and review process and that presumably formed the basis for the Wahi Tupuna overlay proposal in respect of Cape Wanbrow. I told him that in essence my question was whether there was any evidence to support the inclusion of my property within the overlay as a result of the process of investigation and review. I told him that I also wanted to be advised as to how my interests as a property owner and ratepayer had been protected in the investigation and review process to date.



I told Mr Barrell that I had read all of the information sent to me in the Package and reviewed the WDC's website but I could find very little factual information to assist me with my immediate areas of interest.

It was Mr Barrell who told me that the Dunedin based consultancy that had prepared the Wahi Tupuna overlay was Aukaha. I told him that Max Crowe had promised me a copy of the Aukaha report and he told me that he would follow that up with Mr Crowe.

Mr Barrell told me that in his view the Council had made a mistake in sending out the Package to residential owners within the proposed Wahi Tupuna overlay area on Cape Wanbrow and he told me that it was not intended to make any changes to the planning and other rules applying to residential properties as a result of the overlay. He asked me if my property was zoned Residential and I confirmed that it was.

I told Mr Barrell that the Packages sent out by the WDC had stirred up quite a degree of concern and controversy amongst residents in my immediate area.

Finally I asked Mr Barrell exactly what residents in the area were supposed to do prior to the then deadline of 11 June in connection with the Wahi Tupuna overlay proposal and I told him that I had registered as an interested resident through the WDC website. Notwithstanding the passages that I have highlighted above from the Package, he told me that that was all that was intended – but he referred to the registration as an opportunity to give *feedback* to the WDC nevertheless. I told Mr Barrell that I certainly wanted further factual information from the Council and that I was more than happy to engage with the Council by phone if that was more convenient and a faster way of communicating for the Council than emails or letters.

- Mr Barrell once again on 9 June 2021 for 10 minutes –

Mr Barrell told me that there had been a previous attempt to deal with sensitive Maori historical sites in the district which, according to him, had not really hit the mark. He told that a number of significant sites including pa sites had been lost in the meantime. He told me that in the context of the District Plan Review the Council had engaged Aukaha to come up with proposals for the Wahi Tupuna overlays within the district. He told me however that Aukaha had not written a report supporting, explaining or justifying the Wahi Tupuna overlay on Cape Wanbrow.

I told Mr Barrell that I assumed that Aukaha had based its work on international standards and precedents for such work regarding indigenous peoples. He told me that he was not aware of any relevant international standards or precedents for such work and he told me that local bodies within New Zealand were endeavouring to cope with these issues as best they could.

Mr Barrell had sent me an email dated 9 June 2021 enquiring whether I would be interested in WDC arranging a time for a representative of Aukaha to make phone contact with me *to describe their process in more detail*. This email is in the email chain dated between 18 May and 16 June 2021 attached to these submissions and

marked “B”. I confirmed to Mr Barrell in our telephone discussion that I was indeed interested in talking to somebody from Aukaha who could tell me how they had gone about their work and the factual basis for the Cape Wanbrow overlay. Mr Barrell confirmed that he would follow up in that regard and get back to me.

Twice in this telephone discussion Mr Barrell confirmed to me that there was no intention to include residential zoned property within the Cape Wanbrow Wahi Tupuna overlay restrictions/conditions. He repeated his previous advice to me that it had been a mistake for the Council to send me the Package and accordingly he was at some pains to confirm that my property would not be affected in any event.

1.6 I also engaged in an extensive email exchange with the WDC in an effort to further my enquiries:

- Later in the day on 12 May 2021 and after I had spoken to Max Crowe, I received from him the email I have referred to above which is attached to these submissions and marked “A”. That email identified that the Wahi Tupuna overlay in question essentially covered the whole of what is referred to in the email as Makotukutuku (Cape Wanbrow). The email also advised me that the Makotukutuku (Cape Wanbrow) *is the location of an ancient pa site. Other values recognised at this site include, but are not limited to, umu (cooking places), Ara tawhito (ancestral trails) and wahi pakaka (battle sites).*
- The email chain dated between 18 May and 16 June 2021 attached to these submissions and marked “B” to which I have previously referred evidences the efforts that I made to obtain further information relevant to the Wahi Tupuna Overlay from the Council. I refer in particular to my lengthy email to the WDC parties listed of 30 May 2021. I also refer to the email in that chain that I received from the Mayor for Waitaki of 8 June 2021. I comment that Mr Kircher’s view of the timeframe imposed by the WDC with regard to the submissions on the Package conflicts with the relevant passages from the Package that I have highlighted. However Mr Kircher also said *Having said that, we are looking closely at options around ensuring that we don’t “lock up” our district to the extent that usual activities are unfairly restricted. We need to get the balance right in this discussion and want to ensure landowners are not discriminated against in the process.* Generally I support those comments, but in the context of these submissions I reiterate my concern that in the Investigation and Review of Issues phase landowners may have already been discriminated against because I have been unable to ascertain any evidence supporting the view that their interests were properly taken into account.
- I refer to the emails in that email chain between Mr Barrell and myself regarding the possibility that I might be able to have a conversation with someone from Aukaha being the emails of 9, 11, 12 and 16 June. As can be seen, at the end of the day I was not able to speak to anyone from Aukaha or the runanga.
- Finally with regard to that email chain I refer to my last email to Mr Barrell of 16 June 2021 and to my question *So I want to know clearly please – is the WDC now confirming that in the draft plan the Wahi tupuna layout WILL NOT have rules across/relating to Residential zoned land?* And to his reply *That’s the intention.* I

rely upon the various similar advices that I have received from the WDC in this regard.

- 1.7 I undertook a review of the Heritage New Zealand Pouhere Taonga Act 2014 and in consequence of that review I became aware of the New Zealand Heritage List/Rarangi Korero. I undertook a review of that list, inputting both the name Makotukutuku and the name Cape Wanbrow. Based on that search, the only entry on that list relevant to the Wahi Tupuna overlay on Cape Wanbrow is an entry dated 11 March 1985 relating to *Ovens/Middens* within a coastal area of 3.5815 hectares and at the south eastern coastal edge of Cape Wanbrow. A copy of that entry is attached to these submissions and marked “C”.

## 2.0 THE OUTCOME OF MY INQUIRIES INTO MY INITIAL CONCERNS

- 2.1 It follows that by 21 June 2021 I had spent a substantial number of hours spread over six weeks endeavouring to establish the factual basis for the proposed Wahi Tupuna overlay on Cape Wanbrow. Given the Council’s claim in the Landowner Information that it had *worked closely with Kai Tahu to inform this section of the plan* and based upon the advice from the WDC that it had appointed Aukaha to advise on and/or prepare the Wahi Tupuna overlay on Cape Wanbrow I have been surprised, to say the least, and frustrated at the Council’s inability to supply me promptly with the very basic information I have requested. That is particularly so in light of the obvious risk, acknowledged by WDC staff, that the mere notification of the proposal for the Wahi Tupuna overlay on Cape Wanbrow might have adverse consequences for properties within the overlay area. To summarise, to date it is my position that the WDC has been unable to supply me with:

- Any satisfactory factual basis for the Overlay; and/or
- Any satisfactory factual basis for the inclusion of my property within the Overlay.

- 2.2 As to my initial concerns regarding procedural aspects of the WDC’s actions in relation to the Wahi Tupuna Overlay on Cape Wanbrow:

- Max Crowe acknowledged in his email to me of 18 May 2021 which is included in the email chain attached and marked “B” that *After further investigation on your specific situation, I wish to offer my apologies. According to the Senior Planner responsible for the District Plan Review the Wahi Tupuna layers are only meant to apply to land with a Rural zoning, not to land with Township or Residential zoning. Accordingly I was asked to please disregard the earlier correspondence regarding the wahi tupuna overlay affecting your property – the letter was sent in error. The boundaries will be amended prior to the released of the draft district plan to reflect this.* Other similar statements have been made subsequently. As an affected ratepayer I regard it as outrageous that the WDC should have made such a *mistake*. Given the potential for adverse consequences for affected properties, there can be no excuse for such a mistake. Surely one of the most fundamental objectives of the WDC’s Investigation and Review of Issues phase should have been to ensure that fundamentally incorrect information was not distributed by the WDC relevant to the Wahi Tupuna Overlay on Cape Wanbrow.

- Finally, as I made clear to the WDC in my lengthy email of 30 May 2021, I wanted to understand the process that was followed by the WDC and its agent Aukaha in the *Investigation and Review of Issues* relevant to the Overlay. Specifically I wanted to know how my interests as the owner of my property had been taken into account – who had my back in the process. After six weeks of effort I have been given by the WDC no useful information on this topic at all. In my view that is unacceptable.

### 3.0 MY SUGGESTIONS WITH REGARD TO STAGE 1 – INVESTIGATION AND REVIEW OF ISSUES

- 3.1 Page 2 of the WDC Landowner Information outlined the process for the review of the District Plan through to the notification of the new District Plan. The first stage of that process is described on that page as being *Stage 1 – Investigation and Review of Issues*.
- 3.2 It is commonly understood that **Investigation** means *the act of examining something carefully, esp to discover the truth about it* (Cambridge Academic Content Dictionary).
- 3.3 As for **Review**, it is commonly understood that this means *to think or talk about something again, in order to make changes to it or to make a decision about it* (Cambridge Advanced Learner’s Dictionary and Thesaurus).
- 3.4 In my submission the Heritage New Zealand Pouhere Taonga Act 2014 (“Act”) is relevant to and of assistance in the *Investigation and Review of Issues* that the WDC has embarked upon:
- Section 4 of the Act deals with **Principles** and provides *All persons performing functions and exercising powers under this Act must recognise – (c) the principle that there is value in central government agencies, local authorities, corporations, societies, tangata whenua, and individuals working collaboratively in respect of New Zealand’s historical and cultural heritage.*
  - Section 6 of the Act deals with **Interpretation** and includes *wahi tupuna means a place important to Maori for its ancestral significance and associated cultural and traditional values ...*
  - Section 59 of the Act headed **Decision on appeal** deals with the determination of an appeal under Section 58 of the Act by the Environment Court. Section 59(1)(a)(iv) provides that in determining an appeal under Section 58 of the Act, the Environment Court must have regard to *the interests of any person directly affected by the decision of Heritage New Zealand Pouheo Taonga*. This underlines the importance of balancing that consideration with *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tupuna, wahi tapu and other taonga (Section 59(1)(a)(vi) of the Act).*
- 3.5 Accordingly it is my submission that before the WDC can move on from **Stage 1 – Investigation and Review of Issues** to **Stage 2 – Engagement**, it must demonstrate that it has both adopted and followed appropriate practices and procedures including that essential balancing of interests. In my submission this is required in the context of **Stage 1** because, as I have already noted and WDC staff have agreed, the mere release by the WDC of its proposals regarding the Wahi Tupuna Overlay on Cape Wanbrow may, and

probably have, had adverse consequences for properties affected by the Overlay.

- 3.6 I therefore call upon the WDC once again to explain the practises and procedures that it implemented and how the balancing interests of relevant property owners have been safeguarded in **Stage 1**.

#### **4.0 THE FACTUAL BASIS FOR THE PROPOSED WAIHI TUPUNA OVERLAY ON CAPE WANBROW**

- 4.1 In this context I am referring both to the justification for the overall overlay, and the justification for the extension of the overlay to include my property.

- 4.2 It is my submission that the proposal for the Waihi Tupuna Overlay on Cape Wanbrow must be shown by the WDC to be consistent with:

- The relevant provisions of the Heritage New Zealand Pouhere Taonga Act; and
- The RMA; and
- Best practice, both local and international, in the preparation of such cultural and historical safeguards; and
- A proper balancing of the relevant historical facts; proven Maori cultural interests and the interests of property owners both culturally and economically.

- 4.3 In my submission it is of the essence of **Investigation and Review of Issues** that such appropriate best practise and procedures can be demonstrated, critiqued and audited. In my submission it is not sufficient or acceptable for the WDC simply to have delegated such functions to a third party, however well intentioned.

- 4.4 It is my submission that at the heart of an appropriate and proper process will be the preparation by experts in the field of clearly stated conclusions and recommendations backed by appropriate and verifiable research. From the point of view both of Maori and property owners alike the interests and issues are too serious for anything else to suffice. Anything else is likely, in my submission, to lead to a loss of public confidence in the WDC. At the very least property owners are entitled to written reports that they can submit, if they wish, to other experts with the relevant experience, education and skills for review.

#### **5.0 CONCLUSIONS**

- 5.1 Obviously I have had to base these submissions on an incomplete understanding of the relevant facts both as to the factual basis for the proposed overlay and the facts relating to the practises and procedures adopted to date in the Investigation and Review of Issues phase of the Plan review. I have had no option in this regard – the WDC has imposed deadlines, and I have done my best to obtain and uncover those relevant facts. Indeed, as can be seen from the email chain attached to these submissions and marked “B”, I have been assured on a number of occasions that the WDC have given me all of the relevant

information that it holds regarding the factual basis for the overlay. I refer by way of example to Mr Barrell's assertion in his email to me of 12 June 2021 *You've been sent everything we hold at this stage for the runanga rationale for this wahi tupuna*. I do not accept the information that I have been given in this regard as being sufficient for my stated purposes.

- 5.2 Further, as only limited information was available and the WDC had imposed a tight timetable, there has been no opportunity to take expert and/or professional advice.
- 5.3 I remind the WDC that in the letter that I received with the Package it said: ***How can I have my say? We're inviting landowners to have a think about the areas and values identified on their properties and to let us know if you agree or disagree with them, and if not, why not. We also want to know if the areas and values we've identified are accurate, and if not, why not.*** With so little relevant information available and in the available time, that was a big ask.
- 5.4 But from the way in which the WDC has conducted itself in connection with the overlay to date I am concerned that best practise and procedures may not have been followed in the Stage 1 – Investigation and Review of Issues. Indeed, on the contrary I am concerned that the preparation and initial presentation of the overlay has been inappropriately rushed through.
- 5.5 In the circumstances I have been placed in the ridiculous position of attempting to put forward in my submissions comments and proposals which are admittedly outside my area of experience, expertise and skills. It should not have been necessary for me to do so – the WDC should have been able to satisfactorily respond to my initial enquiries. It has not done so.
- 5.6 I have not been able to include submissions as to the inclusion of my property within the Wahi Tupuna overlay because I have seen no relevant evidence at all. Shortly put, my property is on the boundary of the overlay area. If there is no compelling evidence supporting the inclusion of my property, or to the effect that the overlay boundary as drawn in that area is essential then my property should be excluded.

**Dated** this 22nd day of June 2021

**Paul Joseph Rutledge**

# "A"

Paul Rutledge

---

**From:** Plan Review <planreview@waitaki.govt.nz>  
**Sent:** Wednesday, 12 May 2021 5:16 PM  
**To:** Paul Rutledge  
**Subject:** District Plan Review Landowner Engagement

Dear Mr Rutledge,

Thank you for the conversation today. You own a property at 20 Brinkburn Street (assessment number 107077) that is affected by the proposed Wahi tupuna overlay.

I was able to clarify for you that this overlay on your property is part of a much larger area identified by Ngai Tahu as the Wahi tupuna Makotukutuku (Cape Wanbrow). I've provided a screenshot of the map here showing the wahi tupuna in its entirety, with your property highlighted.



Makotukutuku draws its name from a tupuna (ancestor) on the Arai-te-uru waka that capsized off the coastline near Matakaea (Shag Point). It is the location of an ancient pa site. Other values recognised at this site include, but are not limited to, umu (cooking places), Ara tawhito (ancestral trails) and wahi pakaka (battle sites).

As I understand our conversation, you are unsatisfied with the level of detail that has been provided through the landowner engagement letters, maps, fact sheets and website. You are also annoyed by the short time frames indicated in the landowner letters. I've advised you that the new date for feedback to be provided to Council is now **5pm Friday 11<sup>th</sup> June**.

You have particular interest about the process whereby the wahi tupuna values were assessed and mapped, and you're interested in getting a copy of the reports that support the mapping. You are also interested to learn about the investigation that Council undertook to ensure that the interests of individual landowners such as yourself are taken into account along with those of mana whenua.

I've told you that I will look into finding the documentation that details these processes for you. I know for certain that the reports will be available once the draft District Plan is released for public consultation.

Yours truly,

**Max Crowe**  
Landowner Engagement Co-ordinator

Email: [mcrowe@waitaki.govt.nz](mailto:mcrowe@waitaki.govt.nz)  
Mobile: +64 273254259  
Tel: +64 3 433 0300

Waitaki District Council  
Oamaru  
Otago  
9400  
New Zealand



**Waitaki**  
DISTRICT COUNCIL  
TE KAIWHERRA Ā ROHĀ O WAITAKI  
*Growing strong communities*



WE LOVE THIS PLACE **WAITAKI**

The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error please contact the sender and destroy any copies of this information.

#### Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).





## Paul Rutledge

---

**From:** Hamish Barrell <hbarrell@waitaki.govt.nz>  
**Sent:** Wednesday, 16 June 2021 3:09 pm  
**To:** Paul Rutledge  
**Cc:** Plan Review; Roger Cook  
**Subject:** RE: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW

Hi Paul,

They're fair questions... see answers below. I hope you now feel you're able to provide your comments. If you still need more information I respectfully suggest you call me back this afternoon.

Thanks in advance  
Hamish – 03 433 0300

---

**From:** Paul Rutledge <paul@profint.co.nz>  
**Sent:** Wednesday, 16 June 2021 2:50 pm  
**To:** Hamish Barrell <hbarrell@waitaki.govt.nz>  
**Cc:** Gary Kircher <gkircher@waitaki.govt.nz>; Plan Review <planreview@waitaki.govt.nz>; Jim Hopkins <jhopkins@waitaki.govt.nz>; Katrina Clark <kclark@waitaki.govt.nz>; Paul Hope <phope@waitaki.govt.nz>; Roger Cook <rcook@waitaki.govt.nz>  
**Subject:** RE: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW



**External Email** Be careful with links and attachments. Think before clicking – do I know this person and does this person's request make sense?

Hi Hamish

Thank you. I will now draft my feedback/submissions. However, to meet my agreed deadline I do require immediate clarification of the following statements from your email:

1. You now refer only to a representative from the runanga. However, in your email of 9 June it was you who offered the possibility of a meeting with someone from Aukaha, who (you told me) had been appointed by the WDC to prepare proposals (inter alia) for the Cape Wanbrow Wahi tupuna overlay. So why cannot I meet with Aukaha – as the WDC's appointee that must be entirely within the WDC's power?

Aukaha has an established working relationship with Councils in the lower half of the South Island and what they do is in a different way from that of other consultancies. Aukaha work on behalf of Kāi Tahu as the Treaty Partner, engaging with central and local government to support rūnaka aspirations in the natural, rural and urban environments. Councils have a statutory responsibility to engage with Kāi Tahu on the development of plans, strategies and policies under a number of pieces of legislation. Aukaha have been clear that the runanga representative to pivotal to any conversation. That doesn't mean they won't engage at some later time but not in time for your comments.

2. You assure me that *the approach to the mapping* (sic overlay?) *has followed best practice used elsewhere by Aukaha that's proportionate to the early stage of proceedings we're at.* Where else has it been used? Exactly what is that *best practice* and why have I not been given this information before – given my clear and specific requests?

As above Aukaha has an established working relationship with Councils in the lower half of the South Island. You'll need to do your own research but I understand their work elsewhere within the Otago region e.g, Dunedin and Queenstown Lakes is well progressed.

3. You also say that you *confirm what I've said previously that the wahi tupuna layer should not have rules across Residentially zoned land*. The underlining is mine. With my email to you of 10 June I copied to you (and the other recipients of this email) the email of 18 May that I received from Max Crowe in which he told me that *According to the Senior Planner responsible for the District Plan Review the Wahi Tupuna layers are only meant to apply to land with a Rural zoning, not to land with Township or Residential zoning*. You previously told me on 9 June that *the team have previously provided you with all relevant information we hold including clarification that there has never been any indication there would need to be specific rules associated with the wahi tupuna on residentially zoned property*. So I want to know clearly please – is the WDC now confirming that in the draft plan the Wahi tupuna layer WILL NOT have rules across/relating to Residential zoned land?

That's the intention.

I suggest that the WDC give careful consideration to these requests for clarification.

Regards

Professional Interface Limited

per:

*Paul Rutledge*

Director

P O Box 467 Oamaru 9444

03 771 271 060 P 03 771 271 061 F 03 771 271 062

---

**From:** Hamish Barrell <hbarrell@waitaki.govt.nz>

**Sent:** Wednesday, 16 June 2021 1:34 PM

**To:** Paul Rutledge <paul@profint.co.nz>

**Cc:** Gary Kircher <gkircher@waitaki.govt.nz>; Plan Review <planreview@waitaki.govt.nz>; Jim Hopkins <jhopkins@waitaki.govt.nz>; Katrina Clark <kclark@waitaki.govt.nz>; Paul Hope <phope@waitaki.govt.nz>; Roger Cook <rcook@waitaki.govt.nz>

**Subject:** RE: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW

Hi Paul,

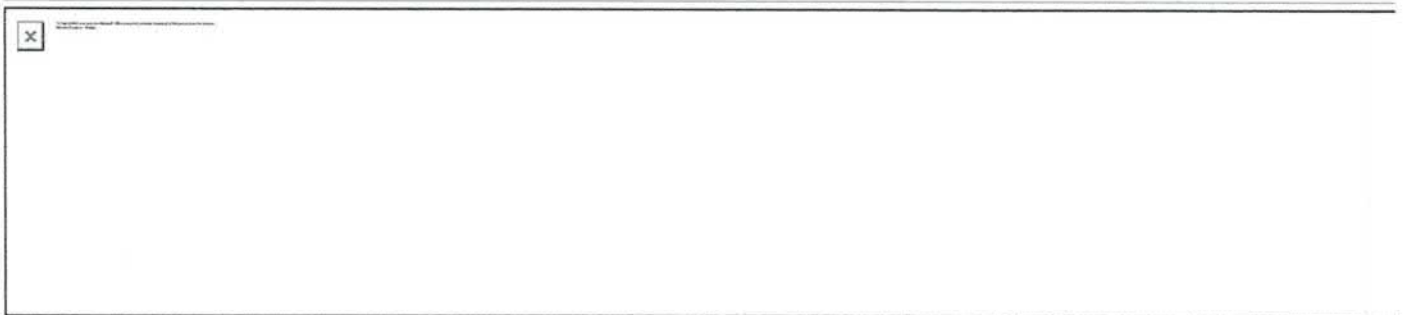
Sorry for the delay. We have endeavoured to seek a representative from the runanga to discuss by phone and / or meeting with you and / or others in your neighbourhood their cultural relationship with Cape Wanbrow. Given the levels of demand for bespoke discussions of this nature across the district we have been informed that at this time its not possible. I realise that while face to face conversations can be helpful this does not prevent your concerns / comments being fully taken into account. I can assure you that the approach to the mapping has followed best practice used elsewhere by Aukaha that's proportionate to the early stage of proceedings we're at, bearing in mind we're giving all landowners that may consider themselves affected at a future point in time the maximum opportunity to prepare for the Draft Plan when its released, which will not only contain more justification but also confirm what I've said previously that the wahi tupuna layer should not have rules across Residentially zoned land. We look forward to your response. If you wish to have a Council representative to discuss this further with you don't hesitate to contact us.

regards

**Hamish Barrell**  
Planning Manager

Email: [hbarrell@waitaki.govt.nz](mailto:hbarrell@waitaki.govt.nz)  
Web: [www.waitaki.govt.nz](http://www.waitaki.govt.nz)  
Tel: +64 3 433 0300

Waitaki District Council  
20 Thames Street  
Private Bag 50058  
Oamaru  
Waitaki District  
Otago 9444  
New Zealand



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error please contact the sender and destroy any copies of this information.

**From:** Paul Rutledge <[paul@profint.co.nz](mailto:paul@profint.co.nz)>  
**Sent:** Wednesday, 16 June 2021 1:04 pm  
**To:** Hamish Barrell <[hbarrell@waitaki.govt.nz](mailto:hbarrell@waitaki.govt.nz)>  
**Cc:** Gary Kircher <[gkircher@waitaki.govt.nz](mailto:gkircher@waitaki.govt.nz)>; Plan Review <[planreview@waitaki.govt.nz](mailto:planreview@waitaki.govt.nz)>; Jim Hopkins <[jhopkins@waitaki.govt.nz](mailto:jhopkins@waitaki.govt.nz)>; Katrina Clark <[kclark@waitaki.govt.nz](mailto:kclark@waitaki.govt.nz)>; Paul Hope <[phope@waitaki.govt.nz](mailto:phope@waitaki.govt.nz)>; Roger Cook <[rcook@waitaki.govt.nz](mailto:rcook@waitaki.govt.nz)>  
**Subject:** FW: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW



**External Email** Be careful with links and attachments. Think before clicking – do I know this person and does this person's request make sense?

Hi Hamish

Referring to your below email of 12 June, I have heard nothing further regarding a discussion/meeting with Aukaha and/or someone from the runanga, and I am in Christchurch next week on business. I have said that I would prefer a meeting, but that I need a couple of days notice if the meeting is to be in Dunedin. I note that you did say in your email of Saturday that the arrangements might take some time.

To reiterate what I have previously said at length – I am interested in both the factual circumstances behind and the justification for the Cape Wanbrow Wahi Tupuna overlay as presented by the WDC and the investigation/review processes adopted both by the WDC and those advising it. I do find it quite extraordinary in the circumstances that the WDC does not have that information to hand.

I had hoped that the extension that you kindly gave me to lodge my feedback/submissions by 5.00 pm this Friday would have given me ample time to progress my inquiries and prepare them, but that now seems unlikely. Accordingly I request a further extension until 5.00 pm Friday 2 July to allow for my absence from Oamaru, and hopefully for the meeting/discussion to take place.

Regards  
**Professional Interface Limited**  
per:  
*Paul Rutledge*  
**Director**  
P O Box 467 Oamaru 9444

[REDACTED]

---

**From:** Paul Rutledge  
**Sent:** Saturday, 12 June 2021 11:41 AM  
**To:** Hamish Barrell <[hbarrell@waitaki.govt.nz](mailto:hbarrell@waitaki.govt.nz)>  
**Cc:** [districtplan@waitaki.govt.nz](mailto:districtplan@waitaki.govt.nz)  
**Subject:** FW: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW

Hi Hamish

A meeting would be best if it can be arranged. I would be happy to go to Dunedin if necessary. I would need a couple of days notice.

Regards  
Professional Interface Limited  
per:  
*Paul Rutledge*  
Director  
P O Box 467 Oamaru 9444

[REDACTED]

---

**From:** Paul Rutledge  
**Sent:** Saturday, 12 June 2021 10:28 AM  
**To:** Hamish Barrell <[hbarrell@waitaki.govt.nz](mailto:hbarrell@waitaki.govt.nz)>  
**Subject:** RE: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW

Hi Hamish

Much appreciated thanks. Interesting.

Regards  
Professional Interface Limited  
per:  
*Paul Rutledge*  
Director  
P O Box 467 Oamaru 9444

[REDACTED]

---

**From:** Hamish Barrell <[hbarrell@waitaki.govt.nz](mailto:hbarrell@waitaki.govt.nz)>  
**Sent:** Saturday, 12 June 2021 10:15 AM  
**To:** Paul Rutledge <[REDACTED]>  
**Cc:** District Plan <[districtplan@waitaki.govt.nz](mailto:districtplan@waitaki.govt.nz)>  
**Subject:** RE: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW

Thanks Paul,

I understand Aukaha will contact the right person from the runanga to see whether they're prepared to discuss at this stage by phone and / or meeting with you and or others in your neighbourhood their cultural relationship with Cape Wanbrow and so will we get back in contact. Just so you're aware from past experience sometimes these conversations do take time.

Kai Tahu is a regional dialect used down here for Ngai Tahu.

You've been sent everything we hold at this stage for the runanga rationale for this wahi tupuna. There's no finalised material we can provide for any other assessment area either such as landscape, which I consider a separate area of specialism.

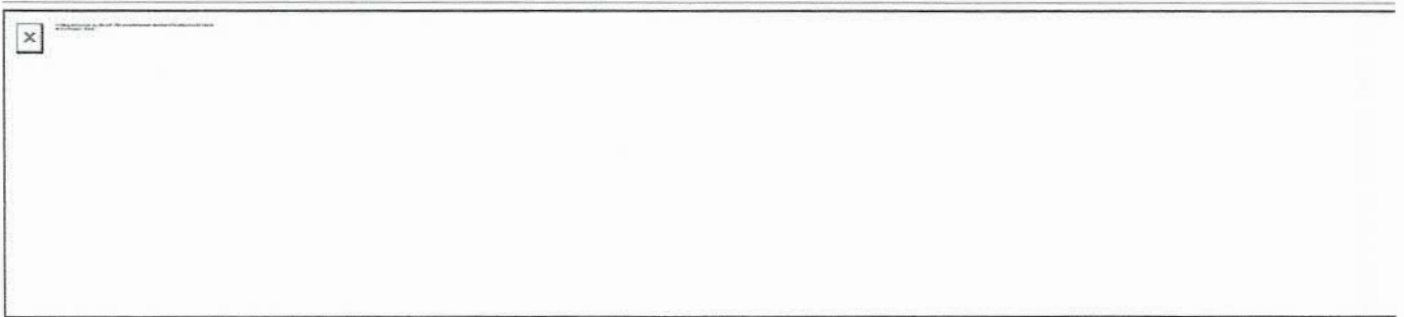
We are intending to make more information available at the draft Plan stage, which will clarify that whatever rules there maybe for wahi tupuna they shouldn't apply for Residential Zoned land. Again, to be clear, the draft isn't a statutory document and it gives everyone in the community the opportunity to deep dive into the sorts of conservations that you're wanting to have now.

Thanks and have a great weekend!

**Hamish Barrell**  
Heritage and Planning Manager

Email: [hbarrell@waitaki.govt.nz](mailto:hbarrell@waitaki.govt.nz)  
Web: [www.waitaki.govt.nz](http://www.waitaki.govt.nz)  
Tel: +64 3 433 0300

Waitaki District Council  
20 Thames Street  
Private Bag 50058  
Oamaru  
Waitaki District  
Otago 9444  
New Zealand



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error please contact the sender and destroy any copies of this information.

**From:** Paul Rutledge <[paul@profint.co.nz](mailto:paul@profint.co.nz)>  
**Sent:** Friday, 11 June 2021 4:45 pm  
**To:** Hamish Barrell <[hbarrell@waitaki.govt.nz](mailto:hbarrell@waitaki.govt.nz)>  
**Cc:** Gary Kircher <[gkircher@waitaki.govt.nz](mailto:gkircher@waitaki.govt.nz)>; Plan Review <[planreview@waitaki.govt.nz](mailto:planreview@waitaki.govt.nz)>; Jim Hopkins <[jhopkins@waitaki.govt.nz](mailto:jhopkins@waitaki.govt.nz)>; Katrina Clark <[kclark@waitaki.govt.nz](mailto:kclark@waitaki.govt.nz)>; Paul Hope <[phope@waitaki.govt.nz](mailto:phope@waitaki.govt.nz)>; Roger Cook <[rcook@waitaki.govt.nz](mailto:rcook@waitaki.govt.nz)>  
**Subject:** RE: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW



**External Email** Be careful with links and attachments. Think before clicking – do I know this person and does this person's request make sense?

Hi Hamish

I confirm my advice to you yesterday that I am not acting for anyone else in connection with the District Plan review, and specifically the issues arising from the Wahi Tupuna Overlay.

I have not heard from anyone at Aukaha today, so I record and thank you for the extension of time to lodge my own submissions/feedback until 5.00 pm next Friday 18 June. I am keen to talk to the Aukaha representative who you referred to as soon as reasonably possible.

I admit to having no understanding of Maori terminology. Would you therefore please confirm for me that when you refer below to Kai Tahu, this is an alternative name for the Ngai Tahu iwi?

You also refer below to *background landscape material*. Please identify what *background material* the WDC holds or has access to that is relevant to the Wahi Tupuna Overlay. I want to see the same and if it is claimed that any of such material is not presently available, please explain why.

Regards  
Professional Interface Limited  
per:  
*Paul Rutledge*  
Director  
P O Box 467 Oamaru 9444  
M [REDACTED]

---

**From:** Hamish Barrell <[hbarrell@waitaki.govt.nz](mailto:hbarrell@waitaki.govt.nz)>  
**Sent:** Thursday, 10 June 2021 12:59 PM  
**To:** Paul Rutledge [REDACTED]  
**Cc:** Plan Review <[planreview@waitaki.govt.nz](mailto:planreview@waitaki.govt.nz)>  
**Subject:** RE: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW

Hi Paul,

If you're acting now on behalf of different landowners with different landholdings then the picture could become more complicated than what we've previously been conversing over.

Its possible Marks comments may be technically relevant for your neighbours and not for yourself. It would depend on the extent of where their property boundaries actually extend to and we'd need their assessment numbers to clarify anything for certain. Not-with-standing this comment its correct that the programme around landowner engagement is bigger than wahi tupuna. While you won't have been sent that (other) information unless your property had fallen into another separate layer such information is up on the [website](#) to peruse. Aukaha do indeed act for Kai Tahu. As Mark said any background landscape material isn't expected to be available until the Draft Plan stage.

Happy to discuss further or alternatively help us by asking your neighbours to get hold of the team individually for their own clarification.

regards

**Hamish Barrell**  
Planning Manager

Email: [hbarrell@waitaki.govt.nz](mailto:hbarrell@waitaki.govt.nz)  
Web: [www.waitaki.govt.nz](http://www.waitaki.govt.nz)  
Tel: +64 3 433 0300

Waitaki District Council  
20 Thames Street  
Private Bag 50058  
Oamaru  
Waitaki District  
Otago 9444  
New Zealand



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error please contact the sender and destroy any copies of this information.

---

**From:** Paul Rutledge [REDACTED]  
**Sent:** Thursday, 10 June 2021 11:45 am  
**To:** Hamish Barrell <[hbarrell@waitaki.govt.nz](mailto:hbarrell@waitaki.govt.nz)>

**Cc:** Gary Kircher <[gkircher@waitaki.govt.nz](mailto:gkircher@waitaki.govt.nz)>; Plan Review <[planreview@waitaki.govt.nz](mailto:planreview@waitaki.govt.nz)>; Jim Hopkins <[jhopkins@waitaki.govt.nz](mailto:jhopkins@waitaki.govt.nz)>; Katrina Clark <[kclark@waitaki.govt.nz](mailto:kclark@waitaki.govt.nz)>; Paul Hope <[phope@waitaki.govt.nz](mailto:phope@waitaki.govt.nz)>; Roger Cook <[rcook@waitaki.govt.nz](mailto:rcook@waitaki.govt.nz)>  
**Subject:** FW: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW



**External Email** Be careful with links and attachments. Think before clicking – do I know this person and does this person's request make sense?

Hi Hamish

Sorry – I'm under pressure of work. I missed in my last below email the most important point arising from the email from, Mark from the Landowner Engagement Team.

The neighbours in question own properties zoned **residential** in the Cape Wanbrow Overlay area. I have now been assured on a number of different occasions (including by you below) that there is no intention to include special rules associated with the Wahi tupuna affecting such properties.

So what on earth is going on, and why has the WDC replied in this way so late in the allotted period for lodging submissions/feedback?

Regards

**Professional Interface Limited**

per:

*Paul Rutledge*

**Director**

P O Box 467 Oamaru 9444

---

**From:** Paul Rutledge

**Sent:** Thursday, 10 June 2021 11:31 AM

**To:** 'Hamish Barrell' <[hbarrell@waitaki.govt.nz](mailto:hbarrell@waitaki.govt.nz)>

**Cc:** 'Gary Kircher' <[gkircher@waitaki.govt.nz](mailto:gkircher@waitaki.govt.nz)>; 'Plan Review' <[planreview@waitaki.govt.nz](mailto:planreview@waitaki.govt.nz)>; 'Jim Hopkins' <[jhopkins@waitaki.govt.nz](mailto:jhopkins@waitaki.govt.nz)>; 'Katrina Clark' <[kclark@waitaki.govt.nz](mailto:kclark@waitaki.govt.nz)>; 'Paul Hope' <[phope@waitaki.govt.nz](mailto:phope@waitaki.govt.nz)>; 'Roger Cook' <[rcook@waitaki.govt.nz](mailto:rcook@waitaki.govt.nz)>

**Subject:** FW: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW

Hi Hamish

Confirming from our discussion yesterday that I'm very keen to talk to Aukaha, but clearly I'm running out of time to lodge my submission/feedback, and I assume that my request for a time extension has been declined? Can that happen today?

I have just been copied in by neighbours on their correspondence with Mark from the Landowner Engagement Team who has said in an email yesterday:

The Wāhi Tūpuna overlay came from Kāi Tahu and the Rural Scenic areas were determined by landscape architects. It is understood that the landscape architects based their assessment on the natural and aesthetic values of the ground. The full reports produced by the landscape architects to support these recommendations will also be made available when the draft District Plan is released for public consultation. While the details of the draft District Plan are being worked on, the current landowner engagement is focused on the accuracy of the mapped overlays. When the Landscape Architects were applying the overlays, they did this at a high level.

If you would like to see the overlay adjusted, please indicate this on a map and with some details as to where and why, then send that to [planreview@waitaki.govt.nz](mailto:planreview@waitaki.govt.nz) or alternatively an appointment can be made for someone to

meet with you in person either at your property or at the office in Oamaru. This can be organised via the above email or by calling 03 433 1661.

I am confused. Who are the Kai Tahu referred to, or is this just another way of referring to the involvement of Aukaha? What Rural Scenic areas is he referring to? This is the first I have heard about the relevant involvement of the landscape architects. IF there is a report from the them, full or otherwise, I want to see it. How did they interact with Aukaha?

This is getting much too messy at the last minute for my liking.

Regards

**Professional Interface Limited**

per:

*Paul Rutledge*

**Director**

P O Box 467 Oamaru 9444



---

**From:** Paul Rutledge

**Sent:** Wednesday, 9 June 2021 11:30 AM

**To:** Hamish Barrell <[hbarrell@waitaki.govt.nz](mailto:hbarrell@waitaki.govt.nz)>

**Cc:** Gary Kircher <[gkircher@waitaki.govt.nz](mailto:gkircher@waitaki.govt.nz)>; Plan Review <[planreview@waitaki.govt.nz](mailto:planreview@waitaki.govt.nz)>; Jim Hopkins <[jhopkins@waitaki.govt.nz](mailto:jhopkins@waitaki.govt.nz)>; Katrina Clark <[kclark@waitaki.govt.nz](mailto:kclark@waitaki.govt.nz)>; Paul Hope <[phope@waitaki.govt.nz](mailto:phope@waitaki.govt.nz)>; Roger Cook <[rcook@waitaki.govt.nz](mailto:rcook@waitaki.govt.nz)>

**Subject:** RE: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW

Dear Hamish

Thanks for your email. I tried to call you:

- I appreciate your offer to arrange for a representative from Aukaha to talk to me. But first and foremost I want a copy of their report – the report itself should answer a number of my concerns. If you would be good enough to give me in addition the contact details of an appropriate contact at Aukaha I will call that person if necessary.
- The WDC has initiated the Wahi tupuna aspects of the Plan Review. I am not focused on whether it is in a statutory or non-statutory phase of that process. My concerns are around the possible effects of this aspect of the Review on my property and more widely the Cape Wanbrow area. IF there are likely to be adverse effects then my attention will also focus on the WDC processes that have brought us to this point.
- I will indeed be making further comments on Wahi tupuna aspects of the Plan Review, but as I have been saying for a month now I want more information on which to base those comments – starting with the Aukaha report.

Regards

**Professional Interface Limited**

per:

*Paul Rutledge*

**Director**

P O Box 467 Oamaru 9444



---

**From:** Hamish Barrell <[hbarrell@waitaki.govt.nz](mailto:hbarrell@waitaki.govt.nz)>

**Sent:** Wednesday, 9 June 2021 8:50 AM

**To:** Gary Kircher <[gkircher@waitaki.govt.nz](mailto:gkircher@waitaki.govt.nz)>; Paul Rutledge <[paul@profint.co.nz](mailto:paul@profint.co.nz)>; Plan Review <[planreview@waitaki.govt.nz](mailto:planreview@waitaki.govt.nz)>; Jim Hopkins <[jhopkins@waitaki.govt.nz](mailto:jhopkins@waitaki.govt.nz)>; Katrina Clark <[kclark@waitaki.govt.nz](mailto:kclark@waitaki.govt.nz)>

**Cc:** Paul Hope <[phope@waitaki.govt.nz](mailto:phope@waitaki.govt.nz)>; Roger Cook <[rcook@waitaki.govt.nz](mailto:rcook@waitaki.govt.nz)>

**Subject:** RE: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW



Dear Paul,

We wonder if you would be interested in us arranging a time for a representative of Aukaha to make phone contact with you to describe their process in more detail. Unfortunately as our representative was unwell yesterday we were still waiting to hear back from him on possible times.

To follow up on Gary's response we are in a non-statutory phase prior to any formal statutory requirements. That said, the team have previously provided you with all relevant information we hold including clarification that there has never been any indication there would need to be specific rules associated with the wahi tupuna on residentially zoned property. In addition you have been provided the more substantive email of 12th May outlining details on the wahi tupuna itself.

Just to confirm this engagement is in advance of and in addition to any required statutory processes. Further information will become publicly available at the Draft Plan stage (which itself isn't a statutory process) later this year. Mr Powers has recently left and Mr Paul Hope is Acting CE.

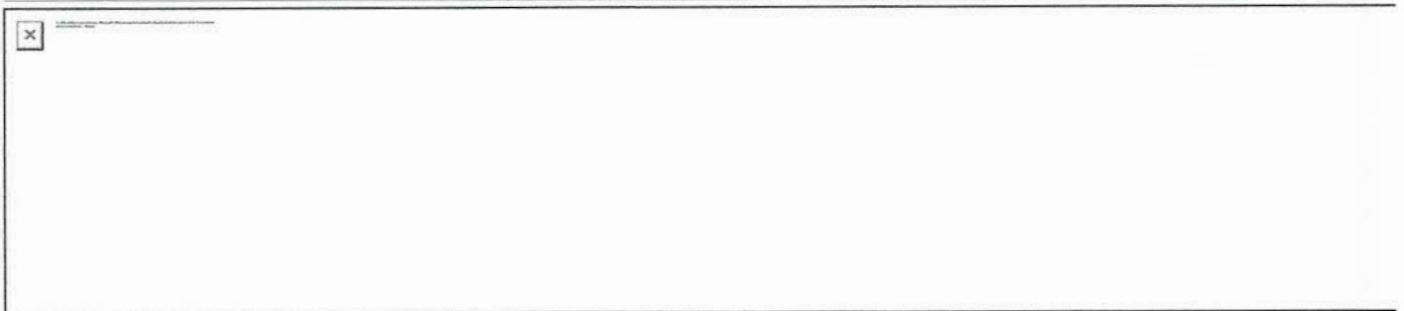
Don't hesitate to let me know if you'd still like to speak to Aukaha and if you have further comments on the mapping of the wahi tupuna itself then please don't hesitate to direct the correspondence to the Plan Review email address.

Kind regards

**Hamish Barrell**  
Planning Manager

Email: [hbarrell@waitaki.govt.nz](mailto:hbarrell@waitaki.govt.nz)  
Web: [www.waitaki.govt.nz](http://www.waitaki.govt.nz)  
Tel: +64 3 433 0300

Waitaki District Council  
20 Thames Street  
Private Bag 50058  
Oamaru  
Waitaki District  
Otago 9444  
New Zealand



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error please contact the sender and destroy any copies of this information.

---

**From:** Gary Kircher <[gkircher@waitaki.govt.nz](mailto:gkircher@waitaki.govt.nz)>  
**Sent:** Tuesday, 8 June 2021 8:20 pm  
**To:** Paul Rutledge <[paul@profint.co.nz](mailto:paul@profint.co.nz)>; Plan Review <[planreview@waitaki.govt.nz](mailto:planreview@waitaki.govt.nz)>; Jim Hopkins <[jhopkins@waitaki.govt.nz](mailto:jhopkins@waitaki.govt.nz)>; Katrina Clark <[kclark@waitaki.govt.nz](mailto:kclark@waitaki.govt.nz)>; Hamish Barrell <[hbarrell@waitaki.govt.nz](mailto:hbarrell@waitaki.govt.nz)>  
**Cc:** Paul Hope <[phope@waitaki.govt.nz](mailto:phope@waitaki.govt.nz)>  
**Subject:** Re: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW

Hello Paul,

I apologise that you haven't had any reply.

The timeframe is not one where you must have a full submission to us by - it is simply a date where staff have indicated that they want to hear from landowners who would like a discussion on the proposals set out in the letters to them. The time to have that discussion is not, to my knowledge, limited to any timeframe. As elected members, we want all affected landowners to have the chance to comment on the proposals and make sure they are heard. If possible, amendments should then be made to the maps and those amended maps are what would go out in the draft District Plan for full consultation.

Having said that, we are looking closely at options around ensuring that we don't 'lock up' our district to the extent that usual activities are unfairly restricted. We need to get the balance right in this discussion and want to ensure landowners are not discriminated against in the process. I assure you that someone from our team will contact you, and that you will have a fair and reasonable opportunity to have your say.

Kind regards,  
Gary.

Gary Kircher  
Mayor for Waitaki

Web: [www.waitaki.govt.nz](http://www.waitaki.govt.nz)  
Mobile: +64 21 463 546  
Tel: +64 3 433 0300  
Waitaki District Council  
20 Thames Street, Oamaru

The information transmitted is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited.

---

**From:** Paul Rutledge <[paul@profint.co.nz](mailto:paul@profint.co.nz)>  
**Sent:** Tuesday, June 8, 2021 11:49:27 AM  
**To:** Plan Review <[planreview@waitaki.govt.nz](mailto:planreview@waitaki.govt.nz)>; Jim Hopkins <[jhopkins@waitaki.govt.nz](mailto:jhopkins@waitaki.govt.nz)>; Katrina Clark <[kclark@waitaki.govt.nz](mailto:kclark@waitaki.govt.nz)>; Hamish Barrell <[hbarrell@waitaki.govt.nz](mailto:hbarrell@waitaki.govt.nz)>  
**Cc:** Gary Kircher <[gkircher@waitaki.govt.nz](mailto:gkircher@waitaki.govt.nz)>; Fergus Power <[fpower@waitaki.govt.nz](mailto:fpower@waitaki.govt.nz)>  
**Subject:** FW: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW



**External Email** Be careful with links and attachments. Think before clicking – do I know this person and does this person's request make sense?

Dear Max, Councillor Hopkins, Senior Planner Katrina Clark and Planning Manager Hamish Barrell

I have had no substantive reply to my below email. Almost a month has elapsed since I first raised issues with the WDC regarding the Overlay. Other than Max's attached email and his below email of 18 May, I have not received any significant information from the WDC relevant to my concerns. The relevant pages of the WDC website have not been updated.

Accordingly I cannot progress preparation of my feedback, and the deadline expires this Friday. I am under unreasonable pressure of time because of the unrealistic timetable set by the WDC and it's apparent under-resourcing of the Review.

In these circumstances I require a further extension of time to give my substantive feedback to expire not earlier than twenty one days after the information I have requested has been supplied.

Regards

Professional Interface Limited

per:

*Paul Rutledge*

Director

P O Box 467 Oamaru 9444



---

**From:** Paul Rutledge

**Sent:** Sunday, 30 May 2021 5:52 PM

**To:** [planreview@waitaki.govt.nz](mailto:planreview@waitaki.govt.nz); [jhopkins@waitaki.govt.nz](mailto:jhopkins@waitaki.govt.nz); [kclark@waitaki.govt.nz](mailto:kclark@waitaki.govt.nz); [hbarrell@waitaki.govt.nz](mailto:hbarrell@waitaki.govt.nz)

**Cc:** [gkircher@waitaki.govt.nz](mailto:gkircher@waitaki.govt.nz); [fpower@waitaki.govt.nz](mailto:fpower@waitaki.govt.nz)

**Subject:** RE: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW

Dear Max, Councillor Hopkins, Senior Planner Katrina Clark and Planning Manager Hamish Barrell

I address this email firstly to Max Crowe because in the short but frustrating time that I have been focused on the Wahi tupuna issues affecting Cape Wanbrow in the context of the District Plan Review (Review) I have dealt primarily with him. I record that he has been most helpful. I address my email also to Councillor Hopkins, Senior Planner Clark and Planning Manager Barrell because of your respective roles in the Plan review, and because of the views that I set out below, and I trust that I have you in correct order of precedence.

I was sent a Waitaki District Council (WDC) Landowner Information package (Package) relating to the Review with a letter dated 23 April. That letter was delivered to my Post Office box on 5 May, and told me that I had until 5pm on Friday 21 May to give the WDC my *feedback*. The postal delay has not been explained, although Max records in the attached email that an extension to give *feedback* was granted to 5pm Friday 11 June. I note in passing that neither the original nor amended timetable allowed the time required for processing of any formal request for information under s.12 of the Local Government Official Information and Meetings Act.

It was made clear that the Package was sent to me because the residential property that I own at 20 Brinkburn Street, South Hill, which is zoned Residential 1, (Property) was potentially affected by the Wahi tupuna overlay (Overlay), shown in the small map excerpt included (attached). I comment that my neighbour to the west at 18 Brinkburn Street, whose property was also so potentially affected according to the map excerpt, has never received a Package. I know anecdotally that some other residential property owners within the Brinkburn/Bywell Streets area have received Packages, but I do not know how many nor when they were delivered.

Max helpfully summarises in his attached email my initial concerns arising from the Package:

- I wanted to understand the basis for the proposal that my property might be included in the Overlay area. In particular I wanted a copy of the report that I was told the WDC had obtained that I understood was the basis for the Overlay proposal, which I now understand was prepared by a Dunedin agency called Aukaha.
- Assuming that my Property was properly included, I wanted detail as to the possible effects of the Wahi Tupuna concept potentially to be included in District Plan that might impact upon it.
- The flow chart included in the Package suggested that the *INVESTIGATION AND REVIEW OF ISSUES* stage of the process had already been completed (although I understood from discussion with Max that might not necessarily be the case). Assuming that to be so however, I understand that *investigation* usually involves an examination of something carefully to discover the truth about it. Often there is a weighing of competing interests. I hadn't been involved, so I wanted to understand the process that was followed in this regard, and specifically I wanted to know how my interests as the owner the Property had been taken into account – who had my back in the process.
- I assumed that it had taken quite some time for the report that the WDC had obtained to be prepared; there appeared at least to be some potential for my Property to be adversely affected, so I was unhappy with the very tight time limit for *feedback*. I note in passing that of course the flowchart also provided for later *Landowner engagement*, but after release of a *discussion document*, presumably to the public, which would obviously include the Overlay proposal itself. That would carry with it the presumption that the *INVESTIGATION AND REVIEW OF ISSUES* stage of the process had been properly completed by the WDC,

and as a rate payer I am entitled to inquire into that. Further, the release of the *discussion document* to the public might itself have had adverse consequences for my Property.

Subsequently I received from Max his below email of 18 May. I accept that email as formal notification from the WDC that not only my Property but all other Residential or Township zoned property within the Wahi tupuna Makotukutuku shaded area on the plan in Max's attached email is not after all to be affected by the Wahi Tupuna Overlay, and I rely on that assurance.

However, in a wider context, my interest in the actual effects of the Wahi tupuna proposal on the Cape Wanbrow area remains. In that wider context I attach another WDC plan that I understand is relevant to the Review and the Overlay. From this I note that two parts of Brinkburn Street may (somehow) have a rural zoning, and may accordingly be subject to the Overlay. The Brinkburn/Bywell Streets residential area relies upon the Brinkburn Street access, and services to our properties run along or below the street. Further, I am as a local resident concerned both as to the effects of the proposal on privately owned properties zoned Rural, and as to whether there may be flow-on effects for privately owned residential zoned property. Generally with regard to this aspect of the Review I am concerned as to the relevant principles and processes and the legal and practical consequences of the imposition of the Overlay or any variation of it.

So I wish to engage as fully as I can in the *feedback* process, but my efforts are being frustrated by a lack of relevant information. I still urgently want answers/information relating to my above listed initial concerns – including the WDC report – with the focus now on my wider concerns. I have researched the WDC website and specifically the Wahi tupuna section of the Landowner material provided. I have watched the one available video (the letter I received with the Package seemed to imply there would be further videos?) and I have read all the information in the Package. From this I have a general but very limited understanding of the Maori concept of Wahi tupuna. But I still understand very little both as to the basis for any determination that the Overlay as depicted in Max's attached email is appropriate, and as to the possible effects of the application of the Overlay, because there is so little detail in the available information.

As a matter of general principle I am of course supportive of the overall concept that important historical Maori sites should have reasonable protection. However it is obvious that the necessary balancing of inevitable competing interests in this twenty first century between Maori on the one hand and property owners on the other in this regard will involve cultural sensitivities on both sides. Accordingly, from the outset of the consideration openness, careful even handed consideration and cultural sensitivity should be guiding principles. In particular the process must not be rushed. To put it mildly, I am surprised that the WDC would promote a concept such as this in this manner.

Regards

**Professional Interface Limited**

per:

*Paul Rutledge*

**Director**

P O Box 467 Oamaru 9444

---

**From:** Plan Review <[planreview@waitaki.govt.nz](mailto:planreview@waitaki.govt.nz)>

**Sent:** Tuesday, 18 May 2021 4:34 pm

**To:** Paul Rutledge <[REDACTED]>

**Subject:** RE: WAITAKI DISTRICT PLAN REVIEW ZOOM MEETING 17 MAY

Dear Paul,

I understand that you've spoken with Hamish Barrell, the WDC planning manager today regarding the mapping of your property.

After further investigation on your specific situation, I wish to offer my apologies. According to the Senior Planner responsible for the District Plan Review the Wahi Tupuna layers are only meant to apply to land with a Rural zoning,

not to land with Township or Residential zoning. The error has arisen due to the road boundary of your property slightly overlapping with the Rural zone, resulting in our mapping software identifying your property as affected.

So to clarify; please disregard the earlier correspondence regarding the wahi tupuna overlay affecting your property – the letter was sent in error. The boundaries will be amended prior to the released of the draft district plan to reflect this.

Yours truly,

**Max Crowe**  
Landowner Engagement Co-ordinator

Email: [planreview@waitaki.govt.nz](mailto:planreview@waitaki.govt.nz)  
Tel: +64 3 433 1661

Waitaki District Council  
Oamaru  
Otago  
9400  
New Zealand



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error please contact the sender and destroy any copies of this information.

---

**From:** Paul Rutledge <[paul@profint.co.nz](mailto:paul@profint.co.nz)>  
**Sent:** Monday, 17 May 2021 6:44 am  
**To:** Plan Review <[planreview@waitaki.govt.nz](mailto:planreview@waitaki.govt.nz)>  
**Subject:** WAITAKI DISTRICT PLAN REVIEW ZOOM MEETING 17 MAY



**External Email** Be careful with links and attachments. Think before clicking – do I know this person and does this person's request make sense?

Dear WDC

I have just read your email advising of the error in the zoom meeting date.

I was intending to attend but I am in Christchurch today on business without my file but with a full day of prior commitments through to the evening and so I cannot attend. In addition you should note that my neighbour, Annette Lee 18 Brinkburn Street, whose property is largely within the wahi tupuna area has not received any communication from the council.

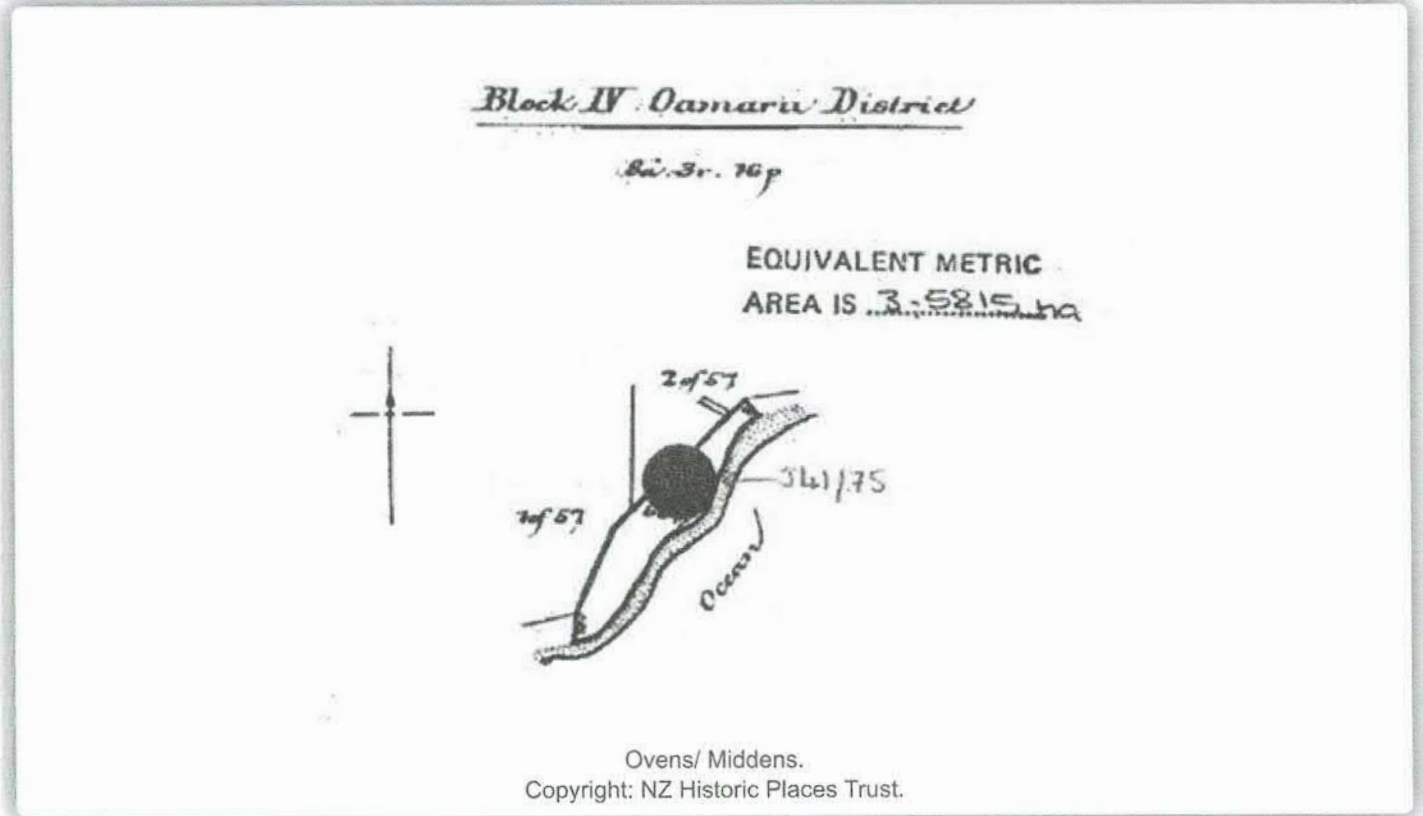
Regards  
**Professional Interface Limited**  
per:  
*Paul Rutledge*  
**Director**  
P O Box 467 Oamaru 9444

## Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

## Ovens/ Middens



## List Entry Information

## List Entry Status

Listed

## List Entry Type

Historic Place Category 2

## Public Access

Private/No Public Access

## List Number

5691

## Date Entered

11th March 1985

## Date of Effect

11th March 1985



Google



Map data ©2021

## | Location

## City/District Council

<https://www.heritage.org.nz/the-list/details/5691>

Waitaki District

**Region**

Otago Region

**Legal description**

Sec 65 Rec/Wildlife Reserve Blk IV Oamaru SD

## Links

**Former use**

Ruin - Misc Archaeological

**Themes**

Of Significance to Maori

## Additional information

**Construction Dates****Public NZAA Number**

J41/75

**Other Information**

Please note that entry on the New Zealand Heritage List/Rarangi Korero identifies only the heritage values of the property concerned, and should not be construed as advice on the state of the property, or as a comment of its soundness or safety, including in regard to earthquake risk, safety in the event of fire, or insanitary conditions.





# Waitaki

DISTRICT COUNCIL  
TE KAUNIHERA Ā ROHE O WAITAKI  
*Growing strong communities.*

Phone 03 433 0300

Web [www.waitaki.govt.nz](http://www.waitaki.govt.nz)

Office 20 Thames Street

Private bag 50058

Oamaru 9444

2 July 2021

Paul Rutledge

P O Box 467

Ōamaru 9444

Dear Paul

This is to confirm, following email discussions on 16 June, the intentions of the Wāhi Tūpuna overlay at Mākotukutuku Pā (Cape Wanbrow):

The primary intention is to identify Mākotukutuku Pā (Cape Wanbrow) as a Site of Significance to Māori (Wāhi Tūpuna). This work is regarded as a matter of national importance under section 6 the Resource Management Act 1991 and is to be included in the draft District Plan. This overlay will primarily guide future planning in the rural areas within the Waitaki District and determine whether cultural impacts need to be assessed as matters of discretion when new development/land use activity is proposed. The area of Brinkburn and Bywell streets has been identified as part of Mākotukutuku Pā by Kāi Tahu whānui, who hold authority on the oral history of their takiwā and understanding of this history. This has been provided to Waitaki District Council by their mandated consultants, Aukaha Ltd.

There is no intention for this overlay to create greater restrictions on new development or land use activities and ongoing use within Residential zones.

It is intended to restrict development of culturally destructive infrastructure within Wāhi Tūpuna across all zones, however these are currently not permitted in the residential zone under the Operative Plan and this will not affect any rule changes going forward.

Yours sincerely

Hamish Barrell  
Planning Manager

2

## Professional Interface Limited

P O Box 467  
Oamaru 9444

Phone  
Cell pho  
Email

Monday, 30<sup>th</sup> August 2021

The Chief Executive  
Waitaki District Council  
20 Thames Street  
OAMARU 9400

Dear Mr Parmely

### RE: DISTRICT PLAN REVIEW – WAHI TUPUNA OVERLAY OF CAPE WANBROW

On 22 June, in accordance with an extension the WDC had given me to its relevant deadline, I lodged with the council (WDC) my feedback and submissions (Submissions) in connection with the WDC proposals regarding the Wahi Tupuna overlay of Cape Wanbrow (Proposals). I received as requested a written acknowledgement of receipt from Gareth Boyt, a DPR Landowner Engagement Coordinator with the WDC, but in the two months that have since elapsed I have heard nothing further. I believe that in my Submissions I raised credible issues and questions both as to process and the substantive justification for the Proposals that called for early consideration by the WDC and a response.

Until I receive such response and/or further relevant information, I am not able to determine what further or other steps I should take (if any) to protect my position (in the broadest sense) in connection with the issues and questions that I have raised in my Submissions concerning the Proposals. In the spirit of open dialogue the options that I am considering are one or more of referring my concerns to appropriate government and other political leaders; involving the media, and legal remedies including an application for judicial review. I disclose those options not as a threat, but as a natural consequence arising from the failure of my attempts at dialogue with the WDC which have effectively come to nothing.

Accordingly I now write pursuant to the relevant provisions of the LGOIMA as follows:

#### 1.0 Process – Please provide me with the following information:

- 1.1 The brief, instructions or records of the same in whatever form, and any appointment documents issued to the entity known as Aukaha, and any other entities instructed for the same or a similar purpose, that resulted as I have been told by the WDC (presumably in part), in the Proposals.
- 1.2 The information, including reports, materials, drawings, mapping, diagrams and/or advice, (together Material) provided to the WDC by Auhaka and any other such entity in consequence.



- 1.3 Information held by the WDC including documentation or records in whatever form recording, detailing or evidencing its close work *with Kai Tahu to inform* the Proposals (Work) (quote from the Landowner Information sent to me by the WDC).
- 1.4 The information, including documentation or records in whatever form recording, detailing or evidencing the WDC's investigation of, processing, consideration and/or review of the Work detailed in 1.2 and Material detailed in 1.3 above, whether by WDC staff and/or elected members, or by persons or entities acting on the instructions of or on behalf of the WDC.
- 1.5 The identities of such WDC staff and/or elected members, or persons or entities acting on the instructions or on behalf of the WDC.

**2.0 Substantive Justification for the Proposals – Please provide me with the following information:**

- 2.1 Any information held by the WDC relating to the factual or cultural basis for the Proposals.
- 2.2 Any information held by the WDC relating to the factual or cultural basis for the inclusion within the proposed overlay of my property.
- 2.3 Any information held by the WDC relating to the factual or cultural basis for the boundaries of the proposed overlay generally.
- 2.4 Any information held by the WDC relating to the factual or cultural basis for the boundary adjacent to my property.

If you need further information from me relevant to my requests please advise as soon as possible.

I understand that a decision on my request under the LGOIMA should be made within twenty working days of your receipt of my request. Accordingly please acknowledge receipt of this letter.

Yours faithfully



**Paul J Rutledge**

Thank you for your request, please see our responses below:

- 1.1 This work was initiated under a previous Planning Manager (Peter Kloosterman) and Senior Planner for the District Plan Review (Mike Searle) in 2016 and original documentation around the engagement of Aukaha (formally known as KTKO Ltd) to undertake the Wāhi Tūpuna work is limited. The earliest records we have been able to trace is an email dated 19 July 2016 from KTKO to Mike Searle initiating a discussion for KTKO to *'Update and identify sites of significance (wahi tūpuna mapping).'* ( ).
- 1.2 Maori cultural knowledge is held by both Ngai Tahu and the local runanga Moeraki. The information on the Wāhi Tūpuna overlay has been requested in a culturally appropriate manner as a lot will be oral in nature. To date it has only been issued to individual landowners to enable dialogue with Council so as to reach an understanding or resolve a point of difference. Therefore the information you are seeking is to be withheld under the grounds of s7(2)(i) of the Local Government Official Information and Meetings Act 1987 (LGOIMA). That is to: *'enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations...'*
- 1.3 This request is considered ambiguous, and we are unable to provide a response.
- 1.4 Information provided to date on the Wāhi Tūpuna overlay from Aukaha has been provided in a draft format and is in a process of review through the feedback received from the landowner engagement process. Consideration will be given to landowner feedback by Council's Community, Culture and Regulatory Committee at a future workshop.
- 1.5 This request is considered ambiguous, and we are unable to provide a response.
- 2.1 This information will be released when the District Plan is notified as part of its statutory requirements under Section 32 of the Resource Management Act 1991. This information is currently being drafted and is not ready for release.
- 2.2 Makotukutuku (Cape Wanbrow) is situated between Te Awakōkōmuka (Awamoa Creek) and Ōamaru on Te Tai-o-Āra-te-uru (Otago coastline). It is the location of an ancient pā site. Makotukutuku draws its name from a tūpuna (ancestor) on the Ārai-te-uru waka that capsized off the coastline, near Matakaea (Shag Point). The values in this wāhi tūpuna include, but are not limited to, umu, ara tawhito, wāhi pakaka, pā site.
- 2.3 As for 2.1 above.
- 2.4 As for 2.2 above.

4

**Paul Rutledge**

---

**From:** David Campbell <dcampbell@waitaki.govt.nz>  
**Sent:** Monday, 4 July 2022 3:56 pm  
**To:** Paul Rutledge  
**Cc:** Gary Kircher; Jim Hopkins; Roger Cook; District Plan  
**Subject:** RE: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW

Dear Mr Rutledge,

Firstly apologies for the delay as we have been in the thick of Draft District Plan consultation, however your email is still important to respond to. I am not entirely sure what you are requesting, so here is my first attempt:

The links below take you to the relevant reports to Council that cover the LGA matters as well as our procedures and practices for the further consideration of overlay proposal:

[Agenda of Council - Tuesday, 10 May 2022 \(waitaki.govt.nz\)](#) – page 22

[Agenda of Community, Culture and Regulatory Committee - Tuesday, 26 April 2022 \(waitaki.govt.nz\)](#) – pages 36-40

I understand your previous LGOIMA request has been responded to so I am not sure what else you are seeking.

Likewise, we have responded on the provisions that apply to the Wahi Tupuna overlay and we can certainly ask the runanga to look closely at the exact boundaries where it traverses more developed land. This is not unique to your property, so will be doing this in other parts of the district.

I reiterate that your feedback through this process is important so that we can keep refining the maps and provisions prior to the Proposed Plan being notified. There is still just under two months of our engagement period remaining, so let us know if you need longer to respond.

Regards,

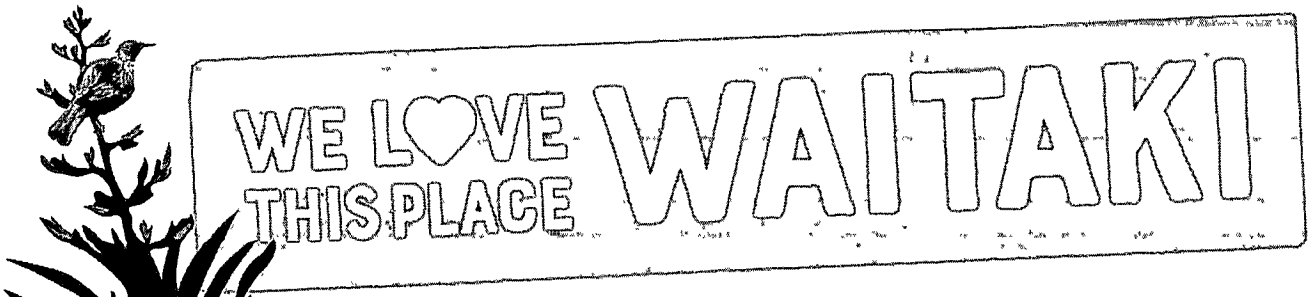
**David Campbell**  
Heritage and Planning Manager

Email: [dcampbell@waitaki.govt.nz](mailto:dcampbell@waitaki.govt.nz)  
Web: [www.waitaki.govt.nz](http://www.waitaki.govt.nz)  
Tel: +64 3 433 0300

Waitaki District Council  
Private Bag 50058  
Oamaru  
Waitaki District  
Otago 9444  
New Zealand



**Waitaki**  
DISTRICT COUNCIL  
TE KAWINHERA Ā ROHE O WAITAKI  
*Growing strong communities*



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error please contact the sender and destroy any copies of this information.

---

**From:** Paul Rutledge <[paul@profint.co.nz](mailto:paul@profint.co.nz)>  
**Sent:** Monday, 4 July 2022 3:26 pm

To: David Campbell <dcampbell@waitaki.govt.nz>

Cc: Gary Kircher <gkircher@waitaki.govt.nz>; Jim Hopkins <jhopkins@waitaki.govt.nz>; Roger Cook <rcook@waitaki.govt.nz>; District Plan <districtplan@waitaki.govt.nz>

Subject: FW: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW



External Email Be careful with links and attachments. Think before clicking – do I know this person and does this person's request make sense?

Hi David

Would you please respond to my below email by return. The delay is frankly unacceptable given the deadline for feedback on the DDP and my repeated requests for further information, and it makes a nonsense of your assurance in your below email of 17 June.

Regards

**Professional Interface Limited**

per:

*Paul Rutledge*

**Director**

P O Box 467 Oamaru 9444

---

**From:** Paul Rutledge

**Sent:** Saturday, 18 June 2022 1:29 pm

**To:** David Campbell <dcampbell@waitaki.govt.nz>

**Cc:** Gary Kircher <gkircher@waitaki.govt.nz>; Jim Hopkins <jhopkins@waitaki.govt.nz>; Roger Cook <rcook@waitaki.govt.nz>; District Plan <districtplan@waitaki.govt.nz>

**Subject:** RE: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW

Hi David

This is very simple:

- Generally, in the context of the decision to incorporate the relevant overlay proposal into its draft plan, the Local Government Act and natural justice requires the WDC to take into account the social, economic and cultural well-being of the residents and residential property owners who may be affected by it. I want the information that the WDC holds showing how it has complied with that requirement.
- Generally, the WDC has adopted and advertised the practices and procedures that it is to follow in the further consideration of the overlay proposal. I want the information that the WDC holds showing how it has complied with those requirements.
- Specifically, I have already given you my previous LGOIMA request. Please address it in the manner required. I will then be able to withdraw my appeal to the Ombudsman.
- Specifically, the overlay proposal incorporated into the latest draft of the plan differs from the original proposal on which I have already given feedback. I want the information that the WDC holds showing how and why those changes were made.
- Specifically, in my email of 4 June I asked the WDC to explain why it has reneged on the previous assurances that I had been given in respect of the overlay. You have acknowledged that it has so reneged, but you have not explained why.

If, despite the simplicity of the matter, you need clarification or any further explanation of any of my above information requests or those contained in my LGOIMA request, please advise me.

Regards

**Professional Interface Limited**

per:

*Paul Rutledge*

Director

P O Box 467 Oamaru 9444

---

**From:** David Campbell <[dcampbell@waitaki.govt.nz](mailto:dcampbell@waitaki.govt.nz)>

**Sent:** Friday, 17 June 2022 3:43 pm

**To:** Paul Rutledge <[paul@profint.co.nz](mailto:paul@profint.co.nz)>

**Cc:** Gary Kircher <[gkircher@waitaki.govt.nz](mailto:gkircher@waitaki.govt.nz)>; Jim Hopkins <[jhopkins@waitaki.govt.nz](mailto:jhopkins@waitaki.govt.nz)>; Roger Cook <[rcook@waitaki.govt.nz](mailto:rcook@waitaki.govt.nz)>; District Plan <[districtplan@waitaki.govt.nz](mailto:districtplan@waitaki.govt.nz)>

**Subject:** RE: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW

Hi Paul,

Thanks for the further background and clarification. We will endeavour to provide whatever information we can to assist you with your feedback.

Regards,

**David Campbell**

Heritage and Planning Manager

Email: [dcampbell@waitaki.govt.nz](mailto:dcampbell@waitaki.govt.nz)

Web: [www.waitaki.govt.nz](http://www.waitaki.govt.nz)

Tel: +64 3 433 0300

Waitaki District Council  
Private Bag 50058  
Oamaru  
Waitaki District  
Otago 9444  
New Zealand



**Waitaki**

DISTRICT COUNCIL  
TE KAUNIHERA A ROHE O WAITAKI

*Growing strong communities*



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error please contact the sender and destroy any copies of this information.

---

**From:** Paul Rutledge <[paul@profint.co.nz](mailto:paul@profint.co.nz)>

**Sent:** Friday, 17 June 2022 2:00 pm

**To:** David Campbell <[dcampbell@waitaki.govt.nz](mailto:dcampbell@waitaki.govt.nz)>

**Cc:** Gary Kircher <[gkircher@waitaki.govt.nz](mailto:gkircher@waitaki.govt.nz)>; Jim Hopkins <[jhopkins@waitaki.govt.nz](mailto:jhopkins@waitaki.govt.nz)>; Roger Cook <[rcook@waitaki.govt.nz](mailto:rcook@waitaki.govt.nz)>; District Plan <[districtplan@waitaki.govt.nz](mailto:districtplan@waitaki.govt.nz)>

**Subject:** RE: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW



**External Email** Be careful with links and attachments. Think before clicking – do I know this person and does this person's request make sense?

Hi David

Thank you for your response. I appreciate your attempt to address my concerns. In return:

- Please read my submissions on the initial draft plan (attached). Those submissions addressed two issues – the WDC’s own advertised practices and procedures relevant to the proposed Cape Wanbrow Wahi Tupuna overlay, and the factual basis for that overlay.
- You tell me in your email – As mentioned above, we will be checking with rūnaka about the wahi tupuna overlay. That suggests to me that even now the WDC is not following its own practices and procedures. Stage 1 required firstly an *investigation* of the issue and then a *review*. I suspect, and your email seems to me to confirm, that WDC has simply asked Ngai Tahu what it wanted then implemented that, and that you propose doing so again. If so that is neither an investigation nor a review and the WDC has had accordingly no proper basis for moving on from its own Stage 1 – Investigation and Review of Issues, to Stage 2 – Engagement.
- In the last *feedback* round I repeatedly asked for further information and I received virtually none. Eventually in frustration I made a LGOIMA request (attached). I was not satisfied with the WDC response (attached) which essentially gave me no further useful information, so I appealed to the Ombudsman. In light of the release of the draft plan and recent correspondence with the WDC I am drafting a further information request which I will send to you over the weekend. Because of the deadline for feedback I trust that the WDC will respond promptly. In so engaging with the WDC I make it clear that I do so without prejudice to what I say above.

In conclusion I want to make it clear that my overriding objective is to ensure that the Cape Wanbrow Wahi Tupuna overlay issue is indeed considered and resolved in accordance with all applicable legal and natural justice principles. As I have said previously that requires in my clear view an investigation of the competing interests, and an essential balancing of such interests as are found to be established in the final outcome. My concern is that those principles have not been followed and implemented to date.

Regards

**Professional Interface Limited**

per:

*Paul Rutledge*

**Director**

P O Box 467 Oamaru 9444

---

**From:** David Campbell <[dcampbell@waitaki.govt.nz](mailto:dcampbell@waitaki.govt.nz)>

**Sent:** Friday, 17 June 2022 8:43 am

**To:** Paul Rutledge <[paul@profint.co.nz](mailto:paul@profint.co.nz)>

**Cc:** Gary Kircher <[gkircher@waitaki.govt.nz](mailto:gkircher@waitaki.govt.nz)>; Jim Hopkins <[jhopkins@waitaki.govt.nz](mailto:jhopkins@waitaki.govt.nz)>; Roger Cook <[rcook@waitaki.govt.nz](mailto:rcook@waitaki.govt.nz)>; District Plan <[districtplan@waitaki.govt.nz](mailto:districtplan@waitaki.govt.nz)>

**Subject:** RE: WAITAKI DISTRICT PLAN REVIEW - WAHI TUPUNA/CAPE WANBROW

Dear Paul,

I can understand your concern at the potential for rūnaka to be involved when a consent is required for development of a residential site within the wahi tupuna overlay. This is a matter we will be taking back to the rūnaka to clarify both the extent of the overlay (i.e. do they want to amend it for areas zoned Residential) and whether they would still wish to be consulted for development on already developed and residentially zoned sites.

I can also understand your frustration resulting from the previous reassurances from Hamish not being implemented as envisaged. I reiterate my previous comments about the permitted activities in the Residential Zone that addresses this in part.

As the Draft District Plan has no legal effect, the overlay has no immediate impact on your property. There is still opportunity to make changes as a result of all feedback from the community prior to the Proposed District Plan being notified for submissions. As mentioned above, we will be checking with rūnaka about the wahi tupuna overlay.



DDPR_feedback_0113s	
Name	Paul Rutledge
Organisation	
Email	
Response Date	Aug 31 22
Notes	See also row 60, DDPR_feedback_0056
Q1	Select the chapter you want to provide feedback on
Q2	In general, to what extent do you support the contents of this chapter?
Q3	Objective/Policy/Rule/Standard wahi tupuna overlay
Q4	Feedback/Comments Dear Waitaki District Council I sent to you yesterday my Feedback and Submissions on the DDP. On reviewing what I had said this morning I realised that I had omitted to cover one significant point: 1. With regard to any area in the DDP that is subject to a wahi tupuna overlay, the WDC has left it to the applicant in respect of any resource consent application that must be referred to the Maori entities for consultation to undertake that process and deal directly with those entities, including with regard to payment for the consultation.
Q5	Objective/Policy/Rule/Standard wahi tupuna overlay
Q6	Feedback/Comments 2. It is the WDC that has created this arrangement and the WDC should manage the process and deal with the Maori entities itself when and where required. Any unacceptable outcome could then be managed as a responsibility of the WDC in the usual way. What is outlined in the DDP is, in my view, a vague bureaucratic mess, and it is irresponsible of the WDC to leave applicants directly exposed to that mess in the sense of having to manage it for themselves.
Q7	Objective/Policy/Rule/Standard wahi tupuna overlay
Q8	Feedback/Comments 3. Novel relationships of the sort that the WDC has apparently entered into with Ngai Tahu in respect of the DDP are, at the heart of them, all about power and the checks and balances affecting that power. In the arrangement to which I refer the resource consent applicants are apparently left with no power at all and there are apparently no such checks or balances in their favour. It would be beyond belief that the WDC would have left itself so exposed – presumably there are other agreements with Ngai Tahu in place. Regards Professional Interface Limited per: Paul Rutledge Director P O Box 467 Oamaru 9444 M. [REDACTED]
Q9	Objective/Policy/Rule/Standard
Q10	Feedback/Comments
Q11	Supporting documents?
Q12	If you need more space, or have other general comments, please leave them here