

SUBMISSION	
TO:	Dunedin Council (DCC)
DATE:	18 December 2024
PLAN CHANGE:	Partially Operative Second Generation Dunedin City District Plan (2GP) – Plan Change 1 – Minor Improvements
KĀI TAHU PAPANĀHU RŪNAKA	Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou (Kā Rūnaka)
<p>Kā Rūnaka could not gain an advantage in trade competition through this submission.</p> <p>Kā Rūnaka do wish to be heard in support of this submission at a hearing. If others make a similar submission, we will consider presenting a joint case with them.</p>	
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Mihi

1. This submission is made on behalf of Te Rūnanga o Ōtākou and Kāti Huirapa Rūnaka ki Puketeraki (Kā Rūnaka). It does not purport to represent the interests of individual Māori landowners.
2. Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou are Kāi Tahu papatipu rūnaka that are a focus for hapū and whānau who hold mana whenua within the Otago Region. Aukaha is the consultancy that represents these rūnaka in resource management processes.
3. The takiwā of Kati Huirapa ki Puketeraki centres on Karitane and extends from Waihemo to Purehurehu and includes an interest in Ōtepoti and the greater harbour of Ōtākou. The takiwā extends inland to the Main Divide sharing an interest in the lakes and mountains to Whakatipu-Waitai with Rūnanga to the south. The takiwā of Te Rūnanga o Ōtākou centres on Ōtākou and extends from Purehurehu to Te Matau and inland, sharing an interest in the lakes and mountains to the western coast with Rūnanga to the north and to the south.¹

¹Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001

Background

4. Kā Rūnaka and Aukaha staff were involved in the development of the Future Development Strategy 2024-2054 (FDS), which seeks to integrate land use planning with infrastructure planning and funding. The FDS contains a statement of hapū values and intent which is included as Appendix 2 to this submission. The hapū statement sets out the vision and values of Kā Rūnaka relating to urban development across Dunedin, as well as statements of intent relating to how to give effect to core Kāi Tahu mana whenua values. The Hearing Panel are encouraged to read the hapū statement to understand the rūnaka perspective on best practice approaches to managing urban development as well as land use more generally.
5. The Proposed Otago Regional Policy Statement June 2021 (PORPS) contains provisions directed at enabling the use by Kāi Tahu mana whenua of native reserves and Māori land. While some of these provisions are under appeal (including by Kā Rūnaka), these appeals are not expected to dramatically change the overall policy direction set by the PORPS in relation to these areas that were originally set aside for settlement by Kāi Tahu.
6. The result of this more enabling approach to the use of native reserves and Māori land is that the 2GP is now inconsistent with the PORPS in its approach toward these areas. The 2GP will need to be brought up to date in terms of its approach to papakāiika and the need to be more enabling of Kāi Tahu use of native reserves and Māori land. While the DCC has undertaken to review planning provisions as they relate to the use of native reserves, this review is not yet underway. Kā Rūnaka would like to see this work instigated as soon as possible.

Consultation with Kā Rūnaka

7. Aukaha staff, on behalf of Kā Rūnaka, have provided input into the development of certain parts of Plan Change 1, as part of RMA Schedule 1, Clause 3 and 4A consultation. This was limited to those proposed review topics likely to be of most interest to Kā Rūnaka. The opportunity to input via these earlier stages is acknowledged, including the response of DCC to mapping omissions and errors identified by Aukaha.

Submissions

8. Kā Rūnaka submissions on specific Plan Change 1 topics are set out in Appendix 1, along with the relief sought.
9. Unless otherwise set out in Appendix 1 to this submission, Kā Rūnaka supports the proposed amendments contained within Plan Change 1.
10. **Kā Rūnaka seek** that any parts of the Plan Change provisions they are not specifically submitting on are retained as notified.

Conclusion

11. Kā Rūnaka acknowledge the work undertaken by the DCC to identify minor improvements to the 2GP. In particular, the opportunity for Kā Rūnaka to provide input via earlier consultation phases is acknowledged.
12. While generally supportive of the overall intent of Plan Change 1, Kā Rūnaka ask that the Hearing Panel gives due consideration to the changes sought in this submission.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Kate Timms Dean', with a stylized flourish at the end.

Dr Kate Timms Dean

General Manager: Mana Taiao
Aukaha (1997) Ltd

Appendix 1: Kā Rūnaka submissions on specific provisions of Plan Change 1

Change / Topic		Support/oppose/ amend	Reason for support or opposition	Relief sought
MW1	Missing native reserves mapped areas	Support	<p>The change is necessary to map two native reserve areas currently missing entirely from the planning maps (Lake Tatawai Landing Reserve and Lakebed, Port Chalmers Koputai Native Reserve) and to completely map the native reserve at Pūrākaunui.</p> <p>Correct mapping of these areas will ensure that the papakāika provisions of the 2GP will apply to the original native reserve areas.</p> <p>This change will help in the achievement of Objective 2.5.2 which relates to Kāi Tahu mana whenua being able to occupy, develop and use land in areas originally set aside for that purpose.</p>	Retain as notified
MW2	Wāhi tūpuna ID 32 viewshaft origin	Support	<p>The wāhi tūpuna maps the important views from the marae at Ōtākou to significant landmarks that form part of tikaka and kawa, including use in mihi and other ceremonial occasions. Current mapping originates at the whare kai and does not include the marae ātea outside the whareniui. It is critical that this viewshaft is mapped from this space where manuhiri (visitors) are welcomed to Ōtākou.</p>	Retain as notified
PA1	Height for pou whenua	Support	<p>This change is supported for the following reasons:</p> <ul style="list-style-type: none"> ➤ Pou whenua form a specific role in marking territory, and the existing definition and usage is too narrow to capture the full range of Kāi Tahu cultural markers and their purpose and function. The proposed name change and definition of 'tohu whenua' is more appropriate in this respect. ➤ Their removal from 'monuments and memorials' and 'public artworks' sub-activities of public amenities is supported as it provides a more appropriate management approach in terms of activity status and scale. ➤ The change to a permitted maximum height of 9m as a more appropriate height limit for pou whenua than 5m. It is also consistent with similar activities such as public play equipment and freestanding flagpoles. 	Retain as notified

Change / Topic		Support/oppose/ amend	Reason for support or opposition	Relief sought
D16	Providing for healthcare activities	Support	<p>Kā rūnaka are supportive of the proposed changes to the way the 2GP manages healthcare activities. In particular, rūnaka support:</p> <ul style="list-style-type: none"> ➤ The bespoke definition of healthcare, including the clarification that traditional healthcare approaches such as Rongoā Māori form part of the activity. ➤ Enhanced provision for community healthcare in a range of zones and settings, including provision for integrated healthcare hubs. ➤ No longer managing many aspects of healthcare as a commercial activity, with more appropriate recognition as a community activity. ➤ The retention of 'health services' as part of the definition of Marae-related Activities which, as a subset of Community and Leisure, is excluded from the Healthcare activity definition. <p>One concern Kā Rūnaka has is around the 2GP restriction for Marae-related Activities being located physically at a marae only. Mana whenua may seek to undertake these activities elsewhere within the native reserve areas or otherwise on Māori land. For example, the rūnaka offices of Kāti Huirapa are separated from the marae, yet entirely appropriate for hosting Marae-related Activities, which may include health services.</p> <p>There is also concern around the scale threshold that triggers consent requirements for marae-related activities as a discretionary activity. Rather than expecting this to be resolved via this Plan Change, Kā Rūnaka are signaling these as issues that need to be considered as part of the wider review of native reserves planning provisions.</p>	Retain as notified
Res18	Definitions of standard residential, short term house rentals, visitor	Support with amendment	The intention to clarify the various activity definitions as they relate to residential activity, visitor accommodation and other types of sleeping arrangement is understood and broadly supported.	Amend the definition of Visitor Accommodation as follows: 'The use of land and buildings for temporary accommodation on a fee paying

Change / Topic		Support/oppose/ amend	Reason for support or opposition	Relief sought
	accommodation, and campgrounds		<p>However, Kā Rūnaka are concerned that this will be limiting on the use of Māori land by whānau for nohoanga (temporary stays) and hosting visitors. This may or may not involve land that already contains a standard residential activity. It is not a commercial activity but may involve some form of koha to Māori landowners or rūnaka – this could take a number of forms, including donated labour such as planting or gardening.</p> <p>The proposed amendment to the definition of Visitor Accommodation includes ‘temporary accommodation on a fee paying basis, including...<u>donation</u>’. This has the potential to capture the use of Māori land for short term stays, where guests provide koha or some form of in-kind recognition to their hosts.</p> <p>There is a proposed amendment of the Standard Residential definition to try and allow for this circumstance by including ‘accommodation of guests at a domestic scale’. However, it remains unclear exactly what this means. Does ‘domestic scale’ mean the land needs to already contain a standard residential activity already? Does it place a numerical limit on the number of people that may stay at any one time?</p> <p>While the definition of marae-related activities includes ‘overnight accommodation for visitors’ which is useful, this is limited to activities undertaken at a marae only. There are various blocks of Māori land in Dunedin where this temporary hosting activity may be undertaken.</p> <p>Clarity is sought that these activities involving an expression of manaakitaka on Kāi Tahu whenua are not captured as visitor accommodation. It seems clearer to remove the donation aspect of the Visitor Accommodation definition, but retain the subscription aspect to capture subscription-based systems such as that operated by the New Zealand Motor Caravan Association.</p> <p>It is noted that the review of the planning provisions for native reserves should include the 2GP definition of papakāika, which is</p>	<u>basis, including tariff, rent, hire, donation, or subscription...’</u>

Change / Topic		Support/oppose/ amend	Reason for support or opposition	Relief sought
			relatively narrow and not consistent with the proposed Otago Regional Policy Statement 2021. The review should also cover the definition and scope of 'Marae-related Activities'. While this review provides an opportunity to respond to the issue raised here, it has not yet been initiated. Kā Rūnaka retain concerns that non-commercial activities on Māori land may be captured by these amendments.	
RU6	Rural industry & intensive farming assessment rules in rural zones	Oppose	<p>The insertion of new policy 16.2.1.13 is opposed for the following reasons.</p> <ol style="list-style-type: none"> 1. It is too enabling, with the test of 'positive effects on rural productivity' not quantified in any way and hence able to be met by any rural industry or intensive farming activity that seeks to upgrade or expand its activities. 2. There is no clarity in the section 32 report around why these two rural activities have been selected for this enabling policy approach. Other rural activities may be subject to the same potential for reverse sensitivity yet are not included. 3. A policy providing specifically for the upgrading and expansion of existing activities is inconsistent with the 2GP policy drafting approach for land use activities. Across the management and major facility zones, zone policies manage these activities as a coherent entity, typically starting with the verbs 'enable', 'provide for', 'only allow' or 'avoid'. This coherent approach manages the establishment, maintenance, upgrading or extension of land use activities within a single policy approach. The proposed different approach of splitting out upgrading or expansion for two particular land use activity types detracts from plan clarity, appears to favour expansion of these activities over other rural activities, and leads to uncertainty around the 	Delete policy 16.2.1.13

Change / Topic		Support/oppose/ amend	Reason for support or opposition	Relief sought
			<p>policy approach to the upgrade or expansion of other land use activities.</p> <p>4. The section 32 assessment of alternative options is brief and not compelling. The new policy 16.2.1.13 is certainly more enabling but does not provide a 'stronger' framework from a consents assessment perspective. A more thorough examination of achieving the same outcome solely via the use of amended assessment guidance is warranted.</p> <p>There is enough policy guidance contained within policy 2.3.1.2, policy 16.2.1.2 and the policies under Objectives 16.2.3 and 16.2.4 to provide a framework for managing reverse sensitivity effects while considering any positive effects on rural productivity from the expansion of existing operations. Limiting this particular plan change to changes to matters of discretion and assessment guidance would still achieve its purpose but would be more effective in terms of plan consistency and clarity.</p>	

Appendix 2: Future Development Strategy: Statement of Hapū Values and Intent

3.2 Hapū vision

The management of urban development across Dunedin gives effect to Te Tiriti o Waitangi articles; promotes Kāi Tahu rakatirataka, kaitiakitaka and manaakitaka; protects and enhances the mauri of te taiao; and provides for mana whenua settlement and use within native reserves set aside for that purpose.

3.3 Kāi Tahu values

Value	Description	Application
Rakatirataka and Mana	Leadership and Authority	Recognition of Treaty partnership, enabling mana whenua to exercise mana through involvement in decision-making and hapū taking the lead in planning for mana whenua use of native reserves
Whakapapa	Ancestral connection	Recognising and supporting ancestral Kāi Tahu mana whenua connections (ahikāroa) to whenua and wai
Kaitiakitaka	Guardianship	Mana whenua inherited responsibility to act, according to tikaka, as guardians of te taiao, natural resources, mātauraka and other taoka
Mauri	Life force	Maintaining a healthy and intact life force in all lands, waters and the natural environment through prioritising the hauora of te taiao and people in urban development
Tapu	Restriction	A restriction or prohibition used under tikaka to protect the mauri of a resource.
Noa	Lack of restriction	Refers to places and times where access and use of a resource or place is free from tapu or any restriction.
Mahika kai	Customary use	Customary gathering of food and resources is maintained, and restored in areas where te taiao has been denigrated
Ki uta ki tai	Integrated management	Holistic resource management that minimises the effects of activities across land, water, air and the coastal environment
Haere whakamua	Future focused	Planning with a focus on future generations, including in climate change mitigation and adaptation
Whanaukataka	Family and community focused	Creating communities that are connected, inclusive and place families, whānau and neighbourhoods at the centre of urban planning

3.4 Statement of hapū intent

3.4.1 Rakatirataka and kaitiakitaka

Kāi Tahu mana whenua exercise rakatirataka through a partnership approach to decision making on urban development and the use of and effects on wāhi tūpuna, wai Māori and other taoka. Mana whenua exercise kaitiakitaka over wai Māori and other natural resources through their influence on 3 waters management and the effects of urban development on te taiao. Kāi Tahu mana whenua exercise rakatirataka within the native reserves.

3.4.2 Native reserves

Areas of Dunedin that were set aside for Kāi Tahu settlement have enabling planning provisions so that mana whenua can live and sustain themselves in these areas according to tikaka. The funding, extension and upgrading of reticulated water and wastewater infrastructure into the Karitāne,

Brinns Point and Outer Peninsula native reserves compensates for generations of inequitable provision across Dunedin. The enhancement of roading, public transport and active transport connections to native reserves and surrounding outlying communities promotes hauora and whanaukataka.

3.4.3 Te mauri o te taiao

Urban development and change prioritises and enhances, rather than compromises, the mauri of the natural environment. A ki uta ki tai approach recognises that a well-functioning urban environment must consider the effects of land use activities across the wider environment and manage these appropriately, regardless of jurisdictional boundaries.

Te Mana o Te Wai approach places the mauri and hauora of water bodies and coastal waters at the heart of urban development. There is a commitment to increasingly move towards land-based disposal of treated wastewater and relocate the Warrington and Waikōuaiti wastewater treatment plants from their highly compromised locations. Dunedin commits to a different approach toward stormwater management that focuses on attenuation, filtering and other treatment methods that lessen stormwater impacts on wai Māori and wai tai.

Observing tikaka and kawa is part of the ethic and exercise of kaitiakitaka. Tikaka and kawa encompass the beliefs, values, practices, and procedures that guide appropriate codes of conduct, or ways of behaving in the context of natural resource management. Tikaka and kawa are underpinned by mātauraka and incorporate forms of social control, such as rāhui, to manage the relationship of people and the environment. These are important mechanisms to ensure that Kāi Tahu values are reflected in decisions made regarding 3 waters management in their takiwā.

3.4.4 Mahika kai

Kāi Tahu mana whenua are able to access and undertake mahika kai in customary areas without fear of contamination of, or alienation from, te taiao due to urban activities. Dunedin has a network of healthy water bodies and indigenous biodiversity that supports mahika kai activities. As a taoka to Kāi Tahu, priority is given to restoring the mauri and hauora of Otago Harbour, with recognition of its cultural prominence as a source of, and nursery for, mahika kai species, kaimoana and kai ika. There is similar recognition of the traditional importance of the Taiari River, Kaikarae / Kaikorai Estuary, Blueskin Bay, Wāikouaiti River and Matainaka for mahika kai. Adverse effects from urban use and development on the East Otago taiāpure, Waikōuaiti mātaimai and Otago Harbour mātaimai are avoided.

3.4.5 Manaakitaka

A range of quality housing that suits the needs of, and is accessible to, different whānau and communities is provided across Dunedin. The design of housing and neighbourhoods supports manaakitaka and whanaukataka within neighbourhoods and communities, including by promoting equality of access to amenities, services, and public and active transport. Kāi Tahu identity is celebrated through the use of mana whenua design and cultural narratives across the urban realm.

3.4.6 Haere whakamua

Dunedin supports those communities at risk of climate change effects such as sea level rise, coastal erosion and increased natural hazards risk. There is recognition of the special connection of Kāi Tahu to whenua in places such as Karitāne and Ōtākou, along with the constraints associated with Māori land, when considering any climate change adaptation measures. This also includes wastewater treatment plants, particularly those at Waikouaiti and Warrington, which are in locations that are vulnerable to the impacts of climate change and not appropriate in accordance with tikaka and kawa. The risk that climate change poses to the Kāi Tahu relationship to mahika kai, wāhi tūpuna and other wāhi taoka across Dunedin is understood and managed.