BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

UNDER	the Resource Management Act 1991
IN THE MATTER	of the Inclusionary Housing variation to the Queenstown Lakes Proposed District Plan

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STATEMENT OF EVIDENCE OF RACHAEL ELIZABETH PULL

ON BEHALF OF AUKAHA (1997) LTD, TE AO MARAMA INCORPORATED AND TE RŪNANGA O NGĀI TAHU
(Submission OS72)

18 December 2023

INTRODUCTION

1. My name is Rachael Elizabeth Pull.

2. I hold the qualifications of Bachelor of Environmental Management (majoring in policy and planning) and a Postgraduate Diploma in Resource Studies from Lincoln University. I am a full member of the New Zealand Planning Institute. I have completed the Making Good Decisions course.

3. I am employed by Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) as a Senior Environmental Advisor - Planning in Te Ao Tūroa team. I have held this position since October 2022.

4. I have over 15 years' experience in planning in New Zealand. I have worked for the Whanganui, Far North and Thames-Coromandel District Councils as a planner, undertaking plan changes, bylaws and strategies, resource consents and enforcement work.

5. I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise and I have not omitted material facts known to me that might alter or detract from my evidence.

6. My evidence primarily addresses the submissions of Aukaha (1997) Ltd, Te Ao Marama Inc and Te Rūnanga o Ngāi Tahu on behalf of, Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Waihōpai Rūnaka, Te Rūnaka o Awarua, Ōraka Aparima Rūnaka and Te Rūnanga o Hokonui (collectively referred to as **Ngāi Tahu** for this evidence). My evidence is to be read in conjunction with the evidence of Ms Tanya Stevens which provides the background and context information regarding the South Island Landless Natives Act 1906 **(SILNA),** and also the Ngāi Tahu Settlement. My evidence addresses similar issues as The Office for Māori Crown Relations – Te Arawhiti **(Te Arawhiti)** (OS127).

7. I prepared the submission for this variation on behalf of Ngai Tahu, I agree with the submission unless otherwise stated in my evidence.

8. The key documents I have referred to in drafting this brief of evidence are:

(a) The Resource Management Act 1991 **(RMA**);

(b) Te Rūnanga o Ngāi Tahu Act 1996 (**TRoNT Act**);

(c) Ngāi Tahu Deed of Settlement 1997 (**Deed of Settlement**);

(d) Ngāi Tahu Claims Settlement Act 1998 **(NTCSA);**

(e) National Policy Statement on Urban Development 2022 (**NPS-UB**);

(f) Otago Regional Council Regional Policy Statement 2019; (Partially operative 2019)

(g) Proposed Otago Regional Council Regional Policy Statement 2021 **(pORPS)**;

(h) Reply Report Proposed Otago Regional Policy Statement 2023. 4: MW- Mana Whenua;

(i) Section 32 report (dated 18 July 2022);

(j) Section 42A report (dated 16 November 2023);

(k) Queenstown Lakes District Council Minutes of an ordinary meeting 11 August 2022; and

(l) Emails between Queenstown Lakes District Council and Aukaha (1997) Ltd dated August 2022.

SCOPE OF EVIDENCE

9. My evidence:

(a) Outlines the key themes raised in the submission by Ngāi Tahu, including Te Tiriti o Waitangi (**Te Tiriti**) relationship between mana whenua and the Crown, kaitiakitanga and whanaungatanga;

(b) Summarises the relevant statutory direction and framework; and

(c) Addresses the outstanding submission points not addressed in the s42A report in relation to the Hāwea/Wānaka - Sticky Forest block.

EXECUTIVE SUMMARY

10. Ngāi Tahu made a submission on the proposed Inclusionary Housing variation of the Queenstown Lakes Proposed District Plan (**the Plan**). The submission seeks protection of Māori Land and the interests of the successors to the beneficial owners to the Hāwea-Wānaka Block[1] (**Hāwea/Wānaka - Sticky Forest**) and supports the submissions made by Te Arawhiti.

11. Specifically, Ngāi Tahu submission seeks that the intention of the Council as identified in the Council minutes of 11 August 2022 is upheld that Māori Land and the Hāwea/Wānaka - Sticky Forest block is excluded from this variation in order to protect the Ngāi Tahu settlement.

NGĀI TAHU SUBMISSION

12. Ngāi Tahu submission supports the submission of Te Arawhiti.

13. Key themes of the Ngāi Tahu submission are:

(a) Te Tiriti and Ngāi Tahu settlement. Upholding the principles of Te Tiriti and the outcomes of the Ngāi Tahu settlement.

(b) The Hāwea/Wānaka - Sticky Forest block and Māori Land within the District. Better recognition of the unique status of the Hāwea/Wānaka - Sticky Forest block and Māori Land as not being part of the land available for development by the public and the enablement of its use by mana whenua.

(c) Clarification of the variation's scope and intent towards development not within the specified zones.

[1] Defined in Schedule 117 of the Ngāi Tahu Claims Settlement Act as: All that land situated in Otago Land District, Queenstown Lakes District, comprising 50.6742 hectares, more or less, being Section 2 of 5, Block XIV, Lower Wanaka Survey District (SO 963). Balance Certificate of Title 367/52. Subject to survey, as shown hatched on Allocation Plan AS 237 (SO 24734).

RELEVANT STATUTORY DIRECTION

Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act)

14. The TRoNT Act provides for the modern structure of Ngāi Tahu. Te Rūnanga is the representative of eighteen Papatipu Rūnanga, which are regional bodies that represent local views of Ngāi Tahu Whānui. Section 15(2) states that:

> *"where any enactment requires consultation with any iwi or with any iwi authority, that consultation shall, with respect to matters affecting Ngai Tahu Whānui, be held with Te Runanga o Ngai Tahu:"*

15. In turn section 15(3)(a)-(c) requires Te Rūnanga, in carrying out consultation, to seek the views of Papatipu Rūnanga, to have regard to those views, and to act in a manner that will not prejudice or discriminate against any Papatipu Rūnanga.

16. The Ngāi Tahu Takiwā is described in section 5 of the TRoNT Act. In general, it covers all of Te Waipounamu with the exception of an area in the Tasman/Marlborough regions. It covers the entirety of the area covered by this variation.

Ngāi Tahu Claims Settlement Act 1998 (NTCSA)

17. The Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**) enacts the Ngāi Tahu Deed of Settlement 1997 (**Deed of Settlement**). One of the most important aspects of the Crown's settlement with Ngāi Tahu was a formal apology made by the Crown. The wording was given much thought by both parties. The Crown included a formal apology as part of the Deed of Settlement and the NTCSA to acknowledge that Ngāi Tahu suffered grave injustices that significantly impaired its economic, social, and cultural development. The apology provides that Ngāi Tahu is recognised "*as the tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui*."

18. The Hāwea/Wānaka - Sticky Forest block is a part of the Deed of Settlement and NTCSA (Part 15, Treaty claim 14, sections 447-449). In the Queenstown Lakes District Plan Chapter 5 (Tangata Whenua) page 4 it inaccurately claims that:

"*The Ngāi Tahu Claims Settlement Act 1998 relates to remedying breaches of the Treaty of Waitangi and does not cover Maori Freehold and South Island Landless Natives Act lands*.[2]"

19. Because Chapter 5 does not specially provide guidance in how to approach SILNA, it needs to be clear in the variation the status of the Hāwea/Wānaka - Sticky Forest block as redress, to provide for the economic wellbeing of the successors of the benefactors. The best way to provide for this in the context of this plan variation is to have the land exempt from the provisions.

20. The evidence of Ms Stevens provides further information and context on Hāwea/Wānaka-Sticky Forest.

Regional Policy Statements

21. The partially operative Otago Regional Policy Statement (2019) aims to take into account the principles of Te Tiriti and the NTCSA in resource management processes and decisions:

"Policy 2.1.2 (Treaty Principles)
Ensure that local authorities exercise their functions and powers, by:
…
g) Ensuring that district and regional plans:
i. Give effect to the Ngāi Tahu Claims Settlement Act 1998;[3]"

22. The pORPS was notified on 26 June 2021. The hearing for the mana whenua chapter was held January 2023. The reply s42A report was released on 23 May 2023, addressing provisions in contention at the time of the hearing as well as issues raised through the hearing process. While not operative at the time of this hearing, the provisions relating to native reserves (including the Hāwea/Wānaka - Sticky Forest block) are a consideration that any future resource consents will need to take into account and is therefore worth considering the impact of in assessing the effectiveness of this variation.

23. The mana whenua chapter of the pORPS describes what is considered a "native reserve". It identifies the landless native reserves as native reserves,

[2] Chapter 5 Tangata Whenua page 4. Proposed Queenstown Lakes District Plan. Version April 2021.
[3] Partially operative Otago Regional Policy Statement (2019). Page 16

but the notified version does not include the Hāwea/Wānaka - Sticky Forest block. The reply s42A report for the mana whenua chapter has recommended the inclusion of the Hāwea/Wānaka - Sticky Forest block as a native reserve as it meets the criteria. The identification of the Hāwea/Wānaka - Sticky Forest block as a native reserve means the following policy and method would apply (amended to reflect the reply s42A report):

> *"MW–P4 – Sustainable use of Native Reserves and Māori land*
> *Kāi Tahu are able to develop and use land and resources within native reserves and Māori land in accordance with matauraka and tikaka to provide for their economic, cultural and social aspirations, including for papakāika, marae and marae related activities.[4]"*
>
> *"MW–M5 – Regional plans and district plans*
> *Local authorities must amend their regional plans and district plans to:*
> *(1) take into account iwi management plans[5] and address resource management issues of significance to Kāi Tahu,*
> *(2) provide for the use of native reserves and Māori land in accordance with MW–P4 and, if such use may have adverse effects on a matter of national importance, enable development of alternative approaches, led by Kāi Tahu, to preserve the values protected by this Regional Policy Statement,*
> *(3) incorporate active protection of areas and resources recognised in the NTCSA, …[6]"*

24. The changes to the notified version of the policy and the s42A report have been made for the following reasons which are relevant to this variation:

> *"These lands were retained or provided with the intent that Kāi Tahu could develop them in accordance with their needs, but such use is often curtailed in practice by access issues or by large areas of the land being identified as a significant area (for example, as a significant natural area or significant habitat) with accompanying restrictions on*

[4] Paragraph 67. Reply Report Proposed Otago Regional Policy Statement 2021. 4: MW- Mana Whenua;
[5] Note that Te Tangi a Tauira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 states that Māori Lands set aside for Māori owners were to provide for the sustenance and economic well-being for the original owners and following generations forever. Page 120.
[6] Paragraph 107. Reply Report Proposed Otago Regional Policy Statement 2021. 4: MW- Mana Whenua;

development. While significant resources do need protection, it is inequitable that land given for development is unable to be developed[7]*."*

"The changes made are intended to require Regional and District plans to enable a pathway for Kāi Tahu to develop their lands… [8]"

25. Both the partially operative and pORPS seek to give effect to the NTCSA as an ongoing commitment to recognising the relationship of Ngāi Tahu as tangata whenua within Otago. It is essential that the Ngāi Tahu settlement is understood to be more than statutory acknowledgements, nohoanga and tōpuni and that its relevance towards developing a future within RMA documents is considered.

26. Council has a statutory obligation to have regard to any proposed regional policy statement in preparing the District Plan. This includes the enablement of Māori Land and having regard to the direction the pORPS is heading for the Hāwea/Wānaka - Sticky Forest block.

27. The Courts have held that the Crown remedying past grievances as a principle of Te Tiriti[9]. The Hāwea/Wānaka - Sticky Forest block is a recognised part of this remedy to provide for the benefit of the successors of the owners. However, the inability to enact this remedy through District Plan provisions is contrary to this principle and the principle of Active Protection of Māori interests by the Crown. The Council is required to take these principles into account under s8 when preparing this variation.

OTHER RELEVANT CONSIDERATIONS

Proposed Queenstown Lakes District Plan appeals and decisions

28. The Plan is operative, apart from where it is still under appeal. One of the outstanding appeals is ENV-2018-CHC-069 which seeks a partial re-zoning of the Hāwea/Wānaka - Sticky Forest block from the Rural General Zone to Low Density Residential and Large Lot Residential and the balance remaining rural. This is noted as background information to this evidence, but as it is not resolved, is not considered relevant during the hearing of this variation, except to note that the partial re-zoning of the Hāwea/Wānaka -

[7] Paragraph 59. Reply Report Proposed Otago Regional Policy Statement 2021. 4: MW- Mana Whenua;
[8] Paragraph 63 Reply Report Proposed Otago Regional Policy Statement 2021. 4: MW- Mana Whenua;
[9] New Zealand Māori Council v Attorney-General [1987] 1 NZLR 641

Sticky Forest block is feasible to consider in relation to understanding the impacts of this variation.

THE COUNCIL POSITION

The pre-notification expectations

29. In July 2022, Council staff emailed[10] Aukaha and Te Ao Marama about the variation and provided opportunity to comment. The response on behalf of rūnaka was positive towards the overall intent but identified that certain categories of Māori Land should be exempt as there are significant barriers to the utilisation and development of Māori Land and this variation could create another[11].

30. This feedback was not included in the section 32 report (likely due to timing), but was discussed at the Council meeting on 11 August 2022 and the following amendment proposed to the item to Council:

> *"That the Queenstown Lakes District Council:*
>
> *4. Direct the Manager of Planning Policy to amend the proposed plan change prior to public notification to address feedback received from Iwi authorities under cl4A of the first schedule RMA, so that Māori freehold land and Crown land reserved for Māori (as defined by s129(1) of the Te Ture Whenua Māori Act 1993) is excluded from proposed Chapter 40.[12]"*

31. It was put and carried but during the further discussion it was concluded that the Māori Land in question were zoned 'Rural' and the proposed chapter 40: Inclusionary Housing did not apply and therefore amending the provisions would have no bearing on the use of the land. As a result of that discussion, the amendment to the item to exclude Māori Land was revoked.

32. The variation was notified on 13 October 2022. The public notice states that this variation applies to residential subdivision and development in specified

[10] Email from QLDC to Aukaha and Te Ao Marama dated 6 July 2022.
[11] Email from Aukaha and Te Ao Marama to QLDC dated 9 August 2022.
[12] Queenstown Lakes District Council minutes of ordinary meeting 11 August 2022. Item 6, page 11.

PDP zones[13] however rule 40.6.1(2) applies to all zones not covered by rule 40.6.1(1) – residential zones.

33. Despite the above sources stating that the Hāwea/Wānaka - Sticky Forest block and Māori Land would be exempt from this variation due to zoning, Ngāi Tahu put a submission in as a holding position in order to ensure that the intention followed through into the operative plan. Part of the submission was summarised incorrectly and was specifically re-notified in June 2023.

The section 42A report

34. The s42A report does not take into account any of the above direction from the pORPS or the Council minutes.

35. I acknowledge the comment in section 4.35 of the section 42A report that the Natural and Built Environment Act 2023 excludes Māori Land from 'Environmental Contributions'. The purpose of which was to bring the environmental contribution provisions in line with the existing development contribution provisions of s197 of the Local Government Act 2002 (**LGA**) and the RMA financial contribution provisions in s108(9) which states:

> *"In this section, financial contribution means a contribution of—*
> *(a) money; or*
> *(b) land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of Te Ture Whenua Maori Act 1993 unless that Act provides otherwise; or*
> *(c) a combination of money and land."*[14]

36. The reason for this provision is that the government has acknowledged the increased barriers to use and develop Māori Land compared to general land titles and to prevent Māori land from further alienation. Therefore, this variation cannot require Māori Land as a form of Financial Contribution.

37. Section 8.26-8.27 of the s42A report contains the analysis of the Ngāi Tahu submission. The analysis is incorrect in its entirety for the following reasons:

[13] Queenstown Lakes District Council Public Notice 13 October 2022 Variation to Queenstown Lakes Proposed District Plan Inclusionary Housing
[14] Resource Management Act 1991. Section 108 Conditions of Resource Consents, subsection 9.

Hāwea/Wānaka - Sticky Forest block

a. Hāwea/Wānaka - Sticky Forest block is not land held by an iwi. It will be vested in successors to the beneficial owners that the Māori Land Court have spent over 20 years identifying;

b. It is also about protecting the settlement on behalf of the successors to the beneficial owners. To have negotiated a redress (because compensation would cost too much) with the Crown to provide for an economic basis using the site and then have it further reduced by the variation is not consistent with the principles of Te Tiriti;

c. The assumption that the Hāwea/Wānaka - Sticky Forest block will be held in perpetuity or be used for papakāinga housing has no basis in our submission. This is a decision for the successors to the beneficial owners;

Māori Land

d. The basis of the submission is not about losing ownership of the land, which is illegal as Māori Land cannot be taken as a financial contribution under the RMA or as a development contribution under the LGA; and

Hāwea/Wānaka - Sticky Forest block and Māori Land

e. The s42A report has not addressed or analysed the submission points and proceeded to reject all submission points without a proper consideration.

THE SUBMISSION

38. Apart from clarifying a typographical error, the submission points all seek one outcome: that Māori Land and the Hāwea/Wānaka - Sticky Forest block would be exempt from the variation provisions.

39. This submission was a placeholder after already being told by Council that the land would be exempt due to its Rural Zoning. However, although the residential subdivision provisions are limited to zoning, the development

provisions of the rule apply to all land that has multi-unit development[15] with residential floorspace.

40. Plan Change 24 (the precursor to this variation) in the operative Plan was appealed to the High Court who issued a decision in 2010 regarding financial contributions for affordable housing. The Court's decision noted that the requirement to provide an affordable housing contribution only arises if the development is construed as having an impact on the issue of affordable housing. This is reflected in policy 40.2.1.4 as it excludes residential development that does not generate pressure on housing resources. The Ngāi Tahu submission and advice throughout this process is that the development of Māori Land does not adversely impact affordable housing within the District and should be excluded from the need to provide a contribution because it does not generate pressure on the public's housing resources when developed.

41. The development of Māori Land for residential purposes does not put pressure on the housing resources as it is similar to Kāinga Ora in that this is land for Ngāi Tahu whānui and not part of the general public's available land for development. It is legally defined as Māori Land and not freehold and therefore the development of it does not take away from the general public's housing resources that the variation seeks to address.

42. In the case of the Hāwea/Wānaka - Sticky Forest block, this land has never been part of the general public's housing resources. Prior to this piece of land being made available to the successors of the beneficial owners through the Ngāi Tahu settlement, it was vested as plantation reserve, having been first gazetted for plantation purposes in 1892[16]. Enabling the development of this site does not impact the issue of affordable housing in any negative way, and potentially provides a positive benefit as it has not been a site available for development until it was identified as redress to provide for economic benefit.

[15] Note that this term is not defined in the variation or the Plan so I am working from the common usage of more than one residential development on the site.

[16] Evidence of Monique Ahi King on the variation to the Queenstown Lakes proposed District Plan priority area landscape schedules. Paragraphs 26 and 31. Dated 8 September 2023.

What is sought

43. Ngāi Tahu seek that the initially agreed-upon Council position that Māori Land and the Hāwea/Wānaka - Sticky Forest block will be excluded from the variation for the following reasons:

(a) The RMA and LGA exclude Māori Land from development contributions or financial contributions of land;

(b) The High Court in Plan Change 24 stated that financial contributions could be used to address affordable housing where the development impacts the issue of affordable housing. The development of Māori Land or the Hāwea/Wānaka - Sticky Forest block does not impact the ability to create affordable housing as it has not been part of the land available for the public to use for housing;

(c) The Council made their decision to notify the variation based on the information that Māori Land would not be affected due to the Rural Zoning. The residential development provisions apply to all land including Māori Land and the Hāwea/Wānaka - Sticky Forest block;

(d) Ngāi Tahu were told that the variation would not impact Māori Land or the Hāwea/Wānaka - Sticky Forest block due to the Rural Zoning. The residential development provisions apply to Māori Land and the Hāwea/Wānaka - Sticky Forest block;

(e) If applied only to residential zoned land, the variation would create a barrier to the re-zoning of Māori Land and the Hāwea/Wānaka - Sticky Forest block and maximising the use of the sites for their intended purposes;

(f) The proposed text in the variation's purpose (40.1) states that the variation applies to all residential activities. This is not disputed in the s32 or s42A reports and contradicts the information contained in the public notice and the discussion in the Council minutes;

(g) Policy 40.2.1.4 excludes development that does not put pressure on housing resources. This is the basis of excluding community housing. Māori Land and the Hāwea/Wānaka - Sticky Forest block

can be excluded under the same criteria as it is not part of the public's available land for residential development; and

(h) Council is required to have regard to the pORPS to enable the development of Native Reserves and Māori Land. This variation applied as notified does the opposite.

44. Relief sought: (Changes are underlined and in **bold**)

(a) Amend Policy 40.2.1.3 as follows:

Ensure that residential subdivision and development set out in Policy 40.2.1.1 and 40.2.1.2 provides a financial contribution for affordable housing. Avoid subdivision or development for residential activities and Residential Visitor Accommodation that does not provide a contribution, or otherwise does not make appropriate provision to help meet the affordable housing needs of the District. **Note that this policy does not apply to development identified in policy 40.2.1.4.**

(b) Amend Policy 40.2.1.4 as follows:

Recognise that the following forms of residential development either provide affordable housing or do not generate pressure on housing resources and should not be subject to the affordable housing contribution:

a) social or affordable housing delivered by Kāinga Ora, a publicly owned urban regeneration company, the Council or a registered community housing provider;
b) managed care units in a Retirement Village (as defined by the Retirement Villages Act 2003) or Rest Home (under the Health and Services Disability Act 2001);
c) Residential Flats: ~~**and**~~
d) A residential lot or unit located in a Zone that already contains affordable housing provisions in the district plan, or where previous agreements and affordable housing delivery with Council have satisfied objective 3.2.1.10 and 40.2.1 and their associated policies.**;**
e) Land identified as meeting the status of one of the following in s129 of the Te Ture Whenua Māori Act 1993:
i. Māori Customary land

ii. Māori freehold land

iii. Crown land reserved for Māori; or

f) redress land transferred to *and owned by or on behalf of the*[17] successors under the NTCSA Part 15.

(c) Amend Rule 40.6.1.3(b) as follows:

3. Exemptions:

For the purposes of this standard, the following types of residential activities shall not be counted as contributing to the total number of residential units in a development, nor be counted towards fulfilling the requirement of 40.8.1:

a) a Residential Flat

b) social or affordable housing delivered by Kāinga Ora, a publicly owned urban regeneration company, the Council or a registered community housing provider that complies with the requirements of Schedule 40.1, where affordable housing comprises at least 10% of the residential units in the development; or

c) a managed care unit in a Retirement Village or Rest Home (as defined by the Retirement Villages Act 2003 or the Health and Disability Act), ~~**or**~~

d) a residential lot or residential unit located in a Zone that already contains affordable housing provisions in the district plan, or where previous agreements and affordable housing delivery with Council have satisfied objective 3.2.1.10 and 40.2.1 and their associated policies.

e) contributions in accordance with 2(a) and (b) do not apply to development or replacement of a single residential unit on a lot.

f) Land identified as meeting the status of one of the following in s129 of the Te Ture Whenua Māori Act 1993:

i. Māori Customary land

ii. Māori freehold land

iii. Crown land reserved for Māori; or

[17] Note that the italic text has been added to the original submission to limit the provision to the successors in case the redress land is sold in the future as well as provide for any entity such as a trust working on their behalf.

g) redress land transferred to *and owned by or on behalf of the*[18] successors under the NTCSA Part 15.

CONCLUSION

45. Ngāi Tahu submission supports the intent of the variation, however has sought from the beginning to exclude redress land and Māori Land from the provisions. I have supported this in my evidence and provided additional reasoning in order to:

In regard to the Hāwea/Wānaka - Sticky Forest block

- Better achieve the purpose of the RMA, including, taking into account the principles of the Te Titi as required under s8;
- Better implement the NTCSA;

In regard to Māori Land

- Better achieve the purpose of the RMA, including not taking Māori Land as a Financial Contribution under s108 of the Act;

In regard to both the Hāwea/Wānaka - Sticky Forest block and Māori Land

- Better implement the pORPS to enable native reserves and Māori Land; and
- Be consistent with the High Court decision of Plan Change 24 that a financial contribution for affordable housing only arises if the development is construed as having an impact on the issue of affordable housing – which Māori Land and the Hāwea/Wānaka - Sticky Forest block does not, as it does not take away from the land available for the general public to develop.

[18] Note that the italic text has been added to the original submission to limit the provision to the successors in case the redress land is sold in the future as well as provide for any entity such as a trust working on their behalf.

46. My evidence provides drafting and supporting reasons to enable the Council to make provision for the principles of Te Tiriti and mechanisms in the NTCSA.

Rachael Pull

18 December 2023