Queenstown Lakes District Council, variation for Inclusionary Housing

Rachael Pull, Te Rūnanga o Ngāi Tahu: Summary of Evidence

Tēnā koutou,

Ko Rachael Pull ahau. My role is Senior Environmental Advisor, Te Rūnanga o Ngāi Tahu (Te Rūnanga).

I have prepared planning evidence with regard to submissions on the proposed variation for Inclusionary Housing by Te Rūnanga, Aukaha and TAMI (Ngāi Tahu). I also attended the pre-hearing expert conferencing between Te Arawhiti, Council Planners and myself on 8 February.

In general, the submission supports the concept of an Inclusionary Housing Financial Contribution. The submission points and evidence provided by Ngāi Tahu are focused on minor changes to the variation to support a more balanced approach of Council's responsibilities under the RMA and to the principles of the Te Tiriti.

The submission and evidence is limited to 13.5311ha of Māori Freehold Land at the Neck and 50.6742ha at Sticky Forest, most of which is identified as Outstanding Natural Landscape and is unlikely to be impacted by this variation. Therefore, my first comment to the Panel is that the exemptions we are recommending are not significant in scale compared to the issue this variation is trying to address.

Secondly, I re-iterate the High Court decision on this issue that the financial contribution must reasonably relate to the development. I do not consider Māori Land or Sticky Forest to have an impact on affordable housing as its not part of or has been land available to the market, which is how prices are set. Māori Land is rarely in the market. In the case of Sticky Forest, it has been in Crown ownership for the last century. The development of it, or not, will not have an adverse impact on what the general market charges for housing as it's never been part of the market for consideration.

My next point is that Māori Land is legally unable to be taken as a development contribution or financial contribution. The rebuttal evidence counters this by saying it can still take as a monetary contribution. After hearing Ms Stevens' evidence and Te Arawhiti, I encourage the Panel to consider why Māori Land is exempt from contributions. And if having exempted the land, why not consider excluding the monetary contribution for the same reasons.

I note that there are many definitions of Māori Land. The Māori Land Court considers Sticky Forest to be Māori Land as it is land held by the Crown on behalf of Māori. The Forestry Act considers all SILNA land to be Māori Land. The RMA uses one definition for financial contributions and a different one for the National Policy Statement for Indigenous Biodiversity. The legal status of the Sticky Forest block will change once transferred to the successors of the owners, however no one knows if legally it will be defined as Māori Land. Regardless of its eventual classification, its usage remains the same as Māori Land – to enable its owners to economically and culturally thrive. This is acknowledged in the proposed Otago Regional Policy Statement where Sticky Forest is identified as a native reserve.

The rebuttal evidence has recommended a new policy to allow Council to consider a reduced contribution for Sticky Forest. This does not address the issue and in my opinion is unusable.

Firstly, it only applies to Sticky Forest and not Māori Land.

Secondly, the only criteria is to 'take into account the specific circumstances'. This provides no clarity to the planner processing the application or to the applicant. To interpret it, the only guidance available is the Development Contributions Policy 2021. This is a statutory requirement under the Local Government Act 2002 for development and financial contributions.

The policy states it is the document to address financial contributions, although it does not provide information on calculating financial contributions or reductions in them. The older Headworks Financial Contributions Policy 2001 is also not fit for purpose. Therefore, the planner will have no justification to reduce the Financial Contribution. The applicant will then be faced with the burden of essentially re-hashing the entire Māori Land/Sticky Forest history much like this evidence with no certainly of outcome.

In my evidence, I recommended that Māori Land and Sticky Forest instead by added to Policy 40.2.1.4 which recognises that they do not generate pressure on housing resources. I also support the alternative of Te Arawhiti that it be given its standalone policy which recognises its unique status. As well as providing more clarity that the rebuttal policy, it also addresses the last point I wish to raise today:

The Queenstown Lakes District Council did not intend this variation to apply to Māori Land or Sticky Forest. The Council minutes on 11 August 2022 discussed the feedback from Aukaha to exclude Māori Land and Sticky Forest. A resolution was passed to amend the variation to achieve this. The amendment was then revoked because the Council was told that the land in question was zoned rural and therefore the variation did not apply. The public notice also states that the variation applied to specified zones.

I am professionally concerned that this variation seeks to apply beyond what was approved by Council and what is in the public notice. I ask that the Panel, when deciding on my submission, to look at the scope of what was approved by Council and notified in the public notice.

Thankyou for your time and I am happy to take questions.