

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of a proposed public plan change to the
Queenstown Lakes District Plan – Inclusionary
Housing

JOINT WITNESS STATEMENT OF PLANNING EXPERTS

Expert conferencing held on	8 February 2024 at 10am
Venue	Online: Microsoft Teams
Independent facilitator	n/a
Note taker	n/a

1. Attendance

1.1. The list of participants is included in the schedule at the end of this Statement.

2. Basis of attendance and Environment Court Practice Note 2023

2.1. All participants agree to the following:

- a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
- b) They will comply with the relevant provisions of the Environment Court Practice Note 2023;
- c) They will make themselves available to appear before the Hearings Commissioners;
- d) This statement is to be filed with the Hearings Commissioners and posted on the Council's website.

3. Matters agreed at conferencing

3.1. The Hāwea / Wānaka Sticky Forest land

Planners agree that this land has unique status and is different from other land in the district in terms of its history and purpose as SILNA. We agree this could be noted in this variation and recognised in the provisions.

All planners note that the future status, use and ownership of the land is unknown and will be at the discretion of the successors of the owners.

AB and DM raised potential issues with any specific amendments to the provisions relating to the land should the successors to owners no longer have ownership. The use of a map within the Proposed District Plan to define the site may become out of date if in the future the ownership of the land changes, and results in the land no longer providing for the economic wellbeing of the successors.

DM notes there are other options within the variation such as inserting a policy that recognises the unique circumstances of the land and which could be taken into account in any resource consent processes seeking reduction/waiver of any financial contribution.

TS, KE and RP consider a carve out in the provisions more appropriate for the site as it best provides meaningful redress and clarity/certainty.

3.2. Māori Land (as defined in s129 of the Te Ture Whenua Māori Act 1993)

The planners agree that Māori Land (being Māori Customary land, Māori freehold land and Crown land reserved for Māori as defined in s129 of the Te Ture Whenua Māori Act 1993) cannot be taken as a financial contribution for affordable housing. However DM noted that a monetary contribution is still provided for under s108(9) the Act.

RP and TS continue to consider there should be an exemption through the inclusionary housing provisions and consider a contribution in the form of money is not appropriate.

DM prefers that this is addressed on a case-by-case basis (meaning at the time of consent). DM notes that the discretionary process applies if a financial contribution is not applied, or an alternative approach is taken.

3.3. Provision Wording proposed by KE

While Ngāi Tahu/TRONT and Te Arawhiti have a unified view on general relief sought and why, they had put forward different suggested wording in their submissions. Prior to conferencing Ngāi Tahu/TRONT and Te Arawhiti identified alternative wording that could be used that captures both of their positions. KE pre-circulated that to planners prior to conferencing. This alternative provision wording is:

Policy 40.2.1.3

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.**

Policy 40.2.1.4

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:

...

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) The Hāwea / Wānaka Sticky Forest land, which is redress land transferred under the Ngāi Tahu Claims Settlement Act 1998.

Rule 40.6.1.3 Exemptions ...

(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

(g) Any residential subdivision or development on the Hāwea / Wānaka Sticky Forest land, as shown on the map at schedule 40.9.1.xx

While updated relief was circulated for discussion, in light of AB and DM’s concerns about any exemption wording being broad and not specific to successors, RP noted the relief sought as worded in her evidence (page 15) would address DM and AB concerns around that the provisions should be specific to benefiting the successors.

The above relief wording was not discussed further due to Council’s remaining concerns outlined in section 3.1 and 3.2 above.

4. PARTICIPANTS TO JOINT WITNESS STATEMENT

4.1. The participants to this Joint Witness Statement, as listed below, confirm that:

- a) They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
- b) They agree to the introduction of the attached information – Refer to section 3 above; and
- c) They have read the Environment Court’s Practice Note 2023 and agree to comply with it; and
- d) The matters addressed in this statement are within their area of expertise.

Expert’s name and expertise	Party	Expert’s confirmation (refer para 4.1)
David Mead (DM)	Queenstown Lakes District Council	
Amy Bowbyes (AB)	Queenstown Lakes District Council	
Katrina Ellis (KE)	The Office for Māori Crown Relations – Te Arawhiti	
Tanya Stevens (TS)	Te Rūnanga o Ngāi Tahu	
Rachael Pull (RP)	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	