

Statement of Janice Audrey Cook

Introduction.

I have provided a general introduction in my written submission.

I am a self-employed designer and business administrator and live in the rural area at French Farm.

My family's association with Opukutahi began sometime in the 1920s when my grandfather forged a friendship with Jack Tikao and began to spend family holidays camping there. In my father's youth there were still a number of families living on the land at Opukutahi, but I remember as a very young child going to a big farewell party at Wainui Hall for the last family to move away to Christchurch.

I am very supportive of the intent to enable Maori to live on and enjoy their land, along with associated services and facilities. My family's "place" at Opukutahi is an extraordinary privilege and I certainly do not wish to deprive others of the same opportunity.

Background.

I have been substantially involved in district plan submissions, mediations and hearings, including Environment Court, since the Banks Peninsula District Plan was notified in 1997. My interest is in environmental sustainability, natural and cultural heritage, and public recreation, both as a volunteer for the Friends of Banks Peninsula, Akaroa Civic Trust and Rod Donald Banks Peninsula Trust and on my own behalf relating to family properties in the rural and residential areas. The provisions for the Banks Peninsula Rural zone, which were largely carried over into the Christchurch District Plan, were the result of 10 years of negotiations and compromise by a wide range of parties, culminating in mediated agreements with wide community buy-in.

I was closely involved in the Christchurch Replacement District Plan process and attended all the hearings and mediations relating to the PKN zone.

The new Papakainga zone was notified without any prior consultation with affected landowners (Council staff acknowledged that time pressures had prevented intended consultation). It rezoned rural land and treated all land in the zone - Maori and general land - on the same basis and conferred very permissive development rights.

As noted by Ms Dixon in 8.5.4 of her s42A report, the subsequent agreement for differential treatment between Maori land and 'Other' land was supported by all the parties and by the IHP.

The Panel stated at paragraph 59 (Decision37)

We find those characteristics of Māori Land present a different development paradigm to non-Māori Land where development is typically able to be pursued by individuals on individual titles.

The decision discusses the matter of land status in detail in paragraphs 35 to 64.

Setbacks

S42A Report -

8.3.4

Our small bach was built in 1962 with a building permit and planning permission from Akaroa County Council. The farm track was realigned in 2007 to enable boundary fencing and revegetation.

8.3.8

I do not agree that buildings are more likely to be located closer to Akaroa Harbour and not on the narrower upper parts of sites. Knowing this area well, I think that buildings are much more likely to be located closer to the road where there are expansive harbour views, access and servicing is more practicable, where there is flatter land with fewer geotechnical constraints, and in order to avoid the additional restrictions of the coastal natural character overlay.

My statement regarding the limited practicable uses for rural sites in the zone relates to permitted activities.

I note that under the rural rules that would apply to non-Maori land a residence would be a non-complying activity on a site less than 4ha (rule 17.4.1.5 NC2) and discretionary on sites of 4-40ha (rule 17.4.1.4 D3). Combined with the Natural and Cultural rules in Chapter 9 this sets a very high bar for built development.

The Dawson house noted by Ms Dixon was consented in 2005 at a moment in time when the site was not subject to any coastal or landscape overlays in the BP District Plan, and, at 17ha, is on one of the larger sites in the zone.

Around 10 years ago a small house was built on Maori land across the road from our property, to provide accommodation for those looking after the livestock there.

To my knowledge these two are the only new dwellings at Opukutahi since 1962. I think this backs up my statement regarding the likely uses of non-Maori land in the zone.

8.3.12

Ms Dixon has misinterpreted my submission regarding reverse sensitivity. The concern is about the closeness of dwellings to rural activities and the potential for residents to be affected by these. In my experience urban people can underestimate some of the 'nuisances' resulting from rural activities – noise, odour, shading from trees, etc.

I agree with Ms Dixon that there are other constraints on building at Opukutahi, but these are separate matters. For example, the silent files require consideration of cultural matters, not of the desirability of good relations between neighbours.

Definition - Maori Land.

There is high demand for rural lifestyle or holiday properties in this area. Perceived distance from urban areas is not a barrier. The Dawson property is now valued at \$2,280,000.

General freehold land in the PKN zone could be sold, with or without subdivision, once developed. Sales might result from a genuine change of circumstances, or development might be speculative. While the intent of the PKN zone to provide for papakainga housing and economic development is desirable and sincere, it may not be assured in relation to general freehold land.

I understand the desirability and fairness of extending the definition of Maori Land to include ancestral land for the purposes of the PKN zone.

My submission raised the question of whether, when development rights are tied to the status of the land, that status ought to be maintained.

I do not know if there are legal, or fair, mechanisms for doing this. At this stage it may be a case of maintaining some oversight and monitoring of this, perhaps by Ngai Tahu or local Rununga.

A handwritten signature in dark ink, appearing to be 'H. Kait' or similar, written in a cursive style.

4 October 2021