

BEFORE THE HEARING COMMISSIONER
FOR THE CHRISTCHURCH CITY COUNCIL

UNDER the Resource Management Act
1991

IN THE MATTER OF Proposed Plan Change 8:
Papakāinga / Kāinga Nohoanga
Zone

IN THE MATTER OF A submission by
Ngā Rū nanga

STATEMENT OF EVIDENCE OF
BRADLEY SAMUEL THOMSON
ON BEHALF OF
Te Hapū o Ngā ti Wheke, Te Rū nanga o Koukourā rata, Ōnuku Rū nanga and
Wairewa Rū nanga.

4 October 2021

1 QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Bradley Samuel Thomson. I am employed by Mahaanui Kurataiao Limited as an Environmental Advisor, which is a position that I have held since September 2018. Mahaanui Kurataiao Limited (Mahaanui) is an environmental and cultural consultancy service owned by six papatipu rūnanga of Canterbury including Te Ngāi Tūāhuriri Rūnanga, Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata, Ōnuku Rūnanga, Wairewa Rūnanga and Te Taumutu Rūnanga. I hold the qualifications of Bachelor of Science in Geology and Geography with an endorsement in Environmental Science.
- 1.2 Prior to my role at Mahaanui I worked as an Underground Mine Geologist and prior to that as a Geologist/Field Technician.
- 1.3 In my role as an Environmental Advisor at Mahaanui there is a wide scope of work I cover. This includes reviewing and providing advice to Papatipu Rūnanga on resource consents, plan changes and a range of policies, by-laws and capital projects largely undertaken by territorial authorities in Canterbury. I also regularly meet with kaitiaki from various Papatipu Rūnanga to provide advice and to assist with the preparation of statements that record their views and positions on a range of environmental issues. I also assist Papatipu Rūnanga to resolve issues and concerns that may be raised in relation to their own land development matters.
- 1.4 With respect to Plan Change 8 (PC8) my role has been to liaise directly with the City Council to raise the issues associated with barriers to the building of houses within the Kāinga Nohoanga/Papakāinga Zone. I have assisted CCC with identifying the relevant issues and facilitated engagement with the Papatipu Rūnanga. This included leading the hui with landowners from each of the reserves in the Zone. I also liaised with the Māori Land Court to clarify the appropriate wording for the Māori land definition.
- 1.5 I have read, understood and will comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. I confirm that this statement of evidence has been prepared in accordance with the

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Practice Note and that, although the submitters are shareholders in Mahaanui Kurataiao Limited, this evidence is within my area of expertise and I have not knowingly omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2 SCOPE OF EVIDENCE

2.1 In my evidence I shall address the following matters:

- (a) A brief summary of the history and reasons for the plan change;
- (b) Outcomes from engagement with Papatipu Rū nanga;
- (c) The definition of Māori Land
- (d) Effect of the plan change on development opportunities in the Kāinga Nohoanga/Papakāinga Zone; and
- (e) Mahaanui Iwi Management Plan

2.2 I have read the Council's s42A report and I support its recommendations.

3 HISTORY AND REASONS FOR THE PLAN CHANGE

3.1 I am supportive of the history and reasons given in the s42A report by Ms Dixon.

3.2 As noted in the s42A report by Council, the effect of the setback rules resulted in only small to negative building platforms being available on many sites. As a consequence, resource consents have been required for what would otherwise likely be a permitted activity. I also add that these consents are likely to be publicly or limited notified. This is because of the large number of registered landowners. It is not uncommon for Māori land to have over one hundred owners and some of the people listed may be deceased as the Māori land court recognises ownership for the deceased. This can make getting Affected Party Approval impossible.

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- 3.3 The definition of Māori land is also seeking to address the difficulties with accessing funding for development. Banks rarely loan on Māori land other than the Kāinga fund offered by Kiwi Bank. This is due to the ownership protections under the Te Ture Whenua Māori Act 1993 relating to the First Class of Alienees restricting any mortgagee sales. If the land was under general title, then avenues for funding are much simpler. These include the ability for the landowners to obtain mortgages.

4 OUTCOMES FROM ENGAGEMENT

- 4.1 Mahaanui facilitated hui at Rāpaki and Koukourārata as well as holding a hui at the Mahaanui offices for any owners of land at Ōnuku, Ōpukutahi and Wairewa. In addition to what Ms Dixon included in the s42a report below is an additional point landowners raised.

(a) They wanted to voice their frustration over the lack of ability to build on their land, much of the land has been in the same ownership for over 100 years but they haven't been able to build on it due to restrictions by various councils. Many of them view the land as being very different to land outside of the reserve as this land was granted to them for the purpose of Kāinga Nohoanga through a deed of agreement with the Crown.

5 THE DEFINITION OF MAORI LAND

- 5.1 When deciding the wording for the new Māori land definition I wanted to make sure it included anyone who has a Whakapapa connection to an original grantee of land within that reserve.
- 5.2 There are various reasons land may not be under Māori title anymore or reasons why a landowner would want it to remain General land. These may be due to past grievances with the Māori Land Court or because of the limited finance options on Māori land.
- 5.3 The change will include land owned by the rūnanga in each reserve, any trusts that are described in Te Ture Whenua Māori Act 1993 and any other land that isn't in general title but is owned by someone described in 5.1.

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- 5.4 I have liaised with the Māori Land Court around the wording to ensure it does include all the land types within these reserves.

6 EFFECT OF THE PLAN CHANGE

- 6.1 In my experience the reduction in the setbacks, combined with the changes to the Māori land definition will make a positive difference for hapū members to construct homes without triggering the need for resource consents that are excessively complicated and expensive.
- 6.2 The plan change likely will not stop the need for resource consents outright, but these will likely be much simpler and probably relating to earthworks.

7 MAHAANUI IWI MANAGEMENT PLAN

- 7.1 The Mahaanui Iwi Management plan focuses on Papakāinga under Papatūānuku Issue 5. This issue raises how right to residence, use and development of ancestral land is inhibited by Council's policies and rules.
- 7.2 In my opinion this plan change will help reduce barriers and therefore better achieves the policies in the Mahaanui Iwi Management Plan (the most relevant being Policies P5.1, P5.2 and P5.3(b), these are attached at the end of this evidence.

8 CONCLUSION

- 8.1 In conclusion I support Plan Change 8 and the changes proposed to the rules for setbacks, earthworks, the change to the Māori land definition and the inclusion of recession planes. In my opinion, these changes will better enable Māori landowners to construct homes with fewer consenting barriers and assist with fulfilling the original intent of these reserves.

Bradley Samuel Thomson

4/10/2021

Mahaanui Iwi Management Plan Relevant Policies

Papakā inga

Issue P5: The right to residence, use and development of ancestral land is inhibited by:

- (a) Land zoning rules;
- (b) Housing density rules;
- (c) Provision of infrastructure and services;
- (d) Multiple ownership; and
- (e) Lack of council recognition of paper roads and easements as access points to Mā ori land.

Ngā Kaupapa / Policy

P5.1 To recognise that there are a number of issues and barriers associated with the use and development of ancestral and Mā ori reserve land for the purposes for which it was set aside, and that these may vary between different hapū /Papatipu Rū nanga.

P5.2 To require that local and central government recognise that the following activities, when undertaken by tā ngata whenua, are appropriate when they occur on their ancestral land in a manner that supports and enhances their ongoing relationship and culture and traditions with that land:

- (a) Papakainga;
- (b) Marae; and
- (c) Ancillary activities associated with the above.

P5.3 To require that the city and district plans recognise and provide for papakā inga and marae, and activities associated with these through establishing explicit objectives, policies and implementation methods, including:

- (b) Zoning and housing density policies and rules that are specific to enabling papakā inga and mixed use development; and that avoid unduly limiting the establishment of papakainga developments through obligations to avoid, remedy or mitigate adverse effects on the environment.