

## Summary of Planning Evidence: Katrina Ellis

My name is Katrina Ellis and I am the planning witness for Te Arawhiti. I have provided a brief of evidence in support of Te Arawhiti's submission, and was involved in the planning conferencing specific to Sticky Forest and Māori Land.

The land commonly known as Sticky Forest is SILNA substitute land, which is Treaty Settlement land and redress for the SILNA successors.

From a planning perspective, I consider it would be inappropriate to require a financial contribution on this land for affordable housing in the form of land or money, and that the land should be excluded from requiring one. My evidence outlines the relevant planning framework, which informs my position, including:

- The Partially Operative Otago Regional Policy Statement 2019;
- The Proposed Otago Regional Policy Statement 2021;
- Iwi management plans – Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP) and Te Tangi a Tauria (The Cry of the People) Ngāi Tahu ki Murihiku 2008;
- The QLDC PDP strategic direction chapters; and
- Part 2 of the RMA.

The policy direction requires that the principles of Te Tiriti o Waitangi are taken into account, or given effect to, and that District Plans give effect to the Ngāi Tahu Claims Settlement Act 1988. The KTKO NRMP outlines Treaty Principles that are enunciated by the Waitangi Tribunal and the courts. These are outlined in paragraph 25 of my evidence. In paragraph 39 I explain these principles as:

*39.1 The principle of partnership imports an obligation to act reasonably and in good faith, and to keep the interests of all of the beneficial owners in mind in considering the most appropriate planning provisions for the Hāwea / Wānaka SILNA Substitute land.*

*39.2 The principles of active protection and rangātiratanga require consideration of whether the District Plan provisions relevant to the land promote the development and social and economic wellbeing of the intended owners.*

*39.3 The principle of redress is relevant because of the status of the land as redress for past breaches of the Treaty of Waitangi. The land has a unique history and status as SILNA land and the planning provisions which apply should not unduly restrict the use and development of this land.*

I find requiring the SILNA beneficiaries to give back land, or alternatively money to the value of that land in direct conflict with the purpose of redress, and also would not align with the principles of partnership or active protection. I understand the redress land is to provide those who had

lost the ability to support themselves with an economic base. It is counter-intuitive to require the individuals of this settlement asset to offer something back to support Council with other social wellbeing initiatives in the District.

I consider excluding the Sticky Forest land from the plan change before you would be the best way to achieve strategic chapter 5 Tangata Whenua objective 5.3.4 and policy 5.4.3.1.

As Ms Pull will cover, requiring a financial contribution of land is unlawful for Māori land that is defined as such under Te Ture Whenua Māori Act. I will not get into the legal merits of whether it is therefore by proxy unlawful to take a monetary contribution for Māori land, however even if lawful, I consider that the same rationale would apply as to why it would be inappropriate to require one. Due to its unique circumstances it is currently unknown whether Sticky Forest will become Māori land as defined under Te Ture Whenua Māori Act, but it may. However even if it does not, which is a real possibility, I consider the importance of the land as redress and Settlement Land means it should be looked at in the same way.

Relief sought outlined by Ms Dixon, is the relief put forward by myself and tabled in the planning joint witness statement for Sticky Forest/ Māori Land is updated wording from that originally put forward, which is a position that merges the relief sought by Te Arawhiti and Ngai Tahu. An alternative policy wording is also provided to create a standalone policy for the subject lands, should the Panel prefer that alternative.

I am happy to take any questions.