

28 July 2021

Mr Matthew Allan
Chair of the Northbrook Wanaka Retirement Village Expert Consenting Panel
c/- Environmental Protection Authority
Te Mana Rauhi Taiao
Private Bag 63002
Waterloo Quay
Wellington 6140

Via email: northbrookwanakafasttrack@epa.govt.nz

Tēnā koe Mr Allan,

Te Rūnanga o Ngāi Tahu comments on Northbrook Wānaka Retirement Village: draft conditions

I set out below comments on draft conditions for the proposal by Winton Property Limited (the applicant) to establish a retirement village in Northbrook, Wānaka under the Covid-19 Recovery (Fast-track Consenting) Act 2020.

This response is made on behalf of Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) which is the statutorily recognised representative tribal body of Ngāi Tahu whānui (as provided by section 15 of the Te Rūnanga o Ngāi Tahu Act 1996 (**TRONT Act**)) and was established as a body corporate on 24 April 1996 under section 6 of the TRONT Act. These comments are provided further our earlier comments as outlined in our letter dated 23 June 2021.

In particular, comments are provided in relation to access to land known as Sticky Forest, which is located in close proximity to the application site. Sticky Forest is an area of land currently owned by the Crown but which will eventually be transferred to identified successors in accordance with the Ngāi Tahu Settlement Act 1998 (**NTCSA**) as a consequence of redress promised under the South Island Landless Natives Act 1906 (**SILNA**).

1. Comments on draft conditions

1.1 Comments on conditions are set out in the table below. The proposed Sticky Forest access condition is discussed in further detail separately.

Section	Number	Summary	Decision sought
Land use consent conditions			
Environmental Management	7 b. iv. Advice note	Environment Management Plan, cultural heritage Add to the advice note that Te Ao Marama Inc. and Aukaha will be consulted in addition to Heritage New Zealand Pouhere Taonga. It is important that the cultural heritage elements of the Environment Management Plan provide for cultural heritage of interest to Ngāi Tahu. Aukaha, and Te Ao Marama Inc. are best placed to provide this advice on behalf of Papatipu.	<i>(Note: Te Ao Marama Inc., Aukaha and Heritage New Zealand Pouhere Taonga will be consulted on the cultural heritage aspects of the EMP, including the Accidental Discovery Protocol.)</i>
Environmental Management	8	Both Aukaha and Te Ao Marama Inc. should be consulted in the event that the Heritage New Zealand Pouhere Taonga Archaeological Discovery Protocol is not implemented to ensure that all relevant Papatipu Rūnanga with an interest in the area are consulted.	If the Heritage New Zealand Pouhere Taonga Archaeological Discovery Protocol is not implemented, then: i. the Accidental Discovery Protocol shall be prepared in consultation with Aukaha, Te Ao Marama Inc. and HNZPT; and ii. the Council shall ensure Aukaha, Te Ao Marama Inc. and HNZPT have a minimum of 20 working days to provide comment on the final Accidental Discovery Protocol.
Subdivision consent conditions			
New Section: Environmental Management/ Accidental Discovery	Tbc	A condition requiring the use of an Accidental Discovery Protocol is required for both the land use consent conditions, and subdivision consent conditions. This is required to ensure that an Accidental Discovery Protocol is in place for both works that relate to the land use consent, and the subdivision consent.	Include in the subdivision consent conditions, the same wording as land use consent condition 8 (with amendments sought above)

Sticky Forest

1.2 Te Rūnanga supports efforts to resolve access to land known as Sticky Forest. Te Rūnanga wish to express a preference for the easement condition, for the following reasons:

- a). **Clarity.** The proposed easement condition is clear, easy to interpret and to understand. The proposed plan change condition is complicated which could lead to issues in implementation, and also in ensuring that the Council can enforce the condition.

b). **Certainty.** The proposed easement condition is achievable, and enforceable, as it is within the control of the applicant and Council (the easement being in favour of Queenstown Lakes District Council due to the temporary ownership of the Crown). The proposed plan change condition does not provide certainty as it is reliant on external processes that are ultimately outside of the control of the applicant, i.e. a plan change needs to be accepted and approved by the Council, and is ultimately subject to submissions and appeal.

c.) **Effectiveness.** The easement condition will be effective in delivering a clear outcome, being legal access to Sticky Forest for future beneficial owners. The proposed plan change condition may or may not be effective due to the complicated nature of the proposed condition, and reliance on external processes.

1.3 Further to the above, we consider that the Sticky Forest access condition should be included on both the Land Use and Subdivision consent conditions. This is to provide certainty if the applicant chooses to progress only one of the consents.

2. Decision Sought

2.1 Te Rūnanga thanks the Chair for the opportunity to comment on the draft conditions. Te Rūnanga seeks that amendments to the conditions discussed above are made, and that the proposed easement condition is favoured by the Panel as the most effective means of providing access to Sticky Forest for future beneficial owners.

Nuku noa nā,



Trudy Heath
General Manager, Te Ao Tūroa

Address for Service:
Tanya Stevens
Senior Environmental Advisor
Te Rūnanga o Ngāi Tahu
Email: Tanya.Stevens@ngaitahu.iwi.nz
[REDACTED]

Cc: Stevie-Rae Blair, Te Ao Marama Inc.
Tania Richardson, Aukaha
Riki Parata, Hokonui Rūnanga
Jacqui Caine, Te Rūnanga o Ngāi Tahu