

**BEFORE THE TAUPO DISTRICT COUNCIL**

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| <b>UNDER</b>         | The Resource Management Act 1991<br><b>(the Act)</b>   |
| <b>IN THE MATTER</b> | of an application for a private plan<br>change to re-zone land for residential<br>purposes, known as Proposed Plan<br>Change 37 to the Taupo District Plan |
| <b>APPLICANT</b>     | A N Rajasingham, LPT Trustees No.<br>124 Limited, Thiru Trustee Company<br>Limited, Lexus Trustees 11 Limited, And<br>Cn Top Investments Limited           |

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**EVIDENCE OF ANDREW MARUTUEHU KUSABS ON BEHALF OF THE  
OWNERS OF RANGATIRA BLOCKS 8A17A5 AND 8A17A6 AND RANGATIRA  
8A1T2X AND 8A1T2Y AND PT RANGATIRA A1T2**

Dated: 5 November 2021

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## **1. INTRODUCTION**

- 1.1 My name is Andrew Marutuehu Kusabs and I am the Chairman of Rangatira Blocks 8A17A5 and 8A17A6 and Rangatira Blocks 8A1T2X and 8A1T2Y (hereinafter referred to as “Rangatira 8A17 Trusts” or “the Owners”).
- 1.2 The Responsible Trustees of each of the Rangatira 8A17 Trusts are myself (Andrew Kusabs), Dianne Stockman (recorded as Dianne Stockman), Joseph Te Rahui Pene, Alice Gloria McLaughlin (recorded as Gloria Alice McLaughlin) and Craig John Kusabs.
- 1.3 The Owners made submissions (Submitter 50) and further submissions (FS60) to the proposed Private Plan Change 37 (“the plan change” or “PC37”).
- 1.4 I am authorised by the Trustees of each of the Rangatira 8A17 Trusts to give evidence on behalf of the Owners.

## **2. PREVIOUS DEVELOPMENTS BY THE TRUSTS**

- 2.1 In 1983/1984 Rangatira 8A17 completed a subdivision of land fronting Acacia Bay Road. The subdivision involved 27 residential sections and a site for commercial use which is now part of the Nukuhau shops.
- 2.2 In 1984, Rangatira 8A17 established a public reserve adjoining the Urupa in Nukuhau. In 1986, a further public reserve was established for public recreational use on Lakewood Drive.
- 2.3 In 1986, 34 sections were created in Chase Grove and Mansell Road and 6 sections were created in Lakewood Drive.
- 2.4 In 1993, 24 sections were created along Lakewood Drive by way of a further subdivision.
- 2.5 In 1998, 28 sections were created along Whetu Place including an extension to the Urupa and Lakewood Drive.
- 2.6 In 1999, a further 23 sections were released along Lakewood Drive.
- 2.7 In 2000, a further 19 sections were subdivided along Lakewood Drive up to the present farm gate.
- 2.8 All the above developments were approved by the Māori Land Court by way of status change of the affected land from Māori Freehold to General Land.
- 2.9 The shops at Nukuhau were developed between 1994 and 2011. As the demand for the shops increased, further shops were added between the above dates. The current commercial site has capacity for between 4 to 6 (depending on size) further shops to be built if required. In 1989, three Kaumatua flats (for

elder people) were built on Mansell Road across the road from the shops.

### **3. HISTORY OF LAND OWNED BY THE TRUSTS**

- 3.1 In 1981, the Rangatira 8A17 Trusts were created and the Trustees were vested with ownership of 27 hectares of rural land in Taupo. The land had a government valuation \$46,000.00. Previous to the current owners' ownership, the land had not been well managed and had been used as a dumping site. It had no historical value or significant cultural landmarks. The Rangatira 8A17 Trusts have endeavoured to "re-vamp" the land and properly care for it.
- 3.2 As a result of the efforts of the Trustees, by the 1990's the asset base of the Rangatira 8A17 Trusts had an estimated value of \$1.6 million consisting of a commercial building, three Kaumatua flats, developed sections for sale and cash.
- 3.3 In 1996 Māori Land Court approval was given to subdivide and sell some of the land, provided that the proceeds of the sale were applied to the purchase of more land for the Rangatira 8A17 Trusts. The remaining undeveloped land was put into trees.
- 3.4 In 2002, from the sale proceeds mentioned above, Rangatira 8A17A5 Trust obtained the beneficial ownership of an irrigated dairy farm in Earle Road, Reporoa for \$4 million ("Reporoa Farm") for the benefit of the owners of Rangatira 8A17A5 Trust. Based on recent sales in the area and other professional advice, the Trustees estimate that the Reporoa Farm now has a value of close to \$6 million.
- 3.5 Since the 1990's, the Rangatira 8A17 Trusts have been considering further subdivision options for their available land in Taupo, based on the previous success.
- 3.6 On 21 September 2013, there was a meeting of beneficial owners of the Rangatira 8A17 Trusts. The minutes of that meeting record that there is a long-standing mandate from the owners of the Rangatira 8A17 Trusts to subdivide and sell the land.
- 3.7 It was resolved at the meeting "That the Trust is given the mandate to seek the approval of the Māori Land Court to carry out further development of the Trust's land with the intention of selling it."
- 3.8 Land development consultant, David Rankilor, who had been involved in the development of the land and surrounding area since 1984, had been engaged to provide preliminary plans in relation to a proposed staged subdivision of the land.

- 3.9 The subdivision is likely to take the following form:
- 3.9.1 Rangatira 8A17A5 will be subdivided first. Initially, there will be a 29 lot division. This stage is a practical first step because it involves fewer major earthworks than in other areas of the subdivision, and relies on existing roading patterns established by the Taupo District Council. It is envisaged that the sale of these lots will go a long way to funding the remainder of the subdivision by all of the Rangatira 8A17 Trusts. The subdivision and sale of Rangatira 8A17A5 will also act as a test of viability for the balance of the subdivision.
- 3.9.2 Rangatira 8A17A5 will then subdivide the remainder of its land, followed by 8A1T2X and 8A1T2Y. Earthworks required by Rangatira 8A1T2X and 8A1T2Y to remove fill material, will be utilised by 8A17A5 to in-fill gully areas within its boundaries.
- 3.9.3 Rangatira 8A17A6 is currently a natural gully used informally by the public without any restriction. By itself the land offers little commercial value and has no historical significance. It is envisaged that the Rangatira 8A17A6 block could be vested in the Taupo District Council as part of the Rangatira 8A17A5 Trusts' obligations as a developer to provide reserve land to the Council. This is the highest and best use of the Rangatira 8A17A6 land. Rangatira 8A17A6 Trust would then be compensated by the Rangatira 8A17A5 Trust for the vesting of the land in this manner.
- 3.10 On 7 March 2017 the Māori Land Court made an Order pursuant to Section 135 of Te Ture Whenua Māori Act 1993, that the lands vested in the Rangatira 8A17 Trusts shall cease to be Māori Freehold Land and shall become General Land. The Order declaring that the status of the said lands shall cease to be Māori freehold land and shall become General Land was registered against the relevant titles on 1 June 2018.

#### **4. CONSULTATION BY APPLICANTS**

- 4.1 Hamish Grant Crawford on behalf of the Applicants did consult with me and my co-trustee Gloria McLaughlin on at least two occasions regarding PC 37. On each occasion we requested amendments be made to the proposed rezoning. Most if not all of our requests were not incorporated into the application.

#### **5. CULTURAL SIGNIFICANCE OF THE TRUSTS LAND**

- 5.1 I am aware that Noel Manahira Mansell, an acknowledged Tohunga of Whakapapa and history of this area and Te Arawa generally, was the elder and a Trustee of the Rangatira 8A17 Trusts up to 1984. I believe that Mr Mansell would not have agreed to the development referred to in paragraphs 2.1 and 2.2 if the land had cultural significance to Maoridom. At the

same time Mr Mansell was involved with the Rangatira 8A17 Trusts, other elders including Autiti Wikiriwhi, Michael Pitiroi and Andrew Henry were also trustees at various stages. These gentlemen are respected elders and I also believe that they would not have approved any development if the affected land had any cultural significance to Maoridom.

- 5.2 Before the creation of the 28 sections, along Whetu Place and Lakewood Drive (see paragraph 2.5 above), I consulted with Mrs Win McKenzie, who is a knowledgeable person in the history of this area, and she confirmed that the affected lands had no cultural significance to Maoridom.
- 5.3 I note that Ms Cleary (planner for the Applicant) is proposing an amendment to the proposed Plan Change to require a Cultural Impact Assessment be completed prior to any subdivision activity being undertaken. As I have indicated in the preceding paragraphs, with regards to the Trust's lands, I do not believe that such a requirement is necessary. While a Cultural Impact Assessment may be appropriate for the other land within the Plan Change area, in my view it is important that such an assessment is undertaken by people with a thorough and complete understanding of the history of the land. This should form a requirement of any assessment undertaken.

## **6. CONCLUSION**

- 6.1 The Owners support the principles of the plan change subject to the amendments set out in paragraph 8.0 Conclusion of the evidence provided by David John Greaves on behalf of the owners of Rangatira 8A17 Trusts dated 29 October 2021.