

OFFICER'S REPORT FOR:

Hearings Panel

SUBJECT:

**Proposed Waimakariri District Plan:
Whaitua Motuhake Special Purpose Zone
(Kāinga Nohoanga) ("SPZ(KN)")**

PREPARED BY:

Alan Matheson

REPORT DATED:

13 April 2023

DATE OF HEARING:

**Stream 1 & 2
15 – 18 May 2023**



WAIMAKARIRI
DISTRICT COUNCIL

Executive Summary

1. This report considers submissions received by the District Council in relation to the relevant objectives, policies, rules, definitions, appendices and maps of the Proposed Plan as they apply to the Special Purpose Zone (Kāinga Nohoanga) (“**SPZ(KN)**”). The report outlines recommendations in response to the issues that have emerged from these submissions.
2. There were 23 submissions (containing 78 individual submission points) and no further submissions received on SPZ(KN). The submissions received were predominantly in support of the zone provisions with the submissions in opposition focused on the issue of the differences in the provisions between those applying to ‘Māori/descendent land’ and those applying to ‘non-Māori/descendent land’ and sought a range of outcomes. The following are the key issues in contention in the chapter:
 - Two sets of rules – one for ‘Māori/descendent land’ and one for ‘non-Māori/descendent land’, especially the ability to build a home on all holdings within the zone;
 - Subdivision into smaller lots;
 - Zoning land as SPZ(KN); and
 - Inclusion of property within the Tuahiwi Precinct.
3. This report addresses each of these matters, as well as any other issues raised by submissions.
4. SPZ(KN) is also subject to a number of consequential amendments arising from submissions to the whole of the Proposed Plan and other chapters.
5. I have not recommended any changes to the Proposed Plan provisions to address matters raised in submissions.

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Interpretation

6. Parts A and B of the Officer's reports utilise a number of abbreviations for brevity as set out in Tables 1 and 2 below:

Table 1: Abbreviations

Abbreviation	Means
RMA	Resource Management Act 1991
District Council	Waimakariri District Council / territorial authority
Operative Plan	Operative Waimakariri District Plan
Proposed Plan	Proposed Waimakariri District Plan
ECan	Environment Canterbury/Canterbury Regional Council
NES	National Environmental Standard
NESAQ	National Environmental Standards for Air Quality 2004
NESCS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NESETA	National Environmental Standards for Electricity Transmission Activities 2009
NESF	National Environmental Standards for Freshwater 2020
NESPF	National Environmental Standards for Plantation Forestry 2017
NESSDW	National Environmental Standards for Sources of Drinking Water 2007
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Planning Standards
NPSET	National Policy Statement on Electricity Transmission 2008
NPSFM	National Policy Statement for Freshwater Management 2020
NPSUD	National Policy Statement on Urban Development 2020
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
RPS	Operative Canterbury Regional Policy Statement

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
CCC	Christchurch City Council
CDHB	Christchurch District Health Board
Chorus	Chorus New Zealand Ltd
CIAL	Christchurch International Airport Ltd
Corrections	Ara Poutama Aotearoa the Department of Corrections
DoC	Department of Conservation Te Papa Atawhai
ECan	Environment Canterbury / Canterbury Regional Council
Federated Farmers	Federated Farmers of New Zealand Inc.
FENZ	Fire and Emergency New Zealand
Fish and Game	North Canterbury Fish and Game Council
Forest and Bird	Royal Forest and Bird Protection Society

Abbreviation	Means
Heritage NZ	Heritage New Zealand Pouhere Taonga
Hort NZ	Horticulture New Zealand
Kainga Ora	Kainga Ora - Homes and Communities
KiwiRail	KiwiRail Holdings Limited
Mainpower	Mainpower New Zealand Ltd
MoE	Minister / Ministry of Education
Ngāi Tūāhuriri	Te Ngāi Tūāhuriri Rūnanga
NZDF	New Zealand Defence Force
Police	Minister of Police / NZ Police
QEII Trust	Queen Elizabeth the Second National Trust
Ravenswood	Ravenswood Developments Ltd
Spark	Spark New Zealand Trading Ltd
Tuhaitara Trust	Te Kohaka o Tuhaitara Trust
Transpower	Transpower New Zealand Ltd
Vodafone	Vodafone New Zealand Ltd / One.NZ
WDC	Waimakariri District Council (including as requiring authority)
Waka Kotahi	Waka Kotahi NZ Transport Agency

In addition, references to submissions includes further submissions, unless otherwise stated.

1 Introduction

1.1 Purpose

7. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on the Special Purpose Zone (Kāinga Nohoanga) ('**SPZ(KN)**') chapter and to recommend possible amendments to the Proposed Plan in response to those submissions.
8. This report is prepared under section 42A of the RMA. It considers submissions received by the District Council in relation to the relevant objectives, policies, rules, definitions, appendices and maps as they apply to the SPZ(KN) in the Proposed Plan. The report outlines recommendations in response to the key issues that have emerged from these submissions.
9. This report discusses general issues or topics arising, the original submissions received following notification of the Proposed Plan, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the Proposed Plan provisions or maps based on the preceding discussion in the report.
10. The recommendations are informed by the evaluation undertaken by the author.
11. This report is provided to assist the Hearings Panel in their role as Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

1.2 Author

12. My name is Alan Ross Matheson. My qualifications and experience are set out in **Appendix B** of this report.
13. My role in preparing this report is that of an expert planner.
14. I was involved in the preparation of the Proposed Plan and authored the SPZ(KN) chapter and the Section 32 Evaluation Report for the SPZ(KN) chapter.
15. Although this is a District Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court January 2023. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
16. The scope of my evidence relates to the SPZ(KN) chapter and planning maps in relation to this zone. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.
17. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
18. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.3 Key Issues in Contention

19. 23 submissions (containing 78 individual submission points) were received on the provisions within the SPZ(KN) chapter. The submissions received were predominantly in support of the zone provisions with the submissions in opposition mainly focused on the issue of the differences in the provisions between those applying to 'Māori/descendent land' and those applying to 'non-Māori/descendent land' and sought a range of outcomes.

20. I consider the following to be the key issues in contention in the chapter:

- Two sets of rules – one for 'Māori/descendent land' and one for 'non-Māori/descendent land', especially the ability to build a home on all holdings within the zone;
- Zoning land as SPZ(KN); and
- Inclusion of property within the Tuahiwi Precinct.

21. I address each of these key issues in this report, as well as any other issues raised by submissions.

1.4 Procedural Matters

22. At the time of writing this report there has not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this chapter.

2 Statutory Considerations

2.1 Resource Management Act 1991

23. The Proposed Plan has been prepared in accordance with the RMA and in particular, the requirements of:

- section 74 Matters to be considered by territorial authority, and
- section 75 Contents of district plans.

24. There are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the Proposed Plan. These documents are discussed in detail within sections 3.2 to 3.7 of the Section 32 Evaluation Report: *SPZ Kāinga Nohoanga* (https://www.waimakariri.govt.nz/data/assets/pdf_file/0032/98267/28.-SPZ-KAINGA-NOHOANGA-S32-REPORT-DPR-2021...pdf).

2.2 Section 32AA

25. As no changes to the Proposed District Plan are recommended, I have not undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken.

2.3 Trade Competition

26. Trade competition is not considered relevant to the SPZ(KN) chapter provisions of the Proposed Plan.

27. There are no known trade competition issues raised within the submissions.

3 Consideration of Submissions and Further Submissions

3.1 Overview

28. There were 23 original submissions (containing 78 individual submission points) received on the provisions within the SPZ(KN) chapter. The submissions received were predominantly in support of the zone provisions. I consider the following to be the key issues in contention in the chapter:
- Two sets of rules – one for 'Māori/descendent land' and one for 'non-Māori/descendent land', especially the ability to build a home on all holdings within the zone;
 - Zoning land as SPZ(KN); and
 - Inclusion of property within the Tuahiwi Precinct.
29. There were 4 further submissions of a general nature, being supportive of entire submissions (rather than specifying a specific decision requested submission point) as follows:
- FS37 R & G Spark – Christchurch City Council [360] and Canterbury Regional Council [316];
 - FS46 Miranda Hales – Christchurch City Council [360] and Canterbury Regional Council [316];
 - FS78 Royal Forest and Bird – Department of Conservation [419]; and
 - FS80 Christchurch International Airport Ltd – Canterbury Regional Council [316].
30. Relevant submission SPK(KN) points are addressed within this report. The further submissions from Forest and Bird [FS78] and CIAL [FS80] have been recorded in the relevant sections of the report and in Table A1. The further submissions from M Hales [FS46] and R & G Spark [FS188] have not been recorded in the relevant sections of the report or in Table A1 as they were too general to determine the specific submission point they related to. However, while an attempt has been made to record the further submissions, the relevance of these further submissions to SPK(KN) provisions is unclear. These submitters may wish to clarify the relevance at the hearing.

3.1.1 Report Structure

31. Submissions on SPZ(KN) raised three main issues which have been grouped into sub-topics within this report. Some of the submissions are addressed under a number of topic headings based on the topics contained in the submission.
32. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission by submission approach. I have organised the evaluation in accordance with the layout of the SPZ(KN) chapter of the Proposed Plan as notified.
33. Due to the limited number of submission points, this evaluation contains specific recommendations on each submission point as contained in **Appendix A**.
34. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in **Appendix A**. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report.

3.1.2 Format for Consideration of Submissions

35. For each identified topic, I have considered the submissions that are seeking changes to the Proposed Plan in the following format:

- Matters raised by submitters;
- Assessment; and
- Summary of recommendations

3.2 General Submissions

3.2.1 Matters raised by submitters

36. 9 submissions have been coded to the “General” sub-section. However, it is considered that only 4 of these submissions are ‘general’. The other 6 submissions have raised specific matters and identify specific relief sought and are addressed in later sections of this report.

37. Jonathon Reuben [17.1], Ngāi Tūāhuriri [142.1], CCC [360.7] and Allan Charles MacDonald [372.4] support the SPZ(KN) and seek that the zone be retained. These submissions note that the zone will enable the development of the area by and for mana whenua as intended by Kemp’s Deed and articulated in the higher order policy documents. The submissions from Ngāi Tūāhuriri and Allan Charles MacDonald also note that the zoning of the land will provide the impetus for the funding of infrastructure services to the area. I note that this particular matter is outside the Proposed Plan.

3.2.2 Assessment

38. I agree with the 4 submissions, as that is the conclusion of the s32 evaluation report. None of the other submissions seek that the SPZ(KN) chapter be deleted, but rather are seeking amendments to the provisions.

3.2.3 Summary of recommendations

39. I recommend that the submissions from Jonathon Reuben [17.1], Ngāi Tūāhuriri [142.1], CCC [360.7] and Allan Charles MacDonald [372.4] be **accepted**.

40. I recommend that no change be made to the Proposed District Plan.

3.3 Two sets of rules

3.3.1 Matters raised by submitters

41. Kim Joanne Manson [132.1], Gina Louise Manson [353.1], and Neil Eades [403.1] contend that anyone, not just Māori descendants should be able to build on their land (particularly a dwelling).

42. The submission from Allan Charles MacDonald [372.3] seeks that descendants of the original grantees to Māori Reserve 873 should be able to develop their land independent of whether it is Māori title or not.

3.3.2 Assessment

43. As noted in the section 32 evaluation report, the SPZ(KN) provisions have been developed to enable the outcome for Māori Land and descendent land as set out in the higher order documents to be achieved (i.e. the environmental, social, economic, social and cultural aspirations of Ngāi Tūāhuriri). The two sets of rules have been developed in recognition that the Proposed Plan is required to provide active support for the development of Māori Reserves by mana whenua.
44. The application of the Rural Lifestyle Zone to 'non-Māori/descendent' land provides for a range of activities that are currently carried out in the area and are compatible with the future changing character of the area to a more urban character. Rule RLZ-RS *Residential unit*, provides three permitted activity situations where a dwelling can be established on a site less than 4ha. Where compliance with the rule cannot be achieved the default activity status is Non-complying.
45. With respect to the submission from Allan Charles MacDonald, the provisions do enable any descendant to develop both Māori and 'non-Māori land'. Accordingly, no change is required to the provisions.

3.3.3 Summary of recommendations

46. I recommend that the submissions from Kim Joanne Manson [132.1], Gina Louise Manson [353.1], and Neil Eades [403.1] be **rejected**.
47. I recommend that the submission from Allan Charles MacDonald [372.3] be **accepted**.
48. I recommend that no change be made to the Proposed District Plan.

3.4 Pedestrian and cycle access

3.4.1 Matters raised by submitters

49. The submission from the Kaiapoi-Tuahiwi Community Board [147.12] is concerned that there is insufficient provision for safe pedestrian and cycle access. No relief was specified in the submission.

3.4.2 Assessment

50. This is a matter that will be addressed through subdivision and development, and the development of infrastructure to the area as development occurs.

3.4.3 Summary of recommendations

51. I recommend that the submission from Kaiapoi-Tuahiwi Community Board [147.12] be **rejected**.
52. I recommend that no change be made to the Proposed District Plan.

3.5 Zoning

3.5.1 Matters raised by submitters

53. The submission from Ruth and Ron Ellis [153.1] seeks that their property at 134 Tuahiwi Road be included within the Tuahiwi Precinct. Figure 1 is a 'snip' from the Proposed Plan Planning Map

showing the location of the property (highlighted in dashed border) adjoining the Tuahiwi Precinct (shown in hatched shading).



Figure 1: 134 Tuahiwi Road and Tuahiwi Precinct

54. The submitters consider that the zoning as Tuahiwi Precinct would encourage someone of Ngāi Tūāhuriri descent to own the land and develop it for pāpakainga and other purposes.
55. The submission from Marie Bax [216.1] seeks that the property at 331 Woodend Road be rezoned to either General Residential or Large Lot Residential zone. Figure 2 is a ‘snip’ from the Proposed Plan Planning Map showing the location of the property (highlighted in dashed border), with the following zones:
- SPZ(KN) zone shown in grey;
 - LLRZ (Large Lot Residential) is light yellow to the southeast of “WOODEND BEACH ROAD”;
 - RLZ (Rural Lifestyle) is darker yellow to the east of the subject property; and
 - MRZ (Medium Density Residential) is the bright yellow to the north and east of the subject property.

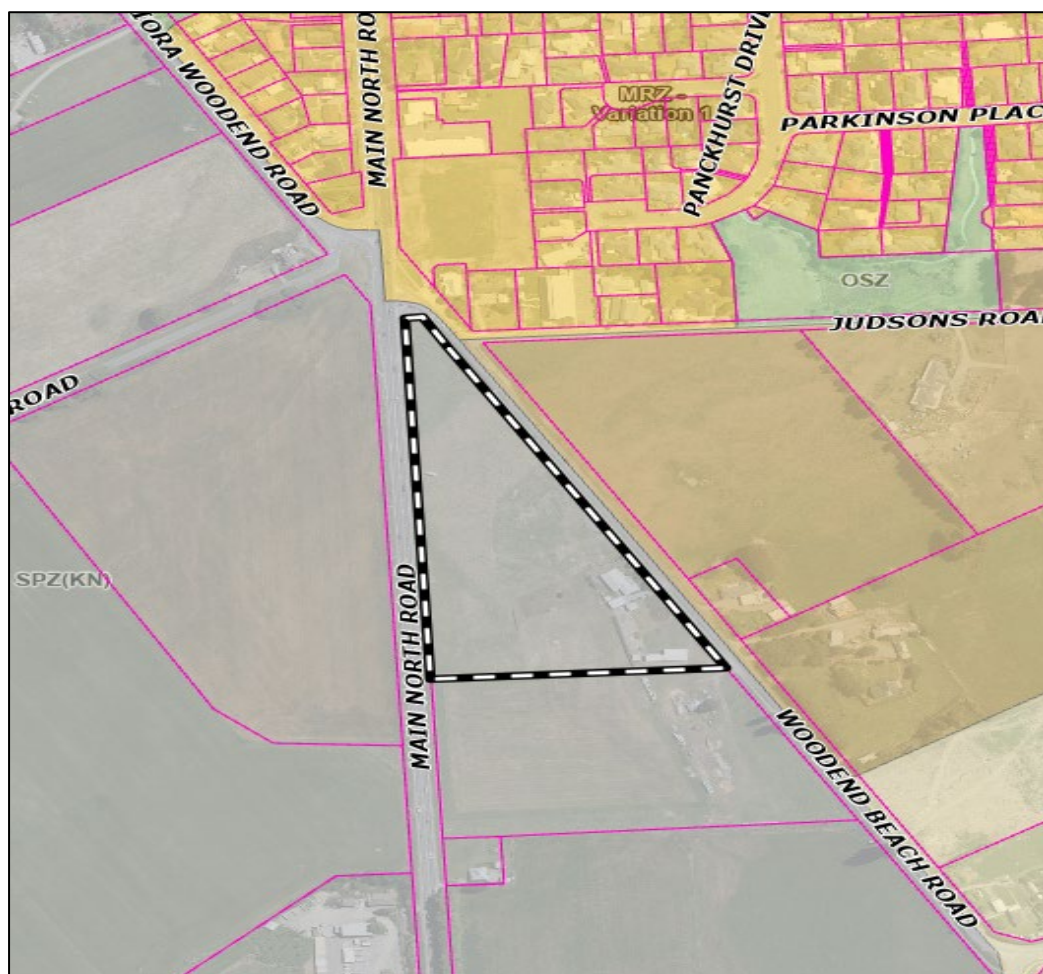


Figure 2: 331 Woodend Road and Zonings

56. The submission from Allan Charles MacDonald [372.2] seeks that all of Māori Reserve 873 be zoned as Settlement Zone, not just within the Tuahiwi Precinct.

3.5.2 Assessment

57. With respect to Ruth and Ron Ellis's property, the SPZ(KN) provisions would enable any descendent to purchase the property knowing that the full provisions applying to descendants would enable the development provided by the zone to be undertaken. There is no benefit from having the property within the Tuahiwi Precinct. Accordingly, no change to the zoning is recommended.

58. With respect to Marie Bax's property, it is within the boundary of Māori Reserve 873 that was reserved to local Māori as part of the Kemp's Deed purchase in the South Island. It's zoning as SPZ(KN) provides the opportunity for the purpose that the land was originally intended to be achieved and also gives effect to the objectives of higher order planning documents (particularly the Canterbury Regional Policy Statement). The zoning as SPZ(KN) provides a potential incentive for a descendant of Ngāi Tūāhuriri to purchase the land in order that its original purpose may be achieved, while still enabling the current owner to carry on with the current rural residential activities. Accordingly, no change to the zoning is recommended.

59. With respect to Mr MacDonald's request to zone all of Māori Reserve 873 as Settlement Zone, the application of the Settlement Zone recognises the existing Residential 3 zoning provisions within

the Operative District Plan that applies in and around Tuahiwi Marae. The purpose of the Settlement Zone is to provide for the smaller rural and beach settlements. Accordingly, this zoning is not applicable to the rest of the land within Māori Reserve 873.

3.5.3 Summary of recommendations

60. I recommend that the submissions from Ruth and Ron Ellis [153.1], Marie Bax [216.1] and Allan Charles MacDonald [372.2] be **rejected**.

61. I recommend that no change be made to the Proposed District Plan.

3.6 Introduction

3.6.1 Matters raised by submitters

62. The submission from the Allan Charles MacDonald [372.1] seeks that the where the words 'of the land' is used, it should be replaced by the words 'to Māori Reserve 873'.

3.6.2 Assessment

63. No reason for the wording change was provided in the submission. It is considered that the wording in its context is correct and no change is required.

3.6.3 Summary of recommendations

64. I recommend that the submission from Allan Charles MacDonald [372.1] be **rejected**.

65. I recommend that no change be made to the Proposed District Plan.

3.7 Objective SPZ(KN)-01

3.7.1 Matters raised by submitters

66. The following submissions support Objective SPZ(KN)-O1 and do not seek any changes:

- Te Ngāi Tūāhuriri Rūnanga [142.8]
- Canterbury Regional Council [316.180]
- Department of Conservation [419.146].

67. Further submission [FS78] Forest and Bird supported the Department of Conservation.

68. Further submission [FS80] CIAL supported the Canterbury Regional Council.

3.7.2 Assessment

69. No comment.

3.7.3 Summary of recommendations

70. I recommend that the submissions from Te Ngāi Tūāhuriri Rūnanga [142.8], Canterbury Regional Council [316.180] and Department of Conservation [419.146] and the further submissions from Forest and Bird [FS78] and CIAL [FS80] be **accepted**.

71. I recommend that no change be made to the Proposed District Plan.

3.8 Policies SPZ(KN)-P1 to SPZ(KN)-P6

3.8.1 Matters raised by submitters

72. The submission from Te Ngāi Tūāhuriri Rūnanga [142.9] to [142.14] supports all six (6) policies and does not seek any changes.

73. The submission from Canterbury Regional Council [316.181] and [316.182] supports Policies SPPZ(KN)-P1 and SPZ(KN)-P2 and does not seek any changes. The further submission by CIAL [FS80] supported these submission points.

74. The submission from Department of Conservation [419.147] to [419.149] supports Policies SPPZ(KN)-P1, SPZ(KN)-P2 and SPZ(KN)-P3 and does not seek any change. The further submission from Forest and Bird [FS78] supported these submission points.

3.8.2 Assessment

75. The submission from the Department of Conservation notes that the exclusion of indigenous vegetation clearance rules within the zone enables mana whenua to exercise rangatiratanga and kaitiakitanga over their land.

3.8.3 Summary of recommendations

76. I recommend that the following submissions be **accepted**:

- Te Ngāi Tūāhuriri Runanga [142.9], [142.10], [142.11], [142.12], [142.13] and [142.14];
- Canterbury Regional Council [316.181] and [316.182]; and
- Department of Conservation [419.147], [419.148] and 419.149].

77. I recommend that the further submissions from Forest and Bird [FS78] and CIAL [FS80] be **accepted**.

78. I recommend that no change be made to the Proposed District Plan.

3.9 Rules SPZ(KN)-R1 to SPZ(KN)-R24

3.9.1 Matters raised by submitters

79. The submission from Te Ngāi Tūāhuriri Runanga [142.15] to [142.38] supports all twenty-four (24) rules and does not seek any changes.

80. The submission from Ministry of Education [277.61] opposes Rule SPZ(KN)-R8 *Education facility (including kohanga reo and kura kaupapa)* and seeks that there be a separate rule for childcare facilities with no permitted activity standard.

81. The submission from Fire and Emergency New Zealand [303.77] supports Rule SPZ(KN)-R21 *Emergency service facility* and does not seek any changes.

82. The following submissions are either neutral, oppose or seek amendment to Rule SPZ(KN)-R24 *Any activity on other land not held as Māori Land*:

- Rowena Ann Howard [82.1];
- Neihana Tuss Kuru [83.1];
- Glenn John Cheetham [84.1];
- Shirley Moana George [86.1];
- Russell K Woolley [87.1];
- Peter Manson [116.1];
- Karen Ann Manson [117.1];
- Heather Ann Cheetham [402.1]

3.9.2 Assessment

Rule SPZ(KN)-R8 Education facility (including kohanga reo and kura kaupapa)

83. The submission from the Ministry of Education is concerned that most schools would exceed the 300m² GFA permitted activity status standard. The proposed rule would make an 'Education facility' greater than 300m² GFA, a discretionary activity. The submission suggests that there be no permitted activity standards for schools and that childcare facilities could be provided for as a separate activity similar to the Special Purpose Zone – Kaiapoi Regeneration.
84. During the development of the SPZ(KN) with Ngāi Tūāhuriri agreement was reached that for some activities a 'trigger' standard was needed in order that the potential adverse effects of the activity could be considered through the resource consent application process (refer to discussion in Section 5.4 *Proposed Methods* of the s32 Report). The submission in support of Rule SPZ(KN)-R8 from Ngāi Tūāhuriri confirms the agreement reached. The matters that may need to be considered as a discretionary activity were agreed to be broad and could not be narrowed down to restricted discretionary 'matters of discretion'.

Rule SPZ(KN)-R24 Any activity on other land not held as Māori Land

85. The submissions opposing Rule SPZ(KN)-R24 are generally opposed to the restriction within the Rural Lifestyle Zone that requires a minimum net site area of 4ha per residential unit as a permitted activity (refer to Rule RLZ-R3). For sites less than 4ha, the provisions of Rule RLZ-R3 make the activity a non-complying activity. Some of the submissions contend that by enabling the building of residential units on 'non-Māori land' this will make the provision of infrastructure (including schools) more affordable as there are more residents to pay for the infrastructure and the infrastructure could be extended further.
86. The s32 analysis concluded that the application of the Rural Lifestyle Zone provisions to 'non-Māori land' provides for a range of agricultural and residential activities that are currently carried out in the area and are compatible with the future changing character of the area to a more urban character (refer to Section 5.4 – *Proposed Methods*). The non-complying resource consent status for building a residential unit on a site less than 4ha, enables the objectives and policies of the SPZ(KN) to be considered, including those that seek to enable Ngāi Tūāhuriri to utilise the land in accordance with the purposes the land was set aside to provide.

3.9.3 Summary of recommendations

87. I recommend that the following submissions be **accepted**:

- Te Ngāi Tūāhuriri Runanga [142.15], [142.16], [142.17], [142.18], [142.19], [142.20], [142.21], [142.22], [142.23], [142.24], [142.25], [142.26], [142.27], [142.28], [142.29], [142.30], [142.31], [142.32], [142.33], [142.34], [142.35], [142.36], [142.37] and [142.38]; and
- Fire and Emergency New Zealand [303.77].

88. I recommend that the submission from Ministry of Education [277.61] be **rejected**.

89. I recommend that the following submissions be **rejected**:

- Rowena Ann Howard [82.1];
- Neihana Tuss Kuru [83.1];
- Glenn John Cheetham [84.1];
- Shirley Moana George [86.1];
- Russell K Woolley [87.1];
- Peter Manson [116.1];
- Karen Ann Manson [117.1];
- Heather Ann Cheetham [402.1]

90. I recommend that no change be made to the Proposed Plan.

3.10 Rules:

SPZ(KN)-BFS1, BFS2, BFS3, BFS4 and BFS5;

PREC1-R1 and R2;

PREC2-R1 and R2;

PREC1-BFS1;

PREC2-BFS1; and

SPZ(KN)-APP1, APP2, APP3 and APP4

3.10.1 Matters raised by submitters

91. The submission from Te Ngāi Tūāhuriri Rūnanga [142.39] to [142.53] supports all of the above rules and does not seek any changes.
92. The submission from Department of Conservation [419.151] supports SPZ(KN)-APP1 and does not seek any changes. The further submission from Forest and Bird [FS78] supports this submission.
93. The submission from Bruce Campbell Rule [63.1] seeks amendment to Rule SPZ(KN)-BFS1(2) so that they can build a dwelling at 420 Tuahiwi Road.

3.10.2 Assessment

94. The property at 420 Tuahiwi Road is 1.4354ha in area and the submitter advises that it is approximately 22 metres wide and 550 metres long. Figure 3 is a 'snip' from the Proposed Plan Planning Map showing the location of the property (highlighted in dashed border).

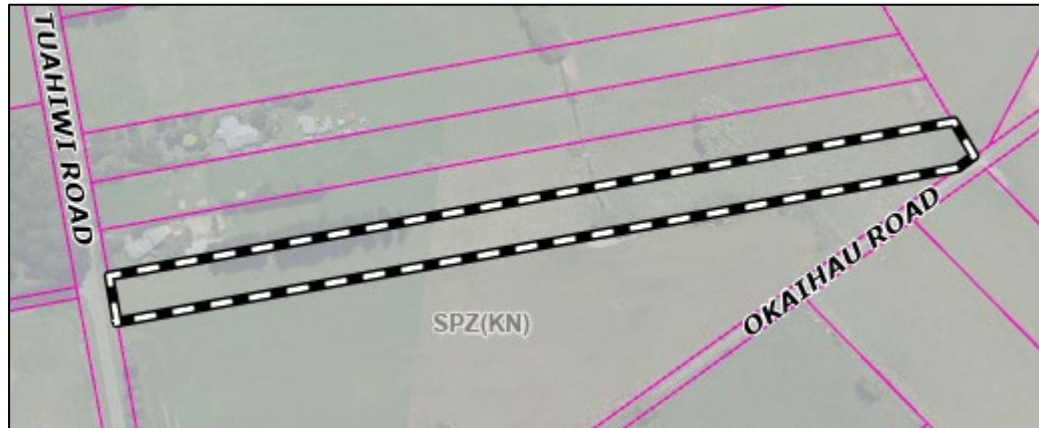


Figure 3: 420 Tuahiwi Road

95. The building setback rule has been developed to provide separation between buildings from adjoining properties. This was done with the knowledge that there are a number of long narrow sites where the 10m (sites greater than 1ha) or 3m (sites less than 1 ha) setback will not be able to be met. Accordingly, non-compliance with this rule is a Restricted Discretionary Activity with only one matter of discretion to be considered and public notification being precluded.

96. It is considered that this activity status provides the relevant assessment and provides flexibility in the location of buildings to protect residential amenity and the carrying out of rural activities.

3.10.3 Summary of recommendations

97. I recommend that the following submissions be **accepted**:

- Te Ngāi Tūāhuriri Runanga [142.39], [142.40], [142.41], [142.42], [142.43], [142.44], [142.45], [142.46], [142.47], [142.48], [142.49], [142.50], [142.51], [142.52] and [142.53]; and
- Department of Conservation [419.151] and further submission from Forest and Bird [FS78].

98. I recommend that the submission from Bruce Campbell Rule [63.1] be **rejected**.

99. I recommend that no change be made to the Proposed Plan.

4 Conclusions

100. Submissions have been received predominantly in support of, and some in opposition to the Proposed Plan.


101. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that no change to the Proposed Plan with respect to the SPZ(KN) chapter be made.

Recommendations:

I recommend that:

1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix A** of this report; and
2. No changes to the Proposed Plan be made.

Signed:

Name and Title		Signature
Report Author Alan Matheson	5 April 2023	

Appendix A. Recommended Responses to Submissions and Further Submissions

The recommended responses to the submissions made on this topic are presented in Table A 1 below.

Table A 1: Recommended responses to submissions and further submissions

Notes:

1. The further submissions from Forest and Bird [FS78] and CIAL [FS80] have been recorded in the relevant sections of the report and in Table A1 below.
2. The further submissions from M Hales [FS46] and R & G Spark [FS188] have not been recorded in the relevant sections of the report or in Table A1 below as they were too general to determine the specific submission point they related to.

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
3.2 General Submissions							
17.1	Jonathon Reuben	General	Seeks that the Council expedite the ability for descendants to utilise their land, especially in the current housing climate and to reconnect to whakapapa and better understand connection to mana whenua	3.2	Accept	I agree with the 4 submissions, as that is the conclusion of the s32 evaluation report. None of the other submissions seek that the SPZ(KN) chapter be deleted, but rather are seeking amendments to the provisions.	No
142.1	Te Ngāi Tūāhuriri Rūnanga	General	Retain those provisions of the proposed Special Purpose Kāinga Nohoanga Zone and its application to all Māori Reserve land within the District. Retain policies and rules in Part 2 - District wide matters which enable infrastructure to be provided that will support the development of housing and a widened range of educational, commercial, recreational, health and cultural activities to benefit and support the growth and prosperity of mana whenua.	3.2	Accept		No
372.4	Allan Charles MacDonald	General	Provide funding for the necessary services; sewage, water and power to all properties within all of Māori Reserve 873 and not just within the Tuahiwi Precinct.	3.2	Accept		No
360.7	Christchurch City Council	General	Retain Special Purpose Zone Kāinga Nohoanga	3.2	Accept		No
3.3 Two Sets of Rules							
132.1	Kim Joanne Manson	General	Within SPZ(KN) all land owners should be able to build a house regardless of size of their property if that was the original size.	3.3	Reject	The two sets of rules have been developed in recognition that the Proposed Plan is required to provide active support for the development of Māori Reserves by mana whenua. The application of the Rural Lifestyle Zone to 'non-Māori/descendent' land provides for a range of activities that are currently carried out in the area and are compatible with the future changing character of the area to a more urban character.	No
353.1	Gina Louise Manson	General	Amend to enable any landowner to build a house on their small rural block in Māori Reserve 873.	3.3	Reject		No
372.3	Allan Charles MacDonald	General	Zone all of Māori Reserve 873 as Settlement Zone, not just within the Tuahiwi Precinct.	3.3	Accept	The provisions do enable any descendant to develop both Māori and 'non-Māori land'.	No
403.1	Neil Eades	General	Amend plan to enable anyone within the Special Purpose Zone Kainga Nohoanga to build one home on their small rural block of less than 4ha if that was the original size on the title	3.3	Reject	The two sets of rules have been developed in recognition that the Proposed Plan is required to provide active support for the development of Māori Reserves by mana whenua.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
						The application of the Rural Lifestyle Zone to 'non-Māori/descendent' land provides for a range of activities that are currently carried out in the area and are compatible with the future changing character of the area to a more urban character.	
3.4 Pedestrian and Cycle Access							
147.12	Kaiapoi-Tuahiwi Community Board	General	Not specified	3.4	Reject	This is a matter that will be addressed through subdivision and development, and the development of infrastructure to the area as development occurs	No
3.5 Zoning							
153.1	Ruth and Ron Ellis	General	Amend planning maps to include 134 Tuahiwi Road within the Tuahiwi Precinct.	3.5	Reject	The SPZ(KN) provisions would enable any descendent to purchase the properties knowing that the provisions applying to descendants would enable the development provided by the zone to be undertaken.	No
216.1	Marie Bax	General	Amend the zoning for 331 Woodend Road to General Residential Zone or Large Lot Residential Zone	3.5	Reject		No
372.2	Allan Charles MacDonald	General	Zone all of Māori Reserve 873 as Settlement Zone, not just within the Tuahiwi Precinct.	3.5	Reject		the application of the Settlement Zone recognises the existing Residential 3 zoning provisions within the Operative District Plan that applies in and around Tuahiwi Marae. The purpose of the Settlement Zone is to provide for the smaller rural and beach settlements
3.6 Introduction							
372.1	Allan Charles MacDonald	General	Amend SPZ(KN) Introduction: "Were one or more of the owners of the <u>Māori</u> land are direct descendants of the original grantees of the land to Māori reserve 873."	3.6	Reject	No reason for the wording change was provided in the submission. It is considered that the wording in its context is correct and no change is required	No
3.7 Objective SPZ(KN)-O1							
142.8	Te Ngāi Tūāhuriri Rūnanga	Objectives	Retain SPZ(KN)-O1 as notified.	3.7	Accept	The submissions are in support of the objective.	No
316.18	Canterbury Regional Council	Objectives	Retain SPZ(KN)-O1 as proposed or retain the original intent.	3.7	Accept		No
FS80	CIAL			3.7	Accept		No
419.146	Department of Conservation	Objectives	Retain SPZ(KN)-O1 as notified.	3.7	Accept		No
FS78	Forest and Bird			3.7	Accept		No
3.8 Policies SPZ(KN)-P1 to P6							
142.9	Te Ngāi Tūāhuriri Rūnanga	Policies	Retain SPZ(KN)-P1 as notified.	3.8	Accept	The submissions are in support of the policies	No
142.1	Te Ngāi Tūāhuriri Rūnanga	Policies	Retain SPZ(KN)-P2 as notified.	3.8	Accept		No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
142.11	Te Ngāi Tūāhuriri Rūnanga	Policies	Retain SPZ(KN)-P3 as notified.	3.8	Accept		No
142.12	Te Ngāi Tūāhuriri Rūnanga	Policies	Retain SPZ(KN)-P4 as notified.	3.8	Accept		No
142.13	Te Ngāi Tūāhuriri Rūnanga	Policies	Retain SPZ(KN)-P5 as notified.	3.8	Accept		No
142.14	Te Ngāi Tūāhuriri Rūnanga	Policies	Retain SPZ(KN)-P6 as notified.	3.8	Accept		No
316.181	Canterbury Regional Council	Policies	Retain SPZ(KN)-P1 as notified or retain the original intent.	3.8	Accept		No
FS80	CIAL			3.7	Accept		No
316.182	Canterbury Regional Council	Policies	Retain SPZ(KN)-P2 as notified or retain the original intent.	3.8	Accept		No
FS80	CIAL			3.7	Accept		No
419.147	Department of Conservation	Policies	Retain SPZ(KN)-P1 as notified.	3.8	Accept		No
FS78	Forest and Bird			3.8	Accept		No
419.148	Department of Conservation	Policies	Retain SPZ(KN)-P2 as notified.	3.8	Accept		No
FS78	Forest and Bird			3.8	Accept		No
419.149	Department of Conservation	Policies	Retain SPZ(KN)-P3 as notified.	3.8	Accept		No
FS78	Forest and Bird			3.8	Accept		No
3.9 Rules SPZ(KN)-R1 to R24							
82.1	Rowena Ann Howard	SPZ(KN)-R24	Amend SPZ(KN)-R24 so any New Zealander can build a home.	3.9	Reject	The s32 analysis concluded that the application of the Rural Lifestyle Zone provisions to 'non-Māori land' provides for a range of agricultural and residential activities that are currently carried out in the area and are compatible with the future changing character of the area to a more urban character (refer to Section 5.4 – <i>Proposed Methods</i>). The non-complying resource consent status for building a residential unit on a site less than 4ha, enables the objectives and policies of the SPZ(KN) to be considered, including those that seek to enable Ngāi Tūāhuriri to utilise the land in accordance with the purposes the land was set aside to provide.	No
83.1	Neihana Tuss Kuru	SPZ(KN)-R24	Amend so any landowner can build as of right.	3.9	Reject		No
84.1	Glenn John Cheetham	SPZ(KN)-R24	Amend so anyone is allowed to build, not just Māori descendants.	3.9	Reject		No
86.1	Shirley Moana George	SPZ(KN)-R24	Amend so anyone can build.	3.9	Reject		No
87.1	Russell K Woolley	SPZ(KN)-R24	Amend the zoning of 366 Tuahiwi Road to enable smaller sized sections.	3.9	Reject		No
116.1	Peter Manson	SPZ(KN)-R24	Enable any landowner to build a house in Special Purpose Zone - Kāinga Nohoanga.	3.9	Reject		No
117.1	Karen Ann Manson	SPZ(KN)-R24	Amend SPZ(KN)-R24 to allow all landowners within the Māori Reserve 873 to be able to build a house as of right.	3.9	Reject		No
142.15	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R1	Retain SPZ(KN)-R1 as notified.	3.9	Accept	The submissions are in support of the rules	No
142.16	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R2	Retain SPZ(KN)-R2 as notified.	3.9	Accept		No
142.17	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R3	Retain SPZ(KN)-R3 as notified.	3.9	Accept		No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
142.18	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R4	Retain SPZ(KN)-R4 as notified.	3.9	Accept		No
142.19	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R5	Retain SPZ(KN)-R5 as notified.	3.9	Accept		No
142.2	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R6	Retain SPZ(KN)-R6 as notified.	3.9	Accept		No
142.21	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R7	Retain SPZ(KN)-R7 as notified.	3.9	Accept		No
142.22	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R8	Retain SPZ(KN)-R8 as notified.	3.9	Accept		No
142.23	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R9	Retain SPZ(KN)-R9 as notified.	3.9	Accept		No
142.24	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R10	Retain SPZ(KN)-R10 as notified.	3.9	Accept		No
142.25	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R11	Retain SPZ(KN)-R11 as notified.	3.9	Accept		No
142.26	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R12	Retain SPZ(KN)-R12 as notified.	3.9	Accept		No
142.27	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R13	Retain SPZ(KN)-R13 as notified.	3.9	Accept		No
142.28	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R14	Retain SPZ(KN)-R14 as notified.	3.9	Accept		No
142.29	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R15	Retain SPZ(KN)-R15 as notified.	3.9	Accept		No
142.3	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R16	Retain SPZ(KN)-R16 as notified.	3.9	Accept		No
142.31	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R17	Retain SPZ(KN)-R17 as notified.	3.9	Accept		No
142.32	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R18	Retain SPZ(KN)-R18 as notified.	3.9	Accept		No
142.33	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R19	Retain SPZ(KN)-R19 as notified.	3.9	Accept		No
142.34	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R20	Retain SPZ(KN)-R20 as notified.	3.9	Accept		No
142.35	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R21	Retain SPZ(KN)-R21 as notified.	3.9	Accept		No
142.36	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R22	Retain SPZ(KN)-R22 as notified.	3.9	Accept		No
142.37	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R23	Retain SPZ(KN)-R23 as notified.	3.9	Accept		No
142.38	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-R24	Retain SPZ(KN)-R24 as notified.	3.9	Accept		No
142.44	Te Ngāi Tūāhuriri Rūnanga	PREC1-R1	Retain PREC1-R1 as notified.	3.9	Accept		No
142.45	Te Ngāi Tūāhuriri Rūnanga	PREC1-R2	Retain PREC1-R2 as notified.	3.9	Accept		No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
142.47	Te Ngāi Tūāhuriri Rūnanga	PREC2-R1	Retain PREC2-R1 as notified.	3.9	Accept		No
142.48	Te Ngāi Tūāhuriri Rūnanga	PREC2-R2	Retain PREC2-R2 as notified.	3.9	Accept		No
277.61	Ministry of Education	SPZ(KN)-R8	Amend SPZ(KN)-R8: "Activity status: PER <u>No specific permitted activity standards</u> <u>Activity status when compliance is not achieved; N/A</u> "	3.9	Reject	During the development of the SPZ(KN) with Ngāi Tūāhuriri agreement was reached that for some activities a 'trigger' standard was needed in order that the potential adverse effects of the activity could be considered through the resource consent application process (refer to discussion in Section 5.4 <i>Proposed Methods</i> of the s32 Report). The submission in support of Rule SPZ(KN)-R8 from Ngāi Tūāhuriri confirms the agreement reached. The matters that may need to be considered as a discretionary activity were agreed to be broad and could not be narrowed down to restricted discretionary 'matters of discretion'.	No
303.77	Fire and Emergency New Zealand	SPZ(KN)-R21	Retain SPZ(KN)-R21 as notified.	3.9	Accept	The submission is in support of the rule	No
402.1	Heather Ann Cheetham	SPZ(KN)-R24	That any land owner can build a house on their own rural small block of land in the Māori Reserve.	3.9	Reject	The s32 analysis concluded that the application of the Rural Lifestyle Zone provisions to 'non-Māori land' provides for a range of agricultural and residential activities that are currently carried out in the area and are compatible with the future changing character of the area to a more urban character (refer to Section 5.4 – <i>Proposed Methods</i>). The non-complying resource consent status for building a residential unit on a site less than 4ha, enables the objectives and policies of the SPZ(KN) to be considered, including those that seek to enable Ngāi Tūāhuriri to utilise the land in accordance with the purposes the land was set aside to provide.	No
3.10 Rules: SPZ(KN)-BFS1, BFS2, BFS3, BFS4 and BFS5; PREC1-R1 and R2; PREC2-R1 and R2; PREC1-BFS1; PREC2-BFS1; and SPZ(KN)-APP1, APP2, APP3 and APP4							
63.1	Bruce Campbell Rule	SPZ(KN)-BFS1	Amend SPZ(KN)-BFS1(2) to reduce the 10m minimum set back for sections greater than 1ha and less than 2ha.	3.10	Reject	The building setback rule has been developed to provide separation between	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
						buildings from adjoining properties. This was done with the knowledge that there are a number of long narrow sites where the 10m (sites greater than 1ha) or 3m (sites less than 1 ha) setback will not be able to be met. Accordingly, non-compliance with this rule is a Restricted Discretionary Activity with only one matter of discretion to be considered and public notification being precluded. It is considered that this activity status provides the relevant assessment and provides flexibility in the location of buildings to protect residential amenity and the carrying out of rural activities.	
142.39	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-BFS1	Retain SPZ(KN)-BFS1 as notified.	3.10	Accept	The submission is in support of the rule	No
142.4	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-BFS2	Retain SPZ(KN)-BFS2 as notified.	3.10	Accept		No
142.41	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-BFS3	Retain SPZ(KN)-BFS3 as notified.	3.10	Accept		No
142.42	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-BFS4	Retain SPZ(KN)-BFS4 as notified.	3.10	Accept		No
142.43	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-BFS5	Retain SPZ(KN)-BFS5 as notified.	3.10	Accept		No
142.44	Te Ngāi Tūāhuriri Rūnanga	PREC1-R1	Retain PREC1-R1 as notified.	3.10	Accept		No
142.45	Te Ngāi Tūāhuriri Rūnanga	PREC1-R2	Retain PREC1-R2 as notified.	3.10	Accept		No
142.46	Te Ngāi Tūāhuriri Rūnanga	PREC1-BFS1	Retain PREC1-BFS1 as notified.	3.10	Accept		No
142.47	Te Ngāi Tūāhuriri Rūnanga	PREC2-R1	Retain PREC2-R1 as notified	3.10	Accept		No
142.48	Te Ngāi Tūāhuriri Rūnanga	PREC2-R2	Retain PREC2-R2 as notified.	3.10	Accept		No
142.49	Te Ngāi Tūāhuriri Rūnanga	PREC2-BFS1	Retain PREC2-BFS1 as notified.	3.10	Accept		No
142.5	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-APP1	Retain SPZ(KN)-APP1 as notified.	3.10	Accept		No
142.51	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-APP2	Retain SPZ(KN)-APP2 as notified.	3.10	Accept		No
142.52	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-APP3	Retain SPZ(KN)-APP3 as notified.	3.10	Accept		No
142.53	Te Ngāi Tūāhuriri Rūnanga	SPZ(KN)-APP4	Retain SPZ(KN)-APP4 as notified.	3.10	Accept		No
419.151	Department of Conservation	SPZ(KN)-APP1	Retain SPZ(KN)-APP1 as notified.	3.10	Accept	No	

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
FS78	Forest and Bird			3.8	Accept		No

Appendix B. Report Author's Qualifications and Experience

I hold the following qualifications: Diploma in Regional and Resource Planning (1983). I am a member of the New Zealand Planning Institute. I have 39 years' experience in working as a planner for local and central government, and planning consultancies. My work experience includes, amongst other matters, providing policy advice for the preparation of district and regional plans to the following councils:

- a. Hauraki District Council (Operative 1st and 2nd generation District Plans) – consultant planner responsible for the development of both plans;
- b. Waipa District Council (Operative District Plan) – consultant planner with Beca responsible for the development of the plan;
- c. Christchurch City Council (Operative District Plan) – team leader and lead planner responsible for the development and processing of the plan through the Independent Hearings Panel process following the devastating series of earthquakes;
- d. Waikato District Council (Proposed District Plan) – consultant planner responsible for the development of the draft plan into a proposed plan, along with the preparation of the s32 reports. Alan subsequently prepared and presented s42A reports with respect to four chapters (Strategic Directions, Residential Zones, Business Zones and Industrial Zones, and Lakeside) to the Independent Hearing Panel;
- e. Nelson City Council (Draft Unitary Plan) – initially as Principal Planner and then as Technical Lead responsible for the overall development of the Draft Nelson Unitary Plan and supporting s32 reports, that includes the regional policy statement, coastal plan, air plan, regional plan and district plan. The further development of the unitary plan has been placed on hold pending the RMA reforms;
- f. Queenstown Lakes District Council (Proposed District Plan) – Acting Policy Manger for 4 months overseeing the progress of the proposed plan through appeals and plan changes/variations.

I have been employed by the Waimakariri District Council as a consultant planner since July 2019 as a member of the Internal Review Group responsible for review and development of all chapters and supporting s32 reports, and chapter lead for '*Sites and areas of significance to Māori*' and '*Special Purpose Zone – Kāinga Nohoanga*' of the Proposed Waimakariri District Plan.