
Submission on Waimakariri District Council - Proposed District Plan**Form 5 Submission on publically notified proposal for policy statement or plan, change or variation**

Clause 6 of Schedule 1, Resource Management Act 1991

To: Waimakariri District Council - Development Planning Unit

Date received: 26/11/2021

Submission Reference Number #:128

This is a submission on the following proposed plan (the **proposal**): Waimakariri District Council - Proposed District Plan

Address for service:

[REDACTED]

Email: karl.pukeko@gmail.com

Attachments:

257 Tuahiwi PREC(T) Zone Amendment Area.pdf

257 Tuahiwi PREC(T) Zone Amendment Area.pdf

Geotec 257 Tuahiw Rd.pdf

Geotec 257 Tuahiw Rd.pdf

ECan Floodplain Report.pdf

Soil Test.pdf

ROFR Email.pdf

ECan Floodplain Report.pdf

Soil Test.pdf

ROFR Email.pdf

WDC Submission .png

I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- No

Submission points

Point 128.1

Section: Planning Maps

Sentiment: Amend

Submission:

Proposed amendment to Rural and/or SPZ(KN) and Residential 3 and/or PREC(T) Zone boundaries at 257 Tuahiwi Rd.

Introduction

In June 1989 the Māori Land Court ruled 257 Tuahiwi Rd ceased to be Māori Land. The property was purchased in 1992 by the current owners, neither having Ngāi Tūāhuriri whakapapa. The property is charged rates on two valuations numbers, 2161132000 a 1.983 hectare rural/proposed SPZ(KN) zone and 2161132000A a 450m2 driveway Res 3/proposed PREC(T) zone. The shape and size of the driveway Res 3/PREC(T) zone make it unsuitable for development.

Reasons for amending the Rural and/or SPZ(KN) and Residential 3 and/or PREC(T) Zone boundaries at 257 Tuahiwi Rd;

Unique to 257 Tuahiwi Rd is the driveway PREC(T) zone adjoins an approximate 1904m2 Rural/SPZ(KN) zone which is less suitable for rural activity because; (reference attached *257 Tuahiwi PREC(T) Zone Amendment Area.pdf* - the proposed zone amendment area is shaded orange)

- The zone amendment area is detached from the main productive land due to the WDC drainage ditch forming a natural boundary. (blue line)
- The SPZ(KN) area at 243 Tuahiwi Rd is landscaped, planted with specimen trees, and used for residential purposes. (outlined in red)
- The zone amendment area is in a pocket of residential property restricting land activity for rural use.
- Amending the PREC(T) zone at 257 Tuahiwi Rd minimizes future rural-residential conflicts and is a natural fit with existing residential properties.
- Historic and current WDC studies predict growth for the Tuahiwi Precinct area, the pandemic is a further catalyst creating growth demands, the zone amendment supports growth.
- Neighbouring descendants of Ngāi Tūāhuriri have enquired if the amendment area could be sold, amending the zone increases possible settlement options for Ngāi Tūāhuriri whakapapa.
- During 2014 the WDC Action 21 Land Use Recovery Plan (LURP) proposed rezoning all of the 257 Tuahiwi Rd property to Residential 3.

Environmental effects Assessment

Amending the PREC(T) zone would allow for PREC1-R2 SETZ Settlement Zone development activity. The settlement zone activity would not be out of character fitting into the existing landscape context of the area, and is adjacent to similar types of development. Current and proposed development rules safeguard the existing residential properties and areas from negative visual or environmental impacts.

Infrastructure and servicing requirements currently available at the driveway are;

- Telecommunications and electricity

- Pressurised effluent disposal
- Woodend water supply
- The limit of two residential dwellings will have a minimal impact on traffic flows.

A WDC drain is available having capabilities to service stormwater discharge, the high ground water table in Tuahiwi negates stormwater discharge into the ground.

Geotechnical Assessment

Coffey Geotechnics (NZ) Limited investigated and filed a Geotechnical Assessment Report on the WDC LURP Action 21 for MR873. Coffey geotechnical investigations encompassed Tuahiwi Village and surrounding rural land testing suitability for a Residential 3 zone change, the property at 257 Tuahiwi Rd formed part of that investigation.

The current 257 Tuahiwi Rd owners granted property access rights for Coffey Geotechnics (NZ) Limited to investigate the LURP Action 21 initiative in Tuahiwi. Coffey engineers drilled a 15m borehole (BH3) in the driveway near the implement shed and performed a Cone Penetration Test (CPT6) in the proposed Res 3 / PREC(T) zone amendment area. (reference attached *Geotec 257 Tuahiwi Rd*)

Based on the soil profile of the proposed Res 3 / PREC(T) zone amendment area and how prone the site is to liquefaction Coffey Geotechnics (NZ) Limited indicated a MBIE Technical Category of TC3 and future residential development will likely require a TC3 MBIE foundation solution.

With respect to LURP Action 21 Coffey Geotechnics (NZ) Limited first conclusion point was; *"Our assessment has found that no part of the site is precluded from the intended rezoning to "Residential 3" land-use."*

Further geotechnical testing of the proposed zone amendment area would be undertaken to confirm the correct foundation strategy and to eliminate or minimize the potential risk of lateral spread from the proximity of the drainage ditch.

The property at 257 Tuahiwi Rd did not experience any liquefaction nor lateral spread from the long lived complex Canterbury Earthquake Sequence beginning on 4 September 2010. The residential house - minor cosmetic damage, implement sheds and concrete areas - no damage.

Flooding

Tuahiwi is situated within the Ashley River Southern floodplain. *Environment Canterbury Technical Report No. R16/36 Ashley River floodplain - 2016 update* includes the 'new' stop-bank North of Rangiora. The report models 5 potential Ashley River breakout scenarios 'A to F.' Areas of MR873 are within the ECan Hazard Category for 100, 200, 500 year events, the proposed zone amendment area is not. ECan floodplain maps marked with the 257 Tuahiwi Rd property are attached. (reference *ECan Floodplain Report.pdf*)

The majority of years since 1992 the current owners experienced some areas of 257 Tuahiwi Rd are prone to brief surface flooding periods after heavy rain. Since 1992 the proposed Res 3 / PREC(T) zone amendment area has not been prone to surface flooding.

Contaminated Soil Effects

Coffey Geotechnics (NZ) Limited investigated and filed a *Environmental Site Assessment Report on the WDC LURP Action 21 for MR873. Three samples were taken from 257 Tuahiwi Rd sample S41 returned; (reference *Soil Test.pdf*)

"Arsenic was detected at concentrations exceeding the human health standard (20 mg/kg) in samples S5 (170 Tuahiwi Road), S26 (115/119 Topito Road), S31 (229 Tuahiwi Road), S40 (37 Topito Road) and S41 (257 Tuahiwi Road). No other heavy metal results exceeded human health criteria. Properties 115 and 119 Topito Road and 170 Tuahiwi Road were identified in a 2012 environmental investigation as being high risk for HAIL activities. Several other metals were detected above the adopted background levels at various properties. Generally, more metals were above background concentrations at the properties within Site 1. No PAHs or OCPs were detected in any samples."

The site investigation encountered limited contamination in the soil. However given the exceedance of the human health criterion for arsenic at one location at each of the five different properties mentioned above and the identification of likely HAIL activities across several additional properties at the site, further investigation should be conducted prior to developing properties for single-family residential use to determine the extent of any impacted soils.

In summary, Coffey considers the site suitable for rezoning as Residential 3 provided that the elevated arsenic levels in soil and waste material is appropriately managed. As such, rezoning consent could be granted with a condition to further investigate and manage arsenic contamination and buried waste prior to, or as part of, the site development works.

Based on the results of this ESA, Coffey recommend the following additional investigation works:

- additional sampling comprising a detailed site investigation (DSI) at 170, 229 and 257 Tuahiwi Road and at 37, 115 and 119 Topito Road due to the arsenic contamination identified on these properties above human health screening criteria;
- a DSI at 142, 235 and 239 Tuahiwi Road to more thoroughly address potential HAIL activities at these properties; and
- Boreholes/trenching in the areas of buried waste to confirm the lateral and vertical extent of this material."

Sample S41 was taken from a site used for bon-fire burning of shelter-belt pruning, debris resulting from firewood harvesting, and the odd rotted pallet. Last years bon-fire pile has been left unburned for two reasons, a tunnel house has been erected nearby and a Quail colony are living in the bon fire pile. The Quail appear healthy.

No soil samples were taken from the proposed Res 3 / PREC(T) zone amendment area and Coffey Geotechnics (NZ) Limited statement; *"As such, rezoning consent could be granted with a condition to further investigate and manage arsenic contamination and buried waste prior to, or as part of, the site development works."* is applicable.

Cultural and Heritage Values

The takiwā of Te Ngāi Tūāhuriri Rūnanga centres on Tuahiwi and extends from the Hurunui to Hakatere, sharing an interest with Arowhenua Rūnanga northwards to Rakaia, and thence inland to the Main Divide. As with the wider area beyond Tuahiwi Village and MR 873 there are two Ngāi Tūāhuriri cultural and heritage overlays on 257 Tuahiwi Rd.

Ngā Tūranga Tupuna Overlay - the footsteps of our ancestors

Wāhi Tapu Overlay - a place sacred to Māori

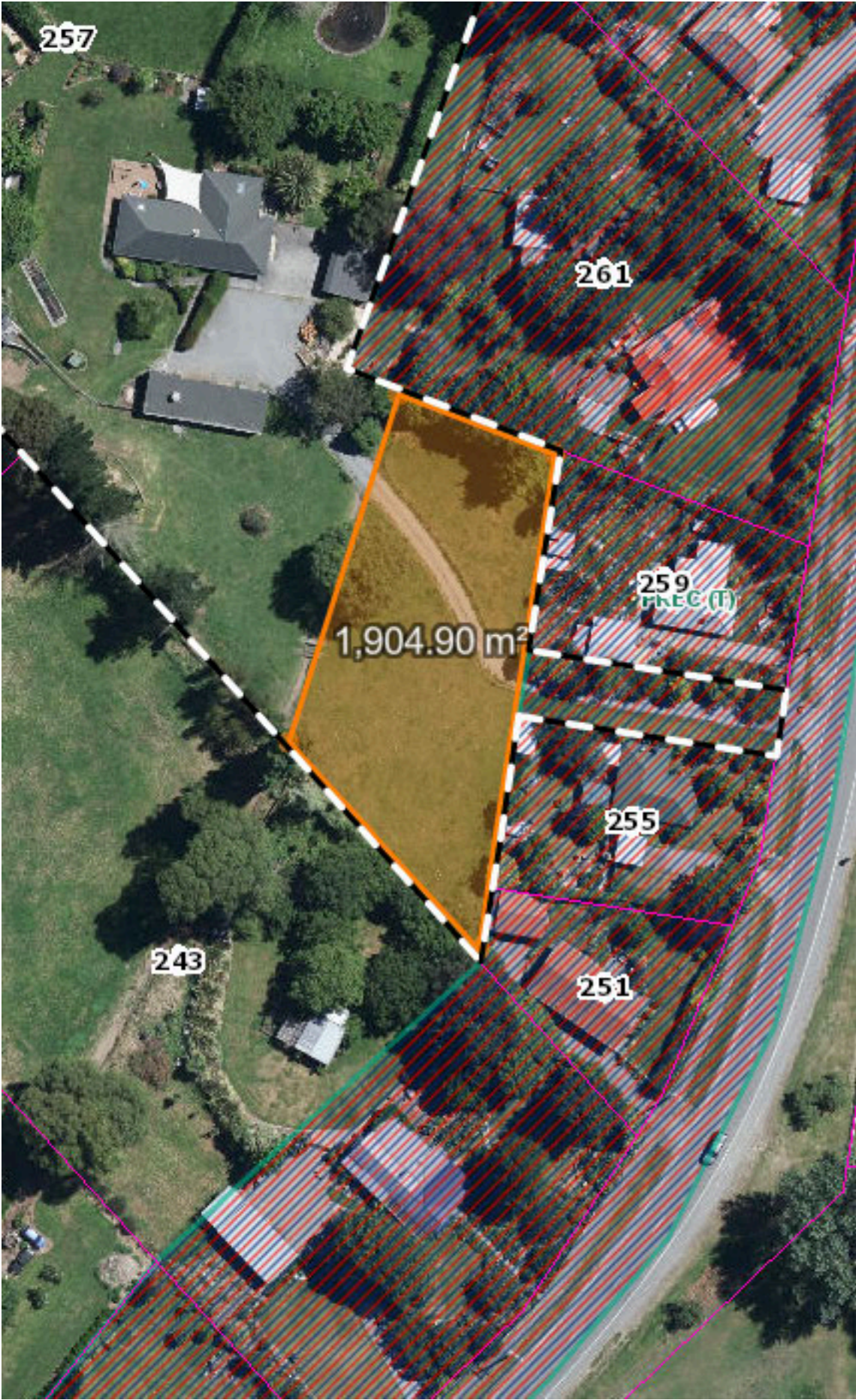
Mahaanui Kurataiao Limited were emailed with a First Right of Refusal proposal which was appreciated but declined due to the lack of Ngāi Tūāhuriri whakapapa. Mahaanui Kurataiao Limited said there were no objections to the proposed zone amendment as per the Settlement Zone activity rules. (reference attachment: ROFR Email.pdf)

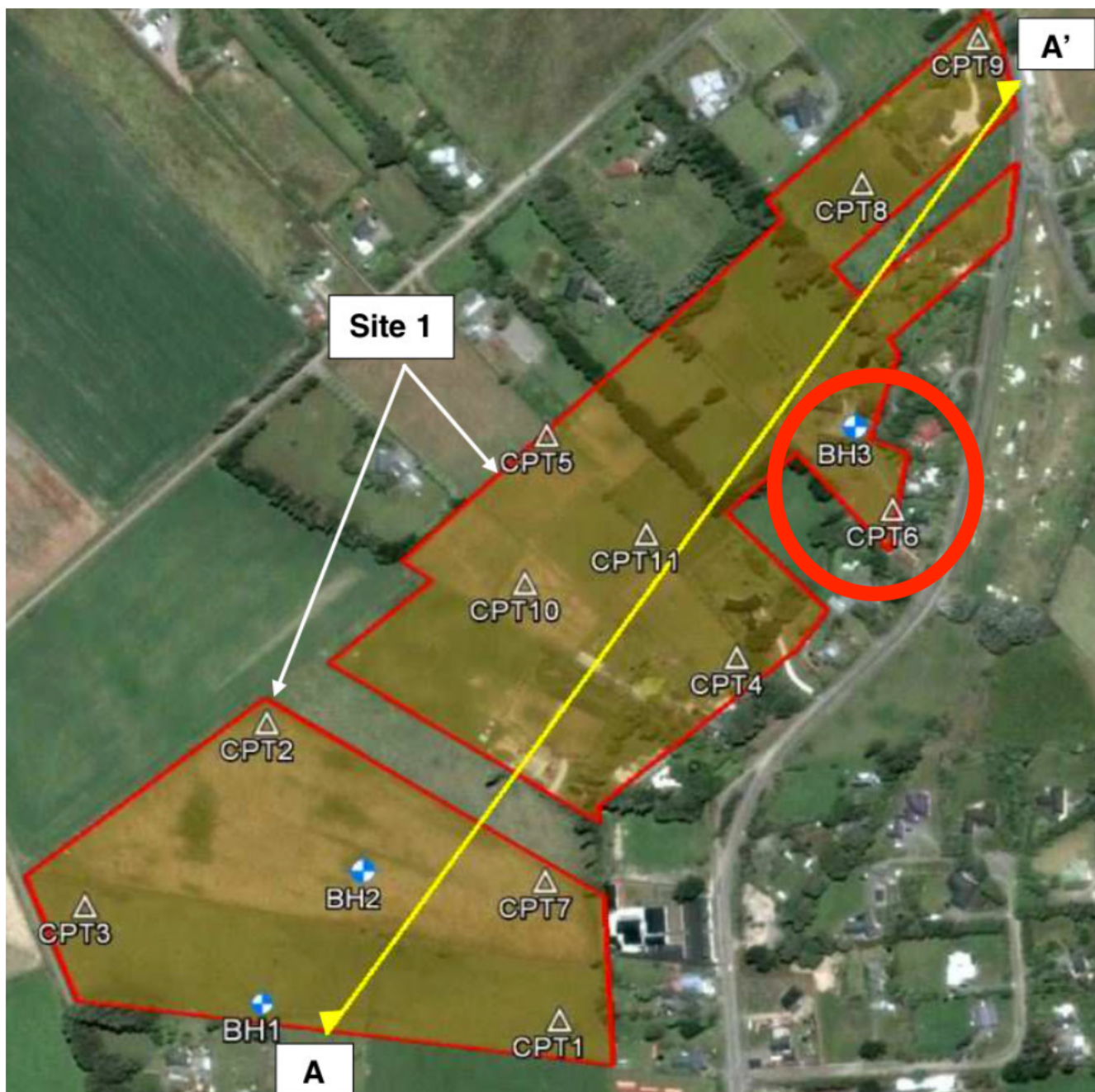
The small size and scope for residential development of a maximum of two properties within the proposed Res 3 / PREC(T) zone amendment area can be achieved within the guidelines of the 2013 Mahaanui Iwi Management Plan.

Relief sought

A decision to alter the Proposed Waimakariri District Plan Planning Maps to extend the Residential 3 and/or PREC(T) Zone in the 257 Tuahiwi Road driveway west to the WDC drain crossing the 257 Tuahiwi property.

257 Tuahiwi PREC(T) Zone Amendment Area 1904.90 m²





Engineering Log - Borehole

Borehole ID. **BH3**

sheet 1 of 2

project no. **GENZCHRI15672AA**

date started: 11 Jul 2014

date completed: **11 Jul 2014**

logged by: **B. Yeung**

checked by: **B. Raasch**

client: **Waimakariri District Council**

principal: •

project: **Tuahiwi Village Plan Change**

location: **Tuahiwi, Canterbury**

position: E: 1571130; N: 5202532 (Datum Not Specified) surface elevation: 0.00 m (Datum Not Specified)

angle from horizontal: 90°

hole diameter : 100 mm vane id.:

drilling information				material substance				classification symbol & soil description				structure and additional observations			
method & support	penetration	samples & field tests	REL (m)	depth (m)	graphic log	classification symbol	material description SOIL TYPE: plasticity or particle characteristic, colour, secondary and minor components	moisture condition	consistency / relative density	vane shear (kPa)	structure and additional observations				
AD AS HA W HA SD	10-12 water seal on data shown water inflow water outflow VIB vibrator housing	SPT 1, 0, 1, 0, 0, 1 N ₆₀ =3 SPT 1, 0, 1, 1, 2, 1 N ₆₀ =5 SPT 0, 0, 0, 0, 0, 0 N ₆₀ =0 SPT 1, 0, 0, 0, 0, 0 N ₆₀ =0 SPT 4, 3, 2, 3, 4, 5 N ₆₀ =14	0	0.0	GW	GRAVEL medium to coarse grained, rounded to angular, grey, wet.	W	F - S	VS	FILL (GRAVEL DRIVEWAY) Consistency of silt inferred SPRINGSTON FORMATION					
			0.5	0.5	MH	Clayey SILT: low to medium plasticity, pale blue-grey, with trace orange mottling, with minor gravel, wet to saturated, firm to stiff. at 1.0m: becoming pale grey, with some sand	S								
			1.0	1.0	SP	SAND fine grained, pale grey, with some silt, saturated, very loose to loose. at 1.6m: 50mm layer of fibrous peat at 1.95m: with trace silt and organics	VL - L	VS							
			2.0	2.0											
			3.0	3.0											
			4.0	4.0											
			4.5	4.5	MH	Clayey SILT: low to medium plasticity, grey, with minor organics (black wood fragments), saturated, very soft.									
			4.8	4.8	PI	PEAT: fibrous, with minor silt, saturated, very soft.									
			5.0	5.0	ML	SILT: low plasticity, grey, with some pockets of organics, saturated, very soft.									
			5.2	5.2	PI	PEAT: fibrous, with minor silt, saturated, very soft.									
5.5	5.5	MH	Clayey SILT: low to medium plasticity, pale grey, with trace organics, saturated, very soft.												
6.0	6.0	SP	SAND fine grained, pale blue-grey, with trace pockets of organics, with trace silt, saturated, very soft.												
6.2	6.2	PI	PEAT: fibrous, saturated, very soft.												
6.5	6.5	MH	Clayey SILT: medium to high plasticity, pale blue-grey, with trace organics (wood fibres), saturated, very soft.												
7.0	7.0														
7.2	7.2														
7.5	7.5	SP	Gravelly SAND fine to medium grained, pale blue-grey, gravel is rounded to sub-rounded, saturated, medium dense to dense.												

Engineering Log - Borehole

client: **Waimakariri District Council**

principal: -

project: **Tuahiwi Village Plan Change**

location: **Tuahiwi, Canterbury**

Borehole ID. **BH3**

sheet: 2 of 2

project no. **GENZCHRI15672AA**

date started: 11 Jul 2014

date completed: **11 Jul 2014**

logged by: **B. Yeung**

checked by: **B. Raasch**

position: E: 1571130; N: 5202532 (Datum Not Specified) surface elevation: 0.00 m (Datum Not Specified)

angle from horizontal: 90°

drill model: Comacchio MC900, Track mounted

hole diameter : 100 mm

vane id.:

drilling information				material substance		material description		classification		structure and additional observations	
method & support	penetration	water	samples & field tests	depth (m)	graphic log	classification symbol	soil type: plasticity or particle characteristic, colour, secondary and minor components	moisture condition	consistency / relative density	value (shear stress) (kPa)	structure and additional observations
AD	super drilling			8.0		GW	GRAVEL: fine to coarse grained, rounded to sub-rounded, grey, with trace sand, saturated, dense to very dense.	S	D		SPRINGSTON FORMATION
AS	auger screwing			9.0			from 10.2-10.5m: with some pockets of sandy silt				
HA	hand auger			10.0							
W	washbore			11.0			from 11.6-11.8m: with some orange staining		VD		
HA	hand auger			12.0			at 13.0m: becoming stained pale orange				
SD	sonic drilling			13.0			from 14.6-14.8m: pocket of pale orange silt				
				14.0			Borehole BH3 terminated at 15.45 m Target depth				

method		support		samples & field tests		classification symbol & soil description		consistency / relative density	
						based on Unified Classification System			
AD	super drilling	M	mud	B	bulk disturbed sample			VS	very soft
AS	auger screwing	N	rig	D	disturbed sample			S	soft
HA	hand auger	C	casing	E	environmental sample			F	firm
W	washbore			SS	split spoon sample			St	stiff
HA	hand auger			UHF	undisturbed sample #5mm diameter			VS	very stiff
SD	sonic drilling			HP	hand penetrometer (kPa)			H	hard
				N	standard penetration test (SPT)			Fb	frable
				N*	SPT - sample recovered			VL	very loose
				Nc	SPT with solid cone			L	loose
				VS	vane shear: peak/remoulded (kPa)			MD	medium dense
				R	refusal			D	dense
				HB	hammer sounding			VD	very dense

penetration		water	

moisture	
D	dry
M	moist
W	wet
S	saturated
Wp	plastic limit
WL	liquid limit

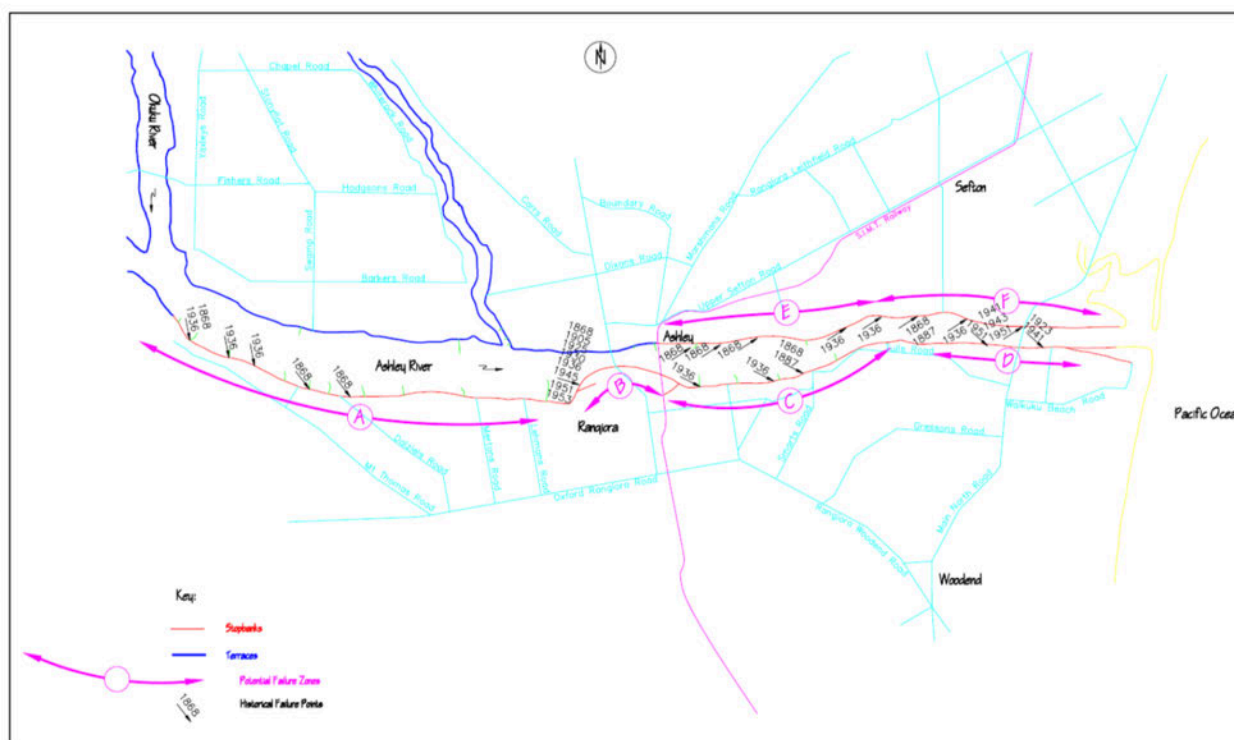
bit shown by suffix	
AD/T	AD/T
B	blank bit
T	TC bit
V	V bit

Table 4: Site 1 liquefaction hazard assessment summary

Property description	CPT No.	Refusal depth (m)	Estimated liquefaction induced "free-field" ground surface settlements (mm)		Liquefaction Potential Index (LPI)		Indicative MBIE Technical Category*
			SLS 1 25 yr EQ (PGA 0.13g)	ULS IL2 500 yr EQ (PGA 0.35g)	SLS 1	ULS IL2	
119 Topito Rd	1	9.18	70	80	Low	High	TC3/TC2
113 Topito Rd	2	5.23	34	52	Low	High	TC2
115 Topito Rd	3	7.9	13	15	Low	Low	TC1
235 Tuahiwi Rd	4	10.4	37	52	Low	High	TC2
	5	8.23	48	67	Low	High	TC2
257 Tuahiwi Rd	6	11.36	178	188	High	Very high	TC3
113 Topito Rd	7	5.9	34	48	Low	High	TC2
305 Tuahiwi Rd	8	13.16	45	81	Low	High	TC2
305 Tuahiwi Rd	9	3.65	0	0	Low	Low	TC1
233 Tuahiwi Rd	10	7.43	39	105	Low	Very high	TC2/TC3
235 Tuahiwi Rd	11	8.62	61	73	Low	High	TC2

* Less than 10m depth of ground has been achieved by several of the CPTs before effective refusal occurred on competent ground (i.e. MBIE's Index Value for calculated settlement). However, based on our knowledge of the ground model for the site the depth of potential liquefaction is expected to be limited to the refusal depths achieved by the CPTs.

Figure 3-1: Potential failure zones and historical breakouts for the Ashley River



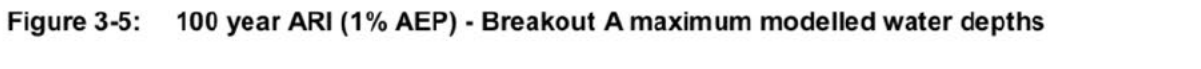
3.4.5 Summary of breakout scenarios

The modelled breakout scenarios for the various design flood events are summarised in Table 3-3.

Table 3-3: Summary of modelled breakout scenarios

Flood scenario		Ashley River peak flow (m³/s)	Peak breakout flow (m³/s)			
			A	B	C	E/F
100 year ARI (1% AEP)	Breakout A	3470	500	-	-	-
	Breakout B	3470	-	500	-	-
	Breakout E/F	3470	-	-	-	125
200 year ARI (0.5% AEP)	Breakout A & B	4050	750	400	-	-
	Breakout A & C	4050	750	-	200	-
	Breakout A & E/F	4050	750	-	-	200
500 year ARI (0.2% AEP)	Breakout A, B & C	5300	1750	350	160	-
	Breakout A, B & E/F	5300	1750	250	-	250

These breakouts are fairly unpredictable, but will often depend on the river flows and the location of any other breakouts along the river system. For example, as the Ashley River peak flow increases between the 100 and 200 year ARI flood events, the peak breakout flow at location B decreases. The peak Ashley River flow, at location B, is less for the 200 year ARI event than the 100 year ARI event mainly because 750 m³/s is assumed to have already flowed out of the Ashley River at location A.



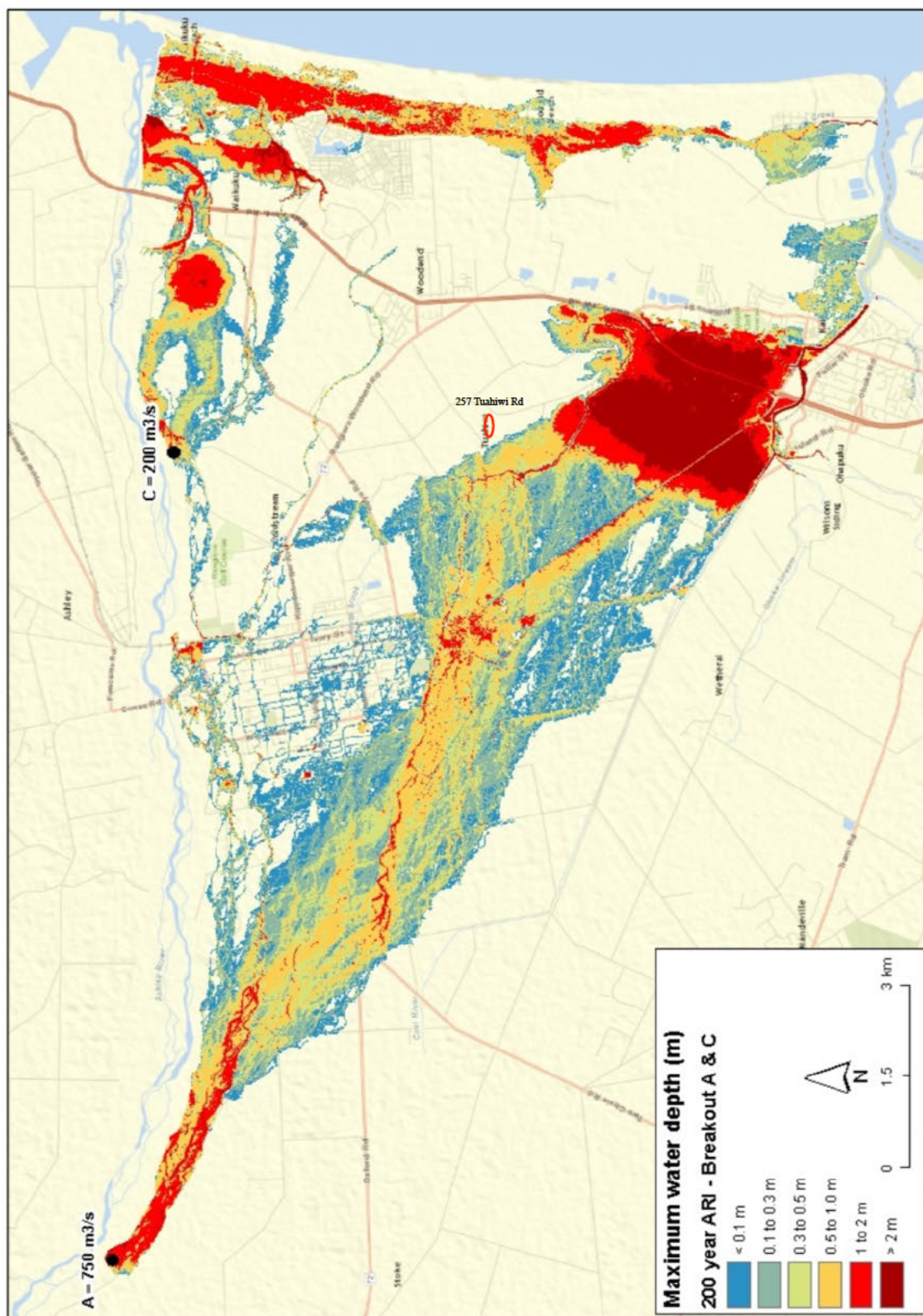


Figure 3-9: 200 year ARI (0.5% AEP) - Breakouts A & C maximum modelled water depths

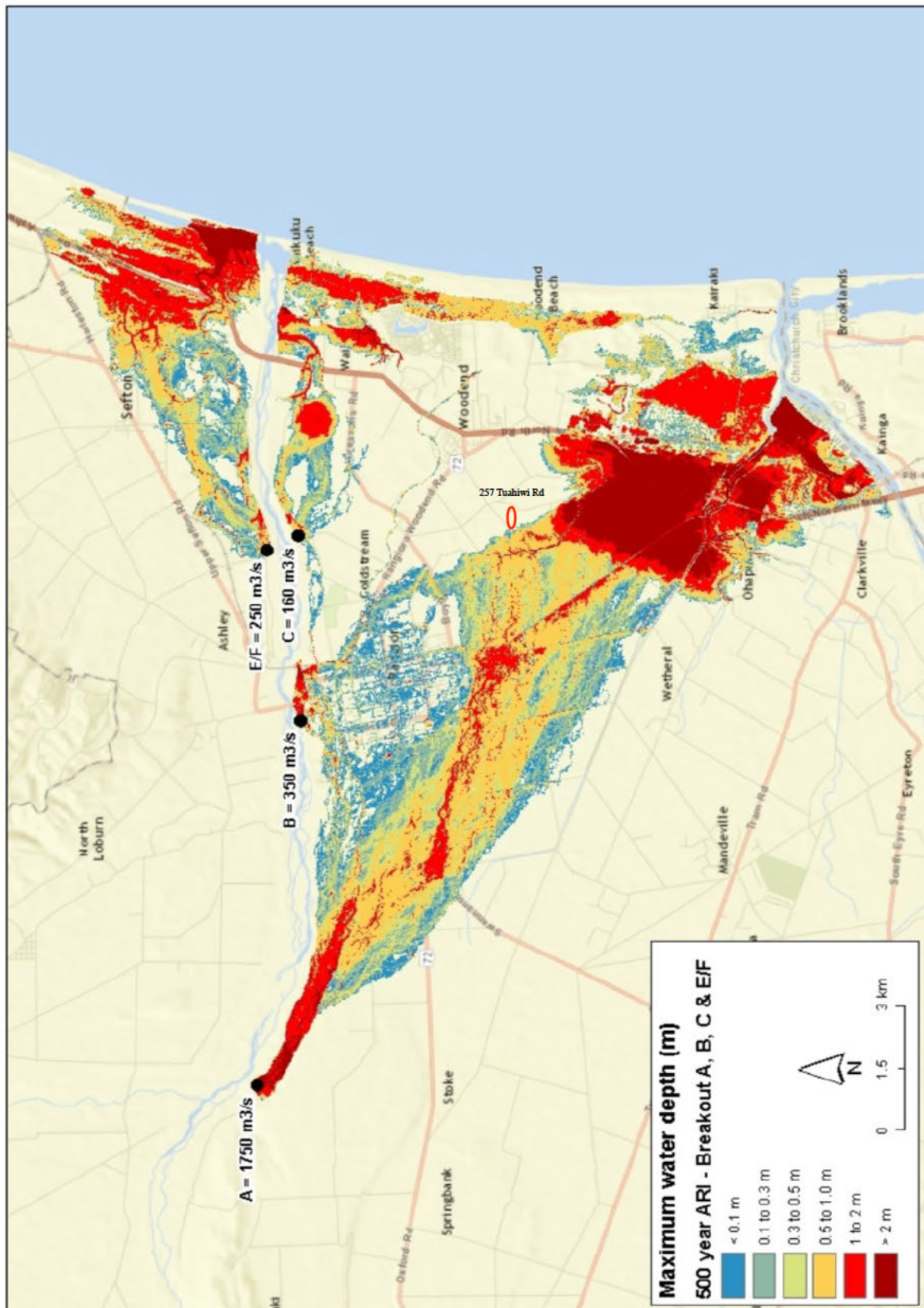


Figure 3-12: 500 year ARI (0.2% AEP) - Breakouts A, B, C and E/F maximum modelled water depths

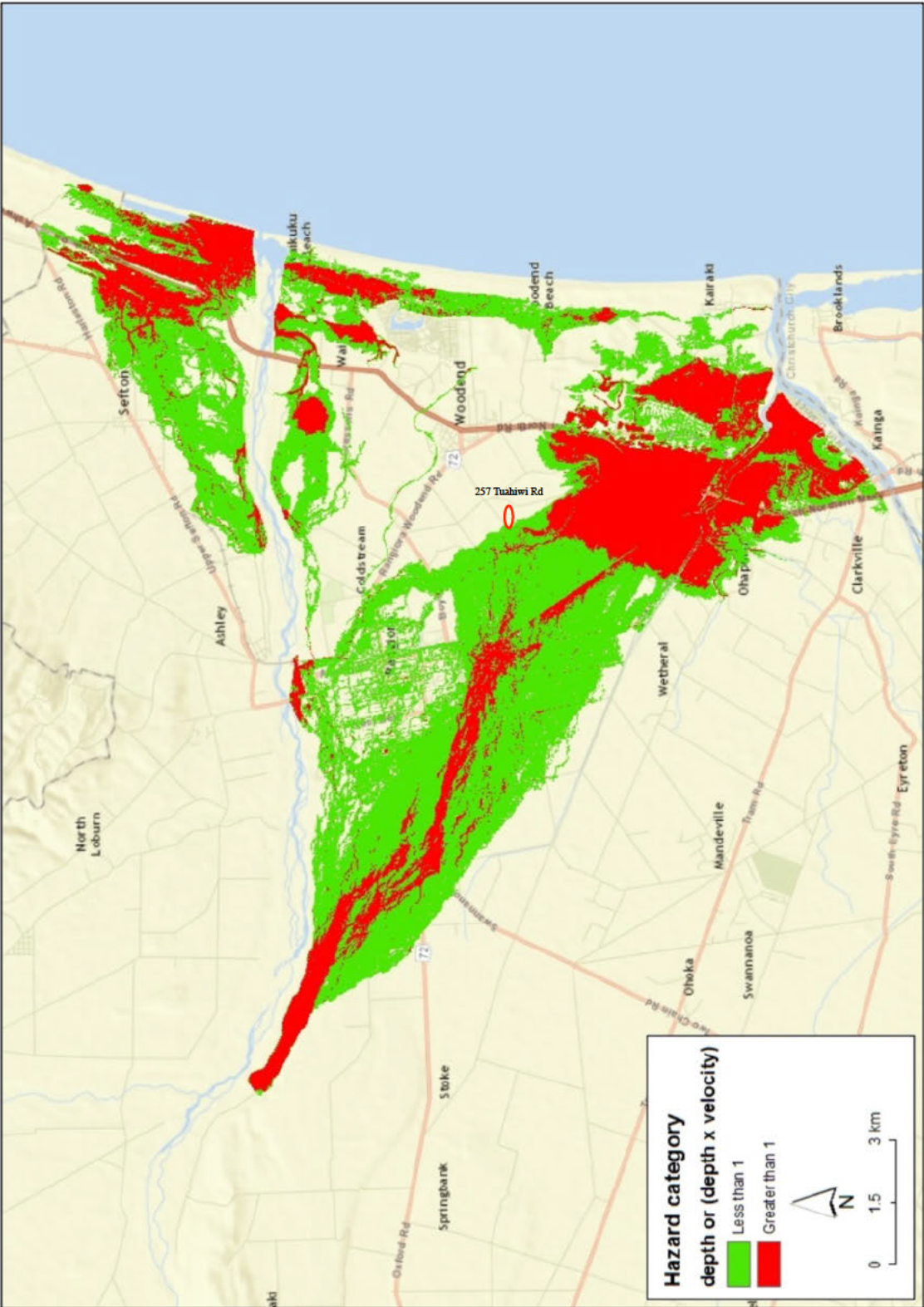


Figure 3-13: Ashley floodplain 'high hazard' areas (500 year ARI)

DAILY FIELD SUMMARY

Project No. GENZ CHRIS 2017-70A

Date: 11/7/14

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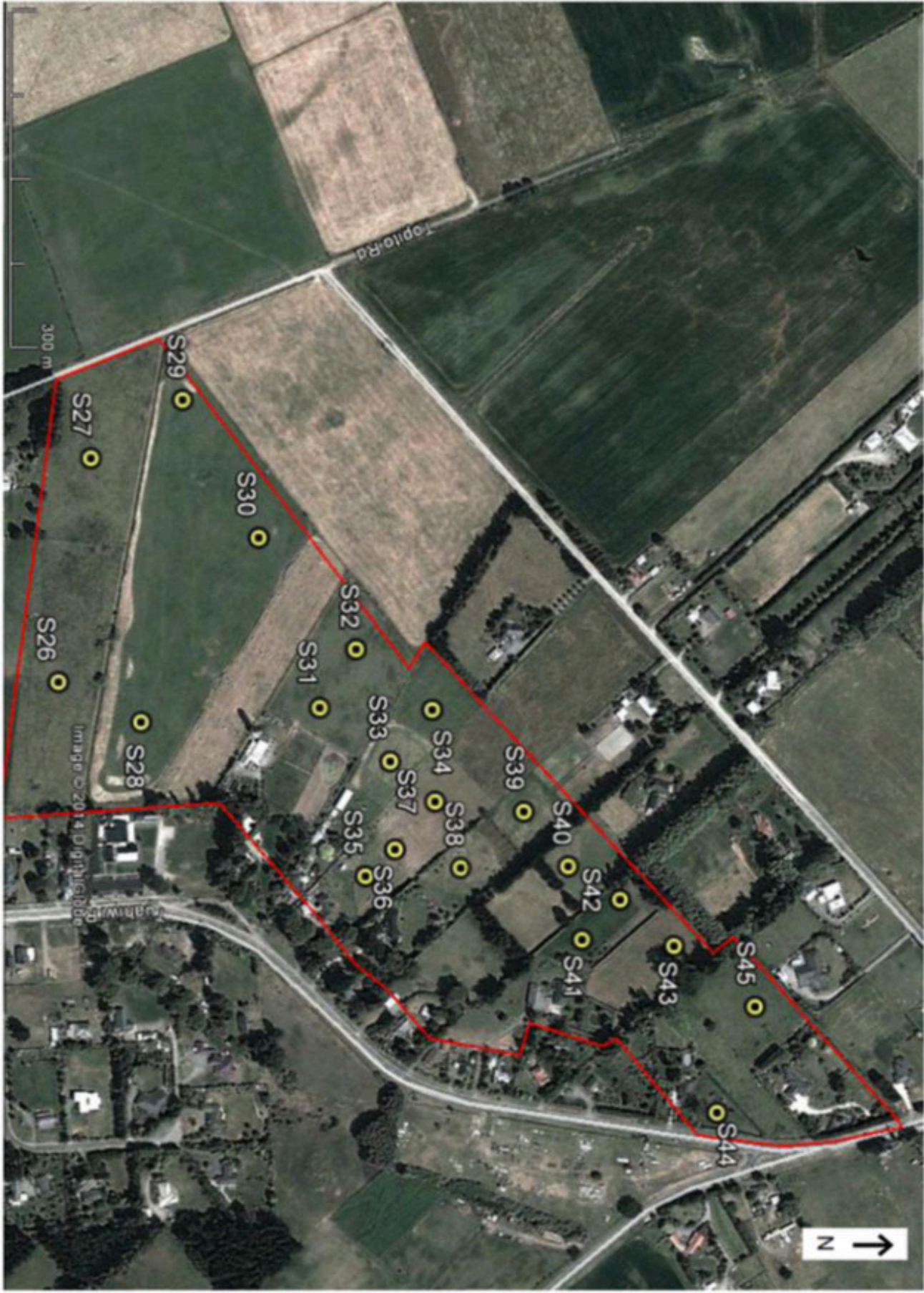
Project Name: Tuahiwi Plan Change

Field Personnel (Initials): N.M.

Project Manager (Initials): A.H.

Time	Description of Tasks Undertaken: (Include details onsite, all personnel, standby, phone calls)
7:30	Arrived at office and got samples & gear ready for the day.
8:30	Left site to get to Tuahiwi, detour to get boots.
9:45-10:00	Arrived at site at 9:45 for the site walk over & meeting with the home owner at 23S "Shirely". Talked to her about current & past land use. Took photos & collected samples 35-37.
11:30	Went to property 257 and collected samples 41-43.
12:15	Collected samples from 26-30 (large area took a wee wait to carry gear from one spot to the next).
2:55	Parked at 61 Topito road to collect samples 31-34.
3:00	Immediately I realised the ute was stuck again. So tried to get it unstuck again.
3:20	At 3:20 after one failed attempt by the next door na neighbours, co-workers from down came back to help me. Wait waiting only collected s33-34.
4:10	Co-workers arrived & got stuck themselves.
5:00	Got both truck free and on the road.
6:00	Arrived back at office.
6:30	Paper work & samples all frozen & completed.

Figure 6: Site investigation plan showing sampling locations within Site 1 (S26 through S45).



Client Sample ID			S41	S42	S43	S44
Sample Matrix			Soil	Soil	Soil	Soil
Eurofins mgt Sample No.			M14-JI21707	M14-JI21708	M14-JI21709	M14-JI21710
Date Sampled			Jul 11, 2014	Jul 11, 2014	Jul 11, 2014	Jul 16, 2014
Test/Reference	LOR	Unit				
Organochlorine Pesticides						
Chlordanes - Total	0.1	mg/kg	< 0.1	< 0.1	< 0.1	< 0.1
4,4'-DDD	0.05	mg/kg	< 0.05	< 0.05	< 0.05	< 0.05
4,4'-DDE	0.05	mg/kg	< 0.05	< 0.05	< 0.05	< 0.05
4,4'-DDT	0.05	mg/kg	< 0.05	< 0.05	< 0.05	< 0.05
a-BHC	0.05	mg/kg	< 0.05	< 0.05	< 0.05	< 0.05
Aldrin	0.05	mg/kg	< 0.05	< 0.05	< 0.05	< 0.05
b-BHC	0.05	mg/kg	< 0.05	< 0.05	< 0.05	< 0.05
d-BHC	0.05	mg/kg	< 0.05	< 0.05	< 0.05	< 0.05
Dieldrin	0.05	mg/kg	< 0.05	< 0.05	< 0.05	< 0.05
Endosulfan I	0.05	mg/kg	< 0.05	< 0.05	< 0.05	< 0.05
Endosulfan II	0.05	mg/kg	< 0.05	< 0.05	< 0.05	< 0.05
Endosulfan sulphate	0.05	mg/kg	< 0.05	< 0.05	< 0.05	< 0.05
Endrin	0.05	mg/kg	< 0.05	< 0.05	< 0.05	< 0.05
Endrin aldehyde	0.05	mg/kg	< 0.05	< 0.05	< 0.05	< 0.05

Date Reported: Aug 01, 2014

Eurofins | mg12-5 Kingston Town Close, Oakleigh, Victoria, Australia, 3166
 ABN : 50 005 085 521 Telephone: +61 3 8564 5000 Facsimile: +61 3 8564 5090

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 Report Number: 426303-S



Client Sample ID			S41	S42	S43	S44
Sample Matrix			Soil	Soil	Soil	Soil
Eurofins mgt Sample No.			M14-JI21707	M14-JI21708	M14-JI21709	M14-JI21710
Date Sampled			Jul 11, 2014	Jul 11, 2014	Jul 11, 2014	Jul 16, 2014
Test/Reference	LOR	Unit				
Organochlorine Pesticides						
Endrin ketone	0.05	mg/kg	< 0.05	< 0.05	< 0.05	< 0.05
g-BHC (Lindane)	0.05	mg/kg	< 0.05	< 0.05	< 0.05	< 0.05
Heptachlor	0.05	mg/kg	< 0.05	< 0.05	< 0.05	< 0.05
Heptachlor epoxide	0.05	mg/kg	< 0.05	< 0.05	< 0.05	< 0.05
Hexachlorobenzene	0.05	mg/kg	< 0.05	< 0.05	< 0.05	< 0.05
Methoxychlor	0.05	mg/kg	< 0.05	< 0.05	< 0.05	< 0.05
Toxaphene	1	mg/kg	< 1	< 1	< 1	< 1
Dibutylchlorodate (surr.)	1	%	141	98	141	131
Tetrachloro-m-xylene (surr.)	1	%	124	118	140	135
Heavy Metals						
Arsenic	2	mg/kg	70	17	17	14
Cadmium	0.4	mg/kg	< 0.4	< 0.4	< 0.4	< 0.4
Chromium	5	mg/kg	15	15	15	16
Copper	5	mg/kg	8.1	8.0	9.9	8.6
Lead	5	mg/kg	14	11	33	17
Mercury	0.1	mg/kg	< 0.1	< 0.1	< 0.1	< 0.1
Nickel	5	mg/kg	9.7	10	11	11
Zinc	5	mg/kg	41	41	62	60
% Moisture	0.1	%	25	25	31	26

From: Karl <karl.pukeko@gmail.com>
Subject: Right of first refusal on freehold land
Date: 17 November 2021 at 12:49:12 PM NZDT
To: Mahaanui Admin <Mahaanui.Admin@ngaitahu.iwi.nz>
Cc: Brett Ellison <brett.ellison@ngaitahu.iwi.nz>

Kei te rangatira, tēnā koe

Living far from our own places of birth we respect Te Ngāi Tūāhuriri have had an association with Tuahiwi since the earliest days Ngāi Tahu settled Te Wai Pounamu. Long ago we raised our tamariki in Tuahiwi where our home is. Both have since married partners with Ngāi Tahu Kaumatua alive in 1848.

Respecting Ngāi Tūāhuriri's cultural, spiritual and contemporary connection to the land values we support increasing opportunities for Tuahiwi Precinct freehold land returning to those who whakapapa to Tuahiwi.

Negotiating a Right of First Refusal on *freehold* PREC(T) land creates opportunities for whakapapa. As it complicates future sales processes yielding the first right to purchase has the potential to limit some prospective buyers

To put it in my limited Native American terms a letter supporting our submission to alter the current PREC(T) boundary at 257 Tuahiwi Rd would yield an advantage for Ngāi Tūāhuriri descendants of the Ngāi Tahu Iwi.

Because Rights of First Refusal documents are complex a timeframe of 18 months is suggested.

In addition to getting feedback it is difficult finding a precedent to follow.

I cc'ed Brett Ellison as he may want to offer his expertise.

Go in peace,

Karl Lutterman

022 037 1698

Below is the draft WDC Submission I am asking Te Ngāi Tūāhuriri Rununga to support. and below that is the document I offer for Ngāi Tūāhuriri support.

Seeking an amendment to the Tuahiwi SPZ(KN) and PREC(T) Zone boundaries at 257 Tuahiwi Rd.

Background

In June 1989 the Māori Land Court ruled 257 Tuahiwi Rd had ceased to be Māori Land. During 1992 the property was purchased bare, unworked, overgrown, collapsed overgrown fencing, with an excessive amount of tree debris. During 1994 consent and building plans permits were approved and property improvements began. A 'māori drain' runs along the property boundary and then through part of the property. The property has not been sold again since. Our children attended Tuahiwi School beginning classes in the 'old' original weatherboard two classroom schoolhouse.

Reasons for amending the SPZ(KN) and PREC(T) Zone boundaries at 257 Tuahiwi Rd.

The 257 Tuahiwi Rd property has two rate valuations, 2161132000 for a 1.983 hectare SPZ(KN) zone and 2161132000A for a 450m² PREC(T) zone of driveway

area. The shape and size of the driveway PREC(T) zone make it unsuitable for settlement, however in the instance the driveway PREC(T) zone adjoins an approximate 1900m² SPZ(KN) zone which is less suitable for rural activity because; (refer to *257 Tuahiwi PREC(T) Zone Amendment Area.pdf* attached)

The proposed amended area is effectively detached from the main productive land due to the drainage ditch (blue line) forming a natural boundary.

The SPZ(KN) area (red outline) at 243 Tuahiwi Rd is used for residential purposes.

The proposed amendment area is in a pocket of residential housing which restricts the lands use for rural activity.

The original Action 21 Land Use Recovery Plan proposed developing all rural land between the Maahunui marae and Topito Rd as residential, at that time this included rezoning all 257 Tuahiwi Rd to Residential 3.

Amending the Tuahiwi PREC(T) Zone has multiple benefits for descendants of Ngāi Tūāhuriri and the WDC ;

Historic and current WDC MR837 studies all predict Tuahiwi Precinct growth, the pandemic is a further catalyst creating growth demands, this amendment supports Tuahiwi PREC(T) growth.

Neighbouring descendants of Ngāi Tūāhuriri have enquired if the amended PREC(T)/SPZ(KN) area could be sold, the proposed amendment could facilitate sales to descendants of original Ngāi Tūāhuriri grantors.

The proposed amendment zone is a natural fit with existing residential properties.

Amending the PREC(T) zone increases connections to the current Tuahiwi water and pressurised sewage schemes.

Amending the PREC(T) zone minimises future SPZ(KN) zone rural-residential conflicts with existing properties.

The proposed amendment supports intentions of the proposed SPZ(KN) Special Purpose Zone Kāinga Nohoanga;

Policies

SPZ(KN)-P2 Land use and development

integrates land use with infrastructure in a manner that responds to the characteristics of the site and proposed development;

avoids or mitigates risks from natural hazards;

the residential privacy and amenity values of adjoining landowners is consistent with the planned change to a more urban environment; and

adverse effects on the environment are avoided, remedied or mitigated.

SPZ(KN)-P5 Tuahiwi Precinct and Large Lot Residential Precinct activities; Apply

the Tuahiwi Precinct to land in and immediately around the Tuahiwi marae to recognise previous zoning (Residential 3) and use of the land for urban purposes, mainly residential.



**AGREEMENT TO NEGOTIATE A
DEED OF GRANT OF RIGHT OF FIRST REFUSAL
OVER MR837 PREC(T) LAND
DATE:**

Parties to this Agreement:

- (1) TE NGĀI TŪĀHURIRI RŪNANGA
- (2) KARL AND CATHERINE LUTTERMAN

The Māori Land Court ruled the property at 257 Tuahiwi Road ceased to be Māori Land in June of 1989.
The Proposed District Plan establishes SPZ(KN) and PREC(T) zones in MR837.
This Agreement is subject to the successful Proposed District Plan submission amending the SPZ(KN) and PREC(T) zone boundary at 257 Tuahiwi Road.
The current owners agree to negotiate a Deed of Grant Right of First Refusal with Te Ngāi Tūāhuriri Rūnanga, or their Representative, on the amended PREC(T) land at 257 Tuahiwi Rd.
The Agreement giving Te Ngāi Tūāhuriri Rūnanga the Right of First Refusal on the PREC(T) property at 257 Tuahiwi Road will be established no later than 18 months after the PREC(T) zone boundary at 257 Tuahiwi Road is amended.
The Agreement would place a Right of First Refusal on the Land and Information Memorandum (LIM) and/or the Title of the amended PREC(T) zone at 257 Tuahiwi Road.
The Right of First Refusal Agreement would automatically transfer to any additional LIM and/or Property Titles established within the amended PREC(T) zone at 257 Tuahiwi Road.
The amended PREC(T) zone at 257 Tuahiwi Road will not be developed prior the signing of a Right of First Refusal Agreement with Te Ngāi Tūāhuriri Rūnanga or their Representative.

Signed on behalf of the property owners;

Karl Lutterman

Catherine Lutterman

Signed by the Representative of Te Ngāi Tūāhuriri Rūnanga

_____ Name	Occupation	Address
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in the presence of:

_____ Name	Occupation	Address
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