



Te Ngāi Tū Ahuriri Rūnanga Inc.



WAIMAKARIRI
DISTRICT COUNCIL

MAHI TAHI JOINT DEVELOPMENT COMMITTEE

Agenda

Tuesday 3 November 2020
Commencing at 8.30am

***Function Room,
Rangiora Town Hall
303 High Street
Rangiora***

Members:

Mayor Dan Gordon (Co-Chair)
Tania Wati (Co-Chair)
Deputy Mayor Neville Atkinson
Councillor Al Blackie
Dr Te Maire Tau, Upoko, Te Ngāi Tūāhuriri

Committee Members,
MAHI TAHI JOINT DEVELOPMENT COMMITTEE

A MEETING OF THE MAHI TAHI JOINT DEVELOPMENT COMMITTEE WILL BE HELD IN THE FUNCTION ROOM, RANGIORA TOWN HALL, 303 HIGH STREET, RANGIORA ON TUESDAY 3 NOVEMBER 2020 TO COMMENCE AT 8.30AM.

Due to government directive, the meeting will be audio livestreamed on the Council website.

**Recommendations in reports are not to be construed as
 Council policy until adopted by the Council**

BUSINESS

Page No

KARAKIA

1 APOLOGIES

2 CONFLICTS OF INTEREST

Conflicts of interest (if any) to be reported for minuting.

3 CONFIRMATION OF MINUTES

3.1 Minutes of the meeting of the Mahi Tahi Joint Development Committee meeting held on 18 August 2020

4 - 6

RECOMMENDATION

THAT the Mahi Tahi Joint Development Committee:

- (a) Confirms as a true and correct record the circulated minutes of a meeting of the Mahi Tahi Joint Development Committee held on 18 August 2020.

4 REPORTS

4.1 Mahi Tahi Joint Development Meeting dates for 2021 – Simon Markham (Manager Strategy and Engagement)

7 - 9

RECOMMENDATION

THAT the Mahi Tahi Joint Development Committee:

- (a) **Receives** report No. 201006133083 for information.
- (b) **Agrees** the meeting dates of the Mahi Tahi Committee for 2021 as proposed in this report.

4.2 Proposed District Plan Provisions - MR 873 and other Māori reserve areas – Trevor Ellis (Development Planning Manager)

10 - 30

RECOMMENDATION

THAT the Mahi Tahi Joint Development Committee:

- (a) **Receives** report No. 201021141244.
- (b) **Recommends** the attached provisions to Council and to Te Ngāi Tūāhuriri Rūnanga for inclusion in the Proposed District Plan.
- (c) **Notes** specific matters remaining to be completed by staff, as set out in paragraph 4.19.
- (d) **Circulates** this report to all Community Boards for information.
- (e) **Notes** that as part of pre-notification Proposed District Plan engagement, the proposed provisions will be shared with the Greater Christchurch Strategic Partners.
- (f) **Considers** the necessity and nature of further consultation with landowners subject to the changed zoning provisions.
- (g) **Notes** that a separate report will be prepared for the consideration of the Committee in regard to s33 (transfer of powers).

5 MEMO FOR INFORMATION

5.1 Draft Climate Change Policy – Simon Markham (Manager Strategy and Engagement)

(Trim No. 201028144101.)

31 - 37

There will be a briefing conducted at the conclusion of the meeting.

NEXT MEETING

The next meeting of the Mahi Tahi Joint Development Committee is rescheduled for 9:30am, Tuesday 8 December 2020 to be held in the Function Room, Rangiora Town Hall. This date is still to be confirmed.

KARAKIA

Key points of the report were highlighted. The Waimakariri Residential Red Zone Recovery Plan includes approximately eight hectares for a Heritage and Mahinga Kai purposes. This land is along the Kaiapoi River and the Courtney Stream area. This area was identified as having significant cultural values during preparation of the Recovery Plan. This will be a public reserve area which will provide a space for cultural and social activities for the community including natural play, education and learning. The development of this area is seen as a key partnership between the Council and the Rūnanga and is a key regeneration project. M Flanagan noted attachment (ii) to the staff report which is a preliminary report that was presented to the Kaiapoi-Tuahiwi Community Board in 2019. This had been prepared by Mr Rupene and Mr Wepu of Environment Canterbury and was endorsed by the Rūnanga. This report focused on the creation of an edible forest consisting of two plant communities, a wetland community and a podacarp forest. WDC staff prepared a preliminary draft concept plan, based on this report. To build on this preliminary plan, this report seeks to establish a working group to work on the design of the area. This working group could include members from both the Rūnanga and the Council and could bring recommendations through this committee. This working group could propose a co-governance framework, recommend a name for the reserve, complete a concept and management plan and determine budget allocations. There is \$60,000 budget in the 2020/21 year for planning and design purposes of this Mahinga Kai area and an additional \$1.6m in the 2022 to 2026 years for development of the area. This funding will not be sufficient to develop the entire site and third party funding will be sought to develop stages.

Following a question from T Wati, M Flanagan confirmed that the proposed Water park location is in east Kaiapoi, on the other side of the river to this Mahinga Kai area.

Regarding the suggested members of the working group, which were included in 4.18 in the report, Mayor Gordon recommended that the Portfolio Holder for Regeneration (Councillor Blackie) also be included. Members agreed with this suggestion.

J Palmer spoke on co-governance arrangement for this area. The working group will get this project underway but suggests there could be a review of this once agreement is reached on what the co-governance structure is. This would come back to this committee for a decision.

T Wati asked what the commitment would be for members of the working group. M Flanagan said there would be requirements of the working group to meet and collaborate. J Palmer noted that the Working Group is a governance function and M Flanagan will be initiating the work for this project. It is anticipated a timeframe of one hour per month for meeting until the governance arrangement has been put in place. This could be for a period of up to six month. The Working Group will be supported by staff, as listed in the report.

Moved Mayor Gordon Seconded Councillor Blackie

THAT the Mahi Tahī Committee recommended

THAT the Council:

- (a) **Receives** report No. 200720091001.
- (b) **Receives** the preliminary report, Ngahere rongoā (Regeneration area), on the development of the Heritage and Mahinga Kai Area (19119161006).
- (c) **Approves** the establishment of a Working Group to propose a co-governance framework for the Heritage and Mahinga Kai Area.

- (d) **Approves** the Working Group championing the planning, design and development of the Heritage and Mahinga Kai Area.
- (e) **Notes** that a future report on a proposed co-governance framework will be prepared by the Working Group, and presented to the Mahi Tahī Joint Development Committee for recommendation.
- (f) **Notes** the Regeneration Budget (PJ 101407.000.5223) includes \$60,000 in the 2020/2021 year for the design and planning of the Heritage and Mahinga Kai Area.
- (g) **Notes** that the Regeneration Budget includes \$1,680,000 in the 2021-2026 years for physical development of the Heritage and Mahinga Kai Area.
- (h) **Notes** that the development of the Heritage and Mahinga Kai area is intended to be a multi-year staged project. The current funding provision (\$1,740,000) will not cover the full development of the site. It is intended to apply to third-party funding providers for additional funding to continue development of the site.
- (i) **Circulates** this report to the Kaiapoi-Tuahīwi Community Board.

CARRIED

NEXT MEETING

The next scheduled meeting of the Mahi Tahī Joint Development Committee will be held on 9:30am, Tuesday 20 October 2020 to be held in the Function Room, Rangiora Town Hall.

There being no further business, the meeting closed at 9.50am.

CONFIRMED

Co-Chairperson

Date

WAIMAKARIRI DISTRICT COUNCIL**REPORT FOR INFORMATION**

FILE NO and TRIM NO: 201006133083

REPORT TO: Mahi Tahi Joint Development Committee

DATE OF MEETING: 3 November 2020

FROM: Simon Markham, Manager Strategy and Engagement

SUBJECT: Mahi Tahi Joint Development Meeting dates for 2021

SIGNED BY:
(for Reports to Council,
Committees or Boards)



Department Manager



Chief Executive

1. SUMMARY

- 1.1 This report seeks to confirm the meetings schedule for the Mahi Tahi Joint Development Committee in 2021, as proposed to the Council on Tuesday 6 October 2020.

2. RECOMMENDATION

THAT the Mahi Tahi Joint Development Committee:

- (a) **Receives** report No. 201006133083 for information.
- (b) **Agrees** the meeting dates of the Mahi Tahi Committee for 2021 as proposed in this report.

3. BACKGROUND

- 3.1. The Mahi Tahi Joint Development Committee formed at the beginning of the 2019-22 Council term, as a joint committee between Te Ngāi Tūāhuriri Rūnanga and the Council consisting of three members from each organisation.
- 3.2. The purpose of this committee is to further develop the working relationship between the two parties. This working relationship is particularly important as the Council undertakes its District Plan Review and water related matters come to the fore, in part through central government directives. The Committee prepares recommendations to the Council and Rūnanga.

4. ISSUES AND OPTIONS

- 4.1. At its meeting on Tuesday 6 October 2020 the Council received a report on the proposed 2021 schedule of Council and Committee meeting dates. This schedule included proposed Mahi Tahi Joint Development Committee meeting dates.
- 4.2. The meetings are proposed for Tuesdays commencing at 9.00am and last for up to three hours:
- 9 February 2021
 - 23 March 2021

- 20 April 2021
- 22 June 2021
- 17 August 2021
- 19 October 2021
- 14 December 2021

- 4.3. Where a meeting is held, and decisions need to be made, as per the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987, these meetings must be advertised, as would any changes or cancellations. Briefings do not need to be advertised.
- 4.4. Going forward meetings may be split between items for decision, where members of the public could attend, and then move into a briefing session, where members of the public would then be excluded.
- 4.5. There is an option to hold briefings on the alternate months where there is no meeting scheduled.
- 4.6. At its meeting on 16 June 2020 the Mahi Tahi Joint Development Committee noted that future meetings, and Chair of the meeting, would be alternated between the Tuahiwi Marae and the Rangiora Service Centre.
- 4.7. The Management Team have reviewed this report and support the recommendations.

5. COMMUNITY VIEWS

5.1. Groups and Organisations

The Council is responsible for setting Council and Committee dates and agreement would be sought via the Mahi Tahi Joint Development Committee to any proposals for the Joint Committee.

5.2. Wider Community

The wider community have not been consulted, although the meetings are generally open to the public.

6. IMPLICATIONS AND RISKS

6.1. Financial Implications

No financial impact for venue use as each party has its own appropriate meeting space. The meeting is serviced by the Governance Team of the Council.

6.2. Community Implication

No community implications as each venue facility is publicly available and disability accessible during the meeting.

6.3. Risk Management

No undue risks are considered likely. If the Marae venue was unavailable due to unforeseen circumstances, then a Council venue would always be held in reserve to enable the meeting to occur as scheduled.

6.4. Health and Safety

No health and safety issues.

7. CONTEXT

7.1. Policy

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

7.2. Legislation

Meetings are held in accordance to the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987.

7.3. Community Outcomes

Effect is given to the principles of the Treaty of Waitangi and there are wide ranging opportunities for people to contribute to the decision making that effects the Waimakariri district.

7.4. Delegations

The Committee has the delegation to consider different venues and propose any changes to the meeting schedule.

WAIMAKARIRI DISTRICT COUNCIL**REPORT FOR DECISION**

FILE NO and TRIM NO: DDS-06-10-02-04-04 / 201021141244

REPORT TO: Mahi Tahi Joint Development Committee

DATE OF MEETING: 3 November 2020

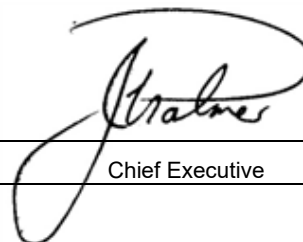
FROM: Trevor Ellis, Development Planning Manager

SUBJECT: Proposed District Plan Provisions - MR 873 and other Māori reserve areas

SIGNED BY:
(for Reports to Council,
Committees or Boards)



Department Manager



Chief Executive

1. **SUMMARY**

- 1.1 This report seeks that the Mahi Tahi Joint Development Committee receives and recommends a set of proposed district plan provisions for inclusion in the Proposed District Plan for public notification in 2021. These proposed provisions have been collaboratively developed by Mahaanui Kurataiao Ltd and Waimakariri District Council consultant planners.
- 1.2 This report provides a brief background to the development of the provisions and addresses key changes in approach over the current provisions within the Operative Waimakariri District Plan.

Attachments:

- i. Map showing proposed zoning of Māori Reserve 873.
- ii. Māori Purpose Zone (Kāinga Nohoanga) provisions of a proposed District Plan Chapter that would apply to Māori reserve land in the District.
- iii. Proposed District Plan - Strategic Objective SD-O5.

2. **RECOMMENDATION**

THAT the Mahi Tahi Joint Development Committee:

- (a) **Receives** report No. 201021141244.
- (b) **Recommends** the attached provisions to Council and to Te Ngāi Tūāhuriri Rūnanga for inclusion in the Proposed District Plan.
- (c) **Notes** specific matters remaining to be completed by staff, as set out in paragraph 4.19.
- (d) **Circulates** this report to all Community Boards for information.
- (e) **Notes** that as part of pre-notification Proposed District Plan engagement, the proposed provisions will be shared with the Greater Christchurch Strategic Partners.
- (f) **Considers** the necessity and nature of further consultation with landowners subject to the changed zoning provisions.

- (g) **Notes** that a separate report will be prepared for the consideration of the Committee in regard to s33 (transfer of powers).

3. **BACKGROUND**

- 3.1 The background to planning provisions has been well documented in recent years. In brief, the Operative Waimakariri District Plan zones Māori Reserve land as predominantly Rural, much like the remainder of the non-urban areas of the District, with the exception of land in around Tuahiwi village that is zoned Residential 3 and an area along Old Main North Road at Kaiapoi.
- 3.2 Through the Land Use Recovery Plan in 2015, the District Plan was amended to include residential development provisions within MR873 outside of the Tuahiwi village. Additional land was zoned Residential 3 at the village along with a basic Outline Development Plan (ODP). These provisions were inserted into the District Plan through decision by the then Minister for Earthquake Recovery.
- 3.3 These amended provisions to the District Plan provided for 'cluster housing' development on the Rural zoned land where owners traced descendance to original grantees following from the Kemp Deed in 1848. This applies to Māori land, that is, land in ownership by descendants from original grantees or land subsequently confirmed as 'Māori Land' by the Māori Land Court.
- 3.4 Further, land that may be held in general title and/or is repurchased by owners who trace descendance to an original grantee anywhere in the reserve qualify for these development rights. Descendance is confirmed through the records maintained by the Whakapapa Unit Te Rūnunga o Ngāi Tahu.
- 3.5 Some expansion of the Residential 3 zoning around the village was also included in the amendments to the District Plan. An ODP was included with these provisions. As regards to the cluster housing, provisions in the operative plan require consent for cluster developments, which may be staged, in accordance with an approved 'outline plan' and the use of Unit Title tenure to implement and maintain this plan over time.
- 3.6 From a District Plan review perspective, the opportunity to fully review these provisions is available via the review of the District Plan as whole. In preparation for this, Mahaanui Kurataiao Ltd provided Council with a report on the efficacy of the existing provisions and any changes that should be made. That report made a number of recommendations for change that have been specifically factored into the revised provisions (Attachment (i)).
- 3.7 Over the course of this year, the Committee has been briefed on the development of a new set of provisions that better address the Kemp Deed of 1848. This has been in the form of three memos, outlining the approach to drafting and versions of the draft chapter as they progressively developed between Mahaanui Kurataiao Ltd and WDC contracted staff.
- 3.8 In general, the approach taken in the proposed chapter, that responds to the recommendations made by Mahaanui Kurataiao Ltd, differs from the existing provisions. While the 'descendance test' is maintained, no form of tenure is prescribed. Permitted activity status is assigned to residential development and provision is made for a wider range of non-residential activities on land across Reserve 873. Rules are primarily designed to address boundary to boundary and reverse sensitivity issues.
- 3.9 There is no residential density control per se i.e. minimum lot size to build. The intensity or scale of non-residential activities is subject to rules, mainly via floor space quantum's which have been highlighted to the Committee over the course of the year as a means of managing change in the Reserve. Boundary setbacks are also included which is a common approach to managing boundary to boundary effects within a district plan.
- 3.10 This approach is intended to better meet the position articulated in the Mahaanui Kurataiao Ltd report, based on a contemporary interpretation of rights provided for through the Kemp

Deed. It represents a changed planning/development regime compared to the LURP provisions and highlights the importance of progressing plans and funding arrangements for servicing infrastructure in MR873 in particular.

4. **ISSUES AND OPTIONS**

- 4.1. The direction of the proposed provisions is to best realise the intention of Kemp's Deed in terms of current and future aspirations.
- 4.2. This not only extends to papakāinga and kāinga nohoanga, but also matters in regard to mahinga kai. The Operative Plan has a Rural zone status across most of the MR873 area and allows for cluster housing, but is not specifically enabling of those activities that fall within the ambit of kāinga nohoanga.
- 4.3. The options available to Mahaanui Kurataiao Ltd and WDC staff in overall terms are to do nothing (the status quo) and continue with the current provisions or revise the provisions to better address Kemp's Deed and those matters outlined in the Mahaanui Kurataiao Ltd report (2018).
- 4.4. In summary, the findings of the Mahaanui Kurataiao Ltd report of 2018 are as follows:
- There is good objective and policy support for Kāinga Nohoanga within Māori Reserve 873;
 - The rules are not effective in achieving the objectives and policies;
 - The adoption of the Rural and Residential 3 zones is a fundamentally inappropriate basis to support Kāinga Nohoanga; and
 - The requirement for management plans and outline development plans in addition with the onerous activity status makes the development of Māori Reserves more difficult for mana whenua.
 - In addition, to the above, while Māori Reserve 873 is accorded recognition in the Operative Waimakariri District Plan, there is no similar recognition of other Māori Reserves in the district.
- 4.5. The Mahaanui Iwi Management Plan (2013) is the relevant iwi management plan (IMP). It includes a range of objectives and policies that are relevant, with those that are of specific relevance being identified and commented on in the 2018 report.
- 4.6. The four key policies (Policies P5.1 – P5.4) of the IMP recognise the issues and barriers to the use and development of Kāinga Nohoanga land in the manner that is consistent with the purposes that it was originally identified. District plans need to include objectives, policies and methods to enable papakāinga and mixed use development to provide an economic, social and cultural base for Te Ngāi Tūāhuriri Rūnanga.
- 4.7. Further, Council in its beginnings of the review of the District Plan, noted:
- District Plan Effectiveness Review – Strategic Framework, 2017:
 - *Cultural matters need to be taken into account and incorporated into development and consent conditions. Māori Reserve 873 and areas of cultural significance, together with the Iwi Management Plan need to be considered at a strategic level.*
 - Waimakariri 2048 District Development Strategy – Our District. Our Future, 2018:
 - *Papakāinga housing – Work with Ngāi Tūāhuriri to provide for papakāinga housing on Māori land – District Plan Review, currently underway (page 49); and*

- *Reticulated services – Continue to explore infrastructure provision options in smaller settlements, including within Māori Reserve 873 – Develop infrastructure plans for the areas (page 50).*

Proposed Objectives and Policies

- 4.8 In response to the above, and taking on board the requirements of the National Planning Standards and policy matters sets out in the Canterbury Regional Policy statement (2013), a separate and dedicated chapter within the proposed District Plan has been prepared. The contents of the chapter significantly revises and expands on the Operative Plan provisions, and sets out a specific Māori purpose zone (Kāinga Nohoanga). The key changes in summary are:
- A standalone chapter with specific objectives, policies, rules and definitions to guide development within the zone;
 - Recognition of the specific role that Reserve 873 has in providing a focal point for a wide range of activities;
 - Recognition of the existing Residential 3 zoning of land around Tuahiwi, through the introduction of the Tuahiwi precinct that provides for similar activities and development standards as the Residential 3 zoning, as well as the activities and standards of the Kāinga Nohoanga zone;
 - Direction that the provisions could be applied to other areas of land in the future.
- 4.9 Attachment (ii) sets out the proposed provisions and Attachment (i) is the proposed zoning map (showing MR873 as an example). In summary, the one objective and six policies are designed to enable the development of ancestral Māori land within the remaining Māori reserve areas within the district. Determination of land held under the ownership of a descendant of Māori Reserve 873 lies solely with the whakapapa unit of Ngāi Tahu and does not require any verification or specific application to Council.
- 4.10 The policies recognise the special role that land within Māori Reserve 873 (focussing around the Tuahiwi Marae) has in providing for a wide range of residential, rural, community and commercial activities (Policy P1). The Tuahiwi precinct policy recognises the Residential 3 zoning under the Operative Waimakariri District Plan and that a more urban style of development is anticipated (Policy P5 and Policy P6). The other Māori reserve lands are primarily for development of residential and rural activities (Policy P2).
- 4.11 For all areas, development needs to be integrated and coordinated with infrastructure, respond to natural hazards and ensure adverse effects (including reverse sensitivity effects) are managed (Policy P3). Work continues in this space, in conjunction with the Mahi Tahī Committee.
- 4.12 While the Māori purpose zone (Kāinga Nohoanga) is applied to the existing Māori reserve land, it is recognised that through other mechanisms (such as land purchase or settlement), the zone may be applied to new areas (Policy P4).
- 4.13 The objective and policies relate to set of strategic objectives that sit at the forefront of the Proposed District Plan (Attachment (iii)). Of specific relevance to the development of the Kāinga Nohoanga zone is strategic objective SD-O5 at part 4 of the objective which states: *“Te Ngāi Tūāhuriri Rūnanga’s role in the management of natural and physical resources is recognised, so that: ... 4. Māori reserve lands are able to be used by Ngāi Tūāhuriri Rūnanga for their intended purposes and to enable them to maintain their relationship with their ancestral land;”*.

Proposed Methods (rules and definitions)

- 4.14 Rules and definitions are proposed that will enable a range of activities to establish within the Māori purpose zone (Kāinga Nohoanga). Most of the definitions that apply generally throughout the Proposed Plan are applicable when used within the zone. However, the following definitions have been developed to apply specifically within the zone:
- **Mahinga kai** - refers to the direct and indirect use of natural resources by Ngāi Tahu, including the production and processing of those resources and the places where those resources are obtained.;
 - **Māori land** - in relation to the Māori purpose zone (Kāinga Nohoanga), means land that has the status of Māori freehold land, or Māori communal land gazetted as Māori reservation under s338 Te Ture Whenua Maori Act 1993;
 - **Marae complex** - means a specific area containing a complex of buildings and facilities used for the provision of a focal point for social, cultural and economic activity for Te Ngāi Tūāhuriri Rūnanga; and
 - **Papakāinga** - means a development for mana whenua to provide residential accommodation for members of iwi or hapū groups on Māori land and/or within the Māori purpose zone (Kāinga Nohoanga), and also includes all forms of accommodation for visitors and short-term residents, and communal buildings and facilities to provide centralised services or facilities.
- 4.15 A wider range of activities provided for in MR873 (such as health care facilities and education facilities) are recognised as being suitable for the zone and are provided as permitted activities without limitation where part of the marae complex. However, the potential adverse effects on other land owners, once the activity is over a certain size outside of the marae complex need to be considered through the resource consent evaluation process (either as restricted or full discretion). Accordingly, a gross floor area standard has been included to provide the trigger for assessment.
- 4.16 The Tuahiwi precinct has been developed to recognise the existing Residential 3 zoning under the Operative Waimakariri District Plan, and that property owners of 'non-Māori' land need to have the form of land use provided by that zoning continue. In addition, the provisions of the Tuahiwi precinct give effect to the objectives and policies of the zone. The use of the precinct is in accordance with the National Planning Standards that provides for the precinct spatial layer to be used "...where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s)." (refer to Table 18 in Section 12. District Spatial Layers Standard).
- 4.17 The built form standards are focussed on the external effects of the activity on adjoining land uses and activities or infrastructure (roads). Specific road boundary setback standards are included within Reserve 873 with respect to five 'under width' roads to enable consideration as to how infrastructure and access will be enabled while development occurs.
- 4.18 Matters of discretion (for both the Māori purpose zone (Kāinga Nohoanga) and the Tuahiwi precinct) are proposed to guide the District Council's exercise of discretion regarding activities that exceed the gross floor area activity standard and/or a built form standard.
- 4.19 The Committee's recommendation of the attached provisions is sought, as set out in Recommendation (b). This will then enable Mahaanui Kurataiao Ltd and WDC to make final 'bedding in' adjustments including:
- A review of notification clauses for restricted discretionary (RDIS) activities and how these are applied throughout the Proposed Plan;

- A check to confirm the status of land within the other areas i.e. is it gazetted, freehold land and is there a need to identify provision for descendants;
- A further check with other sets of provisions within the Proposed Plan including other zones and district wide matters including earthworks, light and noise provisions;
- Testing of the draft provisions and final review of all wording; and
- Finalise the necessary RMA background report (s32).

4.20 The Management Team have reviewed this report and support the recommendations.

5 COMMUNITY VIEWS

5.10 Groups and Organisations

- 5.10.1 The attached provisions have been developed collaboratively with Mahaanui Kurataiao Ltd on behalf of Te Ngāi Tūāhuriri Rūnanga and reported to the Mahi Tahī Committee over the course of this year.
- 5.10.2 There has been high level community engagement carried out as part of the Waimakariri 2048 District Development Strategy – Our District. Our Future (2018).

5.11 Wider Community

- 5.11.1 To date, there has been no direct consultation with the Waimakariri community or other stakeholders on these specific provisions. No consultation has been undertaken with landowners within the proposed Kāinga Nohoanga Zone areas whose properties would be subject to the proposed provisions.
- 5.11.2 At this time, engagement with the community and relevant stakeholders has not been planned. This is a matter that the Committee should specifically consider, as to benefits and costs, noting that the provisions will be subject to submission and further processes once publicly notified.
- 5.11.3 Further, Council has sought initial views on the extent that the rules could have legal effect on notification, from its solicitors, and the advice at this time is that such a case would have the following limitations in terms of successfully applying for immediate legal effect:
- The lack of specific consultation undertaken on the topic to date; and
 - The need for / reasoning for urgency.
- 5.11.4 Accordingly, it is recommended that no application be made to the Environment Court that these provisions have immediate legal effect on notification of the Proposed District Plan.

6 IMPLICATIONS AND RISKS

6.10 Financial Implications

- 6.10.1 There are no financial implications associated with the recommendations in this report. The provisions have been funded from approved Council budget.

6.11 Community Implication

6.11.1 There are no community implications associated with the recommendations in this report. Longer term, the community will be able to make submissions and further submissions on the proposed provisions. Once operative, the proposed provisions that may be modified by decisions on submissions will apply and given the nature of change within the provisions, enable development above and beyond that which is currently available in the area that they apply.

6.12 Risk Management

6.12.1 The purpose of this report has risk(s) associated with the recommendations set out in Section 2 above.

6.13 Health and Safety

6.13.1 There are no identified health and safety matters associated with the recommendations of this report.

7 CONTEXT

7.10 Policy

7.10.1 This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

7.11 Legislation

7.11.1 The Resource Management Act 1991 applies. This includes a requirement to consult with the Iwi Authority on the whole draft of the Proposed Plan ahead of notification. Priority matters have been reviewed by Mahaanui Kurataiao Ltd over the course of the last few months and it is agreed that further review and input will occur, as necessary.

7.12 Community Outcomes

7.12.1 Effect is given to the principles of the Treaty of Waitangi.

The Council in partnership with Te Ngāi Tūāhuriri Rūnanga, continue to build our relationship through mutual understanding and shared responsibilities.

7.12.2 The distinctive character of our takiwā - towns, villages and rural areas is maintained.

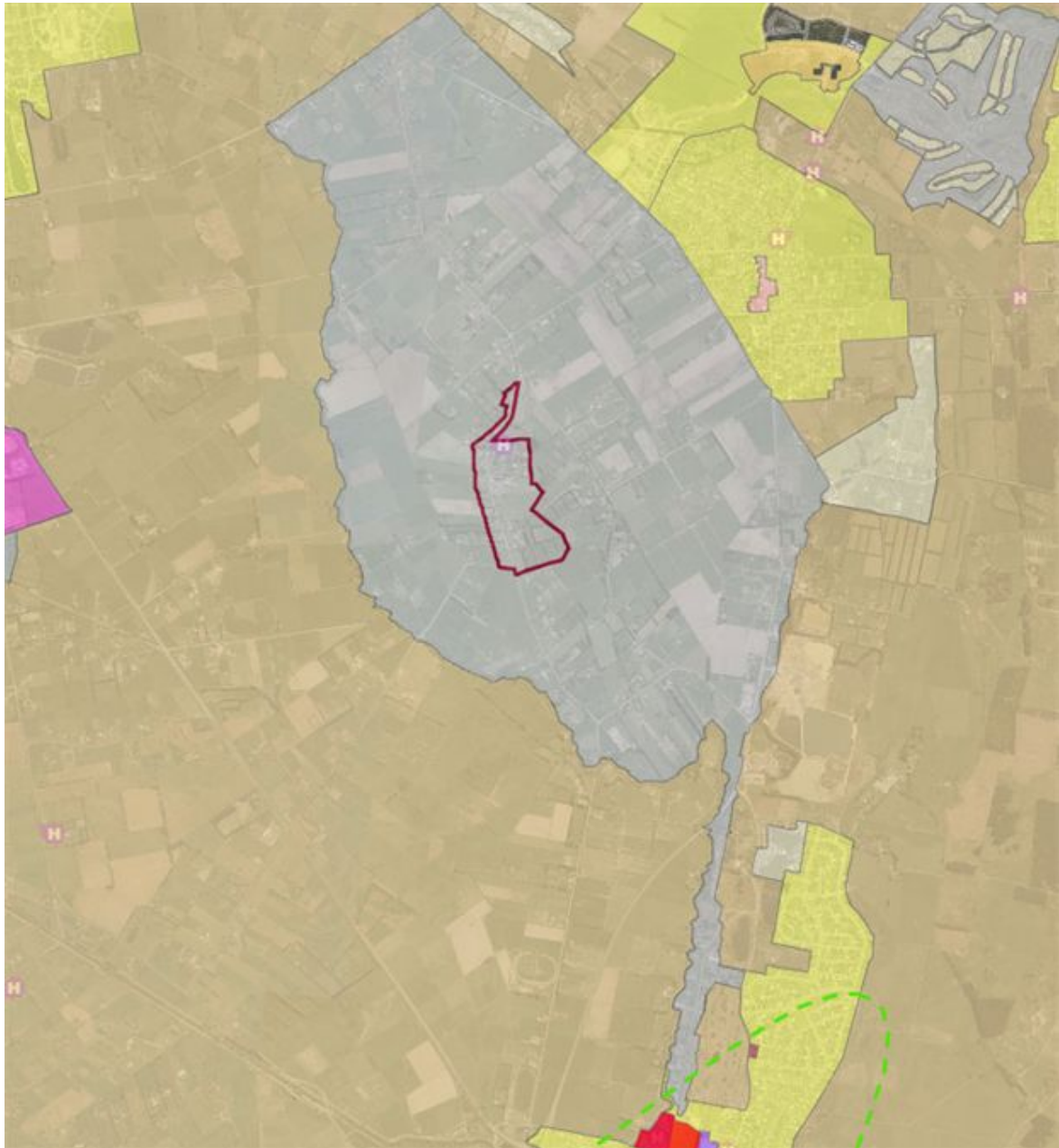
7.12.3 The community's cultures, arts and heritage are conserved and celebrated.

Mana whenua are acknowledged and respected.

7.13 Delegations

7.13.1 The Mahi Tahi Joint Development Committee has responsibility for preparing recommendations to Council and Te Ngāi Tūāhuriri Rūnanga in respect to development aspirations for MR873 and other reserves under the Resource Management Act 1991.

Attachment (i) Map showing proposed zoning of Māori Reserve 873.



Attachment (ii) Māori Purpose Zone – Kāinga Nohoanga Zone' provisions of a proposed District Plan Chapter that would apply to Māori Reserve land in the District.

Introduction

This chapter relates to the Māori purpose zone (Kāinga Nohoanga) which covers all of Māori Reserve 873. The chapter also applies to other areas of land held under Te Ture Whenua Māori Act 1993 in the District as described under 'Māori Land Outside of Māori Reserve 873'.

Māori Reserve 873

The zone recognises the original purpose of the 1,068ha of land reserved to local Māori as part of the Kemp's Deed purchase in the South Island. The purpose of Māori Reserve 873 was to provide mana whenua with a kāinga nohoanga (settlement and place of residence) and the ability to maintain mahinga kai (being the direct and indirect use of natural resources, including the production and processing of those resources). Due to fragmentation of, and changes in, land tenure over the past 160 years, the original purpose of Māori Reserve 873 has been negated. The purpose of the Māori purpose zone (Kāinga Nohoanga) is to enable Te Ngāi Tūāhuriri Rūnanga to further develop Māori Reserve 873 for the purposes as originally intended, including places of residence and for the use and processing of natural resources.

The Māori purpose zone (Kāinga Nohoanga) includes a variety of land tenure and ownership, but the only land that is able to be used or developed for papakāinga and/or kāinga nohoanga purposes, is land which has the following status:

1. land which is held as Māori freehold land, or Māori land reserved for communal purposes, under Te Ture Whenua Māori Act 1993; and/or
2. land where in accordance with s7 Te Rūnunga o Ngai Tahu Act 1996, the person who owns the land is a descendent of:
 1. Ngāi Whanui; and
 2. those persons who lived within the original Maori Reserve 873.

For other land that is not held as Māori Land or land not held in the ownership of a descendent of Maori Reserve 873 that is within the Māori purpose zone (Kāinga Nohoanga), a range of rural activities is provided for outside of the Tuahiwi precinct and a range of settlement activities is provided for within the Tuahiwi precinct.

Māori Land Outside of Māori Reserve 873

The provisions of the Māori purpose zone (Kāinga Nohoanga) as they apply to the areas of Māori Land outside of Māori Reserve 873 (as listed below), is to provide for papakāinga and residential activities thereby enabling the return of runanga members to the land. The areas of land are described below and shown on the planning maps:

- Reserve 2486 & Te Akaka 896, River Road, Waikuku;
- Rural Section 41401 & Taerutu No 898, Kaiapoi Pa Road, Kaiapoi;
- Orahaki MR 893 & Orahaki MR 894, Maori Reserve Road, Glentui;
- Maori Reserve 2038, Mairangi Road, Starvation Hill;
- Reserve 2061 (Tawera) & Section 18776, Luers Road, Coopers Creek; and
- Section 2 MR 897 Tawera, Island Road & Ram Paddock Road, View Hill.

The provisions in this chapter give effect to the matters in **Part 2 - Strategic Directions**, particularly objective **SD-O5 Ngāi Tahu mana whenua/Te Ngāi Tūāhuriri Rūnanga**.

Objectives

MPZ(KN)–O1 Use and development of Te Ngāi Tūāhuriri Rūnanga Māori Reserve 873 and other land

Te Ngāi Tūāhuriri Rūnanga exercise kaitiakitanga in the use and development of ancestral land for their economic, social and cultural well-being.

Policies

MPZ(KN)–P1 A range of activities within Māori Reserve 873

Enable the use and development of land within Maori Reserve 873 for a wide range of activities in accordance with tikanga Māori, including kāinga nohoanga and mahinga kai, to support the social, cultural and economic aspirations of mana whenua.

MPZ(KN)–P2 A range of residential and non-residential activities for Māori land outside Māori Reserve 873

Enable the use and development of Māori land in other parts of the District for mainly residential and rural activities, in accordance with tikanga Māori to support the social, cultural and economic aspirations of mana whenua.

MPZ(KN)–P3 Land use and development

Land use and development is undertaken in a way which:

1. integrates land use with infrastructure in a manner that responds to the characteristics of the site and proposed development;
2. facilitates the exercise of kaitiakitanga and tikanga Māori, including in the design and layout of buildings, facilities and activities;

3. risks from natural hazards are avoided or mitigated;
4. the residential privacy and amenity values of adjoining landowners is consistent with the planned change to a more urban environment ; and
5. adverse effects on the environment are avoided, remedied or mitigated.

MPZ(KN)-P4 Future development

Support the application of the Māori purpose zone (Kāinga Nohoanga) provisions in other locations, where it would assist in the use and development of Te Ngāi Tūāhuriri Rūnanga ancestral land for a range of activities in accordance with tikanga Māori, to support their social, cultural and economic well-being.

MPZ(KN)-P5 Rural activities

Enable agricultural activities on any land within the Māori purpose zone (Kāinga Nohoanga) (outside of the Tuahiwi precinct).

MPZ(KN)-P6 Tuahiwi Precinct activities

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

Rules

How to interpret and apply the rules

The rules that apply to activities in the Māori purpose zone (Kāinga Nohoanga) and Tuahiwi precinct are as follows:

1. Māori land or land under the ownership of a descendant of Māori Reserve 873 – **outside** the Tuahiwi precinct:
 - a. Activity rules MPZ(KN)-R1 to MPZ(KN)-R23: Activity rules – Māori purpose zone (Kāinga Nohoanga) (Maori Reserve 873) – **outside** the Tuahiwi precinct ;
 - b. Built form standards on land which is zoned:
 1. Māori purpose zone (Kāinga Nohoanga) (Maori Reserve 873) – **outside** of Tuahiwi precinct; and
 2. Māori purpose zone (Kāinga Nohoanga) (Specific Areas); and
 - c. Matters of discretion on land which is zoned:
 1. Kainga Nohoanga Zone (Maori Reserve 873) – **outside** of Tuahiwi precinct; and
 2. Kainga Nohoanga Zone (Specific Areas).
2. Land **not** held as Māori land or under the ownership of a descendant of Māori Reserve 873 – **outside** the Tuahiwi precinct:
 - a. Activity rule MPZ(KN)-R24: Activity rules – Māori purpose zone (Kāinga Nohoanga) (Maori Reserve 873) – **outside** the Tuahiwi precinct.
3. Māori land (Specific areas) within the following areas as zoned on the planning maps:
 - Reserve 2486 & Te Akaka 896, River Road, Waikuku;
 - Rural Section 41401 & Taerutu No 898, Kaiapoi Pa Road, Kaiapoi;
 - Orohaki MR 893 & Orahaki MR 894, Maori Reserve Road, Glentui;
 - Maori Reserve 2038, Maitangi Road, Starvation Hill;
 - Reserve 2061 (Tawera) & Section 18776, Luers Road, Coopers Creek; and
 - Section 2 MR 897 Tawera, Island Road & Ram Paddock Road, View Hill
 - a. Activity rules MPZ(KN)-R25 to MPZ(KN)-R34: Activity Rules - Māori purpose zone (Kāinga Nohoanga) (Specific Areas);
 - b. Built form standards on land which is zoned:
 1. Māori purpose zone (Kāinga Nohoanga) (Maori Reserve 873) – **outside** of Tuahiwi precinct; and
 2. Māori purpose zone (Kāinga Nohoanga) (Specific Areas); and
 - c. Matters of discretion on land which is zoned:
 1. Māori purpose zone (Kainga Nohoanga) (Maori Reserve 873) – **outside** of Tuahiwi precinct; and
 2. Māori purpose zone (Kainga Nohoanga) (Specific Areas).
4. All land **within** the Tuahiwi precinct:
 - a. Activity rules PREC1-R1 and PREC1-R2: Activity rules – Māori purpose zone (Kāinga Nohoanga) (Maori Reserve 873) – **within** Tuahiwi Precinct; and
 - b. Built form standards: Māori purpose zone (Kāinga Nohoanga) (Maori Reserve 873) – **within** Tuahiwi Precinct .

Activity rules – Māori purpose zone (Kāinga Nohoanga) (Maori Reserve 873) – **outside** the Tuahiwi precinct

MPZ(KN)-R1	Marae complex
Land held as	Land held as Māori Land or under the ownership of a
	Activity status when compliance not achieved: N/A

Māori Land or under the ownership of a descendant of Māori Reserve 873	descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct Activity status: PER 1. The activity standards in the following rules do not apply where the activity is included within a marae complex: 1. MPZ(KN)-R2.1. – Papakāinga housing, and residential activity (including minor residential units and accessory buildings); 2. MPZ(KN)-R6.1. – Community facility; 3. MPZ(KN)-R7.1. – Healthcare facility; 4. MPZ(KN)-R8.1. – Educational facility (including kohanga reo and kura kaupapa); 5. MPZ(KN)-R9.1. – Recreation activities and Recreation facilities (hākinakina); 6. MPZ(KN)-R11.1.- Commercial activity; 7. MPZ(KN)-R12.1. - Commercial services; 8. MPZ(KN)-R13.1. - Rural produce retail; 9. MPZ(KN)-R14.1. - Rural tourism activity; and 10. MPZ(KN)-R15.1. - Office	
MPZ(KN)-R2 Papakāinga and residential activity (including minor residential units and accessory buildings)		
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct Activity status: PER Where this activity complies with the following activity standards: 1. Not more than 7 residential units per site.	Activity status when compliance not achieved: DIS
MPZ(KN)-R3 Mahinga kai		
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct Activity status: PER	Activity status when compliance not achieved: N/A
MPZ(KN)-R4 Urupā		
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct Activity status: PER	Activity status when compliance not achieved: N/A
MPZ(KN)-R5 Home business		
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct Activity status: PER	Activity status when compliance not achieved: N/A

MPZ(KN)-R6		
Community facility		
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct Activity status: PER Where this activity complies with the following activity standards: 1. Total gross floor area up to 300m ² .	Activity status when compliance not achieved: DIS
MPZ(KN)-R7		
Health care facility		
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct Activity status: PER Where this activity complies with the following activity standards: 1. Total gross floor area up to 300m ² .	Activity status when compliance not achieved: DIS
MPZ(KN)-R8		
Educational facility (including Kohanga reo and Kura Kaupapa)		
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct Activity status: PER Where this activity complies with the following activity standards: 1. Total gross floor area up to 300m ² .	Activity status when compliance not achieved: DIS
MPZ(KN)-R9		
Recreation activities and Recreation facility (hākinakina)		
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct Activity status: PER Where this activity complies with the following activity standards: 1. Total area of land (including buildings and facilities) used for the activity up to 500m ² .	Activity status when compliance not achieved: DIS
MPZ(KN)-R10		
Agricultural activity (Ahuwhenua)		
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct Activity status: PER	Activity status when compliance not achieved: N/A
MPZ(KN)-R11		
Commercial activity		
Land held as	Land held as Māori Land or under the ownership of a	Activity status when compliance not achieved: RDIS

Māori Land or under the ownership of a descendant of Māori Reserve 873	<p>descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct</p> <p>Activity status: PER</p> <p>Where this activity complies with the following activity standards:</p> <p>1. Up to 100m² GFA per business.</p>	<p>Matters of discretion restricted to:</p> <p>1. MPZ(KN)-MD1 - Commercial activities; Commercial services; Rural produce retail; Rural tourism activity; Office; Public amenities</p> <p>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
MPZ(KN)-R12 Commercial services		
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	<p>Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct</p> <p>Activity status: PER</p> <p>Where this activity complies with the following activity standards:</p> <p>1. Up to 100m² GFA per business.</p>	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion restricted to:</p> <p>1. MPZ(KN)-MD1 - Commercial activities; Commercial services; Rural produce retail; Rural tourism activity; Office; Public amenities</p> <p>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
MPZ(KN)-R13 Rural produce retail		
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	<p>Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct</p> <p>Activity status: PER</p> <p>Where this activity complies with the following activity standards:</p> <p>1. Up to 100m² GFA per business.</p>	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion restricted to:</p> <p>1. MPZ(KN)-MD1 - Commercial activities; Commercial services; Rural produce retail; Rural tourism activity; Office; Public amenities</p> <p>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
MPZ(KN)-R14 Rural tourism activity		
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	<p>Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct</p> <p>Activity status: PER</p> <p>Where this activity complies with the following activity standards:</p> <p>1. Up to 100m² GFA per business.</p>	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion restricted to:</p> <p>1. MPZ(KN)-MD1 - Commercial activities; Commercial services; Rural produce retail; Rural tourism activity; Office; Public amenities</p> <p>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
MPZ(KN)-R15 Office		
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	<p>Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct</p> <p>Activity status: PER</p> <p>Where this activity complies with the following activity standards:</p> <p>1. Up to 100m² GFA per business.</p>	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion restricted to:</p> <p>1. MPZ(KN)-MD1 - Commercial activities; Commercial services; Rural produce retail; Rural tourism activity; Office; Public amenities</p> <p>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
MPZ(KN)-R16 Farm buildings		
Land held as	Land held as Māori Land or under the ownership of a	Activity status when compliance not achieved: N/A

Māori Land or under the ownership of a descendant of Māori Reserve 873	descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct Activity status: PER	
MPZ(KN)-R17	Farm stay	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct Activity status: PER	Activity status when compliance not achieved: N/A
MPZ(KN)-R18	Community gardens	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct Activity status: PER	Activity status when compliance not achieved: N/A
MPZ(KN)-R19	Domestic animal keeping and breeding	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct Activity status: PER	Activity status when compliance not achieved: N/A
MPZ(KN)-R20	Conservation activities	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct Activity status: PER	Activity status when compliance not achieved: N/A
MPZ(KN)-R21	Emergency service facilities	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct Activity status: PER	Activity status when compliance not achieved: N/A
MPZ(KN)-R22	Public amenities	
Land held as	Land held as Māori Land or under the ownership of a	Activity status when compliance not achieved: RDIS

Māori Land or under the ownership of a descendant of Māori Reserve 873	<p>descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct</p> <p>Activity status: PER</p> <p>Where this activity complies with the following activity standards:</p> <p>1. Up to 100m² GFA per building.</p>	<p>Matters of discretion restricted to:</p> <p>1. MPZ(KN)-MD1 - Commercial activities; Commercial services; Rural produce retail; Rural tourism activity; Office; Public amenities</p> <p>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
---	---	--

MPZ(KN)-R23	Any other activity not provided for as a permitted, controlled, restricted discretionary, non-complying or prohibited activity	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	<p>Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct</p> <p>Activity status: DIS</p>	Activity status when compliance not achieved: N/A

MPZ(KN)-R24	Any activity on land not held as Māori Land or under the ownership of a descendant of Māori Reserve 873	
Land not held as Māori Land or under the ownership of a descendant of Māori Reserve 873	<p>Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 <u>outside</u> the Tuahiwi precinct</p> <p>The activities and activity status of the Rural lifestyle zone applies</p>	Activity status when compliance not achieved: The activity status applicable to the Rural lifestyle zone applies.

Activity Rules - Māori purpose zone (Kāinga Nohoanga) (Specific Areas)

- Reserve 2486 & Te Akaka 896, River Road, Waikuku;
- Rural Section 41401 & Taerutu No 898, Kaiapoi Pa Road, Kaiapoi;
- Orohaki MR 893 & Orahaki MR 894, Maori Reserve Road, Glentui;
- Maori Reserve 2038, Maitangi Road, Starvation Hill;
- Reserve 2061 (Tawera) & Section 18776, Luers Road, Coopers Creek; and
- Section 2 MR 897 Tawera, Island Road & Ram Paddock Road, View Hill

MPZ(KN)-R25	Pāpakainga housing and residential activity (including minor residential units and accessory buildings)	
Māori purpose zone (Kāinga Nohoanga) (Specific Areas)	<p>Māori purpose zone (Kāinga Nohoanga) (Specific Areas)</p> <p>Activity status: PER</p>	Activity status when compliance not achieved: N/A

MPZ(KN)-R26	Mahinga kai	
Māori purpose zone (Kāinga Nohoanga) (Specific Areas)	<p>Māori purpose zone (Kāinga Nohoanga) (Specific Areas)</p> <p>Activity status: PER</p>	Activity status when compliance not achieved: N/A

MPZ(KN)-R27	Urupā	
Māori purpose zone (Kāinga)	<p>Māori purpose zone (Kāinga Nohoanga) (Specific Areas)</p> <p>Activity status: PER</p>	Activity status when compliance not achieved: N/A

Nohoanga (Specific Areas)		
MPZ(KN)- R28	Home business	
Māori purpose zone (Kāinga Nohoanga) (Specific Areas)	Māori purpose zone (Kāinga Nohoanga) (Specific Areas) Activity status: PER	Activity status when compliance not achieved: N/A
MPZ(KN)-R29	Agricultural activity (Ahuwhenua)	
Māori purpose zone (Kāinga Nohoanga) (Specific Areas)	Māori purpose zone (Kāinga Nohoanga) (Specific Areas) Activity status: PER	Activity status when compliance not achieved: N/A
MPZ(KN)- R30	Farm buildings	
Māori purpose zone (Kāinga Nohoanga) (Specific Areas)	Māori purpose zone (Kāinga Nohoanga) (Specific Areas) Activity status: PER	Activity status when compliance not achieved: N/A
MPZ(KN)- R31	Farm stay	
Māori purpose zone (Kāinga Nohoanga) (Specific Areas)	Māori purpose zone (Kāinga Nohoanga) (Specific Areas) Activity status: PER	Activity status when compliance not achieved: N/A
MPZ(KN)- R32	Conservation activities	
Māori purpose zone (Kāinga Nohoanga) (Specific Areas)	Māori purpose zone (Kāinga Nohoanga) (Specific Areas) Activity status: PER	Activity status when compliance not achieved: N/A
MPZ(KN)- R33	Emergency service facilities	
Māori purpose zone (Kāinga Nohoanga) (Specific Areas)	Māori purpose zone (Kāinga Nohoanga) (Specific Areas) Activity status: PER	Activity status when compliance not achieved: N/A
MPZ(KN)-R34	Any other activity not provided for as a permitted, controlled, restricted discretionary, non-complying or prohibited activity	

Māori purpose zone (Kāinga Nohoanga) (Specific Areas)	Māori purpose zone (Kāinga Nohoanga) (Specific Areas) Activity status: DIS	Activity status when compliance not achieved: N/A
--	--	--

Built form standards on land which is zoned:

1. Māori purpose zone (Kāinga Nohoanga) (Maori Reserve 873) – outside of Tuahiwi precinct; and
2. Māori purpose zone (Kāinga Nohoanga) (Specific Areas)

MPZ(KN)-BFS1 Internal boundary building setback	
<ol style="list-style-type: none"> 1. For sites 1ha or less in area, the minimum building setback from internal boundaries for buildings and structures shall be 3m and shall apply to the legal boundary of any property where it adjoins another property which is not held in the same ownership or used for the same development. 2. For sites greater than 1ha, the minimum building setback from internal boundaries for buildings and structures shall be 10m and shall apply to the legal boundary of any property where it adjoins another property which is not held in the same ownership or used for the same development. 	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: 1. MPZ(KN)-MD2 - Internal Boundary Setbacks An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to adjoining land owners where the consent authority considers this is required, absent its written approval.

MPZ(KN)-BFS2 Road boundary setback	
<p>The minimum building setback from any road boundary for buildings and structures shall be:</p> <ol style="list-style-type: none"> 1. 10 metres from the road boundary with any arterial or collector road; 2. 8 metres from the road boundary with the following roads identified on the planning maps as "Road boundary setback": <ol style="list-style-type: none"> a. Topito Road; b. Bramleys Road; c. Turīwhaia Road; d. Okaihau Road; or e. Waikoruru Road. 3. 3 metres from the road boundary of all other roads. 	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: 1. MPZ(KN)-MD3 - Road Boundary Setbacks An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to adjoining land owners where the consent authority considers this is required, absent its written approval.

MPZ(KN)-BFS3 Building height	
<ol style="list-style-type: none"> 1. There is no maximum building height to art, carvings or other cultural symbols fixed to Māori land or to buildings on Māori land. 2. The maximum height of any building shall be 9m above ground level. 	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: 1. MPZ(KN)-MD4 - Internal Boundary Setbacks An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to adjoining land owners where the consent authority considers this is required, absent its written approval.

MPZ(KN)-BFS4 Maximum building	
<ol style="list-style-type: none"> 1. For sites 1ha or less in area, there is no maximum percentage of net site area coverage standard. 2. For sites greater than 1ha, the maximum percentage of net site area covered by buildings shall be 35%. 	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: 1. MPZ(KN)-MD5 - Coverage An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to adjoining land owners where the consent authority considers this is required, absent its written approval.

Matters of discretion on land which is zoned:

1. Māori purpose zone (Kainga Nohoanga) (Maori Reserve 873) – outside of Tuahiwi precinct; and
2. Māori purpose zone (Kainga Nohoanga) (Specific Areas)

The matters listed below will be considered by the District Council for restricted discretionary activities. These matters are also intended as a guide to

what the District Council may consider in assessing applications for discretionary or non-complying activities, and for those activities where discretion is unlimited.

MPZ(KN)-MD1 Commercial activities; Commercial services; Rural produce retail; Rural tourism activity; Office; Public Amenities

1. Development in accordance with Tikanga
 - a. The extent to which the development achieves or enables the exercise of tikanga as expressed in policies MPZ(KN)-P1, MPZ(KN)-P2 and MPZ(KN)-P3.
2. Traffic Generation and Access
 1. The extent to which the traffic generated is appropriate to the character, amenity, safety and efficient functioning of the access and road network;
 2. The ability to mitigate any adverse effects of the additional traffic generation;
 3. The location of the proposed access points in terms of road and intersection efficiency and safety, including availability or otherwise of space on the road for safe right hand turning into the site;
 4. compliance with the District Council's Engineering Code of Practice; and
 5. Any increase in glare from headlights.
3. Scale of Non-Residential Business Activity
 - a. The extent to which increased scale is appropriate in the context of the surrounding environment taking into account
 - i. Hours of operation;
 - ii. Traffic or pedestrian movements generated;
 - iii. Any adverse effects, including unreasonable noise and loss of privacy; and
 - iv. The extent to which the activity contributes to the local employment and the economic base of Te Ngāi Tūāhuriri Rūnanga and/or the needs of residents in the surrounding area.
4. Infrastructure – Water, Wastewater and Stormwater
 - a. The extent to which the development is self-sufficient with respect to the provision of potable water supply, wastewater and stormwater, or whether the development will need to connect to public infrastructure.
5. Infrastructure – Community
 - a. The extent to which the development is integrated with and supports the development of the existing community and recreation infrastructure.

MPZ(KN)-MD2 Internal boundary building setback

1. The extent to which the site layout and use of spaces maintains adequate levels of privacy and outlook for adjoining sites, taking into account:
 - a. The need to enable an efficient, practical and/or pleasant use of the remainder of the site;
 - b. The need to provide future occupants with adequate levels of daylight and outlook from internal living spaces;
 - c. The need to provide future occupants with adequate levels of privacy from neighbouring residential units or sites;
 - d. Adequate separation distance from any existing direct facing windows or balconies (within the site or on adjoining sites) or to ensure appropriate levels of privacy are maintained; and
 - e. Any adverse effects of the proximity or bulk of the building in relation to adjoining sites.

MPZ(KN)-MD3 Road boundary setback

1. Any loss of privacy for adjoining properties through overlooking;
2. The effects on amenity and character values;
3. Reverse sensitivity in relation to noise and vibration; and
4. Alternative practical locations for the building on the site.

MPZ(KN)-MD4 Building height

1. The extent to which an increase in building height and any associated increase in the scale and bulk of the building;
2. Reflects the cultural and functional requirements of the building and purposes of the zone; and
3. Affects amenity values of adjoining properties, resulting from visual dominance, loss of daylight and sunlight admission, and loss of privacy from overlooking.

MPZ(KN)-MD5 Coverage

1. Whether the additional coverage of the zone with buildings is appropriate to its context taking into account:
 1. The function of the building to support Te Ngāi Tūāhuriri Rūnanga to deliver economic, social and cultural development;
 2. The extent to which the topography and the location, scale, design and appearance of the building, landscaping, natural features or existing buildings mitigate the visual effects of additional buildings; and
 3. Any loss of privacy or other amenity values to adjoining residents and the effectiveness of any mitigation measures.

Activity rules – Māori purpose zone (Kāinga Nohoanga) (Maori Reserve 873) – within Tuahiwi Precinct

PREC1-R1	All activities
Land held as	Land held as Māori Land or under the ownership of a Activity status when compliance not achieved:

Māori Land or under the ownership of a descendant of Māori Reserve 873	<p>descendant of Māori Reserve 873</p> <p>Activity status:</p> <ol style="list-style-type: none"> 1. The activities and activity status of rules MPZ(KN)-R1 to MPZ(KN)-R23 as set out in Table 1 apply; and 2. The activities and activity status of rules in the SETZ-Settlement zone also apply. <p>Where the activity is provided for in both rules PREC1-R1.a and PREC1-R1.b, the activity status and rules of PREC1-R1.a (that is MPZ(KN)-R1 to MPZ(KN)-R23) shall apply instead of rule PREC1-R1.b.</p>	<p>1. The activity status of rules MPZ(KN)-R1 to MPZ(KN)-R23 as set out in Table 1 apply with respect to rules PREC1-R1.a and PREC1-R1.c; and</p> <p>The activity status of rules in SETZ-Settlement zone apply with respect to rule PREC1-R1.b.</p>
---	--	---

PREC1-R2		
All activities		
Land <u>not</u> held as Māori Land or under the ownership of a descendant of Māori Reserve 873	<p>Land <u>not</u> held as Māori Land or under the ownership of a descendant of Māori Reserve 873</p> <p>Activity status:</p> <p>The activities and activity status of rules in SETZ – Settlement zone apply</p>	Activity status when compliance not achieved: The activity status of rules in SETZ – Settlement zone apply.

Built Form Standards – Māori purpose zone (Kāinga Nohoanga) (Maori Reserve 873) – within Tuahiwi Precinct

PREC1-BFS1		
All built form standards		
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	<p>Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873</p> <p>The standards set out in Table 3: Built form standards apply.</p>	Activity status when compliance not achieved: The activity status set out in Table 3: Built form standards apply.
Land <u>not</u> held as Māori Land or under the ownership of a descendant of Māori Reserve 873	<p>Land <u>not</u> held as Māori Land or under the ownership of a descendant of Māori Reserve 873</p> <p>The Built form standards set out in SETZ: Settlement zone apply.</p>	Activity status when compliance not achieved: The activity status set out in SETZ: Settlement zone apply.

Attachment (iii) Strategic Objective SD-O5

“Te Ngāi Tūāhuriri Rūnanga’s role in the management of natural and physical resources is recognised, so that:

- 1. Ngāi Tūāhuriri Rūnanga’s historic and contemporary connections, and cultural and spiritual values, associated with the land, water and other taonga are recognised and provided for;*
- 2. the values of identified sites and areas of significance to Ngāi Tūāhuriri Rūnanga are protected;*
- 3. Ngāi Tūāhuriri Rūnanga can retain, and enhance access to sites of cultural significance;*
- 4. Māori reserve lands are able to be used by Ngāi Tūāhuriri Rūnanga for their intended purposes and to enable them to maintain their relationship with their ancestral land;*
- 5. recognised customary rights are protected;*
- 6. Ngāi Tūāhuriri Rūnanga are able to carry out customary activities in accordance with tikanga; and*
- 7. Ngāi Tūāhuriri Rūnanga are able to actively participate in decision-making and exercise kaitiakitanga.”*

WAIMAKARIRI DISTRICT COUNCIL**MEMO**

FILE NO AND TRIM NO: 201028144101
DATE: 3 November 2020
MEMO TO: Mahi Tahi Joint Committee
FROM: Simon Markham
SUBJECT: Draft Climate Change Policy

Consultation is now open on the Waimakariri District Council Draft Climate Change Policy. The Council would like to work with the community in becoming more sustainable, improve our environment and mitigate our impact on the world's climate.

The Council's 2019 Community Survey showed growing concern about the issue with over 70 percent of respondents either concerned or very concerned about climate change. Residents also asked the Council to show leadership by prioritising climate change in the 2019 Customer Satisfaction Survey.

If adopted, the policy commits the Council to considering climate change in all Council decision-making and work programmes, and regularly measuring corporate emissions.

Consultation closes on Friday 13 November.

Attachment: Climate Change Policy: (200615071872)

Waimakariri District Council

Climate Change Policy

1. Introduction

This policy is intended to ensure the Waimakariri District Council is well prepared to proactively lead, in partnership with communities and businesses within the District, a response to climate change challenges that is appropriate, timely, cost-effective and equitable.

The policy is an initial statement in relation to Council's role in climate change mitigation and adaptation.

2. Policy context

Greenhouse gas emissions are causing significant changes to Earth's oceans, atmosphere and climate which are expected to be very long-lasting and in some cases, irreversible. These changes will have wide-ranging consequences for New Zealand's culture, economy, infrastructure, coasts and indigenous biodiversity. Climate change will affect everyone, but the most vulnerable people and communities have the most exposure.

Climate change effects for New Zealand for the next 100 years have been predicted¹ with some degree of certainty. However, good information about the cumulative and cascading effects of climate change is lacking. Further to this, the Intergovernmental Panel on Climate Change (IPCC) states that *'continued emissions of greenhouse gases will cause further warming and long-lasting changes in all components of the climate system, increasing the likelihood of severe, pervasive and irreversible impacts for people and ecosystems. Limiting climate change would require substantial and sustained reductions in greenhouse gas emissions which, together with adaptation, can limit climate change risks.'*²

Both the World Bank and the New Zealand Treasury have warned that the longer reducing emissions is delayed, the harder and more expensive it will be to mitigate and adapt, and that while mitigation involves risks, those risks are not as great as those from climate change.

New Zealand has been a party to international targets for reducing greenhouse gases under the Kyoto Protocol for the period 2008-2012, and the United Nations Framework Convention for Climate Change (UNFCCC) for 2013-2020. In 2015, New Zealand was one of 200 countries which came together in Paris to reach agreement about limiting global warming this century to between 1.5 to 2 degrees Celsius above pre-industrial levels. To achieve

¹ Ministry for the Environment 2018. *Climate Change Projections for New Zealand: Atmosphere Projections Based on Simulations from the IPCC Fifth Assessment, 2nd Edition*

² IPCC, 2014: Climate Change 2014: Synthesis Report. Contribution of Working groups I, II, and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate change

this New Zealand is required to reduce its gross emissions by 30% below 2005 levels for the period 2021- 2030.

The *Climate Change Response (Zero Carbon) Amendment Act 2019* set into law a new 2050 domestic target of net zero emissions of all greenhouse gases other than biogenic methane by 2050.

Local Government is a key player in regulating resource use in New Zealand and Section 7(i) of the *Resource Management Act 1991* requires all persons to have particular regard to the effects of climate change. Local Government is also a significant provider of community infrastructure. Under the *Local Government Act 2002*, Councils are responsible for promoting the environmental, social, cultural and economic well-being of the communities they serve. As such, local authorities have a significant role to play in both climate change mitigation and adaptation.

In 2017 Local Government New Zealand (LGNZ) released a position statement on climate change stating that *'Responsive leadership and a holistic approach to climate change is urgent. We must act now to avoid future risk and, at the same time, agree how to manage safety, existing risks, limitations and liabilities to underpin effective mitigation and adaptation.'*³ Key roles for local government were outlined in the paper and these have been taken into account when developing this policy.

Te Runanga o Ngai Tahu are influential on regional and national climate change policy having released their tribal strategy – He Rautaki mō te Huringa o te Āhuarangi: Te Tāhū o te Whāriki, Anchoring the Foundation in 2018, and held their first tribal wānanga on climate change in 2019.

A Canterbury Regional Climate Change Steering Group was established in 2019, under the Mayoral Forum. Environment Canterbury provides staff support for the Regional Climate Change Working Group which co-ordinates the region's climate change response and reports to the Steering Group. The Regional Natural Hazards Working Group, which reports to the Policy Forum, also has a role to play in co-ordinating climate change adaptation efforts. The Waimakariri District Council is represented on each of these groups as well as the Canterbury Chief Executives Forum which requested, in mid-2018, that a regional climate change risk assessment be undertaken to enable the climate change risks and opportunities for Canterbury to be understood.

The adoption of this policy is an acknowledgement of the need for the Waimakariri District Council to demonstrate responsible leadership and develop its programme of action to play an appropriate part in ensuring as smooth as practicable transition to a low-emissions future and achieve the Council's vision *'to make Waimakariri a great place to be, in partnership with our communities'*.

3. Principles

In making decisions that impinge on climate change matters, Council will apply the following principles. Each is not an absolute in itself and will need consideration in relation to each other and with wider social and economic factors as well:

- The precautionary principle – that is, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be

³ LGNZ Local Government Position Statement on Climate Change

used as a reason for postponing measures to prevent environmental degradation;

- Inter-generational equity – that is, that the present generation should ensure that the health, diversity, and productivity of the environment is maintained or enhanced for the benefit of future generations;
- Conservation of biological diversity and ecological integrity;
- Improved valuation, pricing and incentive mechanisms – that is, that environmental factors should be included in the valuation of assets and services, such as:
 - Polluter pays – that is, those who generate pollution and waste should bear the cost of containment, avoidance, and abatement;
 - The users of goods and services should pay prices based on the full cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of waste;
 - Environmental goals, once established, should be pursued in the most cost-effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits and minimise costs to develop their own solutions and response to environmental problems.
- Inclusive decision making – climate change has the potential to significant impact on people living in the District, particularly those who are the most vulnerable. The Council will take a collaborative approach to working with communities to identify appropriate mitigation and adaptation actions.

4. Policy objectives

Waimakariri District Council acknowledges concerted action is required by all levels of government, and by all people, to act responsibly and address climate change for current and future generations. The Council wants to work with the community in becoming more sustainable, improving the environment, mitigating our impact on the world's climate, and adapting to the effects of climate change that are already underway. To this end this Climate Change Policy has the following objectives:

1. To enhance the Council's preparedness to respond to climate change challenges in an appropriate, co-ordinated, timely, cost-effective, and equitable way.
2. To enable the Council to provide transformational leadership that will ensure the long-term wellbeing, sustainability and resilience of the District's communities and businesses.
3. To provide for a planned approach to reducing emissions that contribute to climate change, and adapting to its effects on communities and the environment.

5. Policy Statement

Climate change risks are not new to local government in strategically managing natural resources and hazards. Climate change is likely to alter the intensity and frequency of existing risks and hazards, and require some long-term shifts in response regimes in the District. To meet the impacts and opportunities of climate change, the Waimakariri District Council will:

5.1 Governance and collaboration

- Establish a collaborative governance structure responsible for overseeing the Council's climate change response;
- Embed climate change considerations into all Council decision-making processes and work programmes;
- Commit to keeping up-to-date with the changing understanding of climate change and its implications.
- Proactively respond to evolving Government legislation and policy that directs and guides emissions reduction and climate change adaptation;
- Advocate with Central Government a nationally consistent response to climate change and where relevant appropriate risk sharing and funding mechanisms at a local level to deal with climate change effects;
- Work collaboratively with other Local, Regional and Central Governments and Te Ngai Tuahuriri Runanga;
- Promote public awareness of climate change risks and opportunities and work collaboratively with affected communities.

5.2 Strategy and planning

- Develop a comprehensive Climate Change Response Strategy;
- Incorporate climate change adaptation in Long Term Plans and 30 Year Infrastructure Strategies;
- Ensure that low carbon, climate-resilient development is adopted as a key tenant of urban growth and development and land use decisions;
- Identify areas of enhanced risk from climate change in District Planning, and include in District Plans and strategies appropriate provisions in response.

5.3 Implementation and monitoring

- Regularly measure corporate emissions and lead by example by reducing these;
- Ensure Activity Management Plans take into account the need to mitigate climate change, as well as the need to identify and adapt to hazards and risks arising from this.

6. Links to legislation, other policies and community outcomes

The *Climate Change Response Act 2002* puts in place a legal framework to enable New Zealand to meet its international obligations under the United Nations Framework

Convention on Climate Change and the Kyoto Protocol. The Act allows for units representing New Zealand's target allocation for greenhouse gas emissions under the Protocol to be managed, and traded on the international market. It also establishes a national inventory agency to record and report on information relating to greenhouse gas emissions.

The *Climate Change Response (Zero Carbon) Amendment Act 2019* provides a framework for New Zealand to develop and implement climate change policies that contribute to the Paris Agreement and allow New Zealand to prepare for, and adapt to, the effects of climate change. The Act:

- Sets a new domestic greenhouse gas emissions reduction target for New Zealand;
- Establishes a system of emissions budgets to act as stepping stones towards the long-term target;
- Requires the Government to develop and implement policies for climate change adaptation and mitigation;
- Establishes a new, independent Climate Change Commission to provide expert advice and monitoring.

As part of this a national climate change risk assessment and national adaptation plan is required for which Council may be obligated to provide information.

Climate change cuts across all Council Community Outcomes but those of particular significance are:

- Effect is given to the principles of the Treaty of Waitangi
- There are wide ranging opportunities for people to contribute to the decision making that effects our District
- There is a safe environment for all
- There is a healthy and sustainable environment for all
- There are areas of significant indigenous vegetation and habitats for indigenous fauna
- Transport is accessible, convenient, reliable and sustainable
- Core utility services are provided in a timely and sustainable manner
- Businesses in the District are diverse, adaptable and growing.

7. Adopted by

This policy was approved by the Council on xxxxxxxxxx in accordance with its delegated authority.

8. Monitoring and Review

The policy will be reviewed annually to ensure the review outcomes take into account any relevant matters arising from the Climate Change Response Strategy, to enable it to feed into the Long Term Plan budget process, and to ensure it remains relevant to changing legislative and local circumstances.

9. Definitions

Adaptation

Process of adjustment to actual or expected climate and its effects. Adaptive capacity is the ability of systems, institutions, humans, and other organisms to adjust to potential damage, to take advantage of opportunities, or to respond to consequences.

Climate

Statistical description of weather in terms of the mean and variability of relevant quantities over a period of time ranging from months to thousands or millions of years.

Climate Change

Change on climate that persists for an extended period, typically decades or longer.

Ecological integrity

An ecosystem has ecological integrity when...it has the living and non-living pieces expected in its natural region. Its processes (the engines that make an ecosystem work; e.g. fire, flooding, predation) occur with the frequency and intensity expected in its natural region.

Exposure

Presence of people, livelihood, species or ecosystems, environmental functions, services and resources, infrastructure, or economic, social, or cultural assets in places and settings that could be affected.

Hazards

Source or situations with a potential for harm.

Mitigation

Reducing climate change – involves reducing the flow of heat-trapping greenhouse gases into the atmosphere, either by reducing sources of these gases (for example, the burning of fossil fuels for electricity, heat or transport) or enhancing the “sinks” that accumulate and store these gases.

Resilience

Adaptive capacity of an organisation in a complex and changing environment.

Risk

Effect of uncertainty

Sustainable

State of the global system, including environmental, social and economic aspects, in which the needs of the present are met without compromising the ability of future generations to meet their own needs.