

BEFORE THE CHRISTCHURCH CITY COUNCIL

UNDER

The Resource Management
Act 1991

AND

IN THE MATTER OF

Submissions on Proposed
Plan Change 8 to the
Christchurch District Plan –
Papakāinga/Kāinga
Nohoanga Zone: Rule
Amendments

REPORT AND RECOMMENDATION OF INDEPENDENT HEARING COMMISSIONER

Andrew Henderson

9 November 2021

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Glossary

Throughout this report the following abbreviations are used:

RMA/the Act	Resource Management Act 1991
the Council	the Christchurch City Council
District Plan	The operative Christchurch District Plan
CRPS	The Canterbury Regional Policy Statement (2013)
LWRP	Canterbury Land and Water Regional Plan
IHP	Independent Hearings Panel who made decisions on proposals for the CRDP
IMP	Mahaanui Iwi Management Plan 2013
MKT	Mahaanui Kurataiao Ltd
NZCPS	New Zealand Coastal Policy Statement (2010)
PKN Zone	Papakāinga/Kāinga Nohoanga Zone
PC8	Plan Change 8 to the operative Christchurch District Plan
Proposed PC8	Plan Change 8 to the operative Christchurch District Plan as notified on 14 April 2021
s32 Report	The report prepared by Christchurch City Council evaluating PC8 in terms of s32 of the Resource Management Act 1991 at the time that Proposed PC8 was notified
s42A Report	The Planning Officer's Report prepared by Glenda Dixon under s42A of the Resource Management Act 1991 which makes recommendations on the submissions received on Proposed PC8 (dated 6 September 2021).
TTWMA	Te Ture Whenua Maori Act 1993

Introduction

1. I have been appointed by the Christchurch City Council pursuant to section 34A of the RMA to hear and make a recommendation on submissions made in relation to Proposed Plan Change 8 (proposed PC8).
2. The Section 42A report records that the purpose of PC8 is to amend some of the built form rules applying to Māori land in the Papakāinga/Kāinga Nohoanga (PKN) zone in order to better facilitate use and development of that land. The plan change also proposes to extend the definition of Māori land which applies within the PKN zone (for planning purposes only), to include General land owned by Māori which is not formally “Māori land” under the Te Ture Whenua Māori Act 1993 (TTWMA), but which is still owned by descendants of the original grantees of the Māori Reserve land under the Port Cooper, Port Levy or Akaroa Deeds of Purchase by the Crown in the mid-19th century. This will enable the activity status, built form and general rules currently applying to formal “Māori land” under the TTWMA within the zone, to also apply to other land owned by Māori within the zone¹.
3. Specifically, the Plan Change proposes to:
 - a. Revise the internal boundary setback, road setback, site coverage and earthworks rules for Māori land in the Papakāinga/Kāinga Nohoanga zone to better facilitate use and development of that land without resource consent; and
 - b. Extend the definition of Māori land which applies within the Papakāinga/Kāinga Nohoanga zone to include some General land owned by Māori which is not formally “Māori land” under the TTWMA. This has the effect of bringing more land belonging to Māori under the Māori land rules.

Background to Plan Change 8

4. The s32 Report and the s42A Report set out the background to proposed PC8 in detail. I adopt those descriptions and set them out below for reference.
5. Decision 37 of the Independent Hearing Panel set in place separate rule regimes for “Māori land” as defined by the Te Ture Whenua Māori Act (TTWMA) and for what the IHP termed “Other land” in the zone. This latter category combines both “General land” and “General land owned by Māori” under that Act. Activity lists in particular differ significantly for “Māori land” and for “Other land”.
6. However, there is less difference between the two sets of built form standards. Some of the more “conservative” built form rules for “Other land” in the Papakāinga zone, e.g. setback rules which are rules from the Rural Banks Peninsula (RuBP) zone, have also been used in the same or similar form for Māori land in the Papakāinga zone. This has proved problematic in the implementation of the Zone rules, as the size and shape of titles in the Papakāinga zone generally differ from those in the rural zones – they are generally smaller and often long and narrow, or irregular in shape. As a result, the application of the current internal boundary building setback for Māori land of 10m and the road boundary building setback of 15m make it difficult to develop land within the Zone in a meaningful way.
7. I was told that in early 2019 MKT raised this issue with the Council, addressing the concern that the restrictive internal boundary and road setbacks make it very difficult to find complying building

¹ Section 42A Report, Paragraph 1.1.4

platforms on smaller titles in the zone. This concern was reiterated later in 2019 as a result of further consent issues².

8. The Council's investigations into the concerns, including a review of consents granted in the PKN zone since the IHP's 2017 decision, confirmed that the setback rules were indeed problematic, resulting in potentially onerous restrictions on landowners, discouragement of development, and resource consents being required where adverse effects were potentially minimal. The details of the investigations are set out in the section 32 report prepared by Council for the Plan Change.
9. In order to address the issues, Plan Change 8 proposes the following changes to the PKN zone in the Christchurch District Plan:
 - a. *Significantly reduce the current 15m road setback for buildings on Māori land to 3m, or 5m where the garage directly faces the road (so cars parked in front of the garage door will not extend onto the road).*
 - b. *Reduce the current 10m internal boundary setback for buildings on Māori land to 2m. It proposes to introduce a recession plane to offset the possible visual and privacy effects on neighbours of the internal boundary setback reduction.*
 - c. *Increase the maximum permitted site coverage of buildings on Māori land from 35 percent to 50 percent, to allow for the possibility of multiple buildings on communally owned land.*
 - d. *Provide a more generous earthworks allowance – the same as for residential zones – for Māori land in the PKN zone, where sites are below 2000m².*
 - e. *Extend the definition of Māori land (for the purposes of the PKN zone only) so that General land in the following categories can also benefit from the zone's Māori land rules:*
 - *Land where a status declaration was made under the Māori Affairs Amendment Act 1967 converting Māori freehold land to general title, and there have been no changes of ownership since the conversion other than to an owner's bloodline successor; or*
 - *Land where one or more owners are able to provide written evidence of Whakapapa to the original grantees of the land as confirmed by the Te Rūnanga o Ngāi Tahu Whakapapa Unit or the Māori Land Court;*
 - *Land which is vested in a Trust constituted pursuant to Part 12 of Te Ture Whenua Māori Act 1993 or a Māori incorporation constituted pursuant to Part 13 of the Te Ture Whenua Māori Act 1993;*
 - *Land which is owned by a Rūnanga with authority/mana over the area in which the original Māori reserve is located.*
 - f. *Changes to the wording of Objective 12.2.1 "Use and development of Ngāi Tahu whanau ancestral land and other land", and Policy 12.2.1.4 "Rural activities", to clarify that there are different outcomes anticipated for Māori land and non-Māori land in the zone and therefore different rule regimes.*

Notification and Submissions

10. Proposed PC8 was publicly notified on 14 April 2021. The period for submissions closed on 13 May 2021 and further submissions closed on 17 June 2021.

² MKT is a resource and environmental management advisory company set up in 2007 by the six rūnanga in mid-Canterbury to assist and improve the recognition and protection of mana whenua values in their takiwā/area.

11. The Council received eight submissions, requesting a total of 12 separate decisions. No further submissions were received. Six of the submissions were in support of proposed PC8. The remaining two submissions supported the plan change subject to amendments being made. These issues are summarised in the table below.

ISSUE	CONCERN/REQUEST
1. Internal boundary setback for Māori land at Ōpukutahi	A 2m internal boundary setback for buildings or residences does not recognise the rural nature of the PKN zone at Ōpukutahi and is not sufficient to avoid potential adverse effects, including reverse sensitivity effects on rural productive activities taking place on adjoining land titles which are not Māori land. 3m is the minimum internal setback necessary. Submission: S6.2 (J. Cook)
2. Mechanisms to protect Māori land from being on-sold	General land owned by Māori which could be subdivided or developed should have its "Māori land" status protected; or Otherwise protect that land from inappropriate speculative development. Submission: S6.3 (J. Cook)
3. Separate provisions for Māori land and other land in the PKN zone	All like land and owners should be treated equally. Submission: S3 (A. Brooks)

The Hearing

12. The Hearing for PC8 was convened on Monday, 4 October 2021 in the Christchurch City Council offices. In attendance were:

CCC

Ms. Glenda Dixon, s42A report author
Ms. Lloyds Scully, Statutory Administration Advisor
Ms. Sophie Meares, Senior Legal Counsel.

Submitters

Mr Brad Thompson, MKT
Ms. Gail Gordon, Rapaki Landowners Working Group
Ms. Jan Cook

13. **Ms. Dixon** spoke to her section 42A report. She noted that the proposed plan change provisions had been subject to considerable discussion with mana whenua, and particularly with MKT, and that all parties were agreed on the wording as proposed in PC8, with minor exceptions as raised in submissions. Ms. Dixon's report was provided prior to the hearing and was taken as read. The report is comprehensive and has traversed the issues associated with the Plan change in some detail. I note that all parties were in agreement with respect to the purpose of the Plan change,

and there was no evidence presented that opposed it. I refer to the relevant sections as appropriate in this report.

14. **Ms. Meares** attended in her capacity as legal advisor for the Council, and helpfully provided a memorandum that addressed the issue of whether or not Māori land can be on sold. Her advice covered Te Ture Whenua Māori Act provisions and confirmed that while District Plan requirements cannot require changes to the status of Māori land, there are prescribed steps that must be followed before Māori land can be divested. Following questions, Ms. Meares also provide a memorandum addressing the wording of the definition of 'Maori land', a matter which I cover later.
15. **Ms. Cook** spoke to her submission and explained the association her family have had with the Ōpukutahi area, which dates back to the 1920s. Ms. Cook explained her long association with planning and other matters on Banks Peninsula. She reiterated the key points from her submission, being that:
 - overall, she is supportive of the intent to enable Māori to live on and enjoy their land.
 - Ms. Cook disagrees with the s42A report regarding where buildings are likely to be located within the Zone. She considered that it was more likely that buildings would locate close to the road, where harbour views are expansive, and access and servicing options are more practical. The land is flatter and has less constraints overall.
 - In terms of reverse sensitivity, the concern relates to the closeness of dwellings to rural activities, and the potential for residents to be affected by these.
 - When development rights are tied to the status of land, are there mechanisms to provide for the status of the land to be maintained.
16. **Mr Brad Thompson** of MKT had provided a brief statement of evidence prior to the hearing. His statement effectively recorded that hat he agreed with the content and recommendations within the section 42A report and sought no further amendments to the proposed plan change provisions.
17. **Ms. Gail Gordon** presented a statement on behalf of the Rapaki Landowners Group. She noted that for the past 170 years, all but one property at Rapaki has stayed within the ownership of the original grantee's whanau. She explained that the land is not viewed as a chattel, but is a taonga, providing shelter, sustenance, and cultural connection among other things, and accordingly it is the whanau's responsibility to care for the land. She notes that the current PKN zone rules have created insurmountable barriers for whanau seeking to build homes and other facilities on the land, while other neighbouring communities have grown with the benefit of government investment in roading, infrastructure and facilities. She also explained the various impacts on mana whenua as a result of past building restrictions, including cultural, economic, environmental, and social effects. Ms. Gordon noted that mana whenua are in complete support of the proposed Plan Change.
18. The above are summaries of the evidence presented at the hearing. While it is not a complete account, I have read and considered all of the matters raised in preparing this recommendation report.

Statutory Considerations

19. The statutory considerations for preparing a change to a district plan under sections 74 and 75 of the RMA are set out in the s32 and s42A Reports. I agree with the s32 Report that PC8 accords with the Council's functions under s31 of the RMA. Section 31 requires the Council to establish and review provisions for achieving the integrated management of the effects of the use, development, or protection of land and associated resources, and to control the actual and

potential effects of land use or development on the environment. In this case, PC8 relates directly to the effective and efficient management of land in the PKN zone, and to the well-being of people and communities.

20. PC8 must also be prepared in accordance with the provisions of Part 2 of the RMA and the Councils obligations under s32.
21. The Canterbury Regional Policy Statement is the operative regional policy statement to be given effect to. Ms. Dixon has set out an assessment of the RPS in section 5.2 of the section 42A report, ultimately in her conclusions at paragraph 10.1.1 found that the proposed Plan Change would give effect to the RPS provisions. No party identified any disagreement with this assessment. Notably, Policy 5.3.4 identifies that aspirations for papakāinga housing may prevail over amenity values, and that this would not necessitate all adverse effects being avoided. I agree with Ms. Dixon's assessment of the RPS and conclude that the proposed Plan Change gives effect to the relevant provisions of the RPS.
22. The Mahaanui Iwi Management Plan 2013 (IMP) is the relevant Iwi Management Plan. I agree with the s32 Report that no other management plans or strategies prepared under other Acts are relevant to the resource management issues identified in the preparation of proposed PC8.

Mahaanui Iwi Management Plan

23. The relevant iwi management plan for the issue covered by PC8 is the Mahaanui Iwi Management Plan (IMP). Part 5.4 of the Plan, and specifically Policy 5.3 addresses Papakāinga. This Policy requires that district plans recognise papakāinga and marae and associated activities through:
 - a. *Objectives that specifically identify the importance of papakāinga development to the relationship of Ngāi Tahu and their culture and traditions to ancestral land; and*
 - b. *Zoning and housing density policies and rules that are specific to enabling papakāinga and mixed-use development, and that avoid unduly limiting the establishment of papakāinga developments through obligations to avoid, remedy or mitigate adverse effects on the environment.*
24. The plan change has been promoted to better enable development of the PKN Zone, and the provisions have been developed by the Council in consultation with mana whenua. It is entirely appropriate that mana whenua be involved in the conversations that develop policy affecting their land and interests. In this instance, the changes to the PKN zone have been agreed by all the parties, and I agree that the proposed plan Change provisions are consistent with, and will advance, the above policy.

Consistency with Objectives and Policies of the Christchurch District Plan

25. Consideration of Plan Changes and submissions on the Plan Change must also include the current, relevant District Plan provisions. The section 32 report attached to Plan Change 8 contains an evaluation of the proposal against the relevant District Plan objectives and policies.
26. Chapter 3 (Strategic Directions) of the Christchurch District Plan provides the overarching direction for the District Plan. Objective 3.1 requires that all other chapters of the Plan must be consistent with its objectives.
27. I note that Objective 3.3.3 – “Ngāi Tahu mana whenua” provides a direction/framework for Ngāi Tahu's connections with the land, water and other taonga of the district and emphasises that Ngāi Tahu mana whenua should be able to exercise kaitiakitanga in the future development of Ōtautahi and the greater Christchurch District. This Plan Change does not seek to change Strategic

Objective 3.3.3. Given that the Plan Change seeks to provide better opportunities for mana whenua to efficiently develop land in the PKN zone, and that the provisions have been developed in consultation with mana whenua, I consider overall that the Plan Change is consistent with the Objective.

28. I note that this strategic policy direction is reflected in the PKN zone objective in Chapter 12, with reference to the variety of land title type in the zone:

12.2.1 Objective - Use and development of Ngāi Tahu whānau ancestral land and other land

a. *Papakāinga/kāinga nohoanga zones facilitate and enable:*

- i. *Ngāi Tahu whānau use and development of ancestral land to provide for kāinga nohoanga and their economic, social and cultural well-being and to exercise kaitiakitanga; and*
 - ii. *use and development of land for activities appropriate in a rural area.*
29. Plan Change 8 proposes to amend Objective 12.2.1, primarily by deleting “ancestral”, as the manner in which it is used in the current objective is confusing. This is because all land in the PKN zone is considered by Ngāi Tahu to be ancestral land, as it was continuously occupied and used by Māori prior to the land being set aside as Māori Reserves. Mana whenua’s association with the land, and the depth of relationship that whakapapa embodies, extends beyond the construct of cadastral boundaries. Relying on Māori land as defined in the Proposed Plan provisions is therefore appropriate. The PKN zone applies specific standards to facilitate the development of Māori land, and I agree with Ms. Dixon that it is preferable to talk about Māori land and non-Māori land in relation to the PKN zone, given it has provisions that are specific to each land type.
30. Plan Change 8 as notified proposes changes to part a.i. of the Objective to clarify that this limb of the objective applies to Māori land, and to part a.ii. to clarify that this limb only applies to the non-Māori land in the zone. I agree with Ms. Dixon, and the submitters, that the proposed amendments to the objective and policies in Chapter 12 are consistent with the higher order and strategic directions for the zone and are not inconsistent with the overall objective and policy package for the zone. I am satisfied that they are refinements to better enable the outcomes sought for the zone.

Section 32 – Evaluation of Alternatives

31. The Council is required to prepare PC8 under s32 of the RMA and accordingly the s32 Report accompanying proposed PC8 undertakes an evaluation as required by s32. I agree with the conclusions in respect to the s32 evaluation regarding the appropriateness of provisions in proposed PC8.
32. Apart from the change discussed above, PC8 proposes no further changes to the objectives and policies of the District Plan and there is therefore no need to comment on those further.
33. In respect to efficiency, I consider that the proposed amendments will afford greater potential for Mana Whenua to develop their land in the PKM zone.
34. The changes proposed in PC8 will be effective in giving effect to the higher order direction in the CRPS and District Plan. I also consider that the s 32 Report outlines that the benefits and costs of proposed PC8 have been identified and assessed at a level of detail that corresponds to the scale and significance of the effects anticipated from implementing proposed PC8. I also agree that the risks of proposing or not proposing PC8 have been appropriately assessed.

Issues Raised in Submissions

35. Plan Change 8 was notified on 14 April 2021, with submissions and further submissions closing on 13 May 2021 and 17 June 2021 respectively. The Council received eight submissions (numbered S1 - S8) requesting twelve separate decisions. No further submissions were received.
36. A summary of the submissions and my recommendations on these is included at Appendix 2.
37. Six of the eight submissions express their support for all aspects of the Plan Change, and the remaining two submissions (J. Cook and A. Brooks) support the change subject to particular concerns being addressed.
38. The points made and decisions sought in the two submissions which seek amendments are set out in the table below (as provided in the section 42A report) according to the issues raised, and I consider them in that order. Submission 6 raises more than one matter, each of which is considered separately under the relevant issue(s) in this report.

Table 1 – Issues raised in submissions

ISSUE	CONCERN / REQUEST
1. Internal boundary setback for Māori land at Ōpukutahi	<ul style="list-style-type: none"> A 2m internal boundary setback for buildings or residences does not recognise the rural nature of the PKN zone at Ōpukutahi and is not sufficient to avoid potential adverse effects, including reverse sensitivity effects on rural productive activities taking place on adjoining land titles which are not Māori land. 3m is the minimum internal setback necessary. <p>Submission: S6.2 (J. Cook)</p>
2. Mechanisms to protect Māori land from being on-sold	<ul style="list-style-type: none"> General land owned by Māori which could be subdivided or developed should have its “Māori land” status protected; or Otherwise protect that land from inappropriate speculative development. <p>Submission: S6.3 (J. Cook)</p>
3. Separate provisions for Māori land and other land in the PKN zone	<ul style="list-style-type: none"> All like land and owners should be treated equally. <p>Submission: S3 (A. Brooks)</p>

Consideration of Submissions

39. The following analysis addresses both the effects on the environment of the plan change and the appropriateness of the plan change in terms of the relevant national, regional and district plan objectives, policies and standards. As noted in the section 32 assessment, all of the provisions proposed in the plan change have already been considered in terms of section 32 of the Act.

40. In considering these submissions, I note that apart from some minor issues, there was general agreement among all parties that the proposed Plan Change was appropriate. The plan Change provision are the outcome of discussions between Council and stakeholders, including mana whenua, and the fact that there are no dissenting submissions is in my view testament to the openness and willingness of the parties to reach a resolution to this issue.
41. As the parties are aligned in their views, I have not been required to weigh competing evidence, and for the most part I therefore rely upon the evidence of Ms. Dixon as presented in the section 42A report, and this is reflected in the following assessment.
42. Apart from a minor alteration to the definition of 'Māori Land', which I address later, I have not recommended any amendments to the plan change. I record therefore that I have not needed to specifically consider the obligations arising under section 32AA (s 32AA).
43. The following discussion follows the format of the section 42A report in that each of the three submission points outlined in Table 1 above are listed in the heading of the relevant discussion. I identify the submitters and recommendations on their submissions **in bold** within or at the end of the discussion. My recommendation to the Council on each submission and a summary of reasons are also shown table format in Appendix 3 – Table of Submissions with Recommendations and Reasons, which I have attached to this report.

Issue 1 – Internal Boundary setbacks – Māori land at Ōpukutahi

Submission of J. Cook (s6.2)

44. The first issue relates to the proposed 2m internal boundary setback from land in the PKN zone, as summarised below.

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S6.2	Jan Cook	A 2m internal boundary setback for buildings or residences does not recognise the rural nature of the PKN zone at Ōpukutahi and is not sufficient to avoid potential adverse effects, including reverse sensitivity effects on rural productive activities taking place on adjoining land titles which are not Māori land. 3m is the minimum internal boundary setback necessary in Rule 12.4.2.1.	N/A	Reject

45. Ms. J Cook was generally supportive of the Plan Change but expressed concern regarding the proposed 2m internal boundary setback for Māori land at Ōpukutahi, as she was concerned that this small setback was insufficient to avoid potential adverse effects on adjoining non-Māori land titles, as well as reverse sensitivity effects for developments on the PKN zoned land. Ms. Cook instead considered that 3m would be appropriate, and considered that different rules could be developed for different PKN zones.
46. It was common ground that no Māori land titles in the PKN zone at Ōpukutahi are unbuildable with the current setback rules, given that the average site sizes of titles at Ōpukutahi is larger compared to those of the overall PKN zone. However, the shape of some of the titles at Ōpukutahi is very irregular, presumably as a result of partition by the Māori Land Court in the

past. Increasing the required setback may therefore prove restrictive to mana whenua aspirations to develop the sites in the PKN zone at Ōpukutahi.

47. I agree with Ms. Dixon that it is not appropriate to have different rules for different parts of the PKN zone as would effectively create sub-zones within the PKN zone. The PKN zone's purpose is to promote the exercise of kaitiakitanga, while facilitating and enabling Ngāi Tahu use and development of the Māori owned land within the zone. I agree that having standard requirements across the PKN zones provides for a flexible approach, allowing owners to have flexibility of design within the parameters of the zone as opposed to being more prescriptive in terms of what may or may not be appropriate in specific areas.
48. Ms. Dixon considered that irrespective of whether the minimum internal boundary setbacks at Ōpukutahi are 2m or 3m, buildings on these sites would not be located on the narrowest parts of these sites near internal boundaries. Rather, she considered that it would be more likely for dwellings to be located so as to take advantage of coastal views.
49. Overall, I agree with the view in the section 42A report that a 2m setback will not give rise to reverse sensitivity effects on buildings or dwellings on rural productive activities in this location. As Ms. Cook noted, the steepness of the land means that the only productive use of the land will likely be grazing. I agree that this is unlikely to be affected by the presence of some buildings in the landscape. In addition, the section 42A report identified that there are other constraints that may inhibit development as Ōpukutahi, including:
 - a. A lack of ability to service any significant development, which will limit development potential in Ōpukutahi;
 - b. potential geotechnical conditions that may necessitate site specific geotechnical assessments;
 - c. the "At Least High Natural Character in the Coastal Environment" categorisation of the harbour side of the zone in this area; and
 - d. the fact that a relatively large proportion of the zone at Ōpukutahi is within Silent file areas in the Mahaanui Iwi Management Plan and the District Plan.
50. I accept that Ōpukutahi as a whole is an area of considerable cultural significance, as raised in the section 42A report. In that respect, Policy A3.6 of the Mahaanui Kurataiao Iwi Management Plan requires a precautionary approach with a high level of engagement with tangata whenua if and when any urban, rural and coastal subdivision and development occurs in these areas. Similarly, I note that Rule 9.5.4.1.3 of Chapter 9 in the District Plan requires a restricted discretionary application for any building within these wāhi tapu sites.
51. Given these potential constraints on development in the PKN zone at Ōpukutahi, I consider that adding a 3m setback would be adding a potential further constraint to the land. This would be inconsistent with the purpose of the zone and plan Change, which is to facilitate development on Māori owned land. Even if the 2m setback gives rise to minor adverse effects on adjoining non-Māori land, I note that this is not unanticipated in the higher order documents, with the RPS noting Policy 5.3.4 recognises that aspirations for Papakāinga housing may override potential amenity effects. Given the existing constraints that exist at Ōpukutahi, however, I do not consider that this is an instance that would arise with any regularity

Recommendation

52. Having considered the section 32 report, Ms. Dixon's assessment and the evidence of Ms. Cook, I conclude that it is not necessary to increase the internal boundary setback for Māori land in the PKN zone from 2m to 3m. The flexibility in design options afforded by the 2m setback is consistent with the CRPS and District Plan policies relating to the development of Māori land. I therefore recommend that **Ms. J Cook's submission S6.2 be rejected.**

Issue 2 – Mechanisms to protect Māori land from being on-sold

Submission of J. Cook (s6.3)

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S6.3	Jan Cook	Methods should be included to protect the “Māori land” status of general land owned by Māori which would be included in the proposed extension to the definition for Māori land, and could be subdivided or developed; or Otherwise protect that land from inappropriate speculative development. The land may easily be on-sold once developed.	N/A	Reject

53. Submission S6.3 expresses concern that general land which could now be included in the definition of Māori land, if it was owned by Māori owners and fell within one of the new categories, could be developed under the Māori land rules of the PKN zone and then on-sold to non-Māori. The submission states that there are very permissive rights for Māori land in the PKN zone, including no minimum site size for subdivision. The submission goes on to state that consideration should be given to methods to protect the “Māori Land” status of land, once it is developed, and mentions the possibility of “inappropriate speculative development”.
54. In order to address this point, Ms. Meares provided advice in relation to the restrictions on the on selling or further alienation of Māori land. Her memorandum, provided for the hearing, addressed the question of whether Council should attempt to prevent land that has been developed using the Māori land activity provisions from being on sold to non-Māori. Her advice covered both questions of whether ordinary land can acquire Māori freehold or customary land status, and whether the alienation or on selling of Māori land can be easily achieved. Her advice is as follows:
- Sections 131 to 143 of TTWMA prescribes limited circumstances in which land can acquire Māori customary or freehold status. District plan provisions or any local authority requirements are not included in the list of circumstances.
 - Similarly, the alienation or on selling of Māori land under the TTMWA cannot be done unless it is in accordance with the provisions of the TTMWA, and there are particular restrictions that apply. Notably, if owners of Māori land wish to sell or gift their interest in the land, they must first notify and offer it to ‘preferred classes of alienees’, including descendants, whānaunga and hapū members. The Māori land court must then approve the sale or gifting.
55. Ms. Meares concluded that while there are restrictions on the sale of Māori land, there are still limited circumstances in which it could be alienated to non-Māori. I understand therefore that alienation to non-Māori, which was of concern to the submitter, cannot be prevented by the District Plan. This accords with the view expressed in the section 42A report, where it was noted that it is not the Council’s role to require that the status of land be changed under the Te Ture Whenua Māori Act, for example to require someone to convert their land to Māori Freehold land. I also understand that rules in District Plans cannot at law require that the status of land be changed under the Te Ture Whenua Māori Act.
56. Further to the above, while I understand the submitter’s concern, I consider it unlikely that Māori land within the PKN zone would be at significant risk of alienation to non-Māori. The zone, and the amendments sought in this Plan Change, are intended to facilitate development by mana whenua to allow them to better provide for their own people. As evidence in the submission of Ms.

Gordon, mana whenua association with the land is strong, as is the desire to utilise it to provide for current and future generations.

Recommendation

57. On the basis of the discussion above I recommend that J Cook's submission S6.3 is rejected.

Issue 3a – Separate Provisions for Māori land and other land in the PKN Zone

Submission of A. Brooks (S3.1)

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S3.1	Alan Brooks	No problems, i.e. support the plan change so long as all like land and owners are treated equally.	N/A	Reject

58. This submission point is very brief. The s42A report confirmed the submitter's intent is that Māori land and owners and non-Māori land and owners should be treated equally for the purposes of the District Plan.
59. In addressing this submission, I refer to Decision 37 of the IHP and note that it confirms at paragraph 54 that those seeking to occupy or develop Māori land face relatively greater process complexity and risk than typically arises for development of "Other land" (the IHP term for non-Māori land). I note that the IHP considered it important that the zoning regime in the PKN zone recognised the different challenge associated with the fact the Māori land was generally held in collective ownership. As I understand it, the Decision adopted specific (mostly more enabling) activity and built form standards for Māori Land, but for Other land it adopted Rural Banks Peninsula zone standards. As advised in the section 42A report, paragraph 38 of the IHP Decision notes that differential treatment between Māori land and Other land in close proximity was well supported by the evidence of the Joint Parties (Te Rūnanga o Ngāi Tahu, Nga Rūnanga, the Council and the Crown).
60. Fundamentally I accept that the zone is named a Papakāinga/Kāinga Nohoanga zone in recognition of its origins and purpose. It is not a rural small settlement, beach settlement zone or rural-residential zone, despite the fact that the zone has some elements of those characters. The section 42A report notes that this land has a unique history as Māori Reserve land which was set aside for the benefit of the tribes:
*"These are the whole of the places reserved for us within the boundary for Her Majesty the Queen of Great Britain, and Mr Mantell Commissioner agrees that these places shall be permanent possessions for us and for our descendants after us for ever and ever"*³.
61. As noted in the CRPS, (see paragraph 5.2.6 above) this land is a finite resource. For example, under the Port Cooper (Whakaraupo) Deed, the Crown received 65,000 acres and left Ngāti Wheke with 850 acres at Rāpaki. There is therefore a very small 'bucket' of Māori land that this plan change will apply to. In my view, the fact that the resource is so limited makes the enabling approach of this plan change all the more important.
62. I adopt Ms. Dixon's reasoning as to why the distinction between Māori and non-Māori owned land is appropriate. Ms. Dixon noted that under Plan Change 8 non-Māori owners in the zone will continue to need resource consents to build houses on "under-sized" sites in the zone, since it will still be a fully discretionary or non-complying activity to do this, with consent also likely to be

³ Extract from 1849 Port Cooper Purchase Deed quoted in the evidence-in chief of Dr Te Maire Tau for IHP hearing on Papakāinga/Nohoanga zone, November 2015.

needed to breach setbacks. I accept that the reality is that it does not appear to have been as difficult for this group to obtain consents as it has been for Māori owners, i.e. the starting line for the two groups has effectively been different, and this plan change may assist in redressing that situation.

Recommendation

63. I recommend that Submission 3.1 be rejected. It is not appropriate to apply the same rules to non-Māori land as to Māori land in the zone.

Issue 3b – Other submissions in Support & other Comments

Submissions of R. Neave (S1.1); G. Gordon (S2.1); Rāpaki landowners working group (S4.1), Canterbury Regional Council (S5.1); J. Cook (S6.1); Ngā Rūnanga (S7.1); Banks Peninsula Community Board (S8.1- S8.3).

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S1.1	Rosemary Neave	Support these changes as they will make it easier for Māori to build on and strengthen community on their papakāinga land.	N/A	Accept
S2.1	Gail Gordon	I am in support of all of the proposed changes put forward in the CCC Plan Change 8 Papakāinga / Kāinga Nohoanga zones. My whanau and other whanau groups have for many generations been unable to utilise this land for housing or any other uses due to outdated and prejudiced rules. The plan change will allow for these things to happen and right a very big intergenerational wrong.	N/A	Accept
S4.1	Rāpaki Landowners Working Group, supported by Te Hapu o Ngāti Wheke	We are a group of landowners in a papakāinga area on Banks Peninsula [Rāpaki]. We want to see all of the proposed changes identified in proposed Plan Change 8 for the Kāinga Nohoanga/ Papakāinga Chapter in the Christchurch District Plan, fully implemented. Over the past three years, Mahaanui Kurataiao have received numerous complaints from landowners around the impracticality of the rules. PC8 will help to reduce many of these impracticalities and further give effect to the objective and policies of the chapter. [Chapter 12 of the District Plan]. These changes will also support [what is sought in] the preamble in the Te Ture Whenua Māori Act 1993 by helping to facilitate the occupation, development and utilisation of Māori owned land within the [Māori] reserves.	N/A	Accept

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S5.1	Canterbury Regional Council (ECan)	<p>a. Canterbury Regional Council (CRC) supports the Christchurch City Council in seeking to better enable use and development of Māori land in the Papakāinga/Kāinga Nohoanga zone. The Proposal is considered to better give effect to the Canterbury Regional Policy Statement (CRPS), in particular to the objectives and policies in Chapters 5 and 6 of the CRPS.</p> <p>b. In relation to proposed changes to earthworks rules, CRC supports the proposed earthworks volumes but notes that some areas with Outstanding Natural Landscape values, Sites of Ecological Significance or areas with Outstanding Natural Character (in the coastal environment) overlap with parts of the Papakāinga/Kāinga Nohoanga zone. Adverse effects from activities on these areas should be avoided or mitigated to ensure consistency with Policy 5.3.4 of the CRPS.</p>	N/A	<p>a. Accept</p> <p>b. Noted but no change required</p>
S6.1	Jan Cook	I support the objective of the Papakāinga/Kainga Nohoanga Zone (PKNZ) to provide for the use and development of ancestral land.	N/A	Accept
S7.1	Nga Rūnanga (Te Rūnanga o Koukourārata, Wairewa Rūnanga, Ōnuku Rūnanga, Te Hapu o Ngati Wheke – Land Owners Komiti)	Support the plan change, and seek that Council approves it as notified. Over the past three years, Mahaanui Kurataiao has been advised of difficulties in complying with the rules which has resulted in unbuildable housing developments and resource consent applications. The changes in PC8 will help reduce many of these impracticalities and further give effect to the objective and policies of the chapter. [Chapter 12 of the District Plan]. These changes will also support {what is sought in} the preamble in the Te Ture Whenua Māori Act 1993 by helping to facilitate the occupation, development and utilisation of Māori owned land within the [Māori] reserves.	N/A	Accept
S8.1	Te Pātaka o Rākahautū/Banks Peninsula Community Board	The Board supports PC8, which will enable an approach for Māori to successfully complete papakāinga housing developments. The current setbacks required are inappropriate, and they prevent the utilisation of narrow sections for communal buildings within this zone.	N/A	Accept

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
		The Board supports the internal boundary setback reduction, as well as the proposed recession plane to offset the possible visual and privacy effects on neighbours.		
S8.2	Te Pātaka o Rākaihautū/Banks Peninsula Community Board	The Board also supports increasing the maximum permitted site coverage of buildings on Māori land to allow for the possibility of multiple buildings on communally owned land.	N/A	Accept
S8.3	Te Pātaka o Rākaihautū/Banks Peninsula Community Board	The Board supports the more generous earthworks allowance, but to no greater equivalent than any other residential zones.	N/A	Accept

64. All of these submissions above support the plan change, and most of them in its entirety. Some of the reasons for this support include the fact that the plan change will reduce many of the impracticalities in the zoning rules and assist in allowing Māori land in the zones to be used for housing. The submissions also note that the Plan Change will give further effect to the objectives and policies of Chapter 12 of the District Plan and the preamble to the TTWMA. I agree with this and note in this regard the submission of the Canterbury Regional Council that the proposed changes will give better effect to the CRPS, in particular to the objectives and policies in Chapters 5 and 6 of the CRPS, compared to the current PKN zone provisions. I agree with this position and note that no party disagreed.

Recommendation

65. I recommend that the submissions by R. Neave (S1.1); G. Gordon (S2.1); Rāpaki Landowners Working Group (S4.1), Canterbury Regional Council (S5.1); J. Cook (S6.1); Nga Rūnanga (S7.1); and the Banks Peninsula Community Board (S8.1- S8.3) be accepted.

Correction to Definition of Maori Land

66. At the hearing for proposed PC8 I noted that there was an inconsistency between the stated intention of the plan change and the proposed wording of the definition of Māori land. The Plan change documentation made it clear that in order to be considered as Māori land, and therefore subject to the PKN zone rules relating to Māori land, the land needed to fall into one of the listed categories. It was apparent that land only needed to fall into one of the categories in order to meet the definition.
67. However, the proposed wording of the definition in the Plan Change as notified linked the various land types with an 'and' as opposed to an 'or', which read as if the land in question had to fall in all listed categories.
68. I sought some additional advice on this matter from Ms. Meares, who confirmed that it was the intention that the wording should be such that if a parcel of land fell into any of the categories, then it should be considered as Māori land. I therefore consider it appropriate to make a minor change to the proposed working of the amendments to the definition of Māori land, by deleting the 'and' at the end of parts a and b as follows:

Māori land

in relation to [Chapter 12](#) Papakāinga/Kāinga Nohoanga Zone, means land with the following status **in any one or more of the following categories or sub-categories:**

- a. **Māori communal** Land gazetted **or determined by order of the Māori Land Court** as Māori reservation under [s338 Te Ture Whenua Māori Act 1993](#); and
 - b. Māori customary land and Māori freehold land as defined in [s4](#) and [s129 Te Ture Whenua Māori Act 1993](#); **and**
 - c. **Any land where:**
 - i. **a status declaration under the Māori Affairs Amendment Act 1967 was made converting Māori freehold land to general title, and where there have been no changes of ownership since the conversion other than to an owner's bloodline successor(s); or**
 - ii. **one or more owners are able to provide written evidence of Whakapapa to the original grantees of the land as confirmed by the Te Runanga o Ngāi Tahu Whakapapa Unit or the Māori Land Court; or**
 - iii. **the land is vested in a Trust constituted pursuant to Part 12 of [Te Ture Whenua Māori Act 1993](#) or a Māori incorporation constituted pursuant to Part 13 of the [Te Ture Whenua Māori Act 1993](#); or**
 - iv. **the land is owned by a Rūnanga with authority/mana over the area in which the original Māori reserve is located.**
69. The advice from Ms. Meares concludes that there is unlikely to be any issue with scope given the clear intention in the notified plan change to expand the definition of Māori land in this way. I agree. The amendments are intended to clarify and give effect to the notified intention of the plan change, rather than to change it. Notwithstanding that this change is within the scope of the plan change, I also consider that this can be accommodated as a minor correction under schedule 1, clause 16 of the RMA. This is a minor correction and no further evaluation under s32AA is required.

Evaluation Summary

70. Section 32 of the Act requires the Council to carry out an evaluation of the plan change to examine the extent to which relevant objectives are the most appropriate way to achieve the purpose of the Act, and whether, having regard to their efficiency and effectiveness, the related policies, rules, or other methods are the most appropriate for achieving the objectives.
71. Proposed Plan Change 8 proposes amendments to the Objective and one of the supporting policies, as well as significant changes to the definition of Māori land and changes to the rules for Māori land. The evaluation in sections 5 and 6 of the Section 32 report addresses these proposals in detail. Notably, the conclusion of the section 32 report is that amended proposed Objective 12.2.1 is consistent with the higher order directions (e.g. in the Canterbury RPS) and is the most appropriate way to achieve the purpose of the RMA. Having reviewed the section 32 report and the evidence provided, I also conclude that in terms of costs and benefits, efficiency and effectiveness, the proposed Policy 12.2.1.4 and the new rules are the most appropriate way to achieve the amended Plan objective.

Part 2 of the RMA

72. The purpose of the RMA is well known and is outlined in Section 5 of Part 2. It is to promote the sustainable management of natural and physical resources. In the context of the RMA, sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety, while, among other considerations, avoiding, remedying or mitigating any adverse effects of activities on the environment.
73. With respect to this Plan Change (Proposed Plan Change 8 – Papakāinga/Kāinga Nohoanga zone), there is higher order direction in the CRPS on how s 5 should be applied in respect of land in the Māori Reserves covered by this Plan change. This was addressed in detail in paragraph 5.2.3 of the section 42A report.
74. Section 6 of the Act lists matters of national importance which need to be recognised and provided for in achieving the purpose of the Act. Of particular relevance to this Plan Change is section 6(e) of the RMA, which requires the Council to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga. This relationship has been at the forefront of the Council's preparation of this Plan change. Their engagement with mana whenua has led directly to the provisions of the Plan Change being acceptable to and supported by mana whenua. The Plan Change, in my opinion, clearly achieves the purpose of section 6.
75. Particular regard is also required to be had to 'other matters' listed in section 7. Subsections 7(a), (b), (c) and (f), which relate to kaitiakitanga, the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values, including those of property owners whose land adjoins that land which is being developed, and the maintenance and enhancement of the quality of the environment are relevant to this proposal.
76. I am satisfied that Plan Change 8 will provide for more efficient use of the land resource within the PKN zones and a greater ability to exercise kaitiakitanga through more flexible rules, while addressing the amenity values of adjoining properties.
77. Section 8 of RMA seeks that in considering the possible methods of achieving the purpose of the Act, the principles of the Treaty of Waitangi are taken into account. I agree with the section 42A assessment that this Plan Change goes further than "taking into account" the principles of the Treaty. The partnership that has been evident in developing the provisions is more akin to giving effect to the principles of the Treaty in terms of working together with mana whenua to better facilitate the use and development of Māori land in the PKN zones.
78. Overall, I am satisfied that Plan Change 8 and the amendments it proposes to the Christchurch District plan achieve the purpose of the RMA. The Plan Change provides an efficient and effective, as well as the most appropriate, way of achieving the relevant planning objectives, higher order direction and purpose of the Act that are applicable to the Papakāinga/Kāinga Nohoanga zone. The Plan Change is an appropriate response to the long-standing challenges mana whenua have faced in seeking to further their interests in their land within the PKN zones.

Conclusion and Recommendations

79. I am satisfied, given the reasons provided above that the proposed PC8 provisions are the most appropriate for achieving the purpose of the RMA and to achieve the intended purpose of PC8. The provisions give effect to the relevant higher order documents and will achieve the objectives and policies of the District Plan.

80. I therefore recommend that the Council:

- a. adopts the amendments to the District Plan as notified in proposed PC8, with the addition of one minor correction as set out in Appendix 1; and
- b. accepts the recommendations made on the submissions as set out in Appendix 2.

Dated at Christchurch this 9th day of November 2021.

A handwritten signature in blue ink, appearing to read 'A Henderson', with a stylized flourish at the end.

Andrew Henderson
Independent Hearings Commissioner.

DISTRICT PLAN AMENDMENTS

For the purposes of this Plan Change, the operative Christchurch District Plan text is shown as normal text.

Amendments proposed by the Plan Change as publicly notified as shown as **bold underlined** or ~~**bold strikethrough**~~ text.

Text recommended to be added is shown as **bold underlined text in red** and that recommended to be deleted as ~~**bold strikethrough in red**~~.

Text in blue underlined font identifies existing terms defined in Chapter 2 – Definitions and/or links to other provisions in the District Plan and/or external documents. These have pop-ups and links, respectively, in the on-line Christchurch District Plan. Where a term is defined in the newly added bold text it will show as blue underlined text in bold.

Chapter 2 – Definitions

Māori land

in relation to Chapter 12 Papakāinga/Kāinga Nohoanga Zone, means land ~~with the following status in any one or more of the following categories or sub-categories:~~

- a. ~~Māori communal~~ Land gazetted **or determined by order of the Māori Land Court** as Māori reservation under s338 Te Ture Whenua Māori Act 1993; ~~and~~
- b. Māori customary land and Māori freehold land as defined in s4 and s129 Te Ture Whenua Māori Act 1993; ~~and~~
- c. **Any land where:**
 - i. **a status declaration under the Māori Affairs Amendment Act 1967 was made converting Māori freehold land to general title, and where there have been no changes of ownership since the conversion other than to an owner's bloodline successor(s); or**
 - ii. **one or more owners are able to provide written evidence of Whakapapa to the original grantees of the land as confirmed by the Te Runanga o Ngāi Tahu Whakapapa Unit or the Māori Land Court; or**
 - iii. **the land is vested in a Trust constituted pursuant to Part 12 of Te Ture Whenua Māori Act 1993 or a Māori incorporation constituted pursuant to Part 13 of the Te Ture Whenua Māori Act 1993; or**
 - iv. **the land is owned by a Rūnanga with authority/mana over the area in which the original Māori reserve is located.**

Chapter 8 – Subdivision, Development and Earthworks

8.9 Rules - Earthworks

8.9.2.1 Permitted activities- earthworks

Table 9: Maximum volumes – earthworks

Zone / Overlay		Volume
d. Residential and Papakāinga/Kāinga Nohoanga	<ul style="list-style-type: none">i. All residential zones.ii. Māori land within the Papakāinga/Kāinga Nohoanga zone where sites have an area of 2000m² or less.	20m ³ / site
f. Rural and Papakāinga/Kāinga Nohoanga	<ul style="list-style-type: none">i. All rural zones and non-Māori land within the Papakāinga/Kāinga Nohoanga zone (excluding excavation and filling associated with quarrying activities).ii. Māori land within the Papakāinga/Kāinga Nohoanga zone where sites have an area of more than 2000m².	100m ³ /ha

Chapter 12 –Papakāinga/Kāinga Nohoanga Zone

12.2.1 Objective - Use and development of Ngāi Tahu whānau ~~ancestral~~ land and other land

- a. Papakāinga/kāinga nohoanga zones facilitate and enable:
 - i. Ngāi Tahu whānau use and development of ~~Māori land ancestral land~~ to provide for kāinga nohoanga and their economic, social and cultural well-being and to exercise kaitiakitanga; and
 - ii. use and development of non-Māori land for activities appropriate in a rural area.

[....]

12.2.1.4 Policy – Rural activities

- a. Enable rural activities on ~~any non-Māori~~ land in a manner which is consistent with the [Rural Banks Peninsula Zone](#) provisions.

12.4.2 Built form standards - Māori Land

12.4.2.1 Internal boundary setback

- a. The minimum [setback](#) from internal [boundaries](#) for [buildings](#) and structures, shall be **~~10~~ 2** metres and shall apply at 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.
- b. Any application arising from this rule shall not be publicly notified and may be limited notified only to directly abutting land owners (where the consent authority considers this is required, and absent written approval).

12.4.2.2 Road boundary setback

- a. The minimum [setback](#) distance for any [building](#) from the [road boundary](#) shall be **~~15~~ 3** metres, **or 5 metres where a garage has a vehicle door that faces a road.**
- b. Any application arising from this rule shall not be publicly notified and may be limited notified only to directly abutting land owners (where the consent authority considers this is required, and absent written approval).

12.4.2.3 Building height

- a. The maximum [height](#) of any [building](#) shall be 9 metres. This standard shall not apply to art, carvings or other cultural symbols fixed to [Māori land](#) or to [buildings](#) on [Māori land](#).
- b. Any application arising from this rule shall not be publicly notified and may be limited notified only to directly abutting land owners (where the consent authority considers this is required, and absent written approval).

12.4.2.4 Recession planes

- a. **Buildings and structures shall not project beyond a building envelope constructed by recession planes from points 2.3m above the internal boundary, as shown in Appendix 14.16.2 Diagram B.**
- b. **The recession plane shall only apply to the midpoint of each section of wall and roof of a building, as shown in Appendix 14.16.2B.**
- c. **This rule shall only apply at 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.**
- d. **Any application arising from this rule shall not be publicly notified and may be limited notified only to directly abutting land owners (where the consent authority considers this is required, and absent written approval).**

Advice note:

1. **Refer to Appendix 14.16.2 for permitted intrusions.**

12.4.2.54 Maximum coverage

- a. The maximum percentage of [net site area](#) covered by [buildings](#) shall be ~~35%~~ **50%**.
- b. Any application arising from this rule shall not be publicly notified and may be limited notified only to directly abutting land owners (where the consent authority considers this is required, and absent written approval).

12.4.2.65 Water supply for firefighting [...]

12.4.3 Activity status and built form rules- ~~non-Māori~~ other land

- a. In the Papakāinga /Kāinga Nohoanga Zone, on land which is not ~~held as~~ [Māori land](#), the **activity status and built form** rules applicable to the Rural Banks Peninsula Zone apply.

~~Advice note:~~

~~The built form standards in Rule 12.4.2 do not apply to Rule 12.4.3.~~

Chapter 14 –Residential

Appendix 14.16.2 Recession planes

Add the following wording under Diagram B:

- In the Residential Hills zone **and on Māori land within the Papakāinga /Kāinga Nohoanga zone**

APPENDIX 2-- TABLE OF SUBMISSIONS WITH RECOMMENDATIONS AND REASONS

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
Rosemary Neave	S1	S1	Support	Support these changes as they will make it easier for Māori to build on and strengthen community on their papakāinga land.	Accept The amendments to be included in the PKN Zone through the plan change will make it easier for mana whenua to build on Māori land in the zone.
Gail Gordon	S2	S2.1	Support	<p>I am in support of all of the proposed changes put forward in the CCC Plan Change 8 Papakāinga / Kāinga Nohoanga zones.</p> <p>My whanau and other whanau groups have for many generations been unable to utilise this land for housing or any other uses due to outdated and prejudiced rules. The plan change will allow for these things to happen and right a very big intergenerational wrong.</p>	Accept The amendments to be included in the PKN Zone through the plan change will make it easier for mana whenua to build on Māori land and develop it in the PKN zone.
Alan Brooks	S3	S3.1	Support in part	No problems so long as all like land and owners are treated equally. [Provisions for Māori land and their distinction from other land in zone].	Reject Māori land is already subject to more stringent rules, for example around further sale or alienation. It is not appropriate to apply the same planning rules to non-Māori land as to Māori land in the zone.

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
Rāpaki Landowners Working Group, supported by Te Hapu o Ngati Wheke	S4	S4.1	Support	<p>We are a group of landowners in a papakāinga area on Banks Peninsula [Rāpaki]. We want to see all of the proposed changes identified in proposed Plan Change 8 for the Kāinga Nohoanga/ Papakāinga Chapter in the Christchurch District Plan, fully implemented.</p> <p>Over the past three years, Mahaanui Kurataiao have received numerous complaints from landowners around the impracticality of the rules. PC8 will help to reduce many of these impracticalities and further give effect to the objective and policies of the chapter. [Chapter 12 of the District Plan]. These changes will also support [what is sought in] the preamble in the Te Ture Whenua Māori Act 1993 by helping to facilitate the occupation, development and utilisation of Māori owned land within the [Māori] reserves.</p>	<p>Accept</p> <p>The amendments to be included in the PKN Zone through the plan change will make it easier for mana whenua to build on and develop land in the zone.</p>
Canterbury Regional Council (ECan)	S5	S5.1	Support	<p>a. Canterbury Regional Council (CRC) supports the Christchurch City Council in seeking to better enable use and development of Māori land in the Papakāinga/Kāinga Nohoanga zone. The Proposal is considered to better give effect to the Canterbury Regional Policy Statement (CRPS), in particular to the objectives and policies in Chapters 5 and 6 of the CRPS.</p> <p>b. In relation to proposed changes to earthworks rules, CRC supports the proposed earthworks volumes but notes that some areas with Outstanding Natural Landscape values, Sites of Ecological Significance or areas with Outstanding Natural Character (in the</p>	<p>a. Accept</p> <p>b. Noted, but no change required</p>

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
				coastal environment) overlap with parts of the Papakāinga/Kāinga Nohoanga zone. Adverse effects from activities on these areas should be avoided or mitigated to ensure consistency with Policy 5.3.4 of the CRPS.	
Jan Cook	S6	S6.1	Support in part	<p>I support the objective of the Papakāinga/Kainga Nohoanga Zone (PKNZ) to provide for the use and development of ancestral land.</p> <p>Note: My submission relates solely to the Ōpukutahi area, and I do not have a view on what may be appropriate for other parts of the PKNZ. It may be appropriate to have different rules for the different parts of the zone according to their nature and needs.</p> <p>I generally support the proposed changes except for the following points</p>	<p>Accept</p> <p>General support for the objective of the PKN .</p>
		S6.2	Amend	<p>A 2m internal boundary setback for buildings or residences does not recognise the rural nature of the PKNZ at Ōpukutahi and is not sufficient to avoid potential adverse effects, including reverse sensitivity effects on rural productive activities taking place on adjoining land titles which are not Māori land.</p> <p>3m is the minimum internal boundary setback necessary in Rule 12.4.2.1.</p>	<p>Reject</p> <p>Increasing the internal setback is not necessary and would make little practical difference. The effects of concern are unlikely to materialise given the various constraints on land at Ōpukutahi.</p>
		S6.3	Amend	Methods should be included to protect the “Māori land” status of general land owned by Māori which would be	Reject.

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
				included in the proposed extension to the definition for Māori land, and could be subdivided or developed; or otherwise protect that land from inappropriate speculative development. The land may easily be on-sold once developed.	The relief sought is not necessary or practical. The on-sale of Māori land is subject to processes in Te Ture Whenua Māori Act.
Nga Rūnanga (Te Rūnanga o Koukourārata, Wairewa Rūnanga, Ōnuku Rūnanga, Te Hapū o Ngati Wheke – Land Owners Komiti)	S7	S7.1	Support	<p>Support the Plan change, and seek that Council approves it as notified.</p> <p>Over the past three years, Mahaanui Kurataiao has been advised of difficulties in complying with the rules which has resulted in unbuildable housing developments and resource consent applications. The changes in PC8 will help reduce many of these impracticalities and further give effect to the objective and policies of the chapter. [Chapter 12 of the District Plan]. These changes will also support [what is sought in] the preamble in the Te Ture Whenua Māori Act 1993 by helping to facilitate the occupation, development and utilisation of Māori owned land within the [Māori] reserves.</p>	<p>Accept</p> <p>The amendments to be included in the PKN Zone through the plan change will make it easier for mana whenua to build on land in the zone.</p>
Te Pātaka o Rākaihautū/Banks Peninsula Community Board	S8	S8.1	Support	<p>The Board supports PC8, which will enable an approach for Māori to successfully complete papakāinga housing developments.</p> <p>The current setbacks required are inappropriate, and they prevent the utilisation of narrow sections for communal buildings within this zone.</p> <p>The Board supports the internal boundary setback reduction, as well as the proposed recession plane to</p>	<p>Accept</p> <p>The amendments to be included in the PKN Zone through the plan change will make it easier for mana whenua to build on land in the zone.</p>

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
				offset the possible visual and privacy effects on neighbours.	
		S8.2	Support	The Board also supports increasing the maximum permitted site coverage of buildings on Māori land to allow for the possibility of multiple buildings on communally owned land.	Accept For the reasons set out above
		S8.3	Support	The Board supports the more generous earthworks allowance, but to no greater equivalent than any other residential zones.	Accept For the reasons set out above.