



RACHEL CONNER

PARTNER

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PROFESSIONAL QUALIFICATIONS

Barrister & Solicitor of New Zealand High Court (2007)

LLB/BA Victoria University

Accredited RMA independent decision-maker (2022 -)

PROFESSIONAL MEMBERSHIPS

Resource Management Law Association

Society of Construction Law

Wellington Women Lawyers Association

Arbitrators and Mediators Institute of New Zealand (AMINZ)

BACKGROUND

Rachel has worked at Hazelton Law since 2007, specialising in the areas of resource management, local government, and construction law. She became a Partner of the firm in January 2021.

In resource management matters Rachel has appeared in the District Court, Environment Court and High Court, before a Board of Inquiry and at Council hearings relating to consent applications, plan changes, prosecutions, declaratory proceedings and judicial reviews. She also advises clients regarding matters under other legislation including the Local Government Act, Local Government Official Information and Meetings Act, Public Works Act, Dog Control Act, Sale and Supply of Alcohol Act and the Marine and Coastal Area (Takutai Moana) Act.

Rachel also acts for both residential and commercial clients in all areas of construction law with a particular focus on litigation and dispute resolution. She represents clients in private mediations and in Court hearings, including appeals. She also frequently acts for clients in adjudications brought under the Construction Contracts Act and in relation to regulatory matters.

Previous work examples include:

Resource Management/Local Government

- Advising and representing three District Councils in relation to a District Plan review and notification of a new Proposed Plan, including a successful Environment Court application for rules in the Proposed Plan to have immediate legal effect (2023 - 2024).
- Acting for a District Council in Environment Court appeal proceedings relating to redevelopment of a supermarket and direct referral proceedings involving a proposed solar farm development (2023 -).
- Representing a District Council in relation to a Private Plan Change application before an Independent Hearings Panel relating to proposed development of large retirement village (2023).

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- Representing interested parties in High Court applications under the Marine and Coastal Area (Takutai Moana) Act.
- Acting for private landowners and commercial clients in successfully defending abatement notices and prosecutions brought under the RMA, including on air quality, discharges to land and water, and land use.
- Advising and representing three District Councils in Environment Court appeals against the Proposed Natural Resources Plan for the Wellington Region (2019 - 2022).
- Advising clients on implementation and applicability of National Policy Statements and National Environmental Standards.
- Acting for a District Council in defending High Court Judicial Review proceedings relating to commercial developments within the district (2019 - 2020).
- Representing large corporate clients in relation to groundwater and air discharge consent renewals under the Resource Management Act.
- Acting for applicants in relation to applications for subdivision and land use consents in Wellington City.
- Advice to Incorporated Societies on Environment Court proceedings relating to proposals of significance, including heritage issues and matters of District Plan interpretation.
- Acting for a District Council in successful prosecutions under the Resource Management Act and Dog Control Act 1996.
- Advising District Councils in the developing and implementing Local Alcohol Policies and alcohol licensing matters under the Sale and Supply of Alcohol Act 2012.
- NZTA Proposed Basin Reserve Flyover Project - Board of Inquiry Hearing (Junior Counsel), 2013 - 2014: *The Architectural Centre* (upheld on appeal to High Court - *New Zealand Transport Agency v Architectural Centre Incorporated Limited & Ors* (CIV-2014-485-11253)).

Construction Law

- Sitting as Chair for a disciplinary body hearing and determining complaints (2022 -).
- Advising a major construction industry organisation on administrative and operational matters, including carrying out legal reviews of contracts and other documentation before publication.
- *Palmer v Hewitt Building Limited* [2021] NZHC 1460: Representing a builder in High Court proceedings involving claims in negligence and for alleged breaches of the Building Act.
- Acting in “leaky home” proceedings in the Weathertight Homes Tribunal, District Court, and the High Court, including in relation to large-scale multi-unit residential developments.
- Acting for commercial clients and contractors in relation to claims involving allegedly defective materials.
- Acting for contractors and builders in relation to prosecutions for carrying out building work without consent and complaints made under the Licensed Building Practitioners’ Scheme (2018).
- Acting for plaintiffs in defective foundations claim (2018).
- Advising homeowners on disputes relating to variations, workmanship and in relation to land stability issues.
- Advice to District Councils and private landowners on Earthquake Prone Building matters under the Building Act 2004.
- Contract drafting and review for contractors, subcontractors and homeowners.

RECENT PAPERS & SEMINARS

- Interactive webinars for Registered Master Builders Association online portal:
 - Avoid Payment Drama - Set up your contract for success - October 2020;
 - Advice to Association members on matters relating to Covid-19 - May 2020.
- Registered Master Builders Association Guidance Note on House and Land Packages - May 2020.
- Contracts Webinar for Registered Master Builders Association online portal 2016-2018.
- Residential Building Contract RBC 1 - Seminar Roadshow for Registered Master Builders Association - 2018.
- Managing the Consenting Process Effectively: Amendments to the RMA Consent Process under the Resource Legislation Amendment Bill 2015 - Conferenz, 16 June 2016.
- Update on Construction Contracts Act - NZSTCF - February 2016.