Mahaanui Kurataiao Ltd

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20th January 2022

Whisper Creek- 240 Spencerville Road

Introduction

This report has been prepared in relation to the LMM Investments 2012 Limited & Mike Greer Homes North Canterbury proposed development, to fulfil the requirements of Schedule 16 clause 9(5) of the COVID-19 Recovery (Fast-track Consenting) Act 2020.

The preparation of a Cultural Impact Assessment (CIA) is at the discretion of the relevant Papatipu Rūnanga. Regarding this development, Te Ngāi Tūāhuriri Rūnanga as manawhenua over this takiwā have declined that a CIA be prepared for this proposal and location. The Rūnanga have directed Mahaanui Kurataiao to prepare this document in lieu of the provision of a CIA.

The mandated kaitiaki representatives for Te Ngāi Tūāhuriri Rūnanga were briefed on the proposal to develop the site at 240 Spencerville Road on the 19th of January 2022. The following report identifies potential effects on cultural values from the activities of development, as outlined in the summary below.

Recommendations to mitigate or avoid these impacts have been provided by the kaitiaki and assessment against the policies of the Mahaanui Iwi Management Plan 2013. The applicant has also been directed to refer to the Ngāi Tahu Subdivision and Development Guidelines to recognise opportunities to enhance cultural values inherent within the site.

Manawhenua Statement

Ngāi Tahu are tangata whenua of the Canterbury region and hold ancestral and contemporary relationships with Canterbury. The contemporary structure of Ngāi Tahu is set down through the Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act) and, through this structure and this Act, sets the requirements for recognition of tangata whenua in Canterbury.

The Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001 is supplementary to the Te Rūnanga o Ngāi Tahu (TRONT) Act 1996, and sets out the respective takiwā of the Papatipu Rūnanga.

The following Rūnanga hold manawhenua over the project's location, as it is within their takiwā:

- Te Ngāi Tūāhuriri Rūnanga

The natural resources – water (waterways, waipuna (springs), groundwater, wetlands); mahinga kai; indigenous flora and fauna; cultural landscapes and land - are taonga to manawhenua and they have concerns regarding activities that may potentially adversely affect these taonga. These taonga are integral to the cultural identity of ngā rūnanga manawhenua and they have a kaitiaki responsibility to protect them. The policies for protection of taonga that are of high cultural significance to ngā rūnanga manawhenua are articulated in the Mahaanui Iwi Management Plan (IMP).

The Pūharakekenui/Styx River borders the east of the proposed site. The modification of this river and their tributaries has had significant effects on the relationship of Ngāi Tahu and their associations with these waterways. The restoration of waterways is an issue of priority for whānui.

Summary of Proposal

LMM Investments 2012 Limited & Mike Greer Homes North Canterbury are submitting a residential development application under the Covid-19 Fast Tack Act for 240 Spencerville Road in Ouruhia Christchurch.

- The current area is a Golf Resort Zone with a series of regulatory triggers including a limit of 150 residential units.
- Through limited demand for the golf resort due to COVID-19, and increased demand for housing due to increasing house prices, the developers have proposed to do away with the golf course and focus primarily on residential dwellings.
- The 200-lot subdivision will contain a range of lot sizes and naturalised areas.
- The subdivision plan has been designed to ensure that all residential lots are outside of the Flood Ponding Management Area.
- Access to the development will require a substantial upgrade to the intersection at the entrance and include traffic signals. These works are on track to be completed by March 2022.
- Drinking water will be supplied from Spencerville and houses will be encouraged to install water tanks through the building consent process.
- Wastewater will be connected to the reticulated system and the network is identified as having sufficient capacity.

- The Pūharakekenui/ Styx River is a Ngā Wai Lakes. Therefore, it requires protection from potential contaminants from earthworks and stormwater runoff.
- Stormwater will drain into the open space stormwater basins to be retained and treated by a first flush basin and wetland system. It will then drain into Spencer's drain and eventually into Styx River.
- An attenuation basin is included for larger storm events to capture extra flows.
- Pūharakekenui/ Styx River is proposed to be naturalised throughout the site with indigenous planting.
- Works will require installation of pipes or ducts in or under the bed of Spencer's Drain.
- Contaminated land will be remediated as part of the earthworks.
- Sediment control measures will be installed to ensure sediment run off will be directed within site boundaries and does not enter the bed of the river.
- The proposal includes having a mix of dry shrubland screening the periphery of the site. This area along with some grassed areas will be important for protecting the Canterbury Grass skinks found on site.
- The wetland plantings along the margins of the Styx River and stormwater detention systems will also provide variation in habitat for fauna. The variety of vegetation proposed will provide for many ecological benefits and improve the diversity of the immediate area.
- The proposed vegetation around the wetlands will also ensure a setback between the waterways and developed sites

Evaluation in relation to Mahaanui Iwi Management Plan (IMP)

The matters that are relevant to this proposal have been identified as:

P4.1 To work with local authorities to ensure a consistent approach to the identification and consideration of Ngāi Tahu interests in subdivision and development activities, including:

(a) Encouraging developers to engage with Papatipu Rūnanga in the early stages of development planning to identify potential cultural issues; including the preparation of Cultural Impact Assessment reports;

(c) Requiring that resource consent applications assess actual and potential effects on tāngata whenua values and associations;

(d) Ensuring that effects on tāngata whenua values are avoided, remedied or mitigated using culturally appropriate methods;

(e) Ensuring that subdivision consents are applied for and evaluated alongside associated land use and discharge consents; and

P4.2 To support the use of the following methods to facilitate engagement with Papatipu Rūnanga where a subdivision, land use or development activity may have actual or potential adverse effects on cultural values and interests:

(a) Site visit and consultative hui;

(b) Cultural Impact Assessment (CIA) reports; and

(c) Tāngata Whenua Advisory Groups.

P4.3 To base tāngata whenua assessments and advice for subdivision and residential land development proposals on a series of principles and guidelines associated with key issues of importance concerning such activities, as per Ngāi Tahu subdivision and development guidelines.

The guidelines have been attached below in Appendix 1.

CL3.8 To require, where a proposal is assessed by tāngata whenua as having the potential to affect wāhi tapu or wāhi taonga, one or more of the following:

(a) Low risk to sites:

(i) Accidental discovery protocol (ADP) - See Appendix 3.

P11.1 To assess proposals for earthworks with particular regard to:

(a) Potential effects on wāhi tapu and wāhi taonga, known and unknown;

(b) Potential effects on waterways, wetlands and waipuna;

(c) Potential effects on indigenous biodiversity;

(e) Proposed erosion and sediment control measures; and

(f) Rehabilitation and remediation plans following earthworks.

P11.9 To require stringent and enforceable controls on land use and earthworks activities as part of the resource consent process, to protect waterways and waterbodies from sedimentation, including but not limited to:

(a) The use of buffer zones;

(b) Minimising the extent of land cleared and left bare at any given time; and

(c) Capture of run-off, and sediment control.

P10.1 The management of contaminated land must recognise and provide for specific cultural issues, including:

(a) The location of contaminated sites;

(b) The nature of the contamination;

(c) The potential for leaching and run-off;

(d) Proposed land use changes; and

(e) Proposed remediation or mitigation work.

A detailed site investigation has noted lead contamination around one existing dwelling. Two fuel tanks onsite will need to be removed and contaminated surrounding land remediated as proposed by the developers.

P6.5 To encourage the design of stormwater management systems in urban and semi urban environments to provide for multiple uses: for example, stormwater management infrastructure as part of an open space network that provides for recreation, habitat and customary use values.

The proposed open areas around the wetlands will also provide for recreation and amenity values.

P6.1 To require on-site solutions to stormwater management in all new urban, commercial, industrial and rural developments (zero stormwater discharge off site) based on a multi-tiered approach to stormwater management:

(b) Reducing volume entering system - implementing measures that reduce the volume of stormwater requiring treatment (e.g. rainwater collection tanks);

(d) Discharge to land based methods, including swales, stormwater basins, retention basins, and constructed wetponds and wetlands (environmental infrastructure), using appropriate native plant species, recognising the ability of particular species to absorb water and filter waste.

Use of volume reducing infrastructure such as rainwater tanks will be required as part of building consents.

The use of retention basins and wetlands will provide natural treatment of stormwater.

WM6.19 To promote the restoration of wetlands and riparian areas as part of maintaining and improving water quality, due to the natural pollution abatement (treatment) functions of these taonga.

Conclusion

A kaitiaki hui was held with Te Ngāi Tūāhuriri Rūnanga on the 19th of January. The recommendations from the hui have been outlined below.

The subdivision proposed is within close proximity to Pūharakekenui/ Styx River. Therefore, runoff of contaminants and sediment into the river is of concern to the kaitiaki. Earthworks close to the river and Spencer's drain need to be managed through strict sediment controls to avoid any sediment entering the waterways. The use of sediment fencing along the waterways is encouraged by the kaitiaki. The remediation of any contaminants on site, as proposed by the applicants, will also be required to avoid any contaminants entering waterways.

The applicant acknowledged that they have applied for two subdivisions on the site in the past and have amended their design significantly this time to ensure that no residential dwellings are within the flood protection area. This new design also utilises wetlands and retention basins as part of the stormwater discharge layout. These stormwater systems and the proposed naturalisation of Spencer's drain align with the Ngāi Tahu subdivision and development guidelines.

The proposed landscaping throughout the subdivision is also in keeping with the landscaping policies within the Ngāi Tahu subdivision and development guidelines.

Recommendations

Recommendation 1:

A condition for erosion and sediment controls to be included in accordance with ECan's Erosion and Sediment Control guidelines to avoid any sediment entering Spencer's drain or Styx river.

Recommendation 2:

That the subdivision is to be undertaken in accordance with the Ngāi Tahu Subdivision and Development Guidelines outlined in the IMP, these have been supplied below.

Recommendation 3:

All riparian vegetation must consist of locally sourced indigenous species and allow for setbacks of any residential development from all waterways as per the District Plan.

Mahaanui Kurataiao and its staff are available to discuss this report further or assist in direct engagement with rūnanga if desired.

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Appendix 1

Ngāi Tahu subdivision and development guidelines

Cultural landscapes

1.1 A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites [refer Section 5.8 Issue CL1].

1.2 Subdivision and development that may impact on sites of significance is subject Ngāi Tahu policy on Wāhi tapu me wāhi taonga and Silent Files (Section 5.8, Issues CL3 and CL4).

1.3 Subdivision and development can provide opportunities to recognise Ngāi Tahu culture, history and identity associated with specific places, and affirm connections between tangata whenua and place, including but not limited to:

i) Protecting and enhancing sites of cultural value, including waterways;
ii) Using traditional Ngāi Tahu names for street and neighborhood names, or name for developments;
iii) Use of indigenous species as street trees, in open space and reserves;
iv) Landscaping design that reflects cultural perspectives, ideas and materials;
v) Inclusion of interpretation materials, communicating the history and significance of places, resources and names to tāngata whenua; and
vi) Use of tāngata whenua inspired and designed artwork and structures.

Stormwater

2.1 All new developments must have on-site solutions to stormwater management (i.e. zero stormwater discharge off site), based on a multi-tiered approach to stormwater management that utilises the natural ability of Papatūānuku to filter and cleanse stormwater and avoids the discharge of contaminated stormwater to water [refer to Section 5.4, Policy P6.1].

2.2 Stormwater swales, wetlands and retention basins are appropriate land based stormwater management options. These must be planted with native species (not left as grass) that are appropriate to the specific use, recognising the ability of particular species to absorb water and filter waste.

2.3 Stormwater management systems can be designed to provide for multiple uses. For example, stormwater management infrastructure as part of an open space network can provide amenity values, recreation, habitat for species that were once present on the site, and customary use.

2.4 Appropriate and effective measures must be identified and implemented to manage stormwater run off during the construction phase, given the high sediment loads that stormwater may carry as a result of vegetation clearance and bare land.

2.5 Councils should require the upgrade and integration of existing stormwater discharges as part of stormwater management on land rezoned for development.

2.6 Developers should strive to enhance existing water quality standards in the catchment downstream of developments, through improved stormwater management.

Earthworks

3.1 Earthworks associated with subdivision and development are subject to the general policy on Earthworks (Section 5.4 Issue P11) and Wāhi tapu me wāhi taonga (Section 5.8, Issue CL3), including the specific methods used in high and low risk scenarios for accidental finds and damage to sites of significance.

3.2 The area of land cleared and left bare at any time during development should be kept to a minimum to reduce erosion, minimise stormwater runoff and protect waterways from sedimentation.

3.3 Earthworks should not modify or damage beds and margins of waterways, except where such activity is for the purpose of naturalisation or enhancement.

3.4 Excess soil from sites should be used as much as possible on site, as opposed to moving it off site. Excess soil can be used to create relief in reserves or buffer zones.

Water supply and use

4.1 New developments should incorporate measures to minimise pressure on existing water resources, community water supplies and infrastructure, including incentives or requirements for:

(i) low water use appliances and low flush toilets;
(ii) grey water recycling; and
(iii) rainwater collection.

4.2 Where residential land development is proposed for an area with existing community water supply or infrastructure, the existing supply or infrastructure must be proven to be able to accommodate the increased population prior to the granting of subdivision consent.

4.3 Developments must recognise, and work to, existing limits on water supply. For example, where water supply is an issue, all new dwellings should be required to install rainwater collection systems.

Waste treatment and disposal

5.1 Developments should implement measures to reduce the volume of waste created within the development, including but not limited to incentives or requirements for:

(i) Low water use appliances and low flush toilets;
(i) Grey water recycling; and
(ii) Recycling and composting opportunities (e.g. supporting zero waste principles).

5.2 Where a development is proposed for an area with existing wastewater infrastructure, the infrastructure must be proven to be able to accommodate the increased population prior to the granting of the subdivision consent.

5.3 New rural residential or lifestyle block developments should connect to a reticulated sewage network if available.

5.4 Where new wastewater infrastructure is required for a development:

(i) The preference is for community reticulated systems with local treatment and land-based discharge rather than individual septic tanks; and
(ii) Where individual septic tanks are used, the preference is a wastewater treatment system rather than septic tanks.

Design guidelines

6.1 New developments should incorporate low impact urban design and sustainability options to reduce the development footprint on existing infrastructure and the environment, including sustainable housing design and low impact and self sufficient solutions for water, waste, energy such as:

(i) Position of houses to maximise passive solar gain;
(ii) Rainwater collection and greywater recycling;
(iii) Low energy and water use appliances;
(iv) Insulation and double glazing; and
(v) Use of solar energy generation for hot water.

6.2 Developers should provide incentives for homeowners to adopt sustainability and self-sufficient solutions as per 6.1 above.

6.3 Urban and landscape design should encourage and support a sense of community within developments, including the position of houses, appropriately designed fencing, sufficient open spaces, and provisions for community gardens.

6.4 Show homes within residential land developments can be used to showcase solar hot water, greywater recycling and other sustainability options, and raise the profile of low impact urban design options.

Landscaping and open space

7.1 Sufficient open space is essential to community and cultural wellbeing, and the realization of indigenous biodiversity objectives, and effective stormwater management.

7.2 Indigenous biodiversity objectives should be incorporated into development plans, consistent with the restoration and enhancement of indigenous biodiversity on the landscape.

7.3 Indigenous biodiversity objectives to include provisions to use indigenous species for:

(i) street trees;
(ii) open space and reserves;

(iii) native ground cover species for swales;
(iv) stormwater management network; and
(v) home gardens.

7.4 Indigenous species used in planting and landscaping should be appropriate to the local environment, and where possible from locally sourced seed supplies.

7.5 Options and opportunities to incorporate cultural and/or mahinga kai themed gardens in open and reserve space can be considered in development planning (e.g. pā harakeke as a source of weaving materials; reserves planted with tree species such as mātai, kahikatea and tōtara could be established with the long term view of having mature trees available for customary use).