

Hon David Parker BCom, LLB

Attorney-General

Minister for the Environment

Minister for Oceans and Fisheries

Minister of Revenue

Associate Minister of Finance



21 March 2022

BRF-1070

Ministers of/for:

Infrastructure; Māori Crown Relations: Te Arawhiti; Housing; Education; Arts, Culture, and Heritage; Treaty of Waitangi Negotiations; Local Government; Land Information; Defence; Transport; Conservation; Climate Change; and Associate Minister for the Environment (Urban Policy)

Parliament Buildings
WELLINGTON

Dear Ministers

COVID-19 Recovery (Fast-track Consenting) Act 2020 – comments sought on referral application – Whisper Creek Residential Subdivision

Mike Greer Homes North Canterbury Limited and LMM Investments 2012 Limited have applied to refer the Whisper Creek Residential Subdivision Project to an expert consenting panel (a panel) for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA). This letter is sent to you pursuant to section 21(2) of the FTCA.

The purpose of the FTCA is to urgently promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support certainty of investment while continuing to promote the sustainable management of natural and physical resources.

The Project is described in Attachment A, and a copy of the application is electronically attached.

I invite you to provide written comments on the referral application. If I accept the application and the Project is referred, the applicants will be able to lodge applications with the Environmental Protection Authority for the approvals needed under the Resource Management Act 1991 (RMA) for the Project, and a panel will be appointed to consider and decide them. The applicants must provide a more detailed environmental assessment and cultural impact assessments as part of their RMA applications. You will have an opportunity at that stage to provide comments to the panel.

Please provide your comments via return email within 10 working days if you wish me to take them into consideration when deciding whether or not to accept the referral application.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Parker', is positioned above the printed name.

Hon David Parker
Minister for the Environment

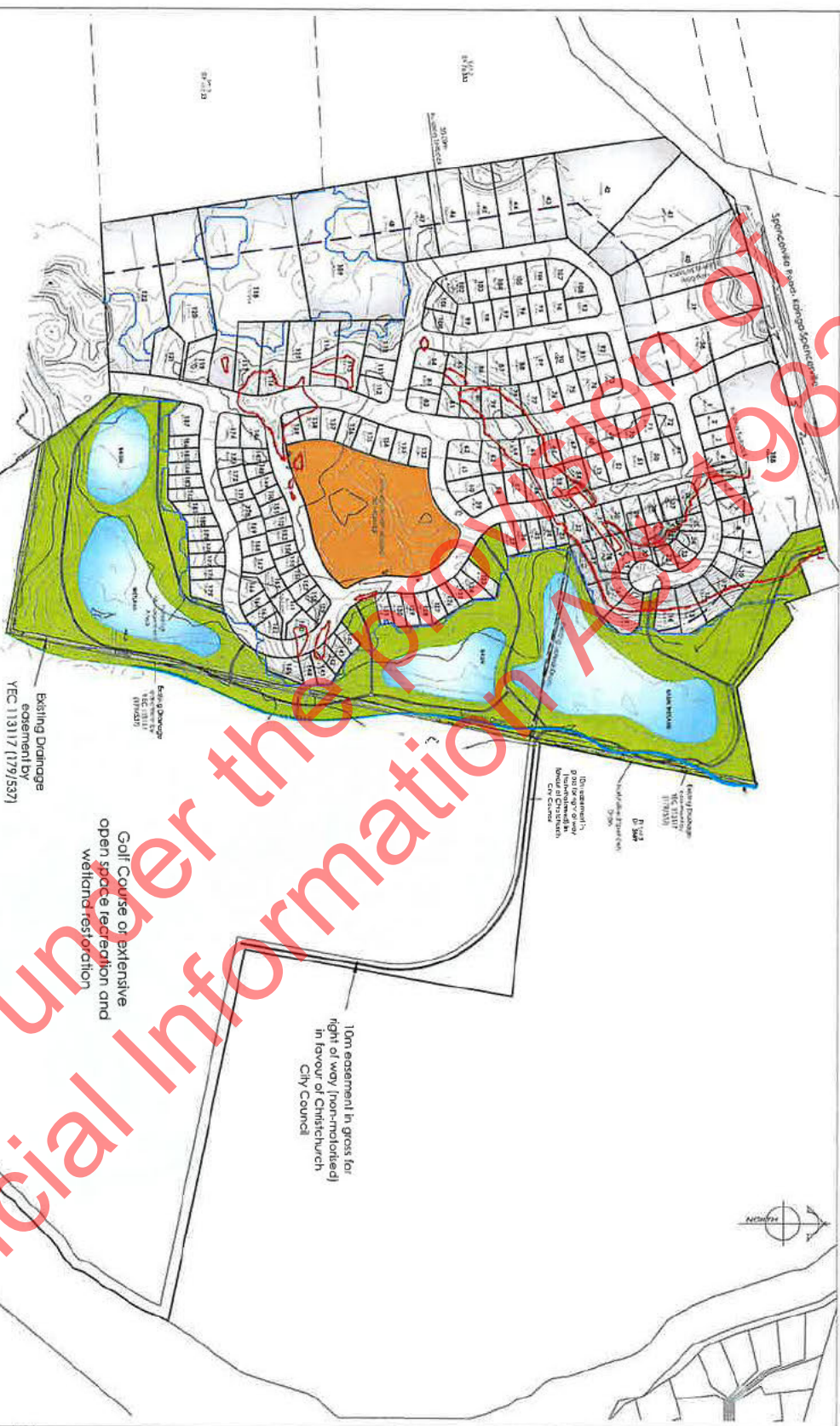
Attachments:

- A. Description of proposed project
- B. Application to refer the Whisper Creek Residential Subdivision project to an expert consenting panel, including supporting information

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the Official Information Act 1982

Appendix A - Proposed project

Project	Applicant	Details
Whisper Creek Residential Subdivision	Mike Greer Homes North Canterbury Limited and LMM Investments 2012 Limited	<p>The Project is to subdivide approximately 64 hectares of land and construct a housing development comprising:</p> <ul style="list-style-type: none">a. approximately 188 residential lotsb. approximately 217 residential unitsc. a balance lot comprising naturalised streams, wetlands, stormwater basins, landscaping and open space, and potentially a future golf coursed. infrastructure associated with the subdivision and development including roads, culverts, parking and infrastructure for three-waters services to service the residential lots. <p>The Project site is located at 240 Spencerville Road, Ouruhia, Canterbury.</p> <p>The Project will involve activities such as demolition of existing dwellings and associated infrastructure, subdivision, earthworks, taking, treating, retention of, diverting and discharging surface and groundwater, naturalising streams, constructing wetlands, water storage basins and drains, landscaping and planting (including of riparian margins), and constructing buildings including residential units and associated infrastructure.</p>



Existing Drainage
equipment by
YEC 113117 (179/537)

Golf Course of extensive
open space restoration and
wetland restoration

10m easement in gross for
right of way (non-included)
in favour of Christchurch
City Council



- NOTES**
1. Areas and dimensions are approximate only and are subject to final survey and disposal of plans.
 2. Service movements, to be covered as required.
 3. The plan has been prepared by a qualified professional person only. It is not to be used for any other purpose.
 4. The plan is subject to the granting of a licence or other resource consent, and should be treated as a proposed plan. It is not to be used for any other purpose.
 5. The plan has been prepared by a qualified professional person only. It is not to be used for any other purpose.
 6. The plan is subject to the granting of a licence or other resource consent, and should be treated as a proposed plan. It is not to be used for any other purpose.
 7. The plan is subject to the granting of a licence or other resource consent, and should be treated as a proposed plan. It is not to be used for any other purpose.
 8. The plan is subject to the granting of a licence or other resource consent, and should be treated as a proposed plan. It is not to be used for any other purpose.
 9. The plan is subject to the granting of a licence or other resource consent, and should be treated as a proposed plan. It is not to be used for any other purpose.
 10. The plan is subject to the granting of a licence or other resource consent, and should be treated as a proposed plan. It is not to be used for any other purpose.

DAVE LOVELL-SMITH
PLANNING SURVEYING ENGINEERING

Whisper Creek Project

Proposed Subdivision
Part Lot 2 DP 5889

Proposed Subdivision

Scale: 1:2000 (BA1) **Date:** December 2021

Code: E.19432 **2 of 2** **R1**

Legend

- Finished Floor level 12.3m
- Flood Pouring Area

Total Area: 63,956.7ha

Compared to: C.F.R. C818/287

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Samantha Maxwell

From: Tracey Gray s 9(2)(a)
Sent: Friday, 25 March 2022 2:33 pm
To: Fast Track Consenting
Cc: Aurora Grant; Andrew Parrish
Subject: [COMMERCIAL]COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Whisper Creek Residential Subdivision

MFE CYBER SECURITY WARNING

This email originated from outside our organisation. Please take extra care when clicking on any links or opening any attachments.

Maggie,

I have been asked to prepare comments on the above request.

I wish to draw your attention to the potential that the establishment and operation of stormwater basins and new wetlands as proposed as part of the proposal may be prohibited. This is because they are likely to involve a take and use of groundwater that is prohibited under rule 5.130 of the Canterbury Land and Water Regional Plan.

It is further noted that the hydrogeology in this vicinity is complex which makes the provision of meaningful feedback without site specific information difficult. One of the areas where this is the case is with respect to the NES-F wetland provisions, some of which define prohibited activities. In that regard it is noted that reference is made to an ecological report by Wildlands in the email dated 13 March 2022. Given that our initial review suggests the possibility of there being wetland remnants on the site, can this report be made available?

Thank you for your assistance.

Tracey Gray
Principal Consents Planner

Please note my hours are as follows: Monday to Friday 9 to 2.30pm

Tracey Gray
Principal Consents Planner
Environment Canterbury
Christchurch Office

+64 3 367 7235

s 9(2)(a)

PO Box 345, Christchurch 8140

Customer Services: 0800 324 636

24 Hours: 0800 76 55 88

ecan.govt.nz

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Te Rūnanga o NGĀI TAHU

20 April 2022

The Honourable Minister Parker, Ministry for the Environment
c/- Stephanie Frame, Manager, Fast-Track Consenting Team
Via email: fasttrackconsenting@mfe.govt.nz

Tēnā koe,

Whisper Creek Residential Subdivision

1. Thank you for the opportunity for Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) to provide comments on the referral application for the Whisper Creek residential subdivision under the Covid-19 Recovery (Fast-track Consenting) Act 2020 (**FTCA**).
2. Te Rūnanga, as the relevant iwi authority, has consulted with Te Ngāi Tūāhuriri Rūnanga (the relevant Papatipu Rūnanga)¹ through its environmental entity Mahaanui Kurataiao Limited. Te Rūnanga understands that Te Ngāi Tūāhuriri Rūnanga does not wish to comment on whether it would be more appropriate for this proposal to proceed through existing Resource Management Act 1991 consenting processes rather than the processes in the FTCA.
3. Te Rūnanga respects the position of Te Ngāi Tūāhuriri Rūnanga and makes no further comment regarding the referral application. However, should the proposal be referred to the FTCA process, Te Rūnanga wish to have the opportunity to consider the detail of the application further, including to comment on appropriate conditions of consent.

Nuku noa nā,

Trudy Heath
General Manager, Te Ao Tūroa

Address for Service:
Jessica Riddell
Senior Environmental Advisor
Te Rūnanga o Ngāi Tahu
Email: s 9(2)(a)
Ph: s 9(2)(a)

Cc: Henrietta Carroll, Megen McKay and Jemma Hardwick-Smith, Mahaanui Kurataiao Ltd

¹ Consistent with Section 15(2) and Section 15(3)(a) of the Te Rūnanga o Ngāi Tahu Act 1996

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for persons requested by the Minister for the Environment to provide comments on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Organisation providing comment	Canterbury District Health Board
Contact person (if follow-up is required)	Tanya McCall, Interim Executive Director, Community and Public Health, Canterbury District Health Board
	Chantal Lauzon, Team Leader – Policy, Community and Public Health, Canterbury District Health Board, chantal.lauzon@cdhb.health.nz
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Whisper Creek Residential Subdivision
General comment	<ol style="list-style-type: none"> Canterbury District Health Board thanks the Ministry for the Environment for the opportunity to provide comment on the application – Whisper Creek. Please note that you will separately receive comments from other partners of the Greater Christchurch Partnership (GCP), who are aligned in, and support, the comments made herein. The comments from Christchurch City Council and Environment Canterbury offer more detail and respond to the specific questions you have asked those Councils. The quality, affordability, safety, and suitability of housing are all important determinants of health and wellbeing. Canterbury District Health Board is supportive of increasing the housing supply within the Greater Christchurch area in appropriate locations and to the importance of increasing the supply of affordable housing opportunities for Greater Christchurch. Through the GCP, Canterbury District Health Board is working collaboratively towards a shared and consistent view of the future urban form for Greater Christchurch.
Other considerations <ul style="list-style-type: none"> How does the Project align with the strategies and planning supported by the GCP for urban growth in the 	<ol style="list-style-type: none"> <i>Our Space 2018-2048: Greater Christchurch Settlement Pattern Update</i> Whakahāngai O Te Hōrapa Nohoanga (Our Space 2018-2048) was endorsed by the GCP in June 2019 and subsequently adopted by each partner Council. It is the future development strategy for Greater Christchurch developed under the National Policy Statement on Urban Development Capacity (NPS-UDC).

<p>Greater Christchurch Area?</p>	<ol style="list-style-type: none"> 6. Our Space 2018-2048 updates the settlement pattern originally set out in the Greater Christchurch Urban Development Strategy (UDS) from 2007 and underpins the planning framework outlined in Chapter 6 to the CRPS, inserted through a statutory direction as part of the Land Use Recovery Plan. Our Space 2018-2048 identifies sufficient development capacity to meet anticipated housing needs over a thirty-year planning horizon out to 2048. 7. A significant amount of housing development capacity is already enabled by the CRPS. Our Space 2018-2048 indicates there is existing capacity for nearly 74,000 dwellings in Greater Christchurch, against a housing target of 86,600 (including the additional margins that were required by the NPS-UDC), between 2018 to 2048. Our Space sets out a proposed approach to meet the projected shortfall, which includes intensification in existing urban areas and the identification of new greenfield areas for urban housing (termed Future Development Areas (FDAs)) in Rolleston, Rangiora and Kaiapoi. These locations have been identified in long-term growth strategies since 2007 and signalled by the Projected Infrastructure Boundary on Map A in Chapter 6 of the CRPS. 8. A Proposed Change to Chapter 6 of the CRPS, to identify the FDAs on Map A and insert associated policy provisions, was notified in January 2021 under a Streamlined Planning Process. Density scenarios indicate that, at a minimum density of at least 12 households per hectare, the FDAs could collectively provide for over 10,000 homes. 9. Further development capacity in Christchurch is not required to meet medium- and long-term housing targets, identified in Our Space 2018-2048 and expressed in the CRPS and Selwyn District Plan. 10. The proposed Whisper Creek subdivision is outside of the area identified for development in the Canterbury Regional Policy Statement (CRPS) and Our Space 2018-2038.
<p>Other considerations</p> <ul style="list-style-type: none"> • Are there any reasons that you consider it more appropriate for the Project, or part of the Project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA? 	<ol style="list-style-type: none"> 11. Canterbury District Health Board, in agreement with the GCP, is not supportive of the fast-track process for this project on the basis that it is inconsistent with policy direction in the CRPS and the strategic sub-regional land use and infrastructure planning framework for Greater Christchurch. 12. The Whisper Creek site is within the Special Purpose (Golf Resort) zone, which enable limited residential development as part of the golf resort, however, the policy is clear that the zone is to enable the benefits to the community that a golf resort can provide. Residential development without a golf course was not anticipated by the plan and its policies. The fast-track proposal did not include a map, making it difficult to assess whether the proposed housing in areas currently prohibited for subdivision in the Christchurch District Plan. 13. It is noted that this project exceeds the amount of housing and business capacity required to meet medium- and long-term targets, identified in Our Space 2018-2048 and expressed in the CRPS. Thus, additional capacity is in excess of what is needed. Development in these areas is not meeting a capacity shortfall, but rather could delay other growth and urban regeneration areas identified in Our Space 2018-2048 (and where infrastructure, and the public transport system, has been already built or planned) from being developed and regenerated.

- | | |
|--|---|
| | <p>14. The Whisper Creek site is bounded by the Styx river and, as noted in the application, and parts have a high risk of flooding . Although the proposal notes work will be done to divert and discharge surface and ground water, and notes previous technical assessments have been done, insufficient details has been provided in the application to explore this.</p> <p>15. Canterbury District Health Board is also concerned that insufficient amenities exist in the area to support the proposed 217 residential units proposed. Current residents in the area travel outside the area to shopping centres for everyday needs and for work. Ouruhia Normal School is the only school in the area. Children also attend primary and high schools outside the area.</p> <p>16. Canterbury District Health Board considers it more appropriate for the Whisper Creek Residential Subdivision application, in its entirety, to proceed through existing RMA consenting processes and the Greater Christchurch Spatial Plan process, recently commenced by the Partnership which will also look to satisfy the requirement under the National Policy Statement on Urban Development to prepare a Future Development Strategy under the National Policy Statement on Urban Development (NPS-UD).</p> |
|--|---|

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for persons requested by the Minister for the Environment to provide comments on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Organisation providing comment	Christchurch City Council
Contact person (if follow-up is required)	Abby Stowell
	s 9(2)(a)
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Whisper Creek Development
General comment	<p>The Christchurch City Council (the Council) thanks the Expert Consenting Panel for the opportunity to provide comments on the application – Whisper Creek, under the Covid-19 Recovery (Fast-track consenting) Act 2020 (FTCA).</p> <p>The Council is supportive of increasing the housing supply within the Greater Christchurch area in appropriate locations, and is committed to providing affordable housing opportunities for Greater Christchurch. There are clear short-term economic benefits associated with the project, including jobs created by design and construction. However, the project does not lie within the area identified for growth and is contrary to the Regional Policy Statement Map A which illustrates the anticipated locations for urban development of the Greater Christchurch area. It is acknowledged that the provisions for the Specific Purpose (Golf Resort) zone enable up to 150 units within the Whisper Creek Golf Resort without a requirement for the golf course to precede this. However, this is in the context of policy 13.9.2.1.2 of the District Plan of “Ensuring that the scale and nature of resort hotel, residential and commercial development associated with golf resorts is complementary and subsidiary to the primary recreational function of the resorts”.</p>
Other considerations	Click or tap here to provide any information you consider relevant to the Minister’s decision on whether to refer the project to an expert consenting panel.

Answers to
specific
questions

Question 1: *Are there any reasons that you consider it more appropriate for the Project, or part of the Project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA?*

We generally consider it more appropriate for the project to be considered through the existing Resource Management Act 1991 consenting process. This is subject to the proposal being deemed appropriate for this process by Environment Canterbury when considered against their plan. We note that the applicant has made earlier applications to develop this site. These applications have been considered and notified under the Resource Management Act. The notifications attracted a number of submissions from affected parties, many of which were in opposition of the development. We believe, given the historic interest in this site, that it is beneficial to enable submissions on the current application and to allow such submissions to be considered at a hearing with a right of appeal of any decision to the Environment Court.

Question 2: *What reports and assessments would normally be required by the Council for a Project of this nature in this area?*

The following assessments and reports would normally be required for a project of this nature:

- Infrastructure/Service report
- Traffic report
- Flooding and associated issues report
- Geotechnical report
- Landscape/planting/ecological report
- Earthworks report
- NES Land contamination report
- Design/urban design statement as this is a comprehensive development

Question 3: *Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your city?*

There have been no RMA infringements or prosecutions in relation to either of these applicants.

Mike Greer Homes - We have monitored a significant number of Mike Greer developments over the last few years. Although we have at times identified some low risk non-compliances (e.g. failing to plant trees across properties in a subdivision & fencing requirements not completed), we have always found that the company responds in a positive way and corrects issues raised. The Compliance officers report they have a good working relationship with the company and they are easy to deal with.

LMM Investments 2012 Limited - we have had minimal involvement with them and can report there have been no major issues.

Question 4: *How does the Project align with current urban growth strategies in your region?*

The Canterbury Regional Policy Statement shows the areas identified to accommodate growth for housing and business activities in Greater Christchurch on Map A in Chapter 6. These areas align with the current and anticipated provision for infrastructure in the Greater

Christchurch area. The Development is outside of the land identified for future growth and infrastructure, and therefore does not align with the current urban growth strategy. It should be noted that the land was zoned as Specific Purpose (Golf Resort) before the current Regional Policy Statement was decided.

Question 5: *Provide comment on any risks with flooding that may arise from the Project, or that may adversely affect the Project.*

Our flooding team has considered previous model results and information used for earlier processes for this site and limited to sea level rise scenarios (up to one metre, based on the current District Plan flood hazard overlay scope) to provide comment below. However they indicate that if discretion is available, more significant sea level rise allowances should also be considered. All levels below are in Christchurch Drainage Datum.

The latest peak tidal level analysis for Brooklands (at the Styx river tidal gauge) is tabulated below with 0m, 0.5m and one metre of sea level rise. This is simply a statistical analysis and extrapolation of recorded data and in no way attempts to quantify any additional frequency of extreme events due to climate factors other than sea level rise.

	0m SLR	0.5m SLR	1m SLR
median	10.25	10.75	11.25
annual	10.84	11.34	11.84
1 in 2 year	10.90	11.40	11.90
1 in 5 year	10.98	11.48	11.98
1 in 10 year	11.04	11.54	12.04
1 in 20 year	11.10	11.60	12.10
1 in 50 year	11.18	11.68	12.18
1 in 100 year	11.24	11.74	12.24
1 in 200 year	11.29	11.79	12.29
1 in 500 year	11.37	11.87	12.37
1 in 1000 year	11.43	11.93	12.43

In proposals previously presented to Council, some of the roading in the subdivision was proposed to be formed to only RL 11.20m. This is quite low compared to tidal flood levels (compares to a 1 in 50 year event present day, an annual tide event following 0.5m sea level rise, or a median high tide following one metre sea level rise). While these site levels are currently not subject to these direct tidal flood levels due to the surrounding topography including a significant floodplain between these points that will buffer tidal events (partially filling in high tide periods and draining down in lower tide periods), this clearly indicates that

the subdivision would be expected to become quite vulnerable to inundation in the future if not significantly filled.

We have a limited number of modelled flood events that provide some further indication of the flood hazard, however we caution that these are unlikely to be conservative, especially into the future. The current models assume that the present day coastal topography remains in place over time and tidal gates on the Styx River remain functional. As all modelled events are a combination of a rainfall event and a tidal event (noting that a similar peak tide level could be produced through a range of SLR and event frequency combinations), the model outputs are represented below with peak tidal levels, the resulting peak flood level at this subdivision location, and indications of three different tidal scenarios that could be expected to peak at this tidal level.

Rainfall event input	Peak tidal level	Peak flood level at site	SLR, 1 in 50 yr tide	SLR, 1 in 200 yr tide	SLR, 1 in 500 yr tide
48 hour, 1 in 20 year	11.56	10.80	0.38m SLR	0.27m SLR	0.19m SLR
48 hour, 1 in 5 year	11.71	10.83	0.53m SLR	0.42m SLR	0.34m SLR
9 hour, 1 in 20 year	12.06	11.48	0.88m SLR	0.77m SLR	0.69m SLR
48 hour, 1 in 20 year	12.06	11.66	0.88m SLR	0.77m SLR	0.69m SLR
48 hour, 1 in 20 year	12.38	12.07	1.20m SLR	1.09m SLR	1.01m SLR
48 hour, 1 in 50 year	12.50	12.23	1.32m SLR	1.21m SLR	1.13m SLR

We have previously suggested that this applicant looks to significantly fill the developed subdivision areas to provide a more robust long term solution, with either direct compensatory cut in undeveloped areas of site, or modelling to demonstrate the effects of this floodplain filling. As the Spencerville Road egress is relatively well elevated, this could provide a solution where the subdivision and its residents are unlikely to be significantly affected by flooding within the full range of flood events considered under the Plan currently. The proposal as previously presented did not appear to achieve this (aimed for a proposal very equivalent to a permitted/anticipated outcome on the site to limit the degree of assessment of effects required) and could significantly limit the duration of use of this new development area.

Question 6: *Provide comments on any impacts the Project may have on the existing drainage easement and encumbrance on the Project site.*

Our existing easements should be replicated in the new proposal to protect original interests as required, particularly drainage provision to the surrounds. In order to achieve this, basins and wetlands should not be placed in such a way as to interfere with current drainage.

Question 7: *How does the Project align with current urban growth policies in your city?*

<p>The District Plan seeks to enable a consolidated urban form within the exiting urban areas and in the greenfield areas identified in the Regional Policy Statement. The proposal is an urban development outside of the residential zones in the current District Plan. The Special Purpose (Golf) zone, in which the proposed development is situated, does enable limited residential development as part of the golf resort, however, this needs to be reconciled with policy 13.9.2.1.2 that seeks to ensure the scale and nature of residential development associated with the golf resort is 'complementary and subsidiary to the primary recreational function of the resort'. Residential development without a golf course was not anticipated by the policies of the District Plan.</p>

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

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Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for persons requested by the Minister for the Environment to provide comments on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Organisation providing comment	Selwyn District Council
Contact person (if follow-up is required)	Tim Harris, Group Manager Environmental and Regulatory Services
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Whisper Creek Residential Subdivision
General comment	Introductory comments <ol style="list-style-type: none">1. The Selwyn District Council (SDC) thanks the Ministry for the Environment for the opportunity to provide comment on the application – Whisper Creek.2. SDC is supportive of increasing the housing supply within the Greater Christchurch area in appropriate locations and is committed to providing affordable housing opportunities for Greater Christchurch.3. Through working collaboratively together, SDC and the Greater Christchurch Partnership (the Partnership) have developed a shared and consistent view of the future urban form for Greater Christchurch.
How does the Project align with the strategies and planning supported by the GCP for urban growth in the Greater Christchurch Area?	Strategic planning context <ol style="list-style-type: none">1. <i>Our Space 2018-2048: Greater Christchurch Settlement Pattern Update</i> Whakahāngai O Te Hōrapa Nohoanga (Our Space 2018-2048) was endorsed by the Partnership in June 2019 and subsequently adopted by each partner Council. It is the future development strategy for Greater Christchurch developed under the National Policy Statement on Urban Development Capacity (NPS-UDC).

	<p>2. Our Space 2018-2048 updates the settlement pattern originally set out in the Greater Christchurch Urban Development Strategy (UDS) from 2007 and underpins the planning framework outlined in Chapter 6 to the CRPS, inserted through a statutory direction as part of the Land Use Recovery Plan. Our Space 2018-2048 identifies sufficient development capacity to meet anticipated housing needs over a thirty year planning horizon out to 2048.</p> <p>3. A significant amount of housing development capacity is already enabled by the CRPS. Our Space 2018-2048 indicates there is existing capacity for nearly 74,000 dwellings in Greater Christchurch, against a housing target of 86,600 (including the additional margins that were required by the NPS-UDC), between 2018 to 2048. Our Space sets out a proposed approach to meet the projected shortfall, which includes intensification in existing urban areas and the identification of new greenfield areas for urban housing (termed Future Development Areas (FDAs)) in Rolleston, Rangiora and Kaiapoi. These locations have been identified in long-term growth strategies since 2007 and signalled by the Projected Infrastructure Boundary on Map A in Chapter 6 of the CRPS.</p> <p>4. The CRPS, to identifies the FDAs on Map A and has associated policy provisions, supporting these. Density scenarios indicate that, at a minimum density of at least 12 households per hectare, the FDAs could collectively provide for over 10,000 homes.</p> <p>Whisper Creek</p> <p>5. This project is outside of the area identified for development in the Canterbury Regional Policy Statement (CRPS) and Our Space 2018-2038.</p> <p>6. SDC is not supportive of the fast-track process for this project on the basis that it is inconsistent with policy direction in the CRPS and the strategic sub-regional land use and infrastructure planning framework for Greater Christchurch.</p> <p>7. Should these applications be referred to an expert consenting panel for consideration under the FTCA, then SDC requests an appropriate public participation process, including a hearing to provide comment.</p>
<p><i>Are there any reasons that you consider it more appropriate for the Project, or part of the Project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA</i></p>	<p>SDC support the comments made by Christchurch City Council (CCC) that it is more appropriate for the project to be considered through the existing Resource Management Act 1991 consenting process, subject to the proposal being deemed appropriate for this process by Environment Canterbury. As outlined in the CCC comments the applicant has made earlier applications to develop this site, which attracted a number of submissions from affected parties, many of which were in opposition of the development. Given the historic interest in this site, that it is beneficial to enable submissions on the current application and to allow such submissions to be considered at a hearing with a right of appeal of any decision to the Environment Court.</p>

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for persons requested by the Minister for the Environment to provide comments on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Organisation providing comment	Environment Canterbury
Contact person (if follow-up is required)	Aurora Grant
	Consents Planning Manager
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Whisper Creek Residential Subdivision
General comment	<p>Environment Canterbury has previously opposed additional development in this location. A submission was made in opposition on a resource consent application in 2019 to subdivide the site in order to create 70 residential allotments, roads and utility reserve, and land use consent for dwellings and earthworks in a flood ponding and flood management area. The concerns raised in our 2019 submission are also relevant to this application. A copy of the submission is attached for your information.</p> <p><u>Urban Growth</u></p> <p>The application proposes an uplift in the number of homes provided for under the current zoning in the District Plan, and the housing would not be ancillary to a recreational use as originally intended. The location is in an area that is inconsistent with the policy direction in the Canterbury Regional Policy Statement (Chapter 6 – Recovery and Rebuilding of Greater Christchurch). The site is not identified as a “greenfield priority area” on Map A of Chapter 6 in the CRPS and is not within the proposed infrastructure boundary. Development in this location is also inconsistent with Our Space (the Future Development Strategy for Greater Christchurch) which does not identify this area for future growth.</p> <p>The special zoning in the District Plan (Special Purpose (Golf) Zone) does provide for some limited residential development but this is tied to the primary activity being a golf resort. The current proposal is more analogous to a residential subdivision (permanent residents) which appears to be a different character of development than that anticipated by the current zoning (likely to be transient residents) associated with a golf course resort.</p> <p><u>Transport</u></p> <p>This location will be very difficult and expensive to service with public transport given it has not connection to existing development. This in turn makes it inconsistent with the principles of good urban design required by the CRPS and the provision of public transport which is required for Greenfield development (CRPS Policies 6.3.2, 6.3.3 & 6.3.4).</p> <p><u>Flood Risk</u></p> <p>It is understood that Christchurch City Council will be providing more detailed comments surrounding flood risks.</p> <p>The supporting documentation doesn’t specify whether a floor level assessment was made against each of the flood depth scenarios required in the District Plan, i.e.:</p>

- flooding predicted to occur in a 0.5% AEP (1 in 200-year) rainfall event concurrent with a 5% AEP (1 in 20-year) tidal event, including 1m sea level rise plus 400mm freeboard; or
- flooding predicted to occur in a 0.5% AEP (1 in 200-year) tidal event concurrent with a 5% AEP (1 in 20-year) rainfall event, including 1m sea level rise plus 400mm freeboard; or
- 12.3 metres above Christchurch City Council Datum.

The requirement in the District Plan is to use the highest floor level resulting from each of these scenarios. It is unclear whether the proposal has defaulted to the 12.3 metres above Christchurch City Council Datum or if this was the highest floor level of the three scenarios. We also note that the coastal hazard mapping information that CCC released as part of its engagement on a forthcoming coastal hazards plan change indicates that the high hazard area currently identified near to this site in the Operative District Plan may change (i.e., may expand) through this upcoming plan change process. We would recommend a precautionary approach that factors in this information into the location and design of any potential development.

The take and Use of Groundwater

The site is characterised by high groundwater levels. Wells in the vicinity, including the one on the site, also have artesian water levels (from a flowing artesian aquifer).

The supporting documentation states that “new wetlands will be created”. No detail has been provided as to how this is to be achieved. However, given the low-lying nature of the site and the high groundwater levels it is reasonably likely that intercepted groundwater may be taken and ultimately used to support the maintenance of the wetland habitat.

It is also proposed to establish stormwater basins within the low lying areas of the site. Again, the depth to groundwater in such areas suggests that groundwater is likely to be intercepted and that this is likely to be used to maintain the vegetation, flush the basins and dilute the stormwater.

In terms of the Canterbury Land and Water Regional Plan, groundwater lost through flow to surface water and/or by way of evaporation results in a consumptive take. Where the permitted activity standards for new groundwater takes, set out in rule 5.113 and rule 5.114, are exceeded consideration must be given to rules 5.128 to 5.130 to determine the status of a take and use of groundwater.

This site is located within the Christchurch – West Melton Groundwater Allocation Zone. Any new take and use of groundwater that exceeds the permitted rate and/or volume is a prohibited activity under rule 5.130.

The applicant has advised that preliminary piezometer testing of the groundwater levels between the drain and the development area (i.e. where the wetlands and stormwater basins are proposed to be established) were undertaken in the week of 4 April 2022. They have advised that “the depth to groundwater ranges from 600mm at the northern end, and up to 1,400mm at the southern end. In their opinion, they are comfortable that this gives them enough room to work with such that the wetlands and stormwater basins will be able to be designed to avoid intercepting groundwater”.

Whilst these groundwater investigations indicate that the proposed basins may be able to be designed in a manner that will ensure that groundwater is not intercepted during their construction, under current conditions. They do not necessarily support a conclusion that groundwater will not be intercepted when the basins are actually constructed, or over the life of the facility. In this light ECan considers it necessary to consider the status of this activity under the LWRP.

The applicant holds two water permits to take groundwater from this overallocated groundwater catchment (CRC222431 and CRC222441). There are consenting pathways available to alter the use of this water to provide for proposed basins / wetlands. With detailed hydrogeological investigations / modelling a design could be found that avoids or minimises any interception of groundwater to the extent that the take remains within the bounds of these water permits.

The applicant has suggested that the proposed “new wetlands” would be provided for as a permitted or discretionary activity by way of rules 5.159 or 5.160. It is noted in this respect that the LWRP definition of a wetland specifically excludes “artificial wetlands used for wastewater or stormwater treatment ...”. Given the nature of this proposal, being a residential subdivision, and the co-location of the wetlands with the stormwater basins it appears likely that the proposed wetlands will have some stormwater treatment function. Hence, these rules would not apply.

Further detailed information is needed to fully understand:

- the nature of the aquifer below the site

- the relative depth to groundwater and expected high water levels across the site
- the proposed design and operation of the basins and wetlands
- the extent to which the proposed earthworks will intercept groundwater and
- the likelihood that the confining layers will be breached and artesian flows incurred
- Any methods to be used to avoid the accidental interception of artesian flows and any methods proposed to manage these should they occur.

All this information is required to determine the likely rate and volume of the groundwater take, bearing in mind, losses to surface water, evaporation, any artesian flows, and the volume taken from any well on the site.

The discharge of Stormwater

"Stormwater is to be discharged to ground via the proposed recreated wetland system with any secondary flows to existing Council-controlled waterways" (Additional information dated 1 March 2022).

An additional consent is required for any discharge to surface water, in addition to the one described for a discharge to ground if this is the case.

It is suggested in various places that stormwater will be conveyed in or discharged via infrastructure / waterbodies that are or will be owned or controlled by CCC. In such instances it would be normal for ECan to consider the potential effects on CCC and whether they should be considered to be affected by the proposal.

Clarification is required as to whether it is intended to authorise the discharge of construction and/or operational stormwater via the City Council global discharge permit or by way of a specific consent.

In considering the potential effects of the proposed stormwater discharge particular attention should be given to:

- the potential that this discharge may be direct to water, without the benefit of passing through the ground; and
- the design event for the primary stormwater system and secondary overflow paths and the potential for flooding related effects within the catchment

Wetlands and Waterbodies

No current wetland or other terrestrial ecology information shows up on our GIS layers. However, at least some of the area would have been historic wetland as is indicated on the Ecan maps historic wetland layer (which is clipped from a national historic wetland dataset). The network of drains visible on the aerial photos of the site support this, as does the low depth to groundwater.

The 2017 'Whisper Creek Ecological Assessment report' prepared by Wildlands Consultants confirms the presence of wetland habitats in and on margins of drains. It also notes the presence of At Risk Canterbury grass skink in terrestrial rank grass habitats within parts of the application area.

The 'ecological assessment report' does not formally assess its ecological significance of the area against the Canterbury Regional Policy Statement criteria for wetlands. Nevertheless, it is clear from the text of the report that the drains and drain margin habitats would meet one or more of the CRPS criteria, as would terrestrial parts of the application area supporting Canterbury grass skink populations.

These drain areas will probably meet the RMA definition of wetland but may not meet the NPS-FM definition of 'natural wetland' (depending on vegetation composition). A detailed assessment of wetlands, drains and other waterbodies should be provided in order to determine the status of the waterbodies on the site. This will enable a more complete assessment to be made of the CLWRP and NES provisions. The wetland assessment should be undertaken in line with the MfE wetland delineation protocols.

The Applicant states that the Styx Drain does not meet the definition of a 'natural watercourse' under the CLWRP standards. Drainage networks within historic wetlands are often classified as modified natural watercourses rather than 'drains'. As such all the CLWRP provisions relating to rivers would be applicable to them. As discussed above more information will be needed to confirm the classification of the water courses throughout the site. This will help to confirm the status of the proposed culverts under both the CLWRP and the NES-F.

	<p><u>Construction Effects</u></p> <p>It is apparent that this site has a complex hydrogeographic setting and that earthworks are proposed in close proximity to or within groundwater. Careful attention will therefore need to be given to the management of the construction activities if adverse effects on groundwater are to be avoided.</p>
Specific Questions	<ol style="list-style-type: none"> Are there any reasons that you consider it more appropriate for the Project, or part of the Project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA? No comment. What reports and assessments would normally be required by the Council for a project of this nature in this area? <ol style="list-style-type: none"> A thorough assessment of the status of any take and/or use of groundwater under the rules of the C LWRP would be expected to be based upon: <ul style="list-style-type: none"> a hydrogeological survey and model of the area An assessment (model) of the likely volume of any take of groundwater. This must consider evaporation and losses to surface water. A description of the proposed use of the groundwater. This should detail how the stormwater system / basins and the proposed wetlands will be established and maintained and the source of the water used to maintain vegetation during dry periods. A detailed assessment of the status of all the proposed activities under the NES-F. An assessment of the potential location of wetlands within or near the site (undertaken in accordance with the MfE wetland delineation protocols) would be expected to form part of this. Reference would also be expected to be made to policy 9.3.1 of the Canterbury Regional Policy Statement "Avoid any impacts of land use activities on the significant indigenous biodiversity or indigenous biodiversity values (i.e. the drains, waterways, wetland margins; lizard habitats) identified in the Wildlands report" Assessment of effects on: <ul style="list-style-type: none"> Groundwater quality Groundwater quantity Groundwater users Localised changes in groundwater level (mounding) Surface water quality Surface water quantity Ecological values Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your region? Council records indicate that Mike Greer homes have a single infringement incident relating to the discharge of sediment and sediment laden water onto land where it may enter water at 87 Studholme Street. How does the Project align with current urban growth policies in your region? Refer to the above. Do any wetlands exist on the Project site and, if so, are any of the Project's proposed works prohibited activities? Refer to the above. It does not appear so however additional information is required to determine whether this is the case or not.

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

Notice of Submission on an Application for Resource Consent- Christchurch City Council

Submission made by electronic means

1. SUBMITTER DETAILS

Name of Submitter: Canterbury Regional Council

Physical Address: 200 Tuam Street

Postal Address: PO Box 345

Email Address: s 9(2)(a)

Telephone: s 9(2)(a)

My Address for service for receiving documents and communication about this application is: by email

2. APPLICATION DETAILS

Application Reference Number: RMA/2018/176

Name of Applicant: LMM Investments 2012 Limited, C-/ Davie Lovell-Smith

Application Site Address: 240 Spencerville Road

Description of the Proposed Activity: Subdivision of the site to create 70 residential allotments, roads and utility reserve, land use consent for dwellings and earthworks in a flood ponding and flood management area, and outside of the "Resort Community Area"

3. SUBMISSION DETAILS

We Oppose all or part of the application

The specific parts of the application that our submission relates to are: (give details)

The whole application, with particular concern about the following aspects:

- The location of the subdivision is outside of the greenfield priority area in Chapter 6 of the Canterbury Regional Policy Statement (CRPS).

- The hazard risk of the area
- The limited mitigations proposed by the applicant
- Ecological effects

The reasons for our submission are:

Canterbury Regional Council (CRC) supports development in the region in the appropriate locations. The CRPS sets out areas where development is encouraged and where development is to be avoided. Poorly planned development can increase risk from natural hazards, and the effects of climate change, create resource use conflicts, increase community isolation, prevent the efficient and effective delivery of infrastructure and services, reduce economic viability and result in overall greater energy consumption. The proposed development at 240 Spencerville Road is inconsistent with several policies in the CRPS relating to the development location within Greater Christchurch. CRC also has concerns with the development being in close proximity to a High Flood Hazard Management Area (HFHMA). These are outlined below.

Location of the development

The proposed subdivision creates 70 residential sites ranging from 1411m² to 1.3ha. Residential use is provided for within the Specific Purpose (Golf resort Zone) and up to 71 lots are allowed for before the golf course is fully developed. The application appears to assume that these lots are 'available'. However, the initial 71 lots have been provided on the basis that a golf course will be developed or is in the process of being developed. The golf course is no longer proceeding therefore this subdivision would create a disjointed development area with none of the amenities or wider community benefits that would have been present if this land was developed into a golf resort, as was the intention at the time the land was zoned.

CRPS Objective 5.2.1 Location, design and function of development (Entire Region)

Under the Canterbury Regional Policy Statement (CRPS), Objective 5.2.1 addresses the location, design and function of development over the entire Canterbury Region. It states that development is to be located and designed so that it functions in a way that, among other things, enables people and communities to provide for their social, economic, and cultural well-being and health and safety. With the disjointed nature of the subdivision, it is now no longer being attached to the planned golf resort, and the hazard risks, this application does not meet Objective 5.2.1 of the CRPS.

Of relevance to this objective is that the applicant has not provided a wastewater capacity certificate as required under CDP for the appropriate functioning of a wastewater system. It is worth noting that under Rule 5.8 of the Canterbury Land and Water Regional Plan (CLWRP) consent would be required for the discharge of wastewater for sites under 4ha.

CRPS Policy 6.3.1 Development within the greater Christchurch area

The proposed application does not fit with Chapter 6 of the CRPS. The particular site is not identified as a "greenfield priority area" on Map A of Chapter 6 in the CRPS and is not within the infrastructure boundary. Any significant new subdivision development should be within

the areas outlined on Map A. Anything new located outside of these areas is unlikely to be appropriate.

Hazard risk

The proposed site is subject to a Flood Management Area, Flood Ponding Management Area, HFHMA, Liquefaction Management Area and a Tsunami Evacuation Zone. These hazard risks are likely to increase with predicted future climate change and associated sea level rise.

CRPS Policy 11.3.1 Avoidance of inappropriate development in high hazard areas

Policy 11.3.1 of the CRPS sets out criteria for the development of land in high hazard areas. Providing certainty on how new development will be managed in high hazard areas is not only vital in terms of human health and safety but is also necessary to enable long term plans to be made by people, investors, service providers and infrastructure providers in these areas. This certainty is also important to help greater Christchurch recover from the recent series of earthquakes and to provide a basis for managing urban growth.

Under Policy 11.3.1 development in high hazard areas which sit outside of specified urban areas is to be avoided. The applicant has stated that no residential units will be constructed within the HFHMA. However, because a large portion of Pt Lot 2 D P5889 is in the HFHMA, this could indicate that the proposed development site itself has an increased risk of flooding. This risk will become greater with the impact of climate change and is of concern to CRC.

Proposed mitigations

The application is unclear regarding mitigation for the onsite hazard risks. A large portion of the site requires some filling to lift the house sites above the flood plain. The application is not clear on the exact details as to how this filling will be carried out, the locations across the site and the effects that this could potentially have on surrounding properties. There are some units in the flood ponding area that have no mitigation and houses are not proposed to be on piles, as is required to gain consent under the Christchurch District Plan (CDP). This vague mitigation seems risky in a high hazard environment and more detail regarding exact mitigations would be appropriate.

Ecological effects

CRC plays an important role in managing the adverse effects of activities on freshwater in the Canterbury Region and a major issue as outlined in the CRPS Issue 7.1.2 is the indirect effects of development and intensification on freshwater bodies. The Styx River runs along the southern boundary and identified as a site of ecological significance listed in Schedule A of Appendix 9.1.6.1 of the Christchurch District Plan. The development does not appear likely to affect the ecological values of the Styx River, but the application lacks detail regarding this, especially as the extent of earthworks, filling and possible run off at the site is unknown.

CRC notes that the Tonkin and Taylor report supplied by the applicant suggest that in relation to the National Environmental Standards for Assessing and Managing Contaminants in Soil to protect Human health (the NES) that there are areas within the site that warrant further investigation. Under the CLWRP Rule 5.185 this further site investigation is required to be undertaken in accordance with Contaminated Land Management Guidelines and a copy of the report must be provided to the CRC within 2 months of the investigation being completed.

The decision we would like the Council to make is: (give details including, if relevant, the parts of the application you wish to have amended and the general nature of any conditions sought).

To decline the consents applied for in relation to this development for the reasons given above.

4. SUBMISSION AT THE HEARING

We wish to speak in support of our submission

5. SIGNATURE

Signature:

A handwritten signature in black ink, appearing to be 'NP' followed by a horizontal line.

Date: Wednesday, 30 January 2019

Note: A signature is not required if you make your submission by electronic means