

**Before an Independent Hearings  
Panel Appointed by the  
Waimakariri District Council**

**Under** the Resource Management Act  
1991

**In the matter** of submissions and further  
submissions in relation to the  
proposed Waimakariri District Plan

**And**

**In the matter** of Hearing Stream 12A: Rezoning  
Special Purpose Zone – Pegasus  
Resort

**And** submissions by DEXIN Investments  
Ltd

**Memorandum of Counsel on behalf of  
DEXIN Investments Ltd (Submitter 377)**

Dated: 07 June 2024

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1. This memorandum is filed on behalf of DEXIN Investments Ltd (**DEXIN**).
2. At the hearing of DEXIN's submissions on Tuesday, the Panel requested a copy of the Mahaanui Kurataiao Ltd (**MKT**) response (**Response**) to DEXIN's request seeking to rezone 1250 Main North Road.
3. I have **attached** as **Annexure A**, the MKT Response which ought to have been included in one of appendices to the CIA prepared by Kakano Aotearoa 2017 Ltd for DEXIN<sup>1</sup>.
4. I note that the CIA was prepared after MKT advised it would not take any further steps even though the Response stated that MKT would be available to discuss the Response further or assist in direct engagement with the Rūnanga. I can provide a more detailed timeline of the consultation process if that would be of assistance to the Panel.
5. The Panel also asked Mr Smith if he had NZTA/Waka Kotahi's<sup>2</sup> agreement in writing regarding the emergency exit<sup>3</sup> onto the state highway shown on the updated ODP.
6. Mr Smith has been in contact with NZTA/Waka Kotahi since the hearing and has been advised that while not opposed in principle to a state highway emergency access they would want to know more details before written agreement could be provided and would prefer that is achieved by way of a resource consent.
7. In these circumstances I suggest the reference to the emergency access in the ODP's key is amended to:  
  
*Indicative Emergency Access*  
*Any emergency access onto SH1 is subject to the approval of NZTA/ Waka Kotahi as the road-controlling authority.*
8. As the Panel will recall, any development of the land will require a resource consent and as part of that process will need to demonstrate it is in accordance with the ODP (see built form standard BFS12). If any emergency

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<sup>1</sup> Noting the CIA stated that MKT had not provided support for the rezoning at page 34

<sup>2</sup> Noting that Waka Kotahi is not a submitter on the DEXIN submission

<sup>3</sup> Subject to a temporary traffic management plan

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access forms part of what is proposed then NZTA would be an affected party, and in any event it would ultimately control the issue as the road-controlling authority.



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**Amanda Dewar**

Counsel for DEXIN Investments Limited

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**From:** Sapphire Wairau <[Sapphire.Wairau@ngaitahu.iwi.nz](mailto:Sapphire.Wairau@ngaitahu.iwi.nz)>

**Sent:** Monday, June 27, 2022 9:16 AM

**To:** Tony Joseph <[tony@josephs.co.nz](mailto:tony@josephs.co.nz)>

**Subject:** Pegasus Māketē - Manawhenua advice

Mōrena Tony,

Please find attached the report that reflects the position of Te Ngāi Tūāhuriri on the proposal - Pegasus Māketē. If you have any questions, please email them through and I will respond as soon as I can.

Ngā mihi,

**Sapphire Wairau** | Ngāi Tahu, Tapuika, Rongomaiwahine

**Mahaanui Kurataiao Ltd** | Environmental Advisor | 226 Antigua Street Christchurch 8011

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23 June 2022

**To:** Dexlin Investments Ltd  
**Attention:** Tony Joseph

## Pegasus Māketē

### 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 following Rūnanga hold manawhenua over the project's location, as it is within an area of joint 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 for activities potentially adversely affecting 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).

### Summary of Proposal

- Dexlin Investments Limited has engaged with Mahaanui in the early stages of development and planning.
- The developer has been involved with the Golf Course proposed expansion and Pegasus town development..
- The developer seeks to use this site to create a tourist destination within an 'agrarian parkland landscape' on private land adjacent to Pegasus.

- The development would require a zone change to ‘Special Purpose zone’ as the site is currently zoned as ‘Rural’. This would allow for a range of agricultural tourism activities and some medium density residential development.
- The development would showcase North Canterbury products through:
  - A wine tasting centre
  - An Arts Centre
  - Educational facility for children (based around cooking, stream biodiversity, food harvesting etc.)
- A covered market would be established on site to hold events during the weekends.
- The site contains an orchard (northeast corner, south of stream), which the developer wishes to retain, maintain, and expand.
- The development would also include:
  - A new car parking facility,
  - Mixed housing (terrace + semi-detached styles) which will ensure safety of the site at night.
  - Removal of historic flour mill remnants, particularly those near the stream, and
  - Construction of walkways in the area
- The developer is interested in using an agricultural vernacular in the architecture utilising timber, brick, steel and tin.
- The developer is wanting an entrance sculpture that will not detract from Pegasus.
- At present, there are two potential accessways to the site which are proposed at Pegasus Boulevard and/or Burntwood Lane.
- The developer is interested in creating pedestrian bridges to connect to existing pathways.
  - They may be installing one to the northeast of the site to connect to a walkway from the golf course to Kaiapoi pā.
- Taranaki stream flows through the site. This waterway is highly significant to manawhenua.
- The developer is wanting to undertake works on the stream to naturalise and enhance it.
- A site visit occurred 2 weeks ago, and an ecological report was prepared by 4Sight Consulting.
  - 8 native fish species, including two estuarine wanders (black flounder and yellow-eyed mullet) and one exotic species (brown trout) have been recorded from Taranaki Stream. – See Table 1.

- At the time of survey, the stream was swiftly flowing, and visual water clarity was excellent.
- Several bullies (likely common bullies) and two large longfin eels were observed in the lower stream during the invertebrate sampling and stream walkover.
- No wetlands or areas of vegetation indicating the presence of potential wetlands were identified on site.
- The development of the site offers an opportunity to improve and enhance biodiversity values within the site and enhance the riparian habitat values of the site stream.
- It is proposed that stormwater will be kept out of the stream and directed into ponds, swales and tanks.
- The first flush basin (370m<sup>2</sup>) and wetland (2,500m<sup>2</sup>) would treat stormwater from the Māketē buildings and roads (refer to figure 2, below).
- Residential lots will require individual rainwater tanks.
- The developer wishes to tell the story of the area through design and interpretation.
- A plaque would potentially mark the site of the removed historic mill.

## Evaluation in relation to Mahaanui Iwi Management Plan (MIMP)

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;
- (b) Ensuring engagement with Papatipu Rūnanga at the Plan Change stage, where plan changes are required to enable subdivision;
- (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.

*Note: The applicant has consulted with the rūnanga in their early stages of development.*

**CL4.4** The Silent File designation means that:

- (a) There must be a high level of engagement with Papatipu Rūnanga to assess whether the location, type and scale of proposed activities may adversely effect the values associated with the Silent File area;
- (b) The Papatipu Rūnanga shall have a high level of influence over decisions to grant or decline consents. Only tāngata whenua can determine whether a development will affect silent file value; and
- (c) The Papatipu Rūnanga shall not be required to justify the nature and extent of cultural effects, or why an activity may be inconsistent with values in a Silent File area. Tāngata whenua must be able to “say no” without revealing the location or status of a site.

*Note: The proposed site is within a Silent File (017, Pekapeka). For Te Ngāi Tūāhuriri, a high level of high protection is required for the tapū nature of this site. The remains of tūpuna were interred here following the massacre at Kaiapoi. Concerns have been raised that the rural theme of the development is not considered appropriate for the sensitivity of this location.*

**CL1.8** To identify opportunities to enhance cultural landscapes, including but not limited to:

- (a) Restoration/enhancement of indigenous biodiversity;
- (b) Enhancing views and connections to landscape features;
- (c) Appropriate and mandated historical interpretation;
- (d) Setting aside appropriate areas of open space within developments; and
- (e) Use of traditional materials, design elements and artwork.

*Note: While it is noted that indigenous biodiversity restoration is an opportunity within this proposal, the agrarian and rural theme of the proposal presents a potential conflict with manawhenua identity and the site as a cultural landscape.*

**CL7.3** To support the use of interpretation as a tool to recognise and provide for the relationship of Ngāi Tahu to particular places, and to incorporate Ngāi Tahu culture and values into landscape design.

*Note: While it is appreciated that the developer is willing to incorporate a cultural narrative into the design plans to reflect manawhenua identity, development on the site will result in further disturbance of the culturally sensitive area and the relationship Ngāi Tahu have with wāhi tapu.*

**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 wet ponds and wetlands (environmental infrastructure), using appropriate native plant species, recognising the ability of particular species to absorb water and filter waste.

*Note: Whilst there are appropriate stormwater management controls in place, further development could increase pressures on the system and the waterway flowing through the site.*



## Conclusion

Mahaanui staff have evaluated the proposal considering values and policies outlines in the Mahaanui Iwi Management Plan, and have obtained feedback from the mandated kaitiaki representatives for Te Ngāi Tūāhuriri Rūnanga.

The rūnanga have many concerns regarding this development which are primarily associated with the sensitivity of the area and the potential disturbance the development could have on Kaiapoi pā and the protection and restoration of mahinga kai sites. The location is of high cultural significance to Te Ngāi Tūāhuriri rūnanga and Ngāi Tahu whānui given the skeletal remains of many Ngāi Tahu rangatira were interred after the fall of Kaiapoi Pā. Therefore, this wahi tapu is of high importance to the rūnanga and is an area that they want to place high protection on.

The existing footprint of Pegasus Town is viewed as at the limits of what should be established in order to protect the values of the area. The scale of the proposal is therefore beyond what is viewed as appropriate for the site.

Although the rūnanga believe that this is a great concept, it is recommended that the applicant undertakes the proposal in an alternative location that is less likely to compromise or place pressure on sites of significance to manawhenua. In summary, the location is not culturally appropriate for this type of development.

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