

Mahaanui Kurataiao Ltd

ASSESSMENT OF IMPACTS ON
RANGATIRATANGA AND TREATY
PRINCIPLES - POSITION
STATEMENT

PEGASUS GOLF EXPANSION

MAPLEHAM DRIVE

Introduction and Summary

This Assessment of Impacts on Rangatiratanga and Treaty Principles - Position Statement records the position and views of the mana whenua of Te Ngāi Tūāhuriri Rūnanga, in respect of the proposal for redevelopment of the Pegasus Golf Course into a spa destination with associated retail and facilities.

Te Ngāi Tūāhuriri Rūnanga are mana whenua and are the authority exercising rangatiratanga over the proposed area of development.

This Position Statement:

- outlines the purpose and status of this document for Council decision makers;
- includes a summary of the relevant legal framework; and
- states the current position of the Rūnanga in relation to the proposed redevelopment at Pegasus Golf Course.

In summary this statement records the non-opposition of Te Ngāi Tūāhuriri Rūnanga to the granting of consents and changes proposed to the Waimakariri District Plan for the proposed redevelopment of Pegasus Golf Course.



Purpose of this Statement

This Mana Whenua Position Statement records the position and views of Te Ngāi Tūāhuriri Rūnanga in response to the proposed redevelopment of Pegasus Golf Course. It is a living document and will be updated as required to respond to changing circumstances.

This statement addresses the consistency of the proposal with the principles of Te Tiriti o Waitangi and provides guidance on the actions required to adhere to those principles. It addresses the requirements in the Resource Management Act 1991 (RMA) for persons exercising functions and powers under the RMA to:

- a) recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga (section 6(e));
- b) have particular regard to kaitiakitanga (section 7(a));
- c) take into account the principles of the Treaty of Waitangi (section 8).

The position and interests of Te Ngāi Tūāhuriri Rūnanga are informed by Te Tiriti, on the basis that Te Tiriti;

- is the founding constitutional document for Aotearoa New Zealand;
- is the foundation on which the governing systems and structures are based;
- is the primary nexus between tikanga Māori and the laws of England, which today form the laws of New Zealand; and
- guaranteed for Māori tino rangatiratanga, the unqualified exercise of chieftainship, over lands, villages, and all their property and treasures.

This Statement is to be accorded the status of:

- a planning document recognised by an iwi authority under section 61(2A)(a) [RPS], 66(2A)(a) [regional plan], 74(2A) [district plan] of the RMA
- an official position statement of Te Ngāi Tūāhuriri Rūnanga.
- an assessment of impacts on Rangatiratanga, Te Tiriti principles, rights and interests, in lieu of an assessment of impact on 'cultural values' for the purposes of:
 - preparing an Assessment of Environmental Effects in accordance with section 88(2)(b) and Schedule 4 of the RMA
 - a request for further information in order to assess an application under section 92 of the RMA
 - providing information to assist in determining notification status under sections 95 to 95F of the RMA
 - providing information to enable appropriate consideration of the relevant Part 2 matters under section 104 of the RMA

- consideration of appropriate conditions of resource consent under section 108 of the RMA

This Statement is a standalone document and is not an assessment of impacts on cultural values and interests. Such assessments may not inform a changing description of the proposed activity over time, or accurately reflect the position of Te Ngāi Tūāhuriri Rūnanga. This Statement is not limited by the requirements of the RMA or any other legislation but should be used to inform the assessment of the proposal at Pegasus Golf Course against the principles of Te Tiriti, and other statutory assessments.

The Proposal

Summary

Sports and Education Corporation Limited (SECL) are undertaking a redevelopment and expansion of Pegasus Golf Course with the intention of creating an internationally recognised destination providing a world class tourist experience.

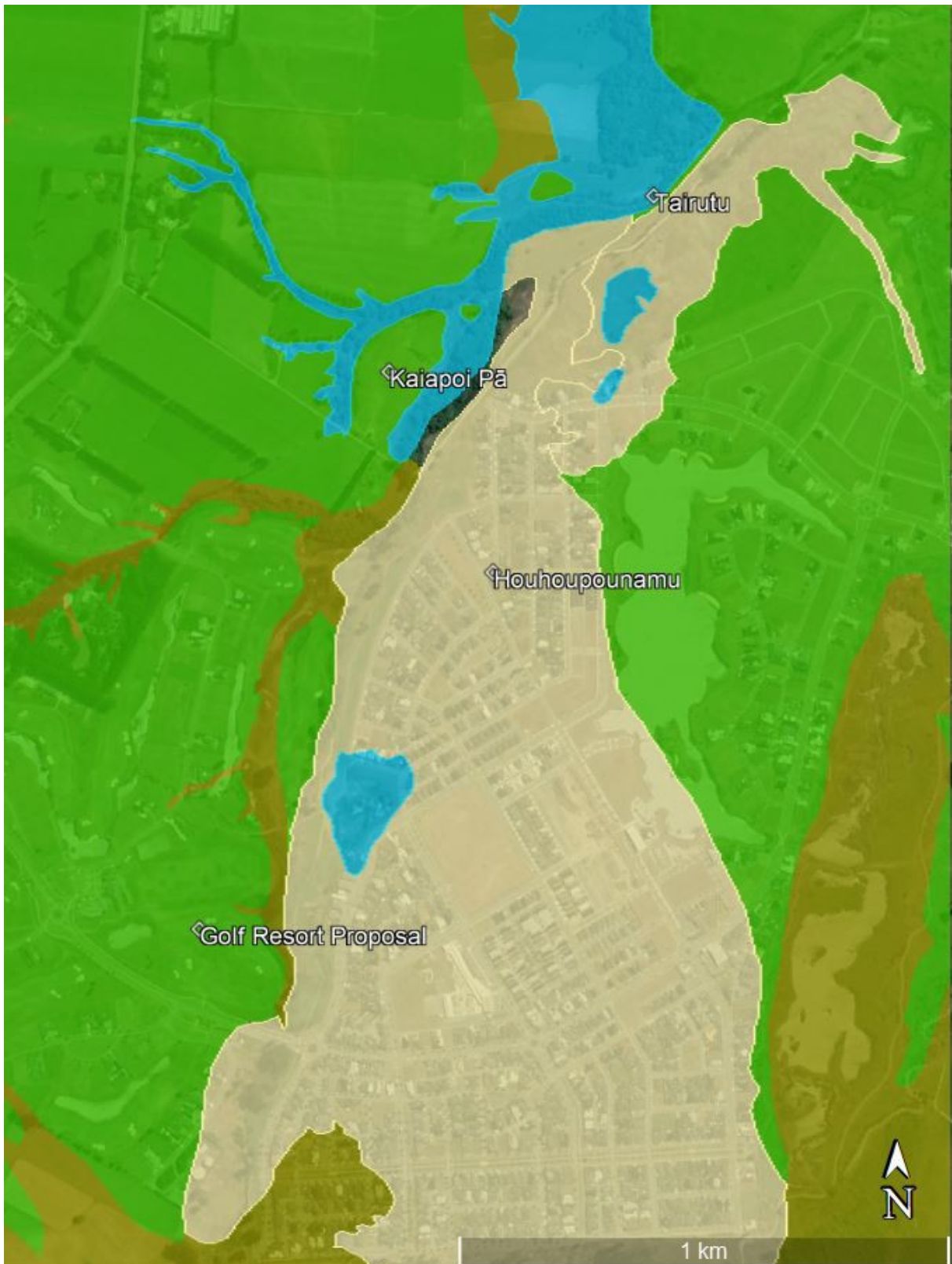
The site is currently zoned Rural in the Waimakariri District Council Operative District Plan. SECL have developed an amended draft zone chapter for WDC, which would allow for a greater range of resort-based activities across the land currently being used as the Pegasus Golf Course.

The development would include creation of six distinct activity areas over approximately 14ha, which will be enabled through plan changes to the Waimakariri District Council Outline Development Plan.

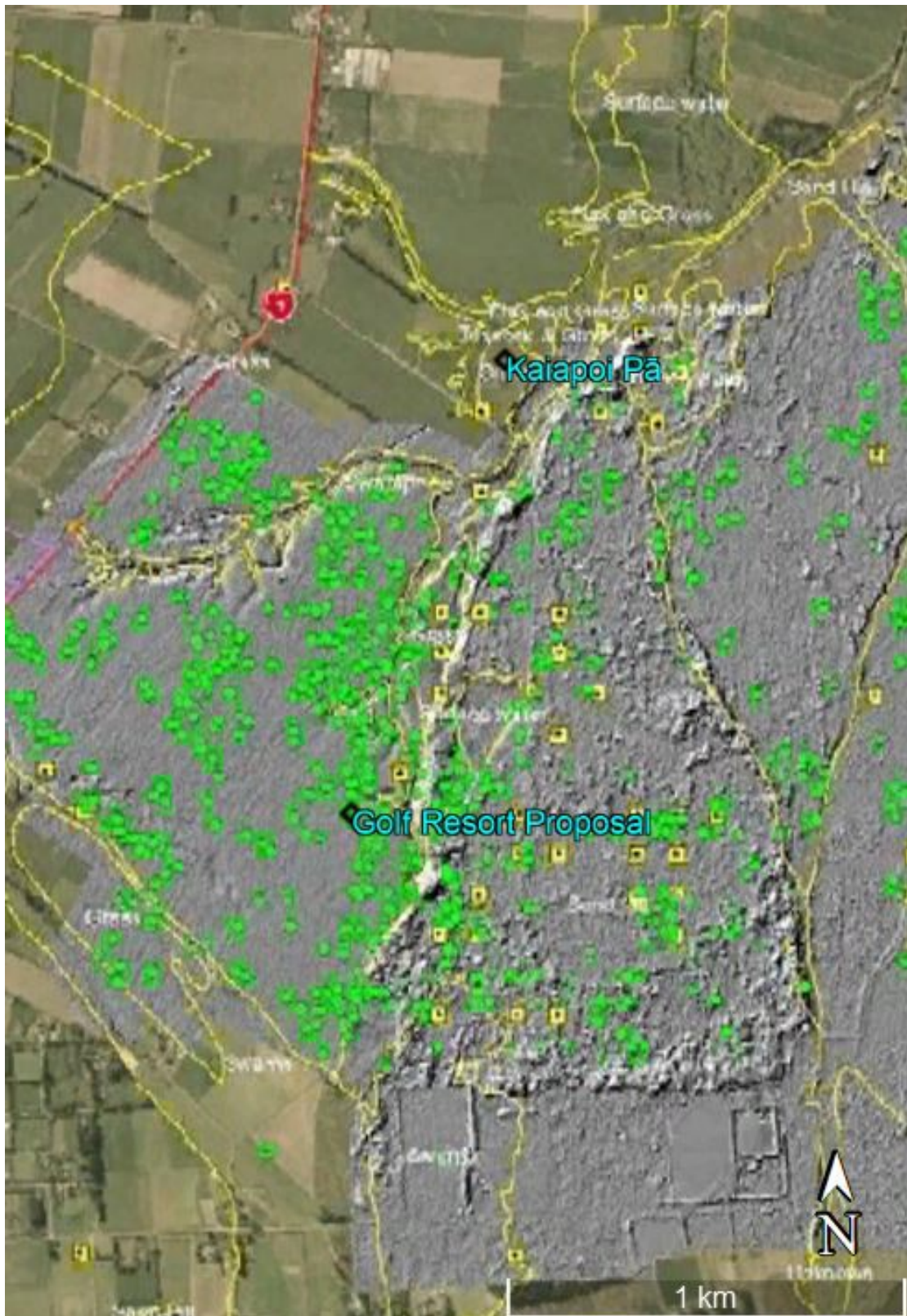
The activity areas will include a spa, centred around the development of a hot pool complex which will utilise domes to create a subtropical undercover area. A range of accommodation options will be provided including a large hotel and mixed-use tourist accommodation. An additional hotel has already been consented and construction will begin shortly.

A country club, golf academy, and associated activities directly related to the operation of the golf course will be provided for. A retail and accommodation village will also be created that is intended to attract local visitors as much as guests.

The Design Guidelines specify landscaping will be established that is sympathetic to the surrounding environment, enhancing the amenity and biodiversity of the area. Planting will be used to create screening to reduce the dominance of hard surfaces. Some exotic species are proposed within the plant guides for seasonal interest.



Map 1 – Proposal site within the context of the ancestral environs



Map 2 – Proposal site within the context of the Māori archaeological landscape

The site is within a cultural landscape among the highest of high hapū and tribal significance, and in the vicinity of several Silent Files. There are multiple identified NZAA Māori archaeological sites, along with 600 geo-tagged 'sites' in this portion of the wider Pegasus development (See maps 1 and 2).

Information provided

- Assessment of Environmental Effects.
- Economic Assessment
- Desktop Ecological Review.
- Design Guidelines (draft).
- Transport Assessment.
- Special Purpose Zone Section 32 Report.
- Visual and Landscape Effects Assessment.
- Pegasus Outline Development Plan.
- Client hui and emailed correspondence was also provided.

The Legal Framework

The legal framework from which this Statement is informed includes a number of different sources of statute and common law. A brief summary of this framework, relevant to the proposal at Pegasus Golf Course is set out below.

Principles of Te Tiriti o Waitangi

The principles of Te Tiriti have evolved over time and will continue to evolve. Te Tiriti is a living document and must be interpreted in a contemporary setting. The relevant principles will vary depending on the context and issues and are significant for determining the appropriateness of the proposal at Pegasus Golf Course, and the process followed.

In the context of the proposal at Pegasus Golf Course, the following principles are relevant to territorial local authority (as agents of the crown) decision-making (procedurally and substantively).¹

- The acquisition of sovereignty in exchange for the protection of rangatiratanga.

- Partnership: each party to the Treaty is required to work together and owes the other a duty to act reasonably and in good faith.
- Freedom of the Crown to govern: The Crown has the authority to make laws for good order and security of the country, subject to any duty imposed on the Crown by its responsibilities and obligations to Māori preserved under Te Tiriti.
- Duty of active protection: The Crown has a duty to actively protect Māori interests in the use of their lands and waters.
 - Duty to remedy past breaches: The Crown has a duty to grant some form of redress where the Waitangi Tribunal finds merit in a claim.
- Retention of rangatiratanga: the right of Māori to exercise full iwi authority and control over their lands, resources and taonga.
 - Duty to consult: the responsibility to act in good faith and reasonably puts the onus on the Crown to make an informed decision, generally requiring consultation.

Ngāi Tahu Claims Settlement Act 1998

The Ngāi Tahu Claims Settlement Act 1998 enshrined in law the agreements recorded in the Ngāi Tahu Deed of Settlement. Of relevance to the decision-making (procedurally and substantively) of territorial local authority (as agents of the crown) proposal at Pegasus Golf Course:

- The Crown apology acknowledged that injustices suffered by Ngāi Tahu, recording:
 - the Settlement does not “*diminish or in any way affect the Treaty of Waitangi or any of its Articles or the ongoing relationship between the Crown and Ngāi Tahu ... or undermine any rights under the Treaty*”
 - the Settlement marks “*a new age of co-operation with Ngāi Tahu*”.
- Ngāi Tahu is recognised as tāngata whenua of, and holding rangatiratanga within, the Ngāi Tahu takiwā.
- Rights and interests afforded to Ngāi Tahu under the Ngāi Tahu Claims Settlement Act 1998 must not be eroded by the proposal at Pegasus Golf course.

Te Rūnanga o Ngāi Tahu Act 1996

The Te Rūnanga o Ngāi Tahu Act 1996 establishes Te Rūnanga o Ngāi Tahu as the representative of Ngāi Tahu Whānui. The Crown and every person whose rights are affected by any provision of the Act, including body politics and corporates, are bound by the Act. Te Ngāi Tūāhuriri Rūnanga (the modern assembly of Ngāi Tūāhuriri, a primary hapū of the iwi Ngāi tahu) is one of the 18 Papatipu Rūnanga that collectively make up Te Rūnanga o Ngāi Tahu.

Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001

This order is supplementary to the above act and superseded schedule one of said act. The Papatipu Rūnanga and their respective takiwā are set out in this order. Te Ngāi Tūāhuriri Rūnanga is thus established as Papatipu Rūnanga of Ngāi Tahu.

Relationship of Te Tiriti o Waitangi with:

The Resource Management Act 1991

The requirement in section 8 of the RMA to have regard to Te Tiriti has both procedural and substantive implications for RMA decision-making.⁷ The duties in the RMA in respect of the relationship of Māori, kaitiakitanga, and the principles of the Treaty, are strong directions to be addressed at every stage of the planning process.

The Local Government Act 2002

Section 4 of the Local Government Act 2002 states:

“In order to recognise and respect the Crown’s responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.”

These principles and requirements are intended to facilitate participation by Māori in local authority decision-making processes in order to give effect to the Crown's obligations under Te Tiriti. The Local Government and Environment Select Committee in its report to Parliament on the Act clarified that:¹⁴

*“The ... clause makes clear that Treaty responsibilities lie with the Crown, which is the Treaty partner. **When powers are delegated to local authorities, requirements need to be put in place to ensure that the Treaty is observed.** The clause 12 principles and a set of mechanisms in Part 2 and Part 5 have been included in the bill in order to give effect to the Crown's obligations.”* [emphasis added]

This approach accords with the principle that the Crown cannot evade its obligations under the Treaty by conferring authority on some other body that is inconsistent with the Crown's Treaty obligations.¹⁵

Partnership with local authorities

Parts 2 and 6 of the Local Government Act 2002 are intended to facilitate participation of Māori in local government. Local government has therefore been charged with the responsibility to provide opportunities for Māori to contribute as partners to decision-making processes.

While there are general requirements for consultation contained in the Local Government Act 2002, the requirement to consult with iwi in accordance with the principles of Te Tiriti is relevant to the duty to be informed and the principle of good faith, but is not an end to itself. Partnership requires an equitable relationship, where the partners act reasonably, honourably, and in good faith.

Scope of Consideration

Rangatiratanga

Ngāi Tahu is the collective representation of whānau and hapū who share a common ancestry and are mana whenua of Canterbury (and most of the South Island). They hold ancestral and contemporary relationships with the lands, waters, and ecosystems of Canterbury.

Mana whenua are the hapū or whānau who hold customary authority over the resources of an area or takiwā. Mana whenua is determined by whakapapa (ancestral links) to an area and maintained by ahi kā (continuous occupation of the area). Associated with mana whenua status are the rights and duties of rangatiratanga and kaitiakitanga. Therefore, it is those who hold mana whenua status who speak on behalf of and make decisions about their takiwā.

Tau (2017) states that “..Tino rangatiratanga means that the chief and the hapū have full authority over the resource...”, therefore Rangatiratanga can be equated with authority and control. Rangatiratanga was restored to Ngāi Tahu via the Crown’s apology to Ngāi Tahu and is legislated for within the Ngāi Tahu Claims Settlement Act 1998.

Ngāi Tūāhuriri hold Rangatiratanga over the Urupā, Koiwi Tangata, waters, habitats, species and taonga within this takiwā, including the project area. Activities to the detriment of these items constitutes an impact on Rangatiratanga.

In addition, Ngāi Tūāhuriri Rūnanga hold rangatiratanga over any Koiwi tangata and taonga tuturū encountered accidentally during earthworks in the project area. Recovery and future care procedures will be advised to ground crews prior to works commencing and in the event of discovery.

Impacts on Treaty Principles

The treaty principles listed in the previous section, and the associated impacts are given below:

- The acquisition of sovereignty in exchange for the protection of rangatiratanga - *the rangatiratanga spoken of here relates to the authority and control over ngā taonga*

Ngāi Tūāhuriri, including: - species, lands, waters, open sky (low artificial light emission due to minimum population settlement densities and passage frequency) and atmospheres.

- *The Treaty established a partnership and imposes on the partners the duty to act reasonably and in good faith - Mana whenua of Te Ngāi Tūāhuriri Rūnanga and Christchurch City Council have various engagement forums. And the relevant decision-making elements of both parties are required to make decisions in good faith.*
- *The freedom of the Crown to govern – The Crown agent being the Christchurch City Council is able to administer and resource appropriate governance and management structures and procedures. These same structures are to be in partnership with mana whenua who will ensure and assist the crown agent to fulfil its requirements to give effect to treaty principles.*
- *The Crown's duty of active protection – The crown agent is to actively protect, through governance, management and operational procedures, not only the taonga entities themselves but also mana whenua access, engagement, sustainable harvest and traditional use of taonga materials. Decisions made in respect of this proposed project are to protect Ngāi Tūāhuriri authority (incl. species and habitats) and any koiwi and taonga tuturū associated with the project area.*
- *Crown duty to remedy past breaches – When the crown apologised and signed the deed of settlement 1997 and ratified the Ngāi Tahu Claims Settlement Act in 1998. Historic claims comprising Te Kereme were largely settled via financial compensation and cultural redress items.*
- *Māori to retain rangatiratanga over their resources and taonga and to have all the rights and privileges and privileges of citizenship – as previously stated, Rangatiratanga equates to authority and control over taonga. Therefore, the position recorded in this assessment equates to an exercising of Rangatiratanga of Ngāi Tūāhuriri within the context of the decision-making associated with the project proposal considered.*
- *Duty to consult – As previously mentioned partnership structures have been established to address this.*

Ultimately the resulting consent(s) should set conditions that give effect to treaty principles.

Ancestral associations

The Māori history associated with the project area, and broader landscape area, is immense. Authoritative accounts of this history can be found in the following titles:

- Tau, R.T.M., Anderson, A.J. (eds.) (2008) *Ngāi Tahu: a migration history - the*

Carrington text. Bridget Williams Books, Wellington; Te Rūnanga o Ngai Tāhu, Christchurch.

- Tau, R.T.M. (ed.) (2011) *I whanau au ki Kaiapoi: the story of Natanahira Waruwarutu as recorded by Thomas Green*. Otago University Press, Dunedin.
- Anderson, A.J. (1998) *The Welcome of Strangers: An ethnohistory of southern Maori 1650-1850AD*.

Mahinga Kai

Mahinga kai

Mahinga kai is the food and fibre that is gathered, the places it is gathered, and associated social practices that sustain Ngāi Tahu whānui. Sustaining food sources for the physical and cultural health of future generations, and supporting manaakitanga (hospitality and reciprocity), is of paramount importance.

Mahinga kai is a source of mana and an integral part of Ngāi Tahu culture; and was guaranteed to Ngāi Tahu in Kemp's purchase of Canterbury. Accordingly, mahinga kai formed a substantial part of Te Kerēme – The Ngāi Tahu Treaty claim.

Traditional and contemporary Mahinga kai species are regarded as taonga species. These are the native birds, plants and animals of special cultural significance and importance to Ngāi Tahu. Species associated with the Pegasus area and surrounding catchment are listed below:

Rākau species in the catchment area

INGOA MĀORI	COMMON NAME	SPECIES NAME
Ti kōuka	Cabbage tree	<i>Cordyline australis</i>
Kowhai	Kowhai	<i>Sophora microphylla</i>
Kaikahikatea	White pine	<i>Dacrycarpus dacrydioides</i>
Kānuka	Kanuka	<i>Kunzia ericoides</i>
Tōtara	Totara	<i>Podocarpus totara</i>
Matai	Black pine	<i>Prumnopitys taxifolia</i>

Mānuka	Tea tree	<i>Leptospermum scoparium</i>
Horoeka	Lancewood	<i>Pseudopanax crassifolius</i>
Tarata	Lemonwood	<i>Pittosporum eugenioides</i>
Mānatu	Ribbonwood	<i>Plagianthus regius</i>
Akeake	Akeake	<i>Oleria spp.</i>
Toetoe	Toetoe	<i>Cortaderia richardii</i>
Pūkio	Tussock sedges	<i>Carex secta</i>
Raupō	Bulrush	<i>Typha angustifolia</i>
Mingimingi	Mingimingi	<i>Leucopogon fasciculatus/ L. juniperina/ Coprosma propinqua</i>
Kiokio	Blechnum fern	<i>Blechnum novae-zelandiae</i>
Ngarara wehi	Leather leaf fern	<i>Pyrrosia eleagnifolia</i>
Harakeke	Flax	<i>Phornium sp.</i>
Puawhananga	Bush clematis	<i>Clematis paniculata</i>
Poroporo	Poroporo/Bullibulli	<i>Solanum lactiniatum</i>
Wiwi	Common rush	<i>Juncus gregiflorus</i>

Taonga manu species in the Pegasus catchment area

INGOA MĀORI	COMMON NAME	SPECIES NAME
Pūkeko	Swamp hen	<i>Porphyrio melanotus</i>
Kuruwhengi	Shoveller	<i>Anas rhynchos variegata</i>
Pārera	Grey ducks/Mallard ducks	<i>Anas superciliosa/ A. platyrhynchos</i>
Putangitangi	Paradise shelduck	<i>Tadorna variegata</i>
Matuku	Australasian Bittern	<i>Botaurus poiciloptilus</i>
Koitareke/kotoreke	Marsh Crake	<i>Porzana pusilla affinis</i>
Raipō/Papango	Scaup	<i>Aythya novaeseelandiae</i>
Kōtare	Kingfisher	<i>Halcyon sancta</i>

Hiraka/Tauhō	Silver eye	<i>Zosterops lateralis lateralis</i>
Shining cuckoo	Pīpīwharau	<i>Chrysococcyx lucidas</i>
Kereru	Kereru	<i>Hemiphaga novaeseelandiae</i>
Riroriro	Grey warbler	<i>Gerygone igata</i>
Ruru	Morepork	<i>Ninox novaeseelandiae</i>
Pīwaiwaka/Pīwakawaka	Fantail	<i>Rhipidura fuliginosa</i>
Kōparapara/Korimako	Bellbird	<i>Anthornis melanura melanura</i>
Tūī	Tui	<i>Prothemadera novaeseelandiae</i>

Taonga ika species in the Pegasus catchment area

INGOA MĀORI	COMMON NAME	SPECIES NAME
Īnanga/ Īnaka	Whitebait	<i>Galaxias</i> spp. (juveniles)
Īnanga/ Īnaka	Inanga	<i>Galaxias maculatus</i> (adults)
Kōkopu	Canterbury galaxias	<i>Galaxias vulgaris</i>
Kōkopu	Banded Kokopu	<i>Galaxias fasciatus</i>
Pako	Common bully	<i>Gobiomorphus cotidianus</i>
Kōkopu/Hawai	Giant bully	<i>Gobiomorphus gobioides</i>
Tīpokopoko	Upland bully	<i>Gobiomorphus breviceps</i>
	Bluegill bully	<i>Gobiomorphus hubbsi</i>
Pātiki/Mohoao	Black flounder	<i>Rhombosolea retiaria</i>
Paraki/ Pōrohe	Common smelt	<i>Retropinna retropinna</i>
Tuna heke	Longfin eel	<i>Anguilla dieffenbachii</i>
Tuna	Shortfin eel	<i>Anguilla australis</i>
Kanakana	Lamprey	<i>Geotria australis</i>
Kekewai/ kōura	Freshwater crayfish	<i>Parenephrops zealandicus</i>
Kōura/Mowhitiwhiti	Freshwater shrimp	<i>Paratya curvirostris</i>

Kōwaro	Canterbury mudfish	<i>Neochanna burrowsius</i>
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Species in the lists above represent some of the species that are likely to be in and around the surrounding environs, however, these lists are not comprehensive and other taonga may also be present. This does not detract from their importance to mana whenua.

Development following the Canterbury Earthquake Sequence have frequently opted for planting native vegetation which has resulted in the creation of corridors. These have been instrumental in some places for attracting natives back into areas where they had previously been expatriated. The proximity of Tūhaitara Coastal Park to the Pegasus Golf Course provides potential opportunities for recruitment of native plants and birds into the surrounding areas. The return of native and endemic species is in keeping with Māori tikanga of improving the current state of the environment. Mana whenua prefer that native vegetation incorporated into the planting plan would be ecologically functional, providing both habitat and resources for native species.

Recommendations

Consultation with kaitiaki and assessment of the proposal against the relevant policies in the Mahaanui Iwi Management Plan (IMP) have informed the recommendations set out below.

Recommendations made by the kaitiaki are as follows:

- Any activities associated with this project proposal should be managed to avoid adverse impacts on ecological processes, particularly waters, species or habitats.
- Every effort should be made to enhance biodiversity values through the provision of habitat for taonga species. Lists of rākau species in the Mahinga Kai section of this document should be used for reference.
- The developer should refer to the Ngāi Tahu Subdivision and Development Guidelines in the Mahaanui Iwi Management Plan. Particularly with regard to;
 - Onsite stormwater treatment management systems to ensure stormwater is managed in a sustainable manner allowing for re-use on site and a reduction in stormwater leaving the site.
 - Landscaping that creates habitat for taonga species and allows for the provision of mahinga kai.
 - Opportunities to recognise mana whenua culture and history.
 - The development guidelines are attached as Appendix 1.

- Any cultural design elements should be informed by consultation and collaboration with a Cultural Advisory Group to ensure appropriate stories are told across the landscape. Mahaanui Kurataiao can facilitate korero with appropriate artists who whakapapa to Tūāhuriri Rūnanga.
 - The use of outside artists, or other 'professional' to tell the stories of Tūāhuriri is not appropriate and rises IP issues.
- There is increasing concern about the effects of light pollution on aquatic invertebrate communities and food-web dynamics (Mazeika et al 2019, Meyer and Sullivan 2013, Eisenbeis 2006). Preliminary studies investigating artificial light pollution have identified that caddisflies in particular are more attracted to higher colour temperatures (white) as opposed to lower colour temperatures (orange) which could have implications for reproduction and recruitment (Schofield 2020 pers. Coms). Aquatic invertebrates are an important resource for native fishes. Therefore, careful consideration should be given to the position of artificial lighting near waterways and to light intensity requirements.
- Native plants are more likely to provide important food and habitat resources for native birds as well as aquatic and terrestrial invertebrates than their exotic counterparts.
- The proposed planting list contains *Populus yunnanensis*, Yunnan poplar. The IMP contains policy opposed to the planting of pest species such as poplars and advocates for the re-establishment of native species (WM15.1, WM15.2).

In addition, the kaitiaki agree with the recommendations set out in the provided ecological report. These include:

- Avoid sediment having an adverse effect on downstream environments both during and post earthworks.
- Stormwater should be retained onsite where possible and managed to avoid adverse effects on the receiving gully stream system.
- The design offers opportunity to extend the Taeretu gully planting as part of wider amenity and landscape planting plans for the site.
- Encroachment of earthworks into the Western Ridge Conservation Area and wider gully system must be avoided.

Consent conditions

- All erosion and sediment control measures installed should be constructed, inspected and maintained in accordance with ECan's Erosion and Sediment Control Toolbox for Canterbury.
- Te Ngāi Tūāhuriri Rūnanga recommend a specific condition be included within any consent which allows for cultural monitoring, for example;

A member of Te Ngāi Tūāhuriri Rūnanga, trained in the recognition of archaeological deposits, is advised at least 10 working days prior to any earthworks being undertaken, to allow them the opportunity to be onsite to assist and offer cultural advice during all excavations.

- For correspondence relating to works notification to allow for cultural monitoring, please contact Mahaanui Kurataiao: Ph. (03) 377 4374
Email: mahaanui.admin@ngaitahu.iwi.nz
- An Accidental Discovery Protocol (ADP) be conditioned and worded as;
'Should any archaeological material or sites be discovered during the course of work on the site, work in that area of the site shall stop immediately and the appropriate agencies, including Heritage New Zealand Pouhere Taonga and the Mana Whenua, shall be contacted immediately, in accordance with the Accidental Discovery Protocol set out in Appendix 3 of the Mahaanui Iwi Management Plan:

http://www.mkt.co.nz/wp-content/uploads/2016/05/Mahaanui-IMP-web_Part32.pdf
- Any Koiwi Tangata and/or taonga tuturū is be treated and managed in accordance with Ngāi Tūāhuriri requirements. These will depend on the nature of the discovery and are to be determined by mana whenua.

Rūnanga Position

Based on analysis of the information provided, Te Ngāi Tūāhuriri Rūnanga does not oppose the granting of the required consents or the proposed changes to the Waimakariri District Plan, subject to the above recommendations being facilitated by consent conditions and/or legal memoranda. Final approval may be required through WDC engagements systems directly.

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 tāngata 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 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).



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