



14 October 2020

Environmental Protection Authority  
Level 10/215 Lambton Quay,  
Wellington Central  
Wellington 6011

**Attention: June Cahill**

**By Email: [June.Cahill@epa.govt.nz](mailto:June.Cahill@epa.govt.nz)**

**cc. [klee@doc.govt.nz](mailto:klee@doc.govt.nz)**

Kia ora June,

## **Re: Response to Comments – LP13 Rāpaki Papakāinga Housing Development**

1. On behalf of Te Mahi Korowai Trust (“**the applicant**”), we formally submit a response to the comments from invited parties relating to the Rāpaki Papakāinga Housing Development (LP13 – Papakāinga Development – Rāpaki, Christchurch).
2. Comments were received from the following 16 invited parties:
  - Environment Canterbury Regional Council
  - Christchurch City Council
  - Te Rūnanga o Ngāi Tahu
  - Heritage New Zealand Pouhere Taonga
  - Hon Jacinda Ardern – Minister for Arts, Culture and Heritage
  - Department of Conservation
  - Maire Duffull
  - Aaron Mitchell
  - Yvette Couch-Lewis and John Lewis
  - Hon Nanaia Mahuta – Minister for Māori Development
  - Kitti Couch
  - Generation Zero
  - June Swindells
  - Hon Andrew Little – Minister for Treaty of Waitangi Negotiation
  - Hon Kelvin Davis – Minister for Māori Crown Relations: Te Arawhiti
  - Jonathon Clark – New Zealand Infrastructure Commission
3. The response to these comments is set out below. Please note the comments from invited parties are denoted in *italics* and are followed by the response submitted on behalf of Te Mahi Korowai Trust.



## Environment Canterbury

### Contaminated Land Status

4. *The application states that “A search of [Environment Canterbury’s Listed Land Use Register] LLUR indicates that no known HAIL activities have been carried out on the Site and that it is not listed on the LLUR” and further that LLUR “identifies that the site has been verified as a ‘non-HAIL’ site”.*
5. *The Listed Land Use Register is not an exhaustive or complete list of contaminated sites in Canterbury; rather it is only a ‘snapshot’ of sites currently known to Environment Canterbury. The LLUR does not hold any information on the property at 2 Rāpaki Drive. It cannot be confirmed whether the site is, or is not, contaminated. Only a preliminary and/or detailed site investigation will provide clarity on whether or not the site is not contaminated.*

### Response to comments

6. The Applicant accepts that the LLUR is not a definitive source of information relating to the existence or absence of contamination on-site; however, there is no reference on the LLUR or on-site indicator which would raise concerns regarding current or historical indicators which would result in the property considered to be a contaminated site. Accordingly, the Applicant volunteers a Condition of Consent relating to the discovery of contaminated material during earthworks. The condition would ensure that all works on-site were to cease, the Applicant proceeds based on discussions with Environment Canterbury. The Applicant accepts that should contaminated material be discovered a Detailed Site Investigation (DSI) may be required to determine the extent of contamination and appropriate management methods.

### Earthworks

7. *The proposed development will require approximately 500 m<sup>3</sup> of cut and 50 m<sup>3</sup> of for the installation of building foundations, car parks, retaining walls and services.*
  - *No regional land use consent is required.*
  - *It is recommended that best practice erosion and sediment control measures in accordance with the Erosion & Sediment Control Toolbox for Canterbury are implemented for the duration of the earthworks.*

### Response to Comments

8. The Applicant will implement best practice erosion and sediment control measures. A Sediment and Erosion Control Plan has been designed by Cosgroves Ltd, Engineer to the Applicant, and is included in the application as Appendix 5.
9. The sediment and control measures will be undertaken in accordance with the *Erosion and Sediment Control Toolbox for Canterbury: ECan*.



10. All construction-phase stormwater will be retained on-site and will percolate to ground. The Applicant agrees to volunteer a Condition of Consent requiring all construction-phase stormwater is managed on-site.

### Construction-phase Stormwater Discharges

11. *Construction-phase stormwater is proposed to be discharged onto/into ground the site via natural infiltration and contaminants (sediment) are proposed to be managed by an Erosion and Sediment Control Plan.*

- *It is not clear whether all stormwater is to be managed within the site or whether there will be secondary flows across the site boundary or to the Christchurch City Council's (CCC) reticulated stormwater network (as stated in the application) or the 'open drain' on the eastern site boundary (as stated on the Erosion and Sediment Control Plan (ESCP)) during larger rainfall events. The ESCP shows a hay bay area at the site's natural low point, where all construction-phase stormwater is collected. It is not clear:*
  - *Whether construction-phase stormwater is proposed to be infiltrated in this location or elsewhere on the site; and*
  - *Whether infiltration/soakage testing has been carried out to confirm whether all construction-phase stormwater discharges can be managed and infiltrated within the site (or in the low point location). The applications states that a Geotechnical Report was prepared in June 2013, but this report has not been provided.*
  - *What would happen if hay bay area overflowed during larger rainfall events or successive smaller events that cumulatively exceed the capacity to infiltrate stormwater in this location.*
  - *In the event that construction-phase stormwater flowed into the CCC's reticulated stormwater network (which appears to be discharging either to Rāpaki Bay Drain or to the Coastal Marine Area (CMA)) to or the adjacent 'open drain', it is not clear what the effects of this discharge would be on the receiving environment, specifically in light of sediment load and the uncertainties around the soil contamination status of the site.*
- *It should be ensured that the cut-off fence in the north-eastern part of the site does not accelerate (clean) run-on water and discharge it offsite or into the 'open drain' along the eastern site boundary in a way that results in scour or erosion on neighbouring land.*
- *A discharge permit may be required:*
  - *Depending on the soil contamination status of the site; or*
  - *If any other condition of Rule 5.94A of the LWRP cannot be met; or*
  - *If the discharge is not entirely into land within the site and flows to the CCC's reticulated stormwater system and no written permission has been obtained from CCC to satisfy the conditions of Rule 5.93A of the LWRP.*

### Response to comments

12. All stormwater (construction-phase and operational) will be managed on-site, with operational stormwater discharged to the CCC stormwater network. Construction-phase stormwater naturally percolates into ground across the site. With any minor overland flows concentrating at the site's natural



low point. The CCC Stormwater Engineer, Mr Victor Mthamo, has not raised any concerns with the proposed stormwater management.

13. No specific infiltration testing was undertaken; however, the Geotechnical Report (attached) states that groundwater was not encountered within the upper 3-metres of the subsoils in the eleven hand auger boreholes. The composition of soil comprises of topsoil over loess-silt to at least 3-metres. Therefore, the depth to groundwater is considered to be at least 3 m below ground level.
14. Mr Mthamo's comments regarding stormwater also apply to construction-phase stormwater management. There is no evidence that stormwater events exceed the capacity of the natural drainage of the soil. Accordingly, extreme rainfall events are **not** expected to result in stormwater flows off-site during construction of the dwellings or the associated civil works (horizontal services, earthworks, retaining walls and internal roading).
15. Practical controls, in accordance with the Sediment and Erosion Control Plan (e.g. silt fences), will ensure construction-phase stormwater is contained on-site and percolates to ground. The control measures will be monitored on a daily basis during construction works to ensure there is no discharge of sediment laden waters off-site. Furthermore, there limited soil disturbance, with only approximately 500 m<sup>3</sup> of cut and 50 m<sup>3</sup> of fill required, excluding the install of foundation piles.
16. An assessment of Rules 5.93A and 5.94A is set out below in **Table 1**.

**Table 1: Assessment of Rules 5.93A and 5.94A of the CLWRP**

RULE	COMPLIANCE ASSESSMENT	STATUS
<b>Region wide rules</b>		
5.93A – Reticulated Stormwater Systems	<p>The discharge of stormwater or construction-phase stormwater into a reticulated stormwater system is a permitted activity, provided the following condition is met:</p> <ol style="list-style-type: none"> <li>1. Written permission has been obtained from the owner of the reticulated stormwater system that allows entry of the stormwater into the reticulated stormwater system.</li> </ol> <p><i><b>Comment</b> – The CCC Stormwater Team reviewed the proposal and confirmed that they had no issues with stormwater. Evidence of this is included in CCC invited comments and attached to the CCC s104 Report.</i></p>	Complies
5.94A – Construction-phase stormwater not discharged from a Reticulated Stormwater System	<p>The discharge of construction-phase stormwater, other than into or from a reticulated stormwater system, to a surface waterbody, or onto or into land in circumstances where a contaminant may enter groundwater or surface water, is a permitted activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> <li>1. The area of disturbed land from which the discharge is generated is less than:               <ol style="list-style-type: none"> <li>a. 1000m<sup>2</sup> for any construction-phase stormwater generated as a result of work carried out in an area shown as High Soil Erosion Risk on the Planning Maps; or</li> <li>b. two hectares in any other location; and</li> </ol> </li> </ol>	Complies



RULE	COMPLIANCE ASSESSMENT	STATUS
	<ol style="list-style-type: none"><li>2. The concentration of total suspended solids in the discharge shall not exceed:<ol style="list-style-type: none"><li>a. 50g/m<sup>3</sup> where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake except when the background total suspended solids in the waterbody is greater than 50g/m<sup>3</sup> in which case the Schedule 5 visual clarity standards shall apply; or</li><li>b. 100g/m<sup>3</sup> where the discharge is to any other river or to an artificial watercourse except when the background total suspended solids in the waterbody is greater than 100g/m<sup>3</sup> in which case Schedule 5 visual clarity standards shall apply; and</li></ol></li><li>3. The discharge does not result in an increase in the flow in the receiving waterbody at the point of discharge of more than 1% of a flood event with an Annual Exceedance Probability of 20% (one in five-year event); and</li><li>4. The discharge is not from, into or onto contaminated or potentially contaminated land; and</li><li>5. The discharge does not contain any hazardous substance; and</li><li>6. The discharge does not occur within a Community Drinking-water Protection Zone as set out in Schedule 1.</li></ol>	
	<p><b>Comment</b> – an assessment of the conditions of Rule 5.94A is set out below:</p> <ol style="list-style-type: none"><li>1. The site is not located in a High Soil Erosion Risk area and is less than two hectares in area.</li><li>2. Discharge of construction-phase stormwater is to land where it will percolate into the ground. However, with the proposed sediment and erosion controls in place, if the discharge was to reach a waterbody (this would be the harbour located over 360 m away), it will meet the standard for concentration of total suspended solids.</li><li>3. As with condition 2, the discharge is to land.</li><li>4. The site is not listed as contaminated on the LLUR and is not considered a 'contaminated site'.</li><li>5. The construction phase stormwater will not contain any hazardous substances.</li><li>6. The discharge is not occurring within a Community Drinking-water Protection Zone.</li></ol>	
	<p>Overall, the proposal meets all of the permitted conditions of Rule 5.94A.</p>	

### Operational Stormwater Discharges

17. While the Canterbury Land and Water Regional Plan (LWRP) Planning Maps does not classify the water body along the eastern site boundary (within the neighbouring site) and further along Rāpaki Drive, the application and supporting documents refer to the water body as 'open drain', 'river/stream', 'neighbouring creek', 'open swale', 'hill waterway' and 'CCC reticulated stormwater system'.
  - It is not clear if the water body is permanently or intermittently flowing or whether it is ephemeral.
  - From the information provided, it cannot be determined whether the water body is an artificial watercourse or a river. On this basis, it is not clear what the sensitivity of the receiving environment is to receiving the stormwater discharges.



- Confirmation is needed whether the discharge occurs to the CCC's reticulated stormwater system or to a river.
- A discharge permit may be required:
  - If the discharge is to a river and not the CCC's reticulated stormwater system; or
  - If CCC has not provided written permission to satisfy the conditions of Rule 5.93A of the LWRP.
- The application states that stormwater from the hardstand areas (car parks, etc.) is proposed to be discharged to the CCC's reticulated stormwater system via sumps, which are stated to provide primary treatment. Sumps are not considered to provide effective stormwater treatment other than trapping debris and, to a very limited degree, hydrocarbons (if trapped outlet sumps are used, which is unclear). Given the receiving environment is surface water and ultimately the CMA, more formal treatment of the discharge may be required, for example, via a grassed swale prior to the discharge to the adjacent water body. A Proposed Stormwater Swale is shown on the Proposed Stormwater, Wastewater & Water Supply plans, but this is not mentioned in the application. Clarification is required.

#### Response to comments

18. The waterbody is classified as a 'hill waterway' in the Christchurch District Plan. The hill waterway is ephemeral and only flows during rain events or precipitation. It does not have a water source that enables it to flow regularly or during dry weather.
19. The definition of artificial watercourse and river in the Canterbury Land and Water Regional Plan (CLWRP) are:
- Artificial watercourse:** means a watercourse that is created by human action. It includes an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal channel. It does not include artificial swales, kerb and channelling or other watercourses designed to convey stormwater.
- River:** means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).
20. The waterway does not meet the definition of artificial watercourse as it is not an irrigation canal, water supply race, canal for the supply of electrical generation or farm drainage. The waterway also does not meet the definition of a river because it is ephemeral. The waterway is not continually or intermittently flowing because there is no water source excluding piped stormwater runoff from local properties during rainfall events.
21. The operational stormwater is proposed to be discharged into the CCC reticulated system. The CCC Stormwater Team had reviewed the proposal and confirmed that they had no issues with stormwater



in the comments from Mr Mthamo contained in Attachment 3 of the CCC Section 104 Report. In the CCC invited comments, Mr Mthamo again confirms that both construction-phase stormwater and operational stormwater discharges meet the requirements of the CCC global consent.

22. The grass swale running along the Rāpaki Drive road boundary will provide a degree of additional stormwater treatment, as will the vegetation in the ephemeral 'hill waterway' (gully), before operational stormwater discharge into the CCC reticulated system, comprising a 350-metre 'hill waterway' discharging to the CMA. The vegetated ephemeral 'hill waterway' provides further treatment.
23. Mr Mthamo has suggested that the applicant reticulates stormwater in the open drain further upstream (see CCC invited comments) which will provide additional treatment. CCC have not asked for attenuations because of the site's proximity to the ocean outfall, the long flow path shown in the plans that mitigates flows and the likely short critical duration which would make attenuation volumes relatively small.

#### **Works in Adjacent Water Body to Install Stormwater Outfall**

24. *Stormwater is proposed to be discharged to the adjacent water body at the southern end of the site.*
25. *A Section 13 land use consent may be required if the water body is considered a river.*

#### **Response to comments**

26. As stated above, the waterway is not considered to be a river, due to its ephemeral nature.

#### **Sub-soil Drainage Water Take and Discharge**

27. *Retaining walls are proposed to be installed with subsoil drainage pipes. The take of groundwater for land drainage purposes and discharge to the CCC's reticulated stormwater network require resource consents under Rules 5.6 and 5.100 of the LWRP, respectively.*

#### **Response to comments**

28. Section 2.1 of the Civil Infrastructure Report by Cosgroves Ltd (Appendix 5 of the application) states that groundwater is not likely to be encountered during excavations. There is no take of groundwater proposed however, there will be subsoil drains that capture ingress and discharge to sumps. During the Geotechnical investigation, groundwater was not detected in sampling taken to 3-metres in depth. An assessment of the relevant rules of the LWRP is in **Table 2** below.



**Table 2: Assessment of relevant CLWRP provisions**

RULE	COMPLIANCE ASSESSMENT	STATUS
<b>Region wide rules</b>		
5.6	<p>Any activity that—</p> <ol style="list-style-type: none"> <li>a. would contravene sections 13(1), 14(2), s14(3) or s15(1) of the RMA; and</li> <li>b. is not a recovery activity; and</li> <li>c. is not classified by this Plan as any other of the classes of activity listed in section 87A of the RMA</li> </ol> <p>— is a discretionary activity.</p> <p><b>Comment – the proposed activity:</b></p> <ul style="list-style-type: none"> <li>• <i>is not located within a bed of the river therefore does not contravene section 13(1) of the RMA.</i></li> <li>• <i>does not involve the take, use, dam or diversion of water, there is no groundwater proposed to be taken. The Geotechnical and Civil Infrastructure Reports state that it is unlikely to encounter groundwater during excavation. Therefore, the site works do not contravene section 14(2) or 14(3) of the RMA.</i></li> <li>• <i>is not discharging contaminants into water or onto land where it may enter water (it will be discharged into the CCC reticulated system). As such, the stormwater discharge will not contravene section 15(1) of the RMA.</i></li> </ul>	Not applicable
5.98 – Other minor contaminant discharges	<p>Any discharge of water or contaminants onto or into land in circumstances where a contaminant may enter groundwater that is not classified by any of the above rules, is a permitted activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> <li>1. The volume of the discharge does not exceed 10 m<sup>3</sup> per day and the application rate does not exceed 10 mm per day; and</li> <li>2. The discharge is not directly into groundwater; and</li> <li>3. The discharge does not result in any overflow or runoff into any surface water body or onto neighbouring site; and</li> <li>4. The discharge does not, in groundwater, render fresh water unsuitable or unpalatable for consumption by animals or humans; and</li> <li>5. The discharge does not contain any hazardous substance, hazardous waste or added radioactive isotope; and</li> <li>6. The discharge does not occur when the soil moisture exceeds field capacity; and</li> <li>7. The discharge is not from or into contaminated or potentially contaminated land; and</li> <li>8. The discharge is not within             <ol style="list-style-type: none"> <li>a. 50 m of a bore used for water abstraction; or</li> <li>b. within a Community Drinking-water Protection Zone as set out in Schedule 1; and</li> </ol> </li> <li>9. Where the discharge is from the use of live ammunition associated with military training under the Defence Act 1990, conditions 1 to 8 do not apply.</li> </ol>	Complies



RULE	COMPLIANCE ASSESSMENT	STATUS
	<p><b>Comment</b> – an assessment of the conditions of Rule 5.98 is set out below:</p> <ol style="list-style-type: none"> <li>1. The operational stormwater will be discharged to the CCC reticulated system. Construction phase stormwater will not discharge at a volume exceeding 10 m<sup>3</sup> per day.</li> <li>2. Both operational and construction phase stormwater is not directly to groundwater.</li> <li>3. The stormwater discharge will not result in any overflow or runoff into a surface water body or neighbouring site.</li> <li>4. The discharge is not directly to groundwater therefore cause any adverse effects that render the freshwater unsuitable for use.</li> <li>5. The stormwater discharge will not contain any hazardous substance, hazardous waste or added radioactive isotope.</li> <li>6. As operational stormwater is being discharged to the CCC reticulated system and the construction phase stormwater will naturally percolate to ground, with the treatment of silt fences.</li> <li>7. The site is not listed on the LLUR as being contaminated or potentially contaminated.</li> <li>8. The stormwater discharge is not within 50 m of a bore used for water extraction or within a Community Drinking Water Protection Zone.</li> <li>9. Not applicable.</li> </ol> <p>Overall, the proposal meets all of the permitted conditions of Rule 5.98.</p>	
<p>5.99 – Other minor contaminant discharges</p>	<p>Any discharge of water or contaminants into surface water or onto or into land in circumstances where it may enter surface water that is not classified by any of the above rules, is a permitted activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> <li>1. The discharge is not from or into contaminated or potentially contaminated land; and</li> <li>2. The discharge is not into a Natural State water body; and</li> <li>3. The discharge meets the water quality standards in Schedule 5 after reasonable mixing with the receiving waters, in accordance with Schedule 5; and</li> <li>4. The concentration of total suspended solids in the discharge shall not exceed: <ol style="list-style-type: none"> <li>a. 50 g/m<sup>3</sup>, where the discharge is to any Spring-fed river, Banks Peninsula river, or to a lake; or</li> <li>b. 100 g/m<sup>3</sup> where the discharge is to any other river or to an artificial watercourse; and</li> </ol> </li> <li>5. The discharge does not result in more than a 20% change in the rate of flow of the receiving surface water body; and</li> <li>6. The discharge does not contain any hazardous substance, hazardous waste or added radioactive isotope.</li> </ol> <p><b>Comment</b> – the proposed operational and construction-phase stormwater discharge will not be to surface water or to land where it enters a surface water body.</p>	<p>Not applicable</p>
<p>5.100 – Other minor contaminant discharges</p>	<p>Any discharge that is not permitted by either Rule 5.98 or 5.99 and is not classified by any other rule in this Plan is a discretionary activity.</p> <p><b>Comment</b> – the proposal meets the conditions of Rule 5.98, therefore, consent is not required under Rule 5.100.</p>	<p>Not applicable</p>



## Christchurch City Council

### Processing History

29. *Resource consent application RMA/2019/2629 was lodged with Council on 11 November 2019 and sought to establish a social housing complex consisting of 10 residential units (intended for Kaumatua and kuia use), a communal building, and associated earthworks, access, car parking and landscaping at 2 Rāpaki Drive, Rāpaki. A copy of the application as lodged is attached at Appendix 1 and a further submission to the Commissioner is attached at Appendix 2. A copy of the titles is attached at Appendix 4.*
30. *A decision on notification was made by Commissioner Justine Ashley on 14 May 2020 (copy attached as Appendix 3). That decision was for the application to be limited notified to the owners and occupiers of 1 and 3 Rāpaki Drive (notification documents are attached at Appendix 5).*
31. *Submissions closed on Monday 20 July 2020. Four submissions were received by the closing of the submission period (copies attached as Appendix 6).*

### Response to comments

32. *The submissions made on the application are addressed in the 'Consultation' section of the application to the Environmental Protection Authority, in accordance with the COVID-19 Recovery (Fast Track Consenting) Act 2020 – LP13.*

### Key Planning Issues under the Christchurch District Plan

33. *A comprehensive assessment of the application is contained in Appendix 3.*
34. *It is considered the key planning issue that requires consideration in respect to this application is the scale of the adverse effects associated with the proposed road boundary building setback from Rāpaki Drive. **It is considered the activity itself and the scale of built form to open space on the site to be appropriate. The building setbacks proposed from Governors Bay Road, the nearby Hills Waterway, and the internal boundary of the site are also supported. (emphasis added)***
35. *The key planning matter that remains is whether the Community Building, and Units 1 to 5 are located too close to Rāpaki Drive, such that they will have an adverse effect on the amenity of Rāpaki Drive and the owners and occupiers of 1 and 3 Rāpaki Drive. In this respect, it is considered that the 323mm setback of the Community Building and the 1.731m balcony and 3.504m building setbacks of Units 1 to 5 have the potential to result in an adverse effect, for the reasons set out in the Section 95 decision.*
36. *In forming this opinion it has been taken into consideration the fact that both the Rural Banks Peninsula (RBP) Zone and Papakāinga/Kāinga Nohoanga (PKKN) zone rules apply a 15m building setback from Rāpaki Drive. A 15m building setback is and likely not possible or necessary, but an adequate building*



*setback from Rāpaki Drive is desirable to maintain an appropriate level of amenity along Rāpaki Drive, or privacy at neighbouring sites.*

37. *Another means of guiding consideration of reduced road boundary building setbacks, is to identify existing building setbacks along Rāpaki Drive. There are a number of existing buildings located much closer than 15m from Rāpaki Drive. The closest being the garage/carport/decking located at 1 Rāpaki Drive, which is setback 1m from the road boundary at the closest point, and was granted approval under resource consents. All other buildings located along Rāpaki Drive, with the exception of the recent building development that has taken place at 16 Rāpaki Drive (which is not consented), are setback at least 5m from Rāpaki Drive.*
38. *While the current building design is not supported, it is considered that a road boundary building setback of less than 5m from Rāpaki Drive could be supported. Recommendations to address the issues raised have been conveyed to the applicant by Mr John Lonink, Council's advising Urban Designer, in his 21 April 2020 urban design assessment (attached as Attachment 2b to the notification decision).*

#### **Response to comments**

39. Mr John Lonink provided a preliminary comment on the application to the CCC Consultant Planner, supporting the development as proposed.
40. At the request of the CCC Planner (internal staff), Mr Lonink recommended an increase in the average setback of units 1 – 5 and increasing vegetation along the southern edge. He also suggested that units 1 -5 could be angled to create an additional planting area and soften the buildings edges when viewed from Rāpaki Drive and increase the road setback.
41. As the stage when Mr Lonink provided the secondary recommendations Te Mahi Korowai trust was considering the 9<sup>th</sup> Version of the s95 Notification Report. On behalf of Te Mahi Korowai Trust, we advised CCC that our Client was not necessarily opposed to the proposed amendments to the building locations; however, this change would add substantial costs for the Trust. At this time the CCC resource consent process costs, resulting from the requirements of CCC, was exceeding the funding from Te Puni Kokiri (TPK).
42. It is significant that Te Mahi Korowai Trust has applied to te Puni Kokiri for a Variation to the 'feasibility' (resource consent) funding.
43. It is noted that the building design and the landscaping design prepared by Matapopore Charitable Trust is considered to appropriately mitigate the effects of the development on 1 Rāpaki Drive, 3 Rāpaki Drive, and Rāpaki Drive.
44. However, I would advise that te Mahi Korowai Trust would consider a Condition of Consent requiring an increased setback from Rāpaki Drive, in accordance with the recommendations of Mr Lonink.



### Occupation of Legal Road

45. *The proposed vehicle access, and car parking spaces 1 to 7 and part of car parking spaces 8 to 9 are located on legal road (i.e., the verge of Governors Bay Road). In this respect, Kathy Jarden, the Team Leader of Council's Leasing Consultancy Team, has advised that the necessary documentation to formalise a licence to occupy legal road, was sent to the applicant on 15 May 2020, and once signed and returned, will formalise the licencing agreement. A copy of the draft licence to Occupy legal road is attached as Appendix 7.*

### Response to comments

46. The applicant confirms that Te Mahi Korowai Trust is in receipt of the License to Occupy agreement. Te Mahi Korowai Trust proposes executing the agreement upon confirmation of the grant of a resource consent for the development.

### Future Plan Change

47. *Permitted redevelopment opportunities on the application site are limited under the District Plan due to the significant setbacks required from the road and internal boundaries of the site. Council is currently working on a draft discussion paper to test alternative internal boundary and road boundary building setbacks in the PKKN zone, with the intended outcome of this review being a Plan change.*
48. *It is important to note that any changes made to the District Plan relating to the PKKN zone will not apply to the application site, unless the Trust applies to the Māori Land Court and obtains the necessary approval to change the status of 2 Rāpaki Drive back to Māori freehold Land.*

### Response to comments

49. The applicant recognises that the site is not currently Māori Land. It was originally Māori Land before being converted into General Land in 1969 due to the constraints for development placed on Māori Land.
50. Te Mahi Korowai Trust is aware of the work being undertaken by CCC and Mahaanui Kurataio Ltd (MKT) regarding the Papakāinga Kāinga Nohoanga Zone setback standards and rules. However, the Trust is also aware that any change to the PKKN setback standards and rules will necessitate a Plan Change and public submission process.
51. The Trust proposes submitting on a Plan Change. A submission may include the issue of the definition of land to which the PKKN provisions apply, whereby General Land owned by a tangata whenua Trust, for the purpose of housing tangata whenua hapu and whanau, is afforded the same status as Māori Land.

### Conditions

52. *Should the Panel wish to consider a set of conditions, the Council can assist by liaising with Environment Canterbury and preparing a set of conditions.*



## Response to comments

53. The applicant supports CCC and ECan assisting to prepare a set of conditions.

## Te Rūnanga o Ngāi Tahu

54. *“Te Rūnanga has been informed by Te Hapū o Ngāti Wheke Inc ('the Rūnanga') that, despite repeated requests, proper consultation has never been undertaken with the Rūnanga on this application and that the Executive of the Rūnanga were not aware that the proposal was still being advanced.*
55. *Te Rūnanga has been informed by the Rūnanga Executive that the Executive has made preparatory steps to take legal action against the Te Mahi Korowai trustees and is likely to commence action should this application be approved by the panel.*
56. *Te Rūnanga notes that the Application for Resource Consent (dated 18 August 2020) states [at paragraph 87] that consultation with Te Hapū o Ngāti Wheke was undertaken by Mahaanui Kurataiao Limited (MKT). Te Rūnanga has been informed by the Rūnanga that no consultation took place and the Rūnanga was not aware MKT was involved in the process. Te Rūnanga is concerned that this statement is interpreted as meaning support from Te Hapū o Ngāti Wheke.*
57. *Te Rūnanga is advised by the Rūnanga that the application for consent relevant to this proposal does not correctly describe consultation with the Rūnanga, nor the current position / views of the Rūnanga - including, (but not limited too), paragraph 235 is not correct; the Rūnanga does not consider it has been appropriately consulted. Likewise the statement at paragraph 281 that Te Hapū o Ngāti Wheke does not, or no longer considers itself an affected party is also incorrect. Te Hapū o Ngāti Wheke does consider itself an affected party in relation to this application and it does not consider the applicant has consulted with it appropriately. Te Hapū o Ngāti Wheke does not consider itself as having given any form of endorsement, support or approval for this proposal.*
58. *While Te Rūnanga considers Papakāinga / kāinga nohoanga housing is important to bring our people home to the whenua and the connection of the land to whanau ora, it does not believe the panel currently has sufficient information before it to make a determination on the effects of this development on Te Hapū o Ngāti Wheke.*
59. *Te Rūnanga understands that the Rūnanga does have concerns relating to the impacts /effects on amenity, traffic and infrastructure in relation to this proposal/ application.*
60. *Te Rūnanga does not believe the Panel has sufficient information at this time to determine the application and seeks the Panel consult directly Te Hapū o Ngāti Wheke in order to ascertain the effect of the proposal on Te Hapū o Ngāti Wheke.”*



### Response to comments

61. After the resource consent application was lodged with CCC, a Request for Further Information under Section 92 was made by the processing Consultant Planner. This request included a request for consultation with Te Hapū o Ngāti Wheke. In discussions with CCC Consultant Planner two options were provided. Either Te Mahi Korowai Trust (the Applicant) engaged Mahaanui Kurataiao Ltd to undertake the requisite consultation with Te Hapū o Ngāti Wheke and cover the costs of the consultation or CCC instruct Mahaanui Kurataiao Ltd to undertake the requisite consultation on the Applicant's behalf. The consultation costs associated with the second option are covered under a Memorandum of Understanding between CCC and Mahaanui Kurataiao Ltd.
62. It is understood that Mahaanui Kurataiao Ltd undertook consultation with Te Hapū o Ngāti Wheke and undertook an assessment of the proposal against the Mahaanui Iwi Management Plan provisions. The outcome of this consultation was provided to CCC and the Applicant.
63. The applicant understood that using Mahaanui Kurataiao Ltd as a channel is the standard and preferred process for consultation with any of the six Papatipu Rūnanga that hold mana whenua over the Christchurch and wider Christchurch region. The applicant believes that Mahaanui Kurataiao Ltd undertook the appropriate consultation with Te Hapū o Ngāti Wheke through their process. It is understood that Mahaanui Kurataiao Ltd have responded to Te Rūnanga o Ngāi Tahu with their recorded documentation of consultation.
64. As a result of the consultation undertaken by Mahaanui Kurataiao Ltd with Te Hapū o Ngāti Wheke relating to the proposed Papakāinga Development, Mahaanui Kurataiao Ltd formally advised that, subject to provision for recommendations designed to avoid, remedy or mitigate any effects on cultural values, *"... then the runanga would not consider themselves an adversely affected party"*. (Cultural Assessment; MKT; 12 December 2019)
65. It is clear that, on the instruction of CCC and with respect to the proposed Papakāinga Development, Mahaanui Kurataiao Ltd undertook consultation with Te Hapū o Ngāti Wheke. Te Mahi Korowai Trust has agreed to the recommendations contained in the Cultural Assessment.
66. I would also advise that all Trustees of Te Mahi Korowai Trust whakapapa to Te Hapū o Ngāti Wheke, and five (5) Trustees are kuia or kaumatua of Te Hapū o Ngāti Wheke.
67. I would advise that the Deputy Chair of Te Mahi Korowai Trust, Mrs June Swindells and the son of the Chair of Te Mahi Korowai Trust (Kopa Lee), are Trustees of Te Hapū o Ngāti Wheke Incorporated. Mrs Swindells has attended Te Hapū o Ngāti Wheke Incorporated meetings at which the proposed Papakāinga Development has been discussed.
68. Accordingly, Te Mahi Korowai Trust is entitled to consider that Te Hapū o Ngāti Wheke does not consider themselves an affected party.



## Heritage New Zealand Pouhere Taonga

69. *We would firstly like to clarify an incorrect statement made in the AEE: Paragraph 48 states ‘A search of the New Zealand Heritage List identified that a very small section in the south east corner of the Site is located within the M36/731 buffer area’. The New Zealand Heritage List does not identify archaeological sites. M36/731, located to the south of the application site, is an identification for an archaeological site recorded in the New Zealand Archaeological Association Site Recording Scheme. It should also be noted that these sites do not have defined ‘buffer’ areas.*
70. *We note that the application site sits within the Papakāinga/Kāinga Nohoanga zone of the Christchurch District Plan which is intended to facilitate and enable Ngāi Tahu whānau to use and develop ancestral land to support their social, cultural and economic aspirations. As such we support the principle of this application.*
71. *The site is also located within the Mahaanui Iwi Management Plan Silent File Area 031, which includes places that are considered by Ngāi Tahu to be wāhi tapu and/or wāhi taonga. In some instances, the precise location of these sacred places is not disclosed by whanau.*
72. *Under the Heritage New Zealand Pouhere Taonga Act 2014, archaeological sites are defined as any place occupied prior to 1900 that, through investigation by archaeological methods, may provide evidence relating to the history of New Zealand. Under the provisions of the HNZPTA 2014 archaeological sites are protected, and an authority from Heritage New Zealand Pouhere Taonga is required for any works that may modify or destroy an archaeological site.*
73. *In the knowledge that this site is located within a silent file area, the applicant has offered an Accidental Discovery Protocol condition. We acknowledge that this is consistent with advice contained in Appendix 3 of the Mahaanui Iwi Management Plan and will be a useful tool to have in place during the excavation works. However, as there has been no advice obtained from a suitably qualified experienced archaeologist to date, we do not consider this singular reactive measure to be sufficient in this circumstance.*
74. *Heritage New Zealand recommends a proactive approach, promoting avoidance of key archaeological features and mitigation of the impact to the archaeological values wherever possible. To inform these decisions around the avoidance of impact to archaeology, Heritage New Zealand recommends having the site and proposed works assessed by a suitably qualified experienced consultant archaeologist prior to the commencement of any works.*
75. *This will not only provide greater certainty around the potential of uncovering archaeological remains but will also reduce the possibility of delays during development. In the event of an accidental discovery of archaeological material all work on site must cease immediately, the site must be secured and Kaitiaki Rūnanga and the Heritage New Zealand Pouhere Taonga Archaeologist notified. A consultant archaeologist must then be appointed to identify the nature of the site. Works affecting the site can only resume once authority from Heritage New Zealand Pouhere Taonga has been obtained and is able*



*to be exercised. This could potentially delay the project anywhere from two weeks to three months depending on the nature and importance of the site.*

76. *Therefore, Heritage New Zealand Pouhere Taonga recommends the archaeological risks are identified to provide the applicant with sufficient information to make an informed decision. This will ensure the appropriate treatment of this archaeologically rich area and help avoid unnecessary delays for the applicant.*

77. *Heritage New Zealand Pouhere Taonga recommends the following condition is included in the consent should it be granted, to avoid any delays to the project if archaeological sites are discovered during the works:*

*“The proposal must be assessed by a suitably qualified and experienced archaeologist to determine whether it will or may affect archaeological sites and recommend whether an archaeological authority under the HNZPTA 2014 should be obtained prior to works starting.”*

#### **Response to comment**

78. The term ‘buffer’ was used in the application as this is what the area is referred to on the Environment Canterbury GIS mapping database (“150 metre buffer of NZAA Sites”). It is accepted that this term is incorrect.

79. During the CCC consenting process, the application was reviewed by Mahaanui Kurataiao Ltd. Mahaanui Kurataiao Ltd undertook an assessment of the application and consulted with Te Hapū o Ngāti Wheke. The result of the consultation did not state that Te Hapū o Ngāti Wheke required an archaeologist to assess the site or be on site during excavations; however, it did require that an Accidental Discovery Protocol (ADP) as per the Appendix 3 of the Mahaanui Iwi Management Plan is in place during excavation. This record of consultation is contained in Appendix 19 of the application.

80. It is considered that the requirement for an archaeological assessment of a site within a Silent File area is subject to whether the relevant rūnanga considers it necessary. Given the feedback received by Mahaanui Kurataiao Ltd from direct consultation with Te Hapu o Ngāti Wheke, it is not considered necessary to engage an archaeologist or cultural monitor for the proposed earthworks.

81. It is also noted that an ADP has been considered acceptable for other earthworks activities of similar size within Silent File Area 031.



Rt Hon Jacinda Ardern – Minister for Arts, Culture and Heritage

## Prime Minister

MP for Mt Albert

Minister for Arts, Culture & Heritage

Minister for Child Poverty Reduction

Minister for National Security & Intelligence



- 9 OCT 2020

John Hardie  
Chairperson, Rāpaki Expert Consenting Panel

[rapakifasttrack@epa.govt.nz](mailto:rapakifasttrack@epa.govt.nz)

Tēnā koe e John

### **COVID-19 Recovery (Fast-track Consenting) Act 2020 – comments sought on consent application for a Papakāinga Development in Rāpaki (LP13)**

Thank you for your letter of 22 September 2020 seeking my comments on the consent application for a Papakāinga Development in Rāpaki, Christchurch by Te Mahi Korowai Trust under the COVID-19 Recovery (Fast-Track Consenting) Act 2020 (the Act).

I support the principle of the application, i.e. to enable Ngāi Tahu whānau to use and develop ancestral land to support their social, cultural and economic aspirations.

I note that under the Act you must also seek comment from Heritage New Zealand Pouhere Taonga (HNZPT). HNZPT has provided me with a copy of the comments they made to your Panel which I have reviewed.

According to HNZPT, the project site is within an archaeologically rich area. To ensure any archaeological values are appropriately managed, and to avoid any project delays should archaeological sites be discovered during the works, HNZPT has recommended that the applicant takes a proactive approach. HNZPT recommends the following condition, should consent be granted:

The proposal must be assessed by a suitably qualified and experienced archaeologist to determine whether it will or may affect archaeological sites, and recommend whether an archaeological authority under the HNZPTA 2014 should be obtained prior to works starting.

I have nothing further to add to HNZPT's comments and look forward to the opportunity to review the draft conditions should your Panel decide to grant the consent.

Nāku noa, nā

Rt Hon Jacinda Ardern  
Minister for Arts, Culture and Heritage



### Response to comment

82. It is considered that the requirement for an archaeological assessment of a site within a Silent File area is subject to whether the relevant rūnanga considers it necessary. Given the feedback received by Mahaanui Kurataiao Ltd from direct consultation with Te Hapu o Ngāti Wheke, it is not considered necessary to engage an archaeologist or cultural monitor for the proposed earthworks.
83. It is also noted that an ADP has been considered acceptable for other earthworks activities of similar size within Silent File Area 031.
84. Accordingly, the response to the recommendation from Rt Hon Jacinda Ardern is the same as above for Heritage New Zealand Pouhere Taonga.

## Department of Conservation

### General Comments

85. *After evaluating the application, internal databases, and given the proposed measures to mitigate any potential environmental impact, I am comfortable that the proposal will not have any significant impact to any conservation or environmental values for which the Department is responsible.*

### Response to comments

86. Te Mahi Korowai Trust concurs with the comment of Department of Conservation.

### Adequacy of information

87. *Given the size of the area, its current use, the purpose of the proposed application, and DOC's knowledge of the area, I consider the level of information provided is appropriate to make informed comments.*

### Response to comments

88. Te Mahi Korowai Trust concurs with the comment of Department of Conservation.

### Freshwater effects

89. *In my view the application will not have adverse effects on freshwater habitat or species. This is based on there being no proposed earthworks or buildings within the specified 10-metre setback from the 'hill waterway'; that the stormwater will be managed through erosion and sediment controls ensuring that no contaminants (sediment) enter the waterway during construction; and that no contaminated stormwater discharge to ground or to the Christchurch City Council reticulated stormwater system.*



### Response to comments

90. Te Mahi Korowai Trust concurs with the comment of Department of Conservation. The Sediment and Erosion Controls will be required as Conditions of Consent.

### Terrestrial ecology

91. *The site is not located within an area of outstanding natural feature or landscape, or within Public Conservation Land.*
92. *I suggest a lizard survey of the site be undertaken by a suitable expert prior to any works being undertaken. If indigenous lizards are found to be present, then a Lizard Management Plan should be developed and the appropriate authorisations sought under the Wildlife Act 1953.*
93. *I support the use of locally sourced native plants which will provide for an easy blend with the local environment, but also ensuring Ngāi Tahu values and heritage are reflected and maintained at the site.*

### Response to comment

94. The Site currently contains four residential dwellings with a large lawn grass area and some shrubs. The surrounding environment is a mixed of residential and small rural land blocks, with many adjacent properties containing dwellings.
95. The existing vegetation on the Site does not comprise of plants species or stones / rock piles that are considered to be typical lizard habitat. According to the Department of Conservation public information (DoC website), lizards or gecko inhabit a wide range of altitudes (from sea level to approximately 2,200 metres) and a variety of habitat types, ranging from forest and scrub, tussock grasslands, rock outcrops and scree, rank grass or scrub plants. The property at 2 Rāpaki Drive does not provide suitable habitat for lizard/gecko. Therefore, the requirement for a lizard survey to be undertaken prior to any works being undertaken is not considered to be necessary. In addition, a lizard survey was not considered necessary during the CCC resource consent process.

### Effects on Mana Whenua, People and the Wider Community

96. *DOC has obligations under section 4 of the Conservation Act 1987 to give effect to the principles of the Treaty of Waitangi. Likewise, the Covid-19 Recovery (Fast-track Consenting) Act 2020 requires all persons performing functions and exercising powers under it to act in a manner that is consistent with the principles of the Treaty of Waitangi and Treaty settlements.*
97. *I acknowledge the cultural evaluations and consultation with Treaty Partners that has been undertaken to date and encourage the applicant to continue in the same manner.*
98. *I am supportive of this application insofar that it provides an avenue for mana whenua to continue to have a close connection with their ancestral lands, and exercise values such as kaitiakitanga, whanaungatanga, tikanga and manaakitanga over their whenua and within their community.*



### Response to comments

99. The applicant is appreciative of DOC's support of the application.

### Maire Duffull

100. *I fully endorse the 2 letters in Appendix 11.*

101. *Consultation was undertaken with adjacent properties but not the existing tenants. To date only 2 of the tenants have received this notice. This request was received 26th September 2020.*

102. *The application states the development will not be in stages, what plans are for the current kaumatua? as construction takes place.*

103. *Was there consultation with Kaumatua, or with developers of retirement homes to assess the main requirements for older people living? There are many other 'retirement type'; developments in New Zealand that are designed more in keeping with older folk and their lifestyle. The current tenants have insight into what is required.*

1. *Clotheslines. At present each tenants has a line directly from their unit. Having to go past other units to get to the line seems unnecessary. The plans do not show how many lines there will be.*
2. *Carparking space would be better at each unit; e.g. a carport and small shed.*
3. *Common Room, Is this necessary when Te Wheke Marae is down the road and available for use. I don't believe this Common Room will be used and who cleans it.*
4. *Bike shed, (there is no existing bike shed) - ridiculous!!! - Will Kaumatua be able to ride in this terrain: Rapaki Drive is very steep to the beach and only one way, Governors Bay Road is extremely busy, narrow and in poor condition. I can't see any of the current tenants being interested in biking.*
5. *Rāpaki Drive is a nice 'lane'. However, it is single lane and extremely busy in the summer with the public going to the beach. Te Wheke Marae is increasing the use of the road. Surely this road will need to be widened in the near future for safety. My concern is, where is the land coming from if this development is closer to the existing road?*
6. *I disagree with the Traffic Effects, outlined in the application. Access to the site is currently dangerous; I cannot see this danger will lessen with more than double the traffic.*
7. *The existing retaining wall that will be left unchanged as per the application needs attention. Silt and water come under the concrete drain. Even if there is no development, this needs attention.*

### Response to comments

104. It is proposed that the development will be undertaken in a way that allows current tenants to reside in their current units until the first 5 new units are built. It is proposed that the current tenants will be entitled to move into the completed units (Units 1 – 5) while the existing units are demolished and the remaining 5 units (Units 6 – 10) and the communal facility are built.



105. Te Mahi Korowai Trust engaged Solarchitects to design the buildings and deemed the outcome to be appropriate for the proposed use.
106. Tenants may have clothes lines installed at their units.
107. The suggestion of a carpark by each unit is noted; however, is not considered to be practical in terms of full utilising the Site, given its small dimensions. The number of carparks meets the Christchurch City Council standard.
108. It was understood that the existing shed was a 'bike shed'. Cycle parking spaces are required as part of the permitted standards of the 7.4.2.1 P2 Christchurch District Plan; therefore, they were included in the design to avoid non-compliance with the District Plan.
109. The applicant is not aware of any intention of Council to widen the road.
110. It is acknowledged that the increase in number of units on site will generate more traffic, however, the traffic will not exceed the permitted standards in the Christchurch District Plan.
111. Te Mahi Korowai Trust, as the landowner, notes that the existing retaining wall needs attention. The Trust has allowed for repair of the existing retaining wall in the engineering works.

#### Design of units

112. *Kaumatua often have to use walkers, I do not believe there is room in the units to maneuver. The doors should be wider, the living area is narrow. Has thought been given to furniture and maneuverability?*
113. *The decks are small. There is little private outdoor space for each unit. Open underneath the units?, Will this space be used to store items?, surely these could be covered in.*
114. *Egress in the case of fire in the front units? There are no steps from the decks. There is only one exit from these units.*
115. *Units 1-5 cannot have their entry from the front deck; there is no access from the ground.*

#### Response to comments

116. Solarchitects have designed the units specifically for the use of kaumatua and their size and dimensions reflect this.
117. The size of the units allows for a small deck area to avoid further non-compliance with the Christchurch District Plan. The areas underneath Units 1 – 5 are open (as they are on piles); however, there will be landscaping in this area as illustrated on the Landscape Plan.



118. All units have an entry to the deck and from the carparking area. The architectural plan only labels one of the doors with 'entry', hence the confusion. This has been raised with Solarchitects.
119. There is no exit from Units 1 - 5 from the front deck. There is only one entry/exit point. The entry/exit meets the requisite Building Code.

### **Why 10 units? And \$3.5m**

120. *\$50k- \$70,000 on each existing unit would bring them up to standard with double glazing, new joinery, kitchen, paint etc.*
121. *Kerb and channel and asphalt the existing drive, and repair the retaining wall.*
122. *There is room on the site for 2 x duplex units in the future.*
123. *Why a common facility when Te Wheke Marae is available for Kaumatua to use.*
124. *10 units will require the cost of an on site manager and handyman.*

### **Response to comments**

125. The Applicant notes the points above relating to the cost of bringing the units up to standard and improving the existing site. The Applicant has considered just repairing the units; however, they wish to build brand new, warm and dry homes that will be able to be used for many years to come with minimal maintenance.
126. The Applicant seeks ten units as they will be able to accommodate more kaumatua, particularly kaumatua that have been displaced from earthquake damaged homes or are forced by circumstances to live distant from their turangawaewae, Marae and Urupa.
127. The common facility area located within walking distance of the units was considered necessary as the units are small in size and would not comfortably host whanau gatherings.
128. The Applicant is aware of any maintenance requirements of the proposed units and shared use building and has budgeted accordingly.

### **Aaron Mitchell (1 Rāpaki Drive)**

129. *I oppose the application*
130. *Not complying, building heights, setbacks etc*
131. *Social housing rather than kaumatua*



132. *Parking already an issue in the bay*

133. *Not Papakāinga rather Private development*

#### **Response to comments**

134. The proposed development has non-compliances with the road boundary setbacks. There are no non-compliances relating to building height.

135. A key purpose of Te Mahi Korowai Trust is to provide employment, housing and health assistance for the people of Rāpaki Marae. Although defined as a “social housing complex” in the Christchurch District Plan, it is intended that the units will serve kaumatua from Rāpaki.

136. The proposal will increase the number of on-site carparks, and traffic volumes will meet the numbers deemed to be permitted under the Christchurch District Plan.

137. Chapter 12 of the Christchurch District Plan defines Papakāinga / Kāinga Nohoanga as a traditional form of Māori communal living on ancestral or tribal lands. The proposal is considered to meet this definition as the development by a Māori charitable trust will enable kuia and kaumatua to live in a communal situation on their ancestral Rāpaki land.

#### **Hon Nanaia Mahuta**

138. *Thank you for the opportunity to comment in relation to this application. From the outset, the intention of the Government in facilitating this project through the process of fast-track consent is solely focused on removing an unnecessary barrier to the use of this Māori owned whenua for papakāinga housing purposes (for those that whakapapa to the whenua). We are aware that within the iwi, hapū and neighbouring community there may be different views about the intended use of the whenua and also about ownership control. The fast-track consenting process is not intended to, and nor should it, circumvent proper kōrero and consultation within the community, and I expect this will occur. We consider the fact that a consent barrier has been resolved will open opportunities for the community regarding this whenua, no matter what form future decisions take. To provide further clarity, and to address possible misunderstanding, I confirm that:*

- *planning consent is intended to be an enabler only for the benefit of all owners of the whenua for the future*
- *the expectation is that any future decisions about the use of the whenua will be a matter for the land-owning community and hapū, and subject to appropriate kōrero and consultation within the community*
- *Te Puni Kōkiri, I am advised, has neither received a proposal nor approved funding towards papakāinga construction or any development on the whenua. Were such an application received,*



*matters such as the lack of community consensus and dispute over land ownership would be likely barriers to approval.*

139. *On this basis I support the EPA view that it would be useful for the Panel to hear the Iwi and hapū view and to consider what community engagement and consultation should occur as part of the conditions of consent.*

#### **Response to comments**

140. As discussed earlier in this response, Mahaanui Kurataiao Ltd undertook consultation with Te Hapū o Ngāti Wheke and undertook an assessment of the proposal against the Mahaanui Iwi Management Plan provisions. The outcome of this consultation was provided to CCC and the Applicant.
141. Mahaanui Kurataiao Ltd undertook the appropriate consultation with Te Hapū o Ngāti Wheke through their mandated process. As a result of the consultation relating to the proposed Papakāinga Development, Mahaanui Kurataiao Ltd formally advised that, subject to provision for recommendations designed to avoid, remedy or mitigate any effects on cultural values, “... *then the runanga would not consider themselves an adversely affected party*”. (Cultural Assessment; MKT; 12 December 2019)
142. It is clear that, on the instruction of CCC and with respect to the proposed Papakāinga Development, Mahaanui Kurataiao Ltd undertook consultation with Te Hapū o Ngāti Wheke. Te Mahi Korowai Trust has agreed to the recommendations contained in the Cultural Assessment.
143. I would also advise that all Trustees of Te Mahi Korowai Trust whakapapa to Te Hapū o Ngāti Wheke, and five (5) Trustees are kuia or kaumatua of Te Hapū o Ngāti Wheke.
144. I would advise that the Deputy Chair of Te Mahi Korowai Trust, Mrs June Swindells and the son of the Chair of Te Mahi Korowai Trust (Kopa Lee), are Trustees of Te Hapū o Ngāti Wheke Incorporated. Mrs Swindells has attended Te Hapū o Ngāti Wheke Incorporated meetings at which the proposed Papakāinga Development has been discussed.
145. Accordingly, Te Mahi Korowai Trust considers that Te Hapū o Ngāti Wheke does not consider themselves an affected party and there is no evidence of a lack of consensus or dispute over the land ownership within the appropriate tangata whenua entities at Rāpaki.

#### **Kitti Couch**

146. The comments from Kitti Couch mirror the Submission to the Christchurch City Council notification of the resource consent application and are provided in Appendix 10 of the application in accordance with the COVID-19 Recovery (Fast Track Consenting) Act 2020.

#### **Response to comments**

147. The matters raised in Kitti Couch’s submission are addressed in Paragraphs 98 – 114 of the application.



148. The matters raised in the 'comments' may be addressed through clarification of the proposed development and further details relating to potential mitigation measures.
149. The Papakāinga / Kāinga Nohoanga development accords with *tikanga* Ngāti Wheke and provides safe, warm and modern residential housing for kuia and koroua who whakapapa to Rāpaki. It is confirmed that the intent of the proposed residential units is to provide for kuia and koroua who whakapapa to Te Hapū o Ngāti Wheke, and who seek to reside on their ancestral land for her/his remaining days.
150. Te Mahi Korowai Trust does not agree that there is any contestability with respect to the ownership of the Site. Te Mahi Korowai Trust (formally Te Runanga O Rāpaki Trust Board) is identified by LINZ (and the Crown) as the owner of 2 Rāpaki Drive on the Certificate of Title. The land is General Land, in accordance with a Status Declaration from the Māori Land Court, dated January 1969.
151. It is noted that the property at 3 Rāpaki Drive is currently vacant, with multiple owners and no persons currently residing on the property. The orientation and design of the buildings and proposed landscaping is considered to mitigate any issues of privacy loss or visual impacts on 3 Rāpaki Road.
152. There are no proposed earthworks or buildings within the specified 10-metre setback from the 'hill waterway' under the Papakāinga provisions of the CDP. There will be erosion and sediment controls in place to ensure that no contaminants (sediment) enter the 'hill waterway' during construction, in accordance with a Sediment and Erosion Control Plan. Overall, the proposal complies with the permitted standards in the Christchurch District Plan (CDP) that are intended to protect waterbodies.
153. Ms Couch is correct in assuming that there will be more people as a result of the proposal, as there will be an additional six residential units. However, experience shows that most kuia and koroua will not have their own private vehicles, and the car park reflects this. The proposed 10 car parks and two accessible car parks meet the *permitted standards* in the CDP for the proposed activity.
154. It is unlikely that the proposal will result in additional noise that would be offensive to surrounding properties. The effects of increased traffic are discussed in the assessment of effects of this application. Overall, it is considered that the submission points raised about noise, people and traffic can be avoided and mitigated.
155. Construction-phase stormwater will be discharged to ground with sediment and erosion control measures in place (refer Sediment and Erosion Control Plans in the Appendix).
156. Operational-phase stormwater is to be connected to the CCC reticulated system. All stormwater discharges are considered to be *permitted activities* under Environment Canterbury Regional Council's Land and Water Regional Plan (CLWRP).

### Yvette Couch-Lewis and John Couch

157. *This is a submission on an application from Te Mahi Korowai Trust for a resource consent.*
158. *The application by Te Mahi Korowai Trust is for a Land Use Consent to establish a Papakāinga/Kāinga Nohoanga development of ten residential units and one community shared use facility, on a property at 2 Rāpaki Drive, Rāpaki.*



159. *We are not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.*
160. *I, Yvette Couch-Lewis, am a registered whānau member of Te Hapū o Ngāti Wheke, and, accordingly, hold mana whenua status over the property subject to the consent application at 2 Rāpaki Drive.*
161. *We are directly affected by an effect of the proposed Kāinga/Nohoanga development and it is likely that the activity for which consent is sought will result in a visual obstruction and impediment upon our view from our property at 218 Governors Bay Road to the Harbour of Whakaraupō.*
162. *The CCC Planner in their assessment of this application for resource consent was of the view that a visual simulation of the proposed development should be undertaken so as to aid in making a complete determination of this matter. We are strongly in support of this position and seek reassurance that the proposed Papakainga/Kainga Nohoanga will not adversely affect our view of the Harbour from our property.*
163. *Our submission is that, before consent is granted for the proposal of Te Mahi Korowai Trust, a visual simulation is undertaken of the proposal so as to determine the effects of the proposed activity upon our views of the Harbour.*
164. *Until such a simulation is undertaken, we oppose the grant of consent. We wish to be heard in support of our submission.*

#### **Response to comments**

165. The applicant accepts that the CCC planner recommended a visual simulation to ensure that views to Whakaraupo from 218, 220 and 222 Governors Bay Road are not lost.
166. The Independent Commissioner undertook a site visit and conclude that, with the exception of 1 Rāpaki Drive and 3 Rāpaki Drive, would be adversely affected by the proposal. The Independent Commissioner considered that 213 Governors Bay Road (which adjoins the site) was of a sufficient elevation to maintain a clear view of the Te Poho o Tamatea. The property at 218 Governors Bay Road is elevated slightly higher than 213 Governors Bay Road. We would contend that their views will also be maintained.

#### **Generation Zero**

167. *“Generation Zero supports the Rāpaki Papakāinga Development. Increasing urban density to make homes more affordable will support our transition to a low carbon economy.” ...*

#### **Response to comments**



168. The applicant notes and accepts the comments from Generation Zero in regard to the proposal and how it can reduce the carbon use of residents.

### June Swindells

169. *“My husband and I are owners of the adjoining section to the proposed units. I am a major shareholder of the section (vacant) next to number 1 – opposite the proposed units and have no objection at all of the proposed units. Rāpaki was the most destroyed Pa, with rockfall and demolishing 1/3 of housing. The Kaumatua flats housed Kaumatua who had suffered house loss – a list of displaced whanau outweigh the current flats available, Rāpaki desperately need housing for our Kaumatua and people who want to come home.”*

### Response to comments

170. The ‘comments’ of Mrs Swindells is noted and is accepted.

### Parties that advised ‘no comments’

171. The following parties were invited to comment and responded with having no comments on the application are:

- Hon Andrew Little – Minister for Treaty of Waitangi Negotiation
- Hon Kelvin Davis – Minister for Māori Crown Relations: Te Arawhiti
- Jonathon Clark – New Zealand Infrastructure Commission

### Response to comments

172. The correspondence from Hon Kelvin Davis, Hon Andrew Little and Jonathon Clark have been noted and accepted.

On behalf of Te Mahi Korowai Trust, please accept this letter as comprising the formal responses to the ‘comments’ of the persons and entities notified in accordance with the requirements of the COVID-19 Recovery (Fast Track Consenting) Act 2020.

Yours sincerely

**Elrick & Co Limited**

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