

Pegasus Town Limited

Stage 1 - Stormwater and Earthworks
Consultation Report

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partnerships

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1 INTRODUCTION

This consultation report is provided as a supporting document in relation to the applications made by Pegasus Town Limited for resource consents associated with the stormwater solution and site wide earthworks proposed for the town.

Pegasus Town Limited initiated substantial community consultation in October 2004 to establish an effective consultation process that sought to provide an opportunity for interested and affected parties and stakeholders to be informed about the proposal. A high level of consultation has been maintained to date with respect of all elements of the Mapleham and Pegasus Town developments. Utilising 'best practice' consultation methodologies has been the guiding principle in undertaking consultation associated with this project.

As a general overview this Consultation Report outlines the requirements of consultation under the relevant legislation, and identifies the objectives of the Pegasus Town Consultation Plan which provide the overarching direction for all consultation undertaken with respect to the proposed Pegasus development.

From the outset, the Pegasus Project Team has been aware that the storm water solution for the site needed to recognise the interests and expectations of a variety of diverse stakeholder groups. The solution was to be one that understood how these groups interacted with the local environment, and the way in which solution could potentially impact upon these interactions. As a consequence of this, a substantial amount of planning and preparation has been undertaken with respect to the proposed storm water solution, and the final design is one that reflects the needs of the site and provides for the interests of key stakeholders.

The primary objective of this consultation phase was to inform stakeholders of the proposal, to garner feedback and inputs from the various groups and individuals recognised as having a stake in the solution, and to ensure that all of these parties developed a thorough understanding of the key features of the proposal. A number of meetings and a wide variety of formal and less formal communications have taken place with key stakeholders and interest groups.

This report provides an account of the consultation that has been undertaken with respect to the proposed storm water solution, extracts the key outcomes from the consultation process, and subsequently draws a number of conclusions about the process and design of the works proposed.

2 CONSULTATION REQUIRED UNDER THE ACT

While undertaking consultation for resource consent applications is not mandatory, the Environment Court has stated that it is recognised good practice to consult. Given the scale and impact of the proposed

development Pegasus Town Limited considered public consultation to be a critical component of this project.

The Fourth Schedule (Clause 1(h)) of the Act states that an Assessment of Environmental Effects should include:

- (h) *An identification of those persons interested in or affected by the proposal, the consultation undertaken, [if any,] and any response to the views of those consulted:*

The only obligation imposed by the words of Schedule 4 is to report on consultation. While this suggests that consultation should occur, it is silent as to the consequences if it does not. If an AEE does not refer to consultation when it should have, or if it identifies consultation as having occurred when this is not correct, the application for resource consent may potentially be invalid, depending on the facts and circumstances of the individual case. Generally however, it will be only in exceptional cases that a total failure to refer to consultation will mean that an AEE is so defective (*Ngati Hokopu ki Hokowhitu v Whakatane*) that the council or Court has no jurisdiction to consider the application:

However, consultation requires more than giving notice of the application and seeking comment. That is merely dissemination of information. It requires a response by the applicant to those consulted. In *Campbell v Southland*, the Tribunal declined to give weight to the large number of submissions in support of an application where it found that there had been a lack of meaningful consultation in the sense described in *Wellington International Airport Ltd v Air NZ*.

In particular, the lack of understanding about effects demonstrated by submitters demonstrated that not all relevant information had been conveyed. "Consultation will be successful only when those consulted themselves have adequate information on which to signify a reasoned consent": *Worldwide Leisure Ltd v Symphony Group Ltd*.

Consultation with tangata whenua under the Resource Management Act (1991) is not a legal requirement for resource consent applicants. Even when it is not a legal requirement, consultation is best practice and may lead to better environmental outcomes.

The Treaty of Waitangi provides for the exercise of kawanatanga (governance by the Crown), while actively protecting tino rangatiratanga (full authority) of tangata whenua in respect to their natural, physical and spiritual resources. All persons acting under the Act (including applicants, councils and tangata whenua) must take into account the principles of the Treaty of Waitangi (section 8).

It is considered that the following parties will require consultation as part of fulfilling the statutory obligations under section 93 and 94 of the Act and include:

- Local authorities who may be so affected;
- The Tangata Whenua of the area who may be so affected, through Iwi authorities and tribal Runanga.
- Transit New Zealand;
- The Department of Conservation;

- The New Zealand Historic Places Trust;
- Community Groups;
- Immediately adjoining landowners;
- Any specific interest groups;
- And the wider public generally

2.1 Elements of Effective Consultation

From the leading case on consultation, *Wellington International Airport Ltd v Air New Zealand (1991)*, the elements of effective consultation include:

- A statement of a proposal not yet finally decided upon
- Listening to what others have to say and considering responses
- Sufficient time being allowed and a genuine effort to engage the community of interest being made
- Ensuring sufficient information is available to enable those consulted to be adequately informed so as to be able to make intelligent and useful responses
- Keeping an open mind and being ready to change and even start afresh, although the project proponent is entitled to have a working plan already in mind
- Holding meetings and providing relevant additional information upon request
- Waiting until those being consulted have had their say before making a decision
- Being willing to re-open the consultation process if necessary

3 CONSULTATION OBJECTIVES

A main objective of the consultation process are to address, as far as possible, the issues and concerns of stakeholders and affected parties prior to the resource consent applications being lodged with the Waimakariri District Council (WDC) and Environment Canterbury (ECan). Given the analysis of submissions to the original Pegasus resource consent application and the Environment Court decisions, Pegasus Town Limited sought to carry out an extensive pre-lodgement consultation process, and to maintain lines of communication throughout the process. The analysis revealed that the most significant issues for submitters were related to cultural values, the natural environment, water quality and stormwater (quality and quantity).

As such the overarching consultation objectives that flow through the entire resource consent process are described as follows:

Objective 1:

To repair the relationship between parties opposed to the original Pegasus proposal and the new owners of the site.

Objective 2:

To build a new relationship with key stakeholders based on trust, sharing of information and a co-operative approach to matters of common interest or concern.

Objective 3:

To assist any future consenting process by:

- (a) Providing information in a co-ordinated timely manner to key stakeholders ensuring that all stakeholders are advised at the same time and receive the same information
- (b) Using a range of methods to ensure information is disseminated accurately and in a timely manner
- (c) Providing a range of communication options for stakeholders to respond easily to information that they receive
- (d) To be proactive in seeking responses to the information sent, and;
- (e) As a result of (c) above, define the issues raised and where possible/appropriate address or resolve those issues.

With the three objectives overarching the entire resource consent process, Pegasus Town Limited adopted a number of refined objectives that have guided the Project Team in ensuring that the consultation process is beneficial to all involved.

3.1 Background

The Pegasus Town Limited Project Team initiated substantial community and stakeholder consultation in October 2004. A public information strategy was designed to give both the local community and the wider Canterbury public a comprehensive introduction to the Pegasus Town development. Letters of introduction, and initial discussions were held with the respective Councils and interest groups were held at this stage. A Public Open Day was held on the 26 May 2005 and was an opportunity to engage the wider community and discuss the proposed Pegasus Development as a whole. Following the initial, more general consultation phases, consultation with respect to the proposed Mapleham development began. The outcome of such consultation helped guide the formulation of the Master Plan for Mapleham and the Resource Consent applications as lodged with the Waimakariri District Council and Environment Canterbury in October 2005.

3.1.1 Public Information Programme

The objectives of the public information programme were to:

- Use a number of channels to provide the wider Canterbury community with a detailed introduction to the Pegasus Town development
- Base the public information programme on the publication of a two page advertorial feature, detailing the Pegasus Town development, in the Christchurch Press and in the local newspapers.

This phase consisted of letters of introduction, and initial Council and key stakeholders briefs. This initial consultation phase allowed the Pegasus Project Team an opportunity to engage the community, and other key stakeholders such as the Department of Conservation and iwi interests. At this initial stage consultation was based on information sharing, building relationships and establishing contact points for future consultation.

3.1.2 Open Day

The Open Day was held for the entire day at the Woodend Community Centre on the 26 May 2005. The Pegasus Town Limited Project Team and representatives of Infinity were present at the venue to provide the community with an opportunity to learn more about the proposed resource consent process and the options being considered, and to discuss the proposal. The open day was an opportunity to share information and gauge responses to the proposed development. It was also an opportunity for the Pegasus Team to fully discuss their plans for the site and allow a medium for effective feedback to occur. The atmosphere was one that was relaxed, friendly and open; this allowed barriers to be discarded and effective consultation to occur. The Pegasus Project Team found this interactive medium appropriate to gauge the level of interest in the development and to make a preliminary assessment of potential issues that the community and key interest groups may have had. The Open Day was a key building block in the ongoing consultation with respect to the Pegasus Town development.

3.1.3 Mapleham Consultation

Following initial engagement with the public and stakeholder groups, it was appropriate to guide the consultation towards a more specific path. Consultation specific to the Mapleham development was undertaken with various interest groups, community members and key statutory organisations. As a result of this consultation the Mapleham Master Plan was finalised and the Resource Consent applications were lodged in October 2005.

A large number of supporting submissions were received with respect to the Mapleham resource consent applications. This response is perhaps a reflection of the level of engagement achieved and early resolution of issues throughout the consultative phase for Mapleham. The applications that were lodged with the Waimakariri Council and Environment Canterbury were a reflection of the collaborative approach which helped shape the final design scheme of the Mapleham proposal.

4 STORMWATER AND EARTHWORKS CONSULTATION

A key focus for the Pegasus Town Project Team has been creating a stormwater and earthworks solution that achieves the best results for the community and the environment. As such, consultation with key members of the community, statutory organisations and key interest groups has been essential in the development of such a solution.

Ongoing discussions and information sharing with key stakeholders has been a feature of both the formative and detailed design phases. A series of regular technical workshops and presentations with the Waimakariri District Council and Environment Canterbury have been undertaken, and these sessions have been invaluable in informing the ultimate solutions. To assist and enhance understanding during the various consultation meetings visual aids were utilised. These visual aids consisted of power point presentations and information flyers. Given some of the more

technical aspects of this proposal, the visual aids were an essential element to this consultation process.

4.1 Consultation with Statutory Authorities

Given the more technical nature of the stormwater and earthwork proposal, input from the territorial and regional Council has been an essential element in the development of a final design solution for the Pegasus site. The Pegasus Team recognise that the Council's knowledge of the area and experience with other types of solutions for the area is an invaluable resource and should not be underutilised.

4.1.1 Waimakariri District Council – Meeting 31st October 2005

Members of the Pegasus Project Team held a meeting with planning and engineering staff at the Waimakariri District Council, Rangiora. The main objectives of the meeting were to introduce and present the Pegasus stormwater solution and respond to any initial issues or queries the Council staff may have had.

The Council engineering staff indicated that like any other stormwater proposal, their main interest would lie in two particular areas; the first being the quantity of the stormwater and the second being the quality. The various components and aspects of the site specific stormwater design were presented as a means of indicating how the standards imposed by planning controls and technical demands were to be achieved.

Council indicated that from a pragmatic perspective, a system that was practical and facilitated future ease of use, operation and maintenance was preferred over a system which achieves the strictures of the District Plan, but which could potentially either cause problems in the future and act as a drain on ratepayers.

This was supported by the Pegasus Project Team, and as such the solution has been designed so that it is workable, cost effective solution suited to the site, and which lends itself to ease of maintenance and upkeep.

4.1.2 Environment Canterbury / Pattle Delamore Partners – Meeting 2nd November 2005.

Members of the Pegasus Project Team held a meeting with representatives of Pattle Delamore Partners. Pattle Delamore Partners have been delegated authority by Environment Canterbury to process those consent applications made to the regional authority to effect the stormwater solution. This meeting was held to present the options being considered for the stormwater solution, and to give the processing engineer opportunity to comment and feed back any initial issues or concerns.

This presentation and discussion focussed on the technical elements of the proposal. The Pattle Delamore representatives asked for clarification on some of the more technical aspects of the design, including how the gravel trenches would be maintained, the function of the sand filters and whether alternative options had been considered. Aside from some minor

suggestions, the proposal was generally received as a practical and workable solution for the site.

4.2 Consultation with Iwi

Iwi have been heavily involved in the assessment process in relation to cultural impact and archaeology throughout the consultation process. It is a priority of the Pegasus Project Team to build an on-going positive working relationship with Iwi, and as such consultation with Iwi groups has been essential in the development of the stormwater solution. The Pegasus Project Team have recognised that it is essential to ensure the stormwater quality is of a high standard, to help protect and enhance the mahinga kai resource and preserve the cultural narrative of the site through ecological restoration. For this aspect, the Project Team has actively consulted with all Iwi groups with interest in the site.

4.2.1 Tuhaitara Trust – Stormwater Solution Meeting 10th November 2005

A meeting was arranged with representatives of the Tuhaitara Trust at Kaiapoi. This was an opportunity for the Project Team to formally introduce the proposed stormwater solution and respond to any queries or suggestions the Trust may have had.

The Trust had a number of areas where they required further information from the Project Team. More specifically the Trust required further detail on the following areas:

- The flood capacity of the system i.e. 1 in 100 or 1 in 500;
- Maintenance of the sand filters;
- The water quality – particularly with respect to the wetland area and Tutaepatu Lagoon;
- Water quality monitoring and system maintenance.

The Pegasus Project Team was able to provide the Trust with the necessary information which appeared to be sufficient for their requirements at this time.

4.2.2 Te Ngai Runanga O Tuahuriri – 16th November 2005

The Pegasus Project Team presented the proposed stormwater solution to the local Runanga at the Tuahiwi Marae. The presentation consisted of a presentation by the Project Team, followed by an open discussion.

The local Runanga raised a number of issues and concerns as follows:

- Potential leaching of heavy metals
- Maintenance and disposal of contaminated material from swales
- Possible implications of sea level rise
- Groundwater flow
- Construction of gravel soak pits
- Monitoring and on-going maintenance of the system.

The attendees were assured that monitoring of the system would be a requirement of the resource consent.

4.2.3 Te Runanga o Ngai Tahu – 17th November 2005

Members of the Pegasus Project Team presented the proposed stormwater solution to Ngai Tahu, and also members of the Tuahuriri Runanga. Ngai Tahu responded positively to the presentation and provided the Pegasus Team with encouraging feedback with respect to the various design, technical and engineering solutions that had been put forward.

Following the presentation, a more general discussion regarding the cultural and historical significance of the site itself unfolded. It was a general consensus amongst the attendees that the site had significant cultural and historical values that needed to be preserved. Representatives from the Pegasus Team reiterated that the responsibility of this preservation would be shared by Infinity and the local Runanga.

4.3 Consultation with Interested Parties and Individuals

The Pegasus Project Team is committed to on-going consultation with neighbours and those individuals who have expressed an interest in various components of the Pegasus development. Efforts in this regard are detailed below:

4.3.1 Mail Out

To allow those interested the opportunity to become involved with the stormwater solution for the Pegasus site, a letter and associated information brief was sent out on the 21 November 2005 (Appendix A). The letter and enclosed flier outlined the proposed stormwater solution and welcomed recipients to feed back their views on the proposal. Several members of the community did respond with questions and comment on the proposal. These comments were largely positive and complimentary of the transparent approach adopted by the developer.

4.4 Consultation with Community and Conservation Groups

The involvement of community and conservation groups was regarded as an essential component in all elements of the Pegasus Town development. To this effect, two well attended meetings with the community and representatives of conservation interest groups were held to present and discuss the proposed stormwater solution.

4.4.1 Community and Conservation Groups – Meeting 23rd November 2005

The objective of this meeting was to provide the assembled representatives of various conservation interest groups and representative community groups an update and to outline the process of moving forward on the stormwater solution. The issues raised in this forum were focussed on the creation and function of the lake and the impact on stormwater, the use of swales, the potential for flows to and from Tutaepatu Lagoon, and the ongoing costs of the system and lake edge treatments.

More specifically, the Pegasus Project Team provided assurance that the hydrology of the entire site and surrounding area had been assessed, and that the stormwater solution including the combination of swales and under-drains would ensure stormwater is controlled. An undertaking was also made that the developer would undertake to ensure that all infrastructure (including the stormwater system) was operating smoothly and efficiently prior to any eventual handover to the Waimakariri District Council.

4.4.2 Waikuku Community - Meeting 7th December 2005

Given the level of interest in the proposed storm water solution, the Pegasus Project Team gauged that it was necessary to hold a public meeting at Waikuku Beach. As a downstream community, Waikuku is regarded as the most potentially affected community (in terms of stormwater and flooding). The objective of this meeting was to enable the community to gain a thorough understanding of the solution and to answer any questions that the residents might have.

The principal issue for discussion was the effect on the existing flood capacity of the area. Additionally, questions were asked as to water takes, and extraction methods, construction and operation of the lake, hydraulic connections between proposed works and existing water takes and what general impacts the proposed system might have on neighbouring individuals and communities.

The Group also raised some more specific questions relating to the flow of Tutaepatu and quality of Taranaki Stream and the ownership and eventual maintenance of the stormwater system. The meeting provided the residents of Waikuku with the opportunity to gain further insight into the proposed storm water solution and also the Pegasus development as a whole.

4.5 Outcomes of the Consultation Process

The consultation that has been undertaken to date with respect to the proposed stormwater solution and associated earthworks has been a very valuable process and has resulted in some very valuable outcomes.

The following points encapsulate the central issues and outcomes raised during the course of the consultation process:

- General acceptance of the proposed stormwater solution. The generally positive feedback from the consultation gives the project team some heart that the proposal is a solution that as well as being technically and environmentally sound, is generally regarded as palatable by the wider stakeholder community.
- Issues raised during the process were primarily geared around concerns regarding the quality and location of the proposed discharges, the quantities involved and the impact that the development of the site would have on the existing capacity of the area to assimilate flood waters.

- Cultural concerns in terms of enhancing the mahinga kai resource, preserving base flows to the restored wetlands and not adversely impacting upon the quality of the receiving environment are apparent.
- Relationships throughout the community have been established and strengthened throughout this process. These lines of communication remain open, and the developer is committed to ongoing dialogue and discussion with interested parties.

4.6 Ongoing Communication

Once the applications have been lodged with both the Waimakariri District Council and Environment Canterbury, ongoing consultation with key stakeholders and interested groups will be maintained through both the statutory and non-statutory channels. Notification of the applications has been requested, and as such submissions on the applications will be invited. The Pegasus Team is committed to ensuring all formal and informal communications channels remain open and active during this time.

4.7 Internal Communication

A high level of internal communication is also a necessary component of effective external consultation. Keeping all Pegasus Project Team members briefed during the consultation process is imperative. As a consequence the consultation database was established and managed by Mitchell Partnerships. The database is continually updated and reports from this are circulated to all members of the project team. The database is an essential system whereby all members of the team are kept well informed of all the issues which evolve from the consultation process.

5 CONCLUSION

The central issues that emerged from the consultation process are identified below:

- Water quality
- Flood capacity of the system
- Treatment, monitoring and maintenance regime of the solution
- Protection and Enhancement of the mahinga kai resource
- Preservation of the cultural and ecological significance of the Site.

The following aspects of the design have in part been formulated in response to issues that have been raised during the consultation process:

- The storm water solution has been specifically tailored to the site
- The storm water solution achieves the key principles and objectives of the Waimakariri District Plan
- The effects of a 1:100 year flood will be successfully managed within the site

- A high standard of storm water treatment (to accepted industry standards) is achieved
- The proposed storm water design allows the opportunity to improve water flows to the Tuhaitara Trust land.
- It was also identified that the proposed solution is an environmentally responsible solution, which on a wider scale seeks to preserve and enhance the ecological characteristics of the site.

Overall it is considered that the consultation process that has been facilitated to date has been an effective and successful means of engaging with the local community and interest groups. It is Pegasus Town Limited's intention to maintain the lines of communication that have been established, and to continue to operate at a transparent, consultative and positive fashion so that the best possible outcome for all parties can be achieved.

APPENDIX A

'The Pegasus Stormwater Solution' flier