

3<sup>rd</sup> December 2021

## Bellgrove Stage One

### Introduction

This report has been prepared in relation to the Bellgrove Rangiora Limited development listed in Schedule 16 of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 4) 2021 to fulfil the requirements of the Covid-19 Fast Track Act (clause 9(5)).

The preparation of a Cultural Impact Assessment (CIA) is at the discretion of the relevant Papatipu Runanga. Regarding this development, Te Ngāi Tūāhuriri Rūnanga as manawhenua over this takiwā have declined that a CIA be prepared for this proposal and location. The Rūnanga have directed Mahaanui Kurataiao to prepare this document in lieu of the provision of a CIA.

The mandated kaitiaki representatives for Te Ngāi Tūāhuriri Rūnanga were briefed on the proposal to develop Bellgrove (stage one) on the 3<sup>rd</sup> of December 2021. The following report identifies potential effects on cultural values from the activities of development, as outlined in the summary below.

Recommendations to mitigate or avoid these impacts have been provided by the kaitiaki and assessment against the policies of the Mahaanui Iwi Management Plan 2013. The applicant has also been directed to refer to the Ngāi Tahu Subdivision and Development Guidelines to recognise opportunities to enhance cultural values inherent within the site.

### Manawhenua Statement

Ngāi Tahu are tangata whenua of the Canterbury region and hold ancestral and contemporary relationships with Canterbury. The contemporary structure of Ngāi Tahu is set down through the Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act) and, through this structure and this Act, sets the requirements for recognition of tangata whenua in Canterbury.

The Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001 is supplementary to the Te Rūnanga o Ngāi Tahu (TRoNT) Act 1996 and sets out the Papatipu Rūnanga and their respective takiwā.

The following Rūnanga are manawhenua who hold rangatiratanga over the project's location, as it is within their takiwā:

- Te Ngāi Tūāhuriri Rūnanga

The natural resources – water (waterways, waipuna (springs), groundwater, wetlands); mahinga kai; indigenous flora and fauna; cultural landscapes and land - are taonga to manawhenua and they have concerns for activities potentially adversely affecting these taonga. These taonga are integral to the cultural identity of ngā rūnanga manawhenua and they have a kaitiaki responsibility to protect them. The policies for protection of taonga that are of high cultural significance to ngā rūnanga manawhenua are articulated in the Mahaanui Iwi Management Plan (IMP).

The Ruataniwha/Cam River runs through the site. The modification of the rivers and their tributaries has had significant effects on the relationship of Ngāi Tahu and their associations with these waterways. The restoration of waterways is an issue of priority for whānui.

## Summary of Proposal

- Bellgrove Rangiora Ltd. (BRL) are submitting a residential development application under the Covid-19 Fast Track Act for 52 Kippenberger Ave in Rangiora.
- The site is currently zoned Rural.
- Stage one of development consists of 20.8ha creating 190 – 200 lots. These will be medium-high density.
- Approximately 5,000m<sup>2</sup> will be set aside for future commercial development. 2,400m<sup>2</sup> will be set aside for future residential development.
- The Ruataniwha/Cam River and a waterway identified as the Northern Flow Channel run through the site. These are identified as Ngā Wai or waterways of significance.
- BRL is proposing to manage the quantity of stormwater runoff. Excess stormwater will be directed to infiltration basins for soakage to ground.
- The Ruataniwha will be realigned to allow for additional stormwater retention and enable subdivision layout.
  - The Northern Flow Channel will also be straightened.
- Contaminated land will be remediated as part of the realignment.
- The banks of both waterways will be re-naturalised with native vegetation.
- A 10m wide esplanade will be created along the Ruataniwha, including a 2.5m shared pathway.
- The WDP requires a 20m wide esplanade for the purpose of conservation and natural hazard mitigation.

- The aquatic ecology report recommends an ‘ecologically functional buffer strip of 10 m width from the channel edge.’
- Native trees and shrubs will be established in the buffers. Some large existing exotic trees will be retained.
- The wastewater system will connect to the existing lines running along Kippenberger Ave.

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

The matters that are relevant to this proposal have been identified as:

**P4.1** To work with local authorities to ensure a consistent approach to the identification and consideration of Ngāi Tahu interests in subdivision and development activities, including:

- (a) Encouraging developers to engage with Papatipu Rūnanga in the early stages of development planning to identify potential cultural issues; including the preparation of Cultural Impact Assessment reports;
- (b) Ensuring engagement with Papatipu Rūnanga at the Plan Change stage, where plan changes are required to enable subdivision;
- (c) Requiring that resource consent applications assess actual and potential effects on tāngata whenua values and associations;
- (d) Ensuring that effects on tāngata whenua values are avoided, remedied or mitigated using culturally appropriate methods;
- (e) Ensuring that subdivision consents are applied for and evaluated alongside associated land use and discharge consents; and
- (f) Requiring that ‘add ons’ to existing subdivisions are assessed against the policies in this section.

**P4.2** To support the use of the following methods to facilitate engagement with Papatipu Rūnanga where a subdivision, land use or development activity may have actual or potential adverse effects on cultural values and interests:

- (a) Site visit and consultative hui;
- (b) Cultural Impact Assessment (CIA) reports; and
- (c) Tāngata Whenua Advisory Groups.

**P4.3** To base tāngata whenua assessments and advice for subdivision and residential land development proposals on a series of principles and guidelines associated with key issues of importance concerning such activities, as per Ngāi Tahu subdivision and development guidelines.

*The guidelines have been attached below.*

**CL3.8** To require, where a proposal is assessed by tāngata whenua as having the potential to affect wāhi tapu or wāhi taonga, one or more of the following:

(a) Low risk to sites:

(i) Accidental discovery protocol (ADP) - See Appendix 3.

(b) High risk to sites:

(i) Cultural Impact Assessment (CIA);

(ii) Site visit;

(iii) Archaeological assessment, by a person nominated by the Papatipu Rūnanga;

(iv) Cultural monitoring to oversee excavation activity, record sites or information that may be revealed, and direct tikanga for handling cultural materials;

(v) Inductions for contractors undertaking earthworks;

(vi) Accidental discovery protocol agreements (ADP); and/or

(vii) Archaeological Authority from the New Zealand Historic Places Trust.

*An Accidental Discovery Protocol will be sufficient to protect any wāhi tapu and wāhi taonga values of the area.*

*An Archaeological Authority will be prepared for the site.*

**P11.1** To assess proposals for earthworks with particular regard to:

(a) Potential effects on wāhi tapu and wāhi taonga, known and unknown;

(b) Potential effects on waterways, wetlands and waipuna;

(c) Potential effects on indigenous biodiversity;

(e) Proposed erosion and sediment control measures; and

(f) Rehabilitation and remediation plans following earthworks.

*The development of site is anticipated to require 40,000m<sup>3</sup> of earthworks to a depth of 3m.*

*The site is located upstream of a number of waipuna/springs. No waipuna have been identified on site.*

**P11.9** To require stringent and enforceable controls on land use and earthworks activities as part of the resource consent process, to protect waterways and waterbodies from sedimentation, including but not limited to:

(a) The use of buffer zones;

(b) Minimising the extent of land cleared and left bare at any given time; and

(c) Capture of run-off, and sediment control.

*An ESCP has been prepared.*

**P10.1** The management of contaminated land must recognise and provide for specific cultural issues, including:

- (a) The location of contaminated sites;
- (b) The nature of the contamination;
- (c) The potential for leaching and run-off;
- (d) Proposed land use changes; and
- (e) Proposed remediation or mitigation work.

**WM6.16** To require, in the first instance, that all potential contaminants that may enter water (e.g. nutrients, sediments and chemicals) are managed on site and at source rather than discharged off site. This applies to both rural and urban activities.

*Dewatering will not be located in areas with known contamination.*

*Contaminated soil removed from residential areas must be disposed of to landfill but is also suitable for re-use in reserve areas.*

*Contaminant risk to groundwater is considered low as heavy metals bind to soils.*

**P6.5** To encourage the design of stormwater management systems in urban and semi urban environments to provide for multiple uses: for example, stormwater management infrastructure as part of an open space network that provides for recreation, habitat and customary use values.

**P6.1** To require on-site solutions to stormwater management in all new urban, commercial, industrial and rural developments (zero stormwater discharge off site) based on a multi-tiered approach to stormwater management:

- (b) Reducing volume entering system - implementing measures that reduce the volume of stormwater requiring treatment (e.g. rainwater collection tanks);
- (c) Reduce contaminants and sediments entering system - maximising opportunities to reduce contaminants entering stormwater e.g. oil collection pits in carparks, education of residents, treat the water, methods to improve quality; and,
- (d) Discharge to land based methods, including swales, stormwater basins, retention basins, and constructed wetponds and wetlands (environmental infrastructure), using appropriate native plant species, recognising the ability of particular species to absorb water and filter waste.

*Excess stormwater will be directed to infiltration basins for soakage to the ground. Three rapid soakage detention basins are also proposed. No planting has been proposed in these areas.*

**P6.2** To oppose the use of existing natural waterways and wetlands, and drains, for the treatment and discharge of stormwater in both urban and rural environments.

*Stormwater flows in excess of a 50-year event will flow to the surface waters of the Ruataniwha.*

**WM12.13** To require that any structure, essential or otherwise, in the bed or margin of a waterway (e.g. floodgate) supports and enables passage for migratory indigenous fish species and does not compromise any associated kōhanga.

*Culverts will be installed to allow for crossings over the Ruataniwha and the Northern Bypass Channel.*

**WM12.4** All waterways in the urban and built environment must have indigenous vegetated healthy, functioning riparian margins.

*Riparian planting will be established along the realigned waterways.*

**WM12.5** To require that all waterways in the urban and built environment have buffers or set back areas from residential, commercial or other urban activity that are:

- (a) At least 10 metres, and up to 30 metres.

## Conclusion

A kaitiaki hui was held with Te Ngāi Tūāhuriri Rūnanga on the 3<sup>rd</sup> of December. The recommendations from the hui have been outlined below.

The kaitiaki were made aware that the WDP requires a 20m wide esplanade around the Ruataniwha for the purpose of conservation and natural hazard mitigation. The aquatic ecology report also recommends an ‘ecologically functional buffer strip of 10 m width from the channel edge.’

The kaitiaki agree with the recommendations of the aquatic ecology report that a 10m buffer be provided on either side of the channels. They have also stated that a minimum 5m strip be planted with riparian species.

The kaitiaki have concerns around the stormwater provisions for new subdivisions. As per the kaupapa of the IMP, stormwater management must encompass a variety of methods to detain runoff on site. Detention areas should be planted with appropriate indigenous species.

Contaminated soils must be either disposed of in an appropriate facility or utilised on site where there is no risk of leaching into ground or surface water. If reused on site, contaminated soils must be placed well away from riparian areas.

## Recommendations

### Recommendation 1:

For all earthworks required on site, an Accidental Discovery Protocol must be in place. This should be worded in accordance with Appendix Three of the Mahaanui Iwi Management Plan 2013.

*Should any archaeological material or sites be discovered during the course of work on the site, work in that area of the site shall stop immediately and the appropriate agencies, including Heritage New Zealand Pouhere Taonga and the Mana Whenua, shall be contacted immediately, in accordance with the Accidental Discovery Protocol set out in Appendix 3 of the Mahaanui Iwi Management Plan:*

[http://www.mkt.co.nz/wp-content/uploads/2016/05/Mahaanui-IMP-web\\_Part32.pdf](http://www.mkt.co.nz/wp-content/uploads/2016/05/Mahaanui-IMP-web_Part32.pdf)

**Recommendation 2:**

That a minimum 10m setback must be provided along both sides of the Ruataniwha to improve biodiversity outcomes and provide habitat. A 5m planted buffer should be provided.

**Recommendation 3:**

Plants to be used should be locally sourced. All riparian vegetation must consist of indigenous species although the rūnanga understand that some large exotic trees will also be retained.

**Recommendation 4:**

Appropriate sediment controls across the site as per Environment Canterbury's toolbox.

The installation of structures within waterways must have strict sediment controls in place to prevent contaminants being mobilised downstream.

**Recommendation 4:**

The naturalisation of waterways must allow for the natural processes of the river by providing riffles and fish 'rests'. Culverts must not impede fish passage.

**Recommendation 5:**

The applicant to have regard to the Ngai Tahu Subdivision and Development guidelines. Particularly in regard to stormwater management. These have been attached below.

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

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# Ngāi Tahu subdivision and development guidelines

## Cultural landscapes

- 1.1 A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites [refer Section 5.8 Issue CL1].
- 1.2 Subdivision and development that may impact on sites of significance is subject Ngāi Tahu policy on Wāhi tapu me wāhi taonga and Silent Files (Section 5.8, Issues CL3 and CL4).
- 1.3 Subdivision and development can provide opportunities to recognise Ngāi Tahu culture, history and identity associated with specific places, and affirm connections between tāngata whenua and place, including but not limited to:
  - i) Protecting and enhancing sites of cultural value, including waterways;
  - ii) Using traditional Ngāi Tahu names for street and neighborhood names, or name for developments;
  - iii) Use of indigenous species as street trees, in open space and reserves;
  - iv) Landscaping design that reflects cultural perspectives, ideas and materials;
  - v) Inclusion of interpretation materials, communicating the history and significance of places, resources and names to tāngata whenua; and
  - vi) Use of tāngata whenua inspired and designed artwork and structures.

## Stormwater

- 2.1 All new developments must have on-site solutions to stormwater management (i.e. zero stormwater discharge off site), based on a multi-tiered approach to stormwater management that utilises the natural ability of Papatūānuku to filter and cleanse stormwater and avoids the discharge of contaminated stormwater to water [refer to Section 5.4, Policy P6.1].
- 2.2 Stormwater swales, wetlands and retention basins are appropriate land based stormwater management options. These must be planted with native species (not left as grass) that are appropriate to the specific use, recognising the ability of particular species to absorb water and filter waste.
- 2.3 Stormwater management systems can be designed to provide for multiple uses. For example, stormwater management infrastructure as part of an open space network can provide amenity values, recreation, habitat for species that were once present on the site, and customary use.
- 2.4 Appropriate and effective measures must be identified and implemented to manage stormwater run off during the construction phase, given the high sediment loads that stormwater may carry as a result of vegetation clearance and bare land.
- 2.5 Councils should require the upgrade and integration of existing stormwater discharges as part of stormwater management on land rezoned for development.
- 2.6 Developers should strive to enhance existing water quality standards in the catchment downstream of developments, through improved stormwater management.

## Earthworks

- 3.1 Earthworks associated with subdivision and development are subject to the general policy on Earthworks (Section 5.4 Issue P11) and Wāhi tapu me wāhi taonga (Section 5.8, Issue CL3), including the specific methods used in high and low risk scenarios for accidental finds and damage to sites of significance.
- 3.2 The area of land cleared and left bare at any time during development should be kept to a minimum to reduce erosion, minimise stormwater runoff and protect waterways from sedimentation.
- 3.3 Earthworks should not modify or damage beds and margins of waterways, except where such activity is for the purpose of naturalisation or enhancement.
- 3.4 Excess soil from sites should be used as much as possible on site, as opposed to moving it off site. Excess soil can be used to create relief in reserves or buffer zones.

## Water supply and use

- 4.1 New developments should incorporate measures to minimise pressure on existing water resources, community water supplies and infrastructure, including incentives or requirements for:
  - (i) low water use appliances and low flush toilets;
  - (ii) grey water recycling; and
  - (iii) rainwater collection.
- 4.2 Where residential land development is proposed for an area with existing community water supply or infrastructure, the existing supply or infrastructure must be proven to be able to accommodate the increased population prior to the granting of subdivision consent.
- 4.3 Developments must recognise, and work to, existing limits on water supply. For example, where water supply is an issue, all new dwellings should be required to install rainwater collection systems.

## Waste treatment and disposal

- 5.1 Developments should implement measures to reduce the volume of waste created within the development, including but not limited to incentives or requirements for:
  - (i) Low water use appliances and low flush toilets;
  - (i) Grey water recycling; and
  - (ii) Recycling and composting opportunities (e.g. supporting zero waste principles).
- 5.2 Where a development is proposed for an area with existing wastewater infrastructure, the infrastructure must be proven to be able to accommodate the increased population prior to the granting of the subdivision consent.
- 5.3 New rural residential or lifestyle block developments should connect to a reticulated sewage network if available.

5.4 Where new wastewater infrastructure is required for a development:

- (i) The preference is for community reticulated systems with local treatment and land-based discharge rather than individual septic tanks; and
- (ii) Where individual septic tanks are used, the preference is a wastewater treatment system rather than septic tanks.

## Design guidelines

6.1 New developments should incorporate low impact urban design and sustainability options to reduce the development footprint on existing infrastructure and the environment, including sustainable housing design and low impact and self sufficient solutions for water, waste, energy such as:

- (i) Position of houses to maximise passive solar gain;
- (ii) Rainwater collection and greywater recycling;
- (iii) Low energy and water use appliances;
- (iv) Insulation and double glazing; and
- (v) Use of solar energy generation for hot water.

6.2 Developers should provide incentives for homeowners to adopt sustainability and self-sufficient solutions as per 6.1 above.

6.3 Urban and landscape design should encourage and support a sense of community within developments, including the position of houses, appropriately designed fencing, sufficient open spaces, and provisions for community gardens.

6.4 Show homes within residential land developments can be used to showcase solar hot water, greywater recycling and other sustainability options, and raise the profile of low impact urban design options.

## Landscaping and open space

7.1 Sufficient open space is essential to community and cultural wellbeing, and the realization of indigenous biodiversity objectives, and effective stormwater management.

7.2 Indigenous biodiversity objectives should be incorporated into development plans, consistent with the restoration and enhancement of indigenous biodiversity on the landscape.

7.3 Indigenous biodiversity objectives to include provisions to use indigenous species for:

- (i) street trees;
- (ii) open space and reserves;
- (iii) native ground cover species for swales;
- (iv) stormwater management network; and
- (v) home gardens.

7.4 Indigenous species used in planting and landscaping should be appropriate to the local environment, and where possible from locally sourced seed supplies.

7.5 Options and opportunities to incorporate cultural and/or mahinga kai themed gardens in open and reserve space can be considered in development planning (e.g. pā harakeke as a source of weaving materials; reserves planted with tree species such as mātai, kahikatea and tōtara could be established with the long term view of having mature trees available for customary use).