

Response to RFI 16 Waterway Infringements and RFI 28 – Cultural Assessment Response
Date: 9/11/2023

The application property does not fall within the Silent File area (Refer Appendix 9.5.6.1) and therefore the following rules do not apply:

- Chapter 8 Subdivision Rule 8.5.1.3 RD 11 as it refers to Appendix 9.5.6.1,
- Chapter 8 Earthworks Rule 8.9.2.3 RD 5 as it refers Schedule 9.5.6.1
- Chapter 9 Ngai Tahu Values and natural environment Rule 9.5.4.1.3 RD1 as it refers to Appendix 9.5.6.1
- Chapter 11 Utilities and Energy Rule 11.4.1 P1, Rule 11.4.3 RD5, Rule 11.5.1 P1 and 11.5.3 RD1 and Rules 11.6.1 P1 and 11.6.3 RD1 as all of these rules refers to Rule 9.5.5 or Appendix 9.5.6.1

The only rule that is relevant in terms of Cultural Values is earthworks within the waterway being Rule 6.6.4.3 (RD1) with Rule 6.6.7.4 as matters of discretion, but there are some exemptions which apply under 6.6.3 h.

The below exemptions are relevant to the proposal under 6.6.3 h.:

- i. Post holes for the erection of permitted fences. .
- ii. Planting holes for the trees or other vegetation
- iv. A building consent has been issued for the bridge
- v. The proposed bridge will be exempted once ECan consent is obtained. The ECan consent is in process and RFIs have been responded to.
- vii. Earthworks and structure associated with utilities and reticulated open channelised drainage falls under the definition of utilities.

The proposed layout for the subdivision (Rev M) has been amended to be more sympathetic as to how development is to occur within and around the waterway setbacks.

- The water from the hill waterways will no longer be redirected or reticulated via any road and Lots 29 – 34 have been adjusted to provide for the waterways to continue to Sibleys Drain via culverts underneath the new proposed road. Refer Rev M of the Scheme Plan and the Stormwater Plan. This will mean significantly less earthworks within the waterway setbacks and the direction of flow of the waterway will be maintained until it reaches Sibleys Drain.
- Culverts will be installed where the waterways cross the road. This will occur at 2 locations and will require earthworks within the waterways.
- No buildings/dwellings will be constructed within any of the hill waterways and a Consent Notice is volunteered to regulate the building platforms which are located adjacent to the waterways, to ensure that a 10m setback is maintained in either side of the hill waterways. The stormwater structures do not qualify as buildings.
- The lidar and cadastral location of Sibleys Drain Branch no 15 has been reviewed by the surveyors and as per our earlier response to the RFI, the exact position of this drain is now shown on the plans. The lower section of Sibleys Drain no 15 cannot be retained due to the alignment being at the location of the existing legal access to the neighboring property which will also be the future road.
- Below the quantification of water setback infringements as requested under **RFI 16**.

Waterway Setbacks			
ID	Setback (m)	Impervious Surface (m²)	Length of Piping (m)
Sibleys Drain Branch No 15	5m from bank	772	93
Hill Waterway A (Lot 2003 & 2006)	10m from CL	269	31
Hill Waterway B (Lot 2004 & 2005)	10m from CL	281	36

Below are the matters of discretion relating to earthworks within the waterways.

6.6.7.4 Cultural values

1. Any beneficial or adverse effects on cultural practices, including mahinga kai or customary use.
2. The degree to which the proposal has had regard to the objectives and policies of the Mahaanui Iwi Management Plan.
3. Any adverse effects on archaeological sites or historic heritage.
4. Any adverse effects on customary access where applicable.
5. The degree to which the proposal on Māori land in the Papakāinga / Kāinga Nohoanga Zone is in accordance with Tikanga Māori.
6. Within a site of Ngāi Tahu Cultural Significance identified in Appendix 9.5.6, the matters set out in Rule 9.5.5 as relevant to the site classification:
 1. 9.5.5.1 – Wāhi Tapu / Wāhi Taonga, Mahaanui Iwi Management Plan Silent Files and Kaitōrete Spit;
 2. 9.5.5.2 – Ngā Tūranga Tūpuna;
 3. 9.5.5.3 – Ngā Wai.

The relevant cultural matters are 1 and 2 above and specifically relates to the waterways where the non-compliance is created. These non-compliances being the earthworks within the waterways are created due to the topography of the site and any development, even if only access is provided, will trigger earthworks within Sibleys Drain, since the property can only be accessed via a bridge from Bowenvale Avenue. There is no alternative access, and the bridge is placed where it will cause the least impact on the waterway. It should be noted there is already man-made structures (weir) in the waterway where the bridge is proposed, and it is no longer in its natural state where the bridge is proposed.

We have provided an ecological assessment, responding to the Ecology RFIs (RFI 15, 189, 20, 21 and 22) and we have provided a draft ecological management plan, which addresses all concerns raised regarding indigenous vegetation along the waterways and the overall site.

In addition, the waterways and surrounding area will be improved with the planting of indigenous species.

Lot 100 will be cleared of pest plants and replanted with natives and set aside for any geckos/lizards to be relocated should they be found, since the survey that was conducted in October did not show evidence of any endangered lizards on the property. Lot 100 will also offset any indigenous species which is currently growing as *isolated individuals in a habitat dominated by exotic plants or pest plants.* Overall, the waterways and the natural character of the open spaces within the proposed subdivision will be an improvement of what is there at the moment. A Landscape Plan has been prepared to show

where planting will occur and the type of species that will be planted. This plan will be refined and sent for approval prior to implementation.

There will be three areas where earthworks will occur within the waterway setback and all these areas are associated with access and the new road that is proposed. The property cannot gain access any other way due to the slope and a road has to be installed parallel with the contours.

The site does not contain archeological sites or historic heritage that is listed.

The waterways will be open for access to any person and will not place any restriction on any person who wishes to have customary access. The waterways will be established as Reserves and vested with Council.

The property is not located in the Papakāinga / Kāinga Nohoanga Zone

The property is not located within a site of Ngāi Tahu Cultural Significance identified in Appendix 9.5.6.

Response on the Comments received from MKT

The property is zoned under the Christchurch District Plan for residential purposes and even with Plan Change 13 and 14, has remained zoned for this purpose and can be used as such. Population growth and the need for housing necessitates the use of land for residential purposes where it is zoned for such. The property does not have any significant ecological overlays, since the property in its current state does not contain significant indigenous biodiversity as demonstrated in the ecological assessment and the presence of native species (plants) is low and the presence of lizards is questionable. The property is located within an urban area and setting and is surrounded by already established residential areas.

The proposal will see the areas around the waterways restored to their natural status with the re-introduction of native species and a large lot (Lot 100) has been set aside for re-generation of native species within the subdivision. Management plans will be in place to ensure that where native lizards are encountered, the necessary steps are taken to relocate them.

The infringement of the waterways is limited to roads and utilities that need to intersect the waterways.

IMP POLICIES AS IDENTIFIED IN THE CULTURAL ADVICE REPORT:

CHANGING THE WAY WATER IS VALUED

WM2.2 To require that water is recognised as essential to all life and is respected for its taonga value ahead of all other values.

WATER QUALITY

WM6.1 To require that the improvement of water quality in the takiwā is recognised as a matter of regional and immediate importance.

Stormwater will go through a Filterra system before it is released into any of the waterways and as recommended by the Christchurch City Stormwater Team. This system uses natural processes to treat stormwater and provides environmental benefits. The system is designed for low maintenance.

5.4 PAPTŪĀNUKU

INTENSIVE RURAL LAND USE

P2.2 The adverse effects of intensive rural land use on water, soil and biodiversity resources in the takiwā must be addressed as a matter of priority.

The proposal is not for intensive rural land use and this policy is therefore not relevant.

SUBDIVISION AND DEVELOPMENT

Basic principles and design guidelines

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.

No comment can be provided on this policy.

5.5 TĀNE MAHUTA

INDIGENOUS BIODIVERSITY

Integrating indigenous biodiversity into the landscape

TM2.8 To require the integration of robust biodiversity objectives in urban, rural land use and planning, including but not limited to:

- (a) Indigenous species in shelter belts on farms.
- (b) Use of indigenous plantings as buffers around activities such as silage pits, effluent ponds, oxidation ponds, and industrial sites;
- (c) Use of indigenous species as street trees in residential developments, and in parks and reserves and other open space; and
- (d) Establishment of planted indigenous riparian margins along waterways.

5.8 NGĀ TŪTOHU WHENUA

Protecting and restoring cultural landscapes

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

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

As previously indicated, only indigenous species will be used within the Reserve areas which includes the waterways and Lot 100 is set aside for additional planting.

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).

We recognize that accidental discovery protocol will be included in the conditions.