



Te Rūnanga o NGĀI TAHU

Comment on the draft conditions for the application by Te Mahi Korowai Trust (LP13) to develop Papakainga at Rāpaki under the COVID-19 Recovery (Fast-Track Consenting) Act 2020

Date: 09 November 2020

To: John Hardie
Chairperson, Rāpaki Expert Consenting Panel
Email: rapakifasttrack@epa.govt.nz

Name of person providing comment: Te Rūnanga o Ngāi Tahu

Trade Competition: Te Rūnanga o Ngāi Tahu could not gain an advantage in trade competition through providing this comment.

This is a comment on the draft conditions for the application by Te Mahi Korowai Trust to develop papakainga at Rāpaki, Christchurch under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

INTRODUCTION

1. Te Rūnanga o Ngāi Tahu (Te Rūnanga) is statutorily recognised as the representative tribal body of Ngāi Tahu whānui and was established as a body corporate on 24 April 1996 under Section 6 of Te Rūnanga o Ngāi Tahu Act 1996 (the Ngāi Tahu Act).
2. Te Rūnanga consists of eighteen Papatipu Rūnanga who uphold the mana whenua and mana moana of their rohe. Ngāi Tahu whānui comprises over 64,000 registered iwi members. The takiwā (region) of Ngāi Tahu in Te Waipounamu and Rakiura covers the largest geographical area of any tribal authority. Te Rūnanga respectfully requests the Panel accord this response the status and weight due to the tribal collective, Ngāi Tahu whānui, registered in accordance with Section 8 of the Ngāi Tahu Act.
3. Notwithstanding its statutory status as the representative voice of Ngāi Tahu whānui “for all purposes”, Te Rūnanga accepts and respects the right of individuals and Papatipu Rūnanga to make their own responses in relation to this matter.
4. Papatipu Rūnanga are defined in Section 9 of the Ngāi Tahu Act. This includes Te Hapū o Ngāti Wheke who the mana whenua for the area of the development.

COMMENT ON CONDITIONS

5. Te Rūnanga acknowledges (and is supportive) that the panel has invited Te Hapū o Ngāti Wheke Inc (‘the Rūnanga’) to comment on both the application and the draft conditions by Wednesday, 11 November 2020.
6. Te Rūnanga is supportive of the position of the Rūnanga. In the event there is an inconsistency between the comments of the Rūnanga and Te Rūnanga, the Rūnanga comments shall prevail.

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7. Te Rūnanga notes that the draft comments are those proposed by the applicant in their application (page 40) and do not include any that may mitigate the concerns raised by those who have commented on the application to date. As noted in the letter dated 12th October 2020, there are concerns regarding effects on traffic, amenity and infrastructure. However, it appears that no additional conditions have been included to address these concerns or those requested by other parties to date.
8. Te Rūnanga considers that if granted, at a minimum the following matters should be included in the draft conditions (in addition to those proposed):
 - a. Restricting the hours and days of construction. Construction should be limited to 7am-7pm Monday to Friday and Sat 7am-noon. Exemptions could be made in those instances that due to health and safety for the community work may need to occur outside of those hours. For example, the craning in of beams that due to traffic volumes can only be safely undertaken after 7pm. Provided consultation with neighbors and the Rūnanga has occurred and their comments have taken into account.
 - b. Notification of the Rūnanga before the start of works as per Condition 8 of the draft conditions.
 - c. Condition requiring the consent holder works with the Rūnanga on the timing of phases of construction to limit the impacts on events held at the marae, both planned and unplanned (e.g. Tangi).
 - d. Include in the Accidental Discovery condition the requirement of a cultural advisor (if the Rūnanga considers it necessary) during any earthworks
 - e. The Erosion and Sediment Control Plan (ESCP) shall be prepared before any works on site being. Any measures required by the ESCP before any earthworks and removal of buildings occur.
 - f. Sediment laden water and other containments shall not enter water.
 - g. The planting plan and the ESCP should align with the Whaka-Ora Healthy Harbour, Ki Uta Ki Tai Whakaraupō/Lyttleton Harbour Catchment Plan March 2018.

MAHAANUI KURATAIAO LIMITED

9. Mahaanui Kurataiao Limited (MKT) have not been asked directly to comment on the application as part of the fast track process. Previous comments have been provided as part of the Christchurch City Council (CCC) process and agreements with the CCC.
10. MKT have asked Te Rūnanga to provide the following comment and the attached Briefing Note date 21/10/2020 to the Panel:

“The position of the Māori Land Court on ‘general land owned by Māori, is that it should be treated as Māori Land for the purposes of Pāpakainga / Kāinga Nohoanga.

Under this policy the term “general land owned by Māori” refers to:

- land that was previously Māori freehold land but was converted to general land under part 1 of the Māori Affairs Amendment Act 1967; and

- is now beneficially owned by the same owners or the descendants of the owners who beneficially owned the land immediately before the land ceased to be Māori land; and

The land at 2 Rāpaki Drive was converted to general title by the 1976 Act and therefore should be treated as Māori Land.

This would then trigger the use of Kāinga Nohoanga as set out in the current City Plan. As well as we (MKT) have been working with CCC over the past 18months on changing the current plan where we are very close to this happening and this is specific to both setbacks and earthworks.”

Signature of person(s) authorised to sign on behalf of persons making comments:



Trudy Heath
General Manager – Te Ao Tūroa
Te Rūnanga o Ngāi Tahu

09 November 2020

Address for Service:

Aaron Leith

Programme Leader – Puna Mahara
Te Ao Tūroa (Natural Environment)
Te Rūnanga o Ngāi Tahu

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Encl: Mahaanui Kurataiao Ltd Briefing Note; dated 21/10/2020

Draft Conditions

1. Except as required by subsequent conditions, the development shall proceed in accordance with the information and plans submitted with the application, including the further information submitted on 14 February 2020 and the amended Site plan, contained in the Matapopore Landscape Plan, dated 21 April 2020, as follows:
 - Solarchitect Limited / Homeco, Rāpaki Papakainga, Rev F, sheet A0.0 to A3.7, (16 pages).
 - Matapopore Landscape Plan, dated 21 April 2020 (5 pages). The Approved Consent Plans have been entered into Council records as RMA/2019/2629 (21 pages).

Accidental Discovery

2. 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 the Mana Whenua and Heritage New Zealand Pouhere Taonga, 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

Earthworks

3. All filling and excavation work shall be carried out in accordance with a site specific Erosion and Sediment Control Plan ('**ESCP**'), prepared by a suitably qualified and experienced professional, which follows the best practice principles, techniques, inspections and monitoring for erosion and sediment control contained in ECan's Erosion and Sediment Control Toolbox for Canterbury <http://escscanterbury.co.nz/>. The ESCP must be held on site at all times and made available to Council on request.
4. Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto legal road, neighbouring properties and the adjoining waterway. Sediment, earth or debris must not fall or collect on land beyond the site or enter the Council's stormwater system. All muddy water must be treated, using at a minimum the erosion and sediment control measures detailed in the site-specific Erosion and Sediment Control Plan, prior to discharge to the Council's stormwater system.
5. The ESCP shall be implemented on site and maintained over the construction phase, until the site is stabilised (i.e. no longer producing dust or water-borne sediment). The ESCP shall be improved if initial and/or standard measures are inadequate. All disturbed surfaces shall be adequately top soiled and vegetated as soon as possible to limit sediment mobilisation. Photographs of the completed site works shall be emailed within 10 working days of completion to rcmon@ccc.govt.nz.
6. Dust emissions shall be appropriately managed within the boundary of the property in compliance with the *Regional Air Plan*. Dust mitigation measures such as water carts or sprinklers shall be used on any exposed areas. The roads to and from the site, and entrance and exit, must remain tidy and free of dust and dirt at all times.
7. All loading and unloading of trucks with excavation or fill material shall be carried out within the subject site.
8. The consent holder must notify Christchurch City Council no less than three working days prior to works commencing, (email to rcmon@ccc.govt.nz) of the earthworks start date and the name and contact details of the site supervisor.
9. All areas of exposed soils will be grassed as soon as practicable, in order to provide a vegetative cover which mitigates fugitive dust and enhances the amenity of the Site pending completion of the landscape works.

10. At the completion of the works:
 - a. Any public road(s), footpath, landscaped areas or service structures that have been affected/damaged by earthwork or vehicles and machinery used shall be reinstated to the relevant Council Construction Standard Specification (CSS) at the expense of the consent holder and to the satisfaction of the Council's Engineer;
 - b. Surplus or unsuitable material from the project works shall be removed from site and disposed at a facility authorised to receive such material.

Landscaping

11. The landscaping shall be established in accordance with the Matapopore Landscape Plan, dated 21 April 2020 (5 pages) but subject to such amendments as are required to meet Condition 12.
12. The subfloor area of Units 1-6 along the southwestern elevation shall be screened from view from Rapaki Lane or adjacent properties by either additional shrub planting below the balconies or fixed screens such as trellis.
13. The landscaping shall be established on site within the three planting seasons (extending from 1 April to 30 September) following the final, passed building inspection.
14. All landscaping required for this consent shall be maintained. Any dead, diseased, or damaged landscaping shall be replaced by the consent holder within the following planting season (extending from 1 April to 30 September) with trees/shrubs of similar species to the existing landscaping.

Advice Notes:

- **Landscape planting**

To enhance indigenous biodiversity values, the applicant is encouraged to consider planting locally sourced indigenous vegetation as part of any landscaping planting.
- **Earthworks**

The consent holder has advised that no ground disturbance works will start until such time as building consent has been obtained. On this basis the earthworks exemption under Christchurch District Plan rule 8.9.3 iv has been applied to earthworks within the building footprint (extending to 1.8m from the outer edge of the wall).

It is the consent holder's responsibility to ensure that the activity, including where carried out by contractors on their behalf, complies with the following noise limits:

- Rule 6.1.6.1.1 P2 - All earthworks related construction activities shall meet relevant noise limits in Tables 2 and 3 of NZS 6803:1999 Acoustics - Construction Noise, when measured and assessed in accordance with that standard.
- **Acoustic Insulation**

The proposal is a sensitive activity located within 40m of Governors Bay Road, a minor arterial Road. Design details in accordance with the construction requirement of Appendix 6.11.4 of the District Plan have been provided. On the basis of these design details, the buildings will comply with the minimum external to internal noise reduction requirements specified in Rule 6.1.7.2.1. Any changes of materials or design will be required to demonstrate compliance with Rule 6.1.7.2.1.

- **Monitoring**

The Council will require payment of its administrative charges in relation to monitoring of conditions, as authorised by the provisions of section 36 of the Resource Management Act 1991. The current monitoring charges are:

- i. A monitoring programme administration fee of \$102.00 to cover the cost of setting up the monitoring programme; and
- ii. A monitoring fee of \$116.80 for the first monitoring inspection to ensure compliance with the conditions of this consent; and
- iii. A monitoring fee of \$60.45 for verification of documents / photos submitted to confirm compliance with conditions; and
- iv. Time charged at an hourly rate if more than one inspection, certification of conditions, or additional monitoring activities (including those relating to non-compliance with conditions), are required.

The monitoring programme administration fee and initial inspection fee / documentation fee / inspection fees will be charged to the applicant with the consent processing costs. Any additional monitoring time will be invoiced to the consent holder when the monitoring is carried out, at the hourly rate specified in the applicable Annual Plan Schedule of Fees and Charges.

- **Development contribution assessment**

The proposal may require a development contribution under the provisions of the Christchurch City Council Development Contributions Policy. A Development Contribution assessment will be provided separately.

- **License to occupy Council road reserve**

The vehicle access, car parking spaces 1 - 7 and part of car parking spaces 8 - 9 are located on Governors Bay Road reserve land. The use of this land is the subject of a licence to occupy agreement with Council. The deed of licence must be finalised prior to construction works being undertaken.

- **Building Consent**

This resource consent has been processed under the Resource Management Act 1991 and relates to District planning matters only. You will also need to comply with the requirements of the Building Act 2004 and any other legislative requirements, including but not limited to Environment Canterbury Regional Plans and Record of Title restrictions such as covenants.