

Before the Independent Hearings Panel

In the Matter of the Resource Management Act 1991

And

In the Matter of the Canterbury Earthquake (Christchurch Replacement
District Plan) Order 2014

And

In the Matter of the Proposed Christchurch Replacement Plan (**Chapter
15: Commercial and Chapter: 16 Industrial (Part)**)

Brief of evidence of Tanya Jane Stevens for Te Rūnanga o Ngāi Tahu and Ngā Rūnanga [1145 and FS 1448]

Dated: 24 April 2015

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INTRODUCTION

Qualifications and experience

1. My full name is Tanya Jane Stevens. I am employed by Te Rūnanga o Ngāi Tahu as Programme Leader Team Mana – the team responsible for statutory planning in relation to land.
2. I hold the qualifications of Bachelor of Music and Master of Planning Practice (with honours) from the University of Auckland. I am a full member of the New Zealand Planning Institute and a Chartered Member of the Royal Town Planning Institute. I am an Associate of the Institute for Environmental Management and Assessment and a Registered Environmental Impact Assessment Practitioner with the same Institute.
3. I have nearly 10 years' experience in planning both in New Zealand and in the United Kingdom. I have worked for councils in both New Zealand and the United Kingdom and for private consultancies. I was previously employed as a planning consultant for Deloitte UK where I provided planning advice on a number of large regeneration projects, including industrial and commercial uses, throughout the United Kingdom.
4. I whakapapa to the Ngāi Tahu hapū of Ngāti Kurī whose interests are represented by Te Rūnanga o Kaikōura. The southern boundary of the rohe of Te Rūnanga of Kaikōura is the Hurunui River and does not include any land areas within Ōtautahi or the greater Christchurch Area.
5. In preparing my evidence I have reviewed:
 - (a.) The evidence in chief on behalf of the Council.
 - (b.) The Land Use Recovery Plan (**LURP**);
 - (c.) The Canterbury Earthquake Recovery Strategy (**CERS**);
 - (d.) The Natural Environment Recovery Programme for Greater Christchurch (**NERP**) which forms part of the Recovery Strategy for Greater Christchurch/Te Mahere Haumanutanga o Waitaha;

- (e.) The Canterbury Regional Policy Statement (**CRPS**), particularly Chapter 5: Land Use and Infrastructure and Chapter 6: Recovery and Rebuilding of Greater Christchurch.
 - (f.) The Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014, including the Statement of Expectations in Schedule 4; and
 - (g.) Mahaanui – Iwi Management Plan 2013 which in terms of section 74(2A) of the Resource Management Act 1991 (**RMA**) is a relevant planning document recognised by the iwi authority.
6. I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note (updated 1 December 2014) and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
7. I note that whilst I am of Ngāi Tahu descent and employed by Te Rūnanga o Ngāi Tahu, I am bound by the Code of Conduct and professional ethics of the NZPI, the RTPI and the IEMA and am required to be impartial and unbiased in my professional opinions expressed.

EXECUTIVE SUMMARY

8. Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) and ngā Rūnanga¹ sought amendments to Chapter 15 Commercial and Chapter 16 Industrial of the Replacement District Plan (**Replacement Plan**) that:
- (a) Provide for the setback of development from waterbodies;
 - (b) Focus on utilising low impact urban design in development;
 - (c) Protect waterbodies (including wetlands and springs) from the discharge of contaminants (stormwater);
 - (d) Manage birdstrike issues and stormwater management;

¹ There are six Papatipu Rūnanga within the area of the Christchurch District Plan, collectively referred to as ngā Rūnanga.

- (e) Provide for Ngāi Tahu values through the use of indigenous biodiversity;
 - (f) Protect sites of Ngāi Tahu cultural significance; and
 - (g) Opposed the proposed rezoning of North Belfast to General Industrial located within Mahaanui IMP Silent File area 015 (Belfast).
9. I largely support the amendments sought by Ngā Rūnanga to Chapters 15 (Commercial) and 16 (Industrial) that seek to ensure that commercial and industrial development is undertaken in a manner that protects the environment and respects Ngāi Tahu values. However, in some instances I believe the relief sought could be clearer and more specific.
10. I have reviewed the revised Commercial and Industrial Chapters (the **Revised Proposals**) and state whether or not I agree with these. Where the Council has provided an amendment that I do not agree with I have provided my reasoning within this brief of evidence. I have also included as **Attachment 1** a table showing the further amendments sought in addition to those already accepted in the Revised Proposal. Some of these amendments have already been agreed to by the council in informal mediation and that is explained in the body of my evidence where applicable. By way of clarification, if the table does not address a provision which has been amended by the Council in the Revised Proposal, that is because Te Rūnanga and ngā Runanga accept those amendments.
11. In my view these amendments achieve the purpose of the RMA, give effect to the CRPS and are consistent with the LURP, CERS and the NERP.

KEY ISSUES

Provide for the setback of development from waterbodies

12. Ngā Rūnanga sought similar amendments within both the Commercial and Industrial Chapters to objectives, policies and rules relating to waterway setbacks.
13. I understand that waterway setbacks are proposed to be dealt with as part of Stage 2 of the Christchurch District Plan Review which will be notified on 2 May 2015.

14. I note that the protection of waterways from effects of development is a key concern within the Ngā Rūnanga submission.
15. I refer to evidence provided by Tā Mark Solomon for the Strategic Directions Chapter² where he outlines the importance of taking the opportunity as part of the rebuild of Ōtautahi/Christchurch City to embrace waterbodies 'as an asset to our city - ecologically, culturally, recreationally and aesthetically'. Ngāi Tahu would like to see waterbodies 'brought back to health and protected from further contamination' and that this 'needs to be considered not only when the time comes to apply for consents, but in the whole design and development of urban areas'.
16. I agree that a district wide approach is a sensible way to ensure that waterway setbacks are in place to protect waterbodies, as opposed to a piecemeal approach which may result in differing objectives, policies and methods between zones.
17. Accordingly, I support waterway setbacks not being specifically dealt with in the Industrial and Commercial Proposals, provided they are dealt with at a district wide level at Stage 2.

Protection of waterways from contaminated discharge (stormwater)

18. There are two key elements to the Ngā Runanga submissions on stormwater:
 - (a) Prevention of untreated stormwater entering natural waterbodies.
 - (b) The separation of natural waterbodies from artificial wetlands and drainage systems used for stormwater treatment.

Prevention of untreated stormwater entering natural waterbodies

19. Alongside the evidence of Mr Norton I have reviewed the Christchurch City Council Surface Water Strategy 2009 – 2039, the Christchurch City Council Infrastructure Design Standard 2014, the Christchurch City Council Surface Water Strategy 2009, and the Christchurch City Council Waterways, Wetlands and Drainage Guide 2003 – 2011 in so far as they relate to stormwater management.

² Evidence in Chief of Tā Mark Solomon on the Strategic Directions Chapter, at paragraphs 7.2, 7.3, 7.4 and 7.5.

20. Te Rūnanga and ngā Runanga proposed amendments to ensure that stormwater is treated by filtering or detention on land or in artificial wetlands prior to discharging into natural waterways.³
21. I understand from the above strategies, the Design Standard and Guide and the evidence of Mr Norton that the Council is progressing catchment based treatment of stormwater as a general preference. As such, I suggest that the Replacement Plan should provide for stormwater treatment using a catchment based treatment system as a first preference and allow on-site treatment where connection to a catchment based system is unavailable. I understand from the evidence from Mr Norton that the use of catchment-based treatment systems is a more efficient method to ensure stormwater is detained or filters through land, than requiring individuals to provide such treatment on-site.

The separation of natural and artificial waterbodies and avoiding using natural waterbodies as part of stormwater treatment

22. Ngā Rūnanga sought relief to ensure land and artificial wetland areas which are used to filter or detain stormwater are separated from natural waterways to ensure this treatment occurs before stormwater is discharged into natural waterways⁴.
23. This relief is not supported by Mr Stevenson and Mr Norton. I believe that the amended relief sought by Te Rūnanga and ngā Rūnanga (set out in **Attachment 1**) and explained further below will assist the Council in providing for section 6(e) matters and also to take into account the Mahaanui IMP.
24. Mr Norton is of the view that the matters raised in the Te Rūnanga and ngā Rūnanga submission are adequately dealt with by existing Council surface

³ Te Rūnanga and ngā Runanga sought amendments to Objective 15.1.1, 15.1.2.1 Policy 7, 15.1.2.2 Policy 8, 15.2.4.3.2 Matters of Discretion, Rule 15.2.8.3.1 ODP, 15.4.4.3.1 ODP, 15.4.5.1 Matters of Discretion, Rule 15.6.3.8 Note 2, Rule 15.8.3.9, 16.1.2.2 Policy 9, 16.1.2.3 Policy 10, Rule 16.2.3.6 Note 2, Rule 16.2.5.2.7 Note 1, Rule 16.2.6.2.6 Note 1, Rule 16.3.3.6 Note 2, Rule 16.4.3.7 Note 2, and Rule 16.5.4.6 Note 2 of the notified version

⁴ Relating to 15.1.2.1 Policy 7, Rule 15.2.8.3.1 ODP, 15.4.4.3.1 ODP, Rule 15.6.3.8 Note 2, Rule 15.8.3.9, 16.1.2.2 Policy 9, 16.1.2.3 Policy 10, Rule 16.2.3.6 Note 2, Rule 16.2.5.2.7 Note 1, Rule 16.2.6.2.6 Note 1, Rule 16.3.3.6 Note 2, Rule 16.4.3.7 Note 2, and Rule 16.5.4.6 Note 2 of the notified version.

water management documents⁵. He is of the view that those matters do not need to be carried through to the Replacement Plan.

25. I agree that the desired outcomes of Te Rūnanga and Ngā Rūnanga are for the most part consistent with these documents, with the exception of the separation of natural waterbodies from stormwater treatment areas which is not reflected in those documents. That said, I do not believe that inclusion of objectives, policies and rules to require the separation of stormwater from natural waterbodies would be inconsistent with those documents. However, I do not agree that there is 'no need' for these matters to be carried through into the Replacement Plan.
26. It is under the RMA that the Council is charged with the duty to control any actual or potential effects of the use, development or protection of land.⁶ It is under this Act that the Council is required to prepare a district plan to assist it to carry out these functions⁷. It is in preparing the district plan under the RMA that the Council is required to:
- (a) Recognise and protect as a Matter of National Importance, the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga;
 - (b) To take into account the provisions of Mahaanui being an iwi management plan⁸; and
 - (c) Consult with Ngai Tahu as the iwi authority in the preparation of the plan⁹.
27. I understand the Council may choose methods other than rules in the Replacement Plan to implement objectives and policies around stormwater management, and this can include their own internal surface water management documents. However, the Replacement Plan is still, in my opinion, the key document for both identifying what those other methods may be and for providing a statutory basis for ensuring those other

⁵ Mr Norton's Evidence in Chief at page 19

⁶ Section 31(1)(b) RMA

⁷ Section 72 RMA

⁸ Section 74(2A) RMA

⁹ Clause 3(1) of Schedule 1 of the RMA

methods are employed and the efficiency and effectiveness of those other methods monitored.¹⁰

28. I disagree with Mr Norton and believe that objectives, policies and rules in the Replacement Plan are required to ensure the successful implementation of those documents. I also note that section 9.2 of the Christchurch City Council Surface Water Strategy 2009 – 2039¹¹ states that a review of City and District plans would be required to ‘achieve the goals, objectives and stormwater policies of the Surface Water Strategy’.
29. Furthermore and as highlighted above, the abovementioned documents do not seek the separation of natural and artificial waterways which is a core value to Ngāi Tahu manawhenua.

Summary of amended relief sought in relation to the protection of waterways from contaminants

30. In light of the above and to assist in clarifying the values of Ngāi Tahu and to provide for the inclusion of Ngāi Tahu values relating to the management of stormwater within the Replacement Plan, I set out in **Attachment 1** the relief sought by Te Rūnanga and ngā Rūnanga¹² in addition to that already accepted in the Revised Proposal.
31. With specific regard to the amendments in **Attachment 1** to the proposed Notes¹³ it is my opinion that these provide useful guidance to users of the Plan and assist in implementing Ngāi Tahu values. I suggest that the following wording **in bold underlining** is added to the above Notes as follows:

Stormwater facilities shall be incorporated into any development to achieve effective stormwater management and to protect groundwater. ~~Where practicable,~~ **[Christchurch City Council, #310, p159, 160/ para. 32]**. The stormwater facilities, which support multiple values such as stormwater retention, water quality treatment, biodiversity

¹⁰ Section 35(2)(b) of the RMA

¹¹ At page 47.

¹² This relates to 15.1.1 Objective 2 (proposed wording further discussed in paragraph 38 of this evidence), 15.1.2.1 Policy 9 (proposed wording further discussed in paragraph 42 of this evidence), 15.1.2.2 Policy 10, Rule 15.2.4.3.2, Rule 15.3.4.3.1, Rule 15.8.3.8, 16.1.3.1 Policy 7 of the Revised Proposal

¹³ Rules 15.6.3.6 Note 1, 16.2.3.6 Note 2, 16.2.5.2.3 Note 1, 16.2.9.2.2 Note 1, 16.3.3.6 Note 2, 16.4.3.7 Note 2, Landscaped areas of the Revised Proposal.

enhancement, Ngāi Tahu/ manawhenua values and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management and the protection of groundwater in an integrated manner. **Stormwater detention or treatment sites should be separated from natural waterways with vegetated buffers to ensure stormwater is filtered through or detained within the treatment sites before it is discharged into natural waterways or wetlands.**

32. The only exception to the above is Rule 16.2.5.2.3 where the Note in its entirety has been deleted in the Revised Proposal. I understand that Foodstuffs (submitter 705) see landscaping as being overly onerous in the Industrial zone. I believe that the Note should be reinstated for consistency with the relief sought above, and in addition, I highlight that the Note provides for greater flexibility to developers than a Rule on this matter.

Birdstrike issues and stormwater management

33. Mr Stevenson highlights in his evidence that birdstrike issues will be dealt with in Phase 2 as part of Chapter 6 (General Rules). I agree that it would be efficient to defer the consideration of these provisions until Phase 2. This approach is consistent with further submissions made by Te Rūnanga and ngā Runanga.

Provide for Ngāi Tahu values through the use of indigenous biodiversity

34. Amendments were sought in the Te Rūnanga and nga Rūnanga submission to ensure that indigenous species are used in landscaping as part of Commercial and Industrial development¹⁴.
35. Mr Stevenson agrees with a large part of the relief sought by Te Rūnanga and ngā Rūnanga to incorporate indigenous planting. He provides amendments to 15.1.2 Policy 3 (Revised Proposal) which I support as this achieves the intent of the relief sought and effectively re-orders the proposed wording. I also agree with amendments by Mr Stevenson in the Revised Proposals to 15.2.5.2.4 to provide a landscaped strip using native species. I agree with the omission of the word 'local' before native in Mr

¹⁴ Regarding 15.1.1.3 Policy 3, Rule 15.2.6.3.3, Rule 15.8.3, Rule 15.8.3.9, 15.1.2.2 Policy 9, 16.1.2.3 Policy 10, Rule 16.2.5.2.7, Rule 16.6.1.7, and Rule 16.6.1.11 of the notified version)

Stevenson's Revised Proposal as the intent of the clause is still easily understood.

Protection of Ngāi Tahu values and sites of Ngāi Tahu cultural significance

Commercial Proposal

Objective 15.1.1 Objective 2 (notified version Objective 1)

36. Mr Stevenson accepts in part the proposed relief sought in Objective 1 of the Commercial proposal. He proposes the following for inclusion in Objective 2 (ix) of the Revised Proposal:

“Adverse effects on sites of significance to Ngai Tahu Manawhenua are managed in recognising their values”.

37. In my view, the amendment put forward by Mr Stevenson narrows the clause further than the intent of the original relief sought by Te Rūnanga and ngā Runanga. Mr Stevenson and I have therefore agreed to the following in informal mediation:

*“Adverse effects **on sites of significance to Ngāi Tahu and natural waterways (including waipuna)** are managed in recognising their values”.*

38. Te Rūnanga and nga Rūnanga also sought the inclusion of reference to low impact urban design within 15.1.1 Objective 2. I agree with Mr Stevenson that reference to the use of 'low impact design' is suitably incorporated as part of Objective 3 (vi) of the Revised Proposal.¹⁵

15.1.1.4 Policy 4 (notified version 15.1.1.5 Policy 5)

39. Te Rūnanga and ngā Rūnanga sought amendments to protect Ngāi Tahu /manawhenua cultural values in the development of new local centres in greenfield areas. I agree with the amended wording by Mr Stevenson in the Revised Proposal that 'the development of new centres in greenfield areas shall recognise and provide for Ngāi Tahu/manawhenua values' as this will require the upfront consideration of cultural values in areas where this has not previously been triggered by development.

¹⁵ At para 11.7 of Mr Stevenson's EIC, page 36.

15.1.2.1 Policy 9 (notified version 15.1.2.1 Policy 7)

40. Mr Stevenson supports in part the proposed relief sought by Te Rūnanga and ngā Runanga in relation to Policy 9 of the Revised Proposal to minimise effects at the interface with ‘sites of significance to Ngāi Tahu/manawhenua’. Mr Stevenson and I agree that for consistency with previous chapters heard by the Panel, and to capture the intent of the original submission that this is amended to read:

v. manage adverse effects on the surrounding environment, particularly at the interface with **natural waterways (including Waipuna), sites of Ngāi Tahu cultural significance,** residential areas and other more sensitive zones.

Rule 15.2.4.3.3 (notified version 15.2.4.3.3)

41. Te Rūnanga and ngā Runanga sought relief to support use of the area for mahinga kai. The relief sought by Te Rūnanga and ngā Runanga has been supported in part, but the amendments by Mr Stevenson in the Revised Proposal only considers mahinga kai from a historical use perspective.

42. The original wording of the relief sought by Te Rūnanga and ngā Runanga relates not only to historic mahinga kai but also the value of the area as contemporary mahinga kai. I suggest this could be captured by the following relief:

b. The extent to which the ~~historic use~~ **value of the area as mahinga kai** and the historic use of the area for market gardening and horticultural activities is **retained** recognised through landscaping or other features.

Design Guidelines 15.10.7 and Rule 15.10.19

43. Te Rūnanga and ngā Rūnanga sought relief to incorporate the consideration of Ngāi Tahu values present within Lyttelton into the design guidelines and also into the requirements for a context and site analysis.
44. The above relief sought is not supported by Mr Stevenson in his evidence. Ngāi Tahu, specifically Te Hapū o Ngāti Wheke, have historically and continue to, occupy the Lyttelton area and access mahinga kai in Whakaraupō/Lyttelton Harbour¹⁶. In my view, it is appropriate to incorporate these values into design considerations within Lyttelton. This is also consistent with the draft Lyttelton Port Recovery Plan insofar as relates to development at Dampier Bay.

45. I suggest the following amended relief:

15.10.7 Design guidelines – Lyttelton commercial Banks Peninsula zone

4. Principal 1: Reflect the context

a. Lyttelton has a special character due to its sloping topography, portside location, layout of streets and lots, and eclectic mix of buildings. **Lying beneath this visual presence is the significance of the area to Ngāi Tahu due to their historic and contemporary occupation of the area and use of Whakaraupō/Lyttelton Harbour as a mahinga kai.[...]**

b. A thorough evaluation of the development site's context and the site itself prior to the design process, including an understanding of the **colonial and Ngāi Tahu** cultural heritage will help identify the influences on and attributes of the site and its surroundings.

Rule 15.9.13 Requirements for a 'context and site analysis' and 'detailed design statement':

1. Context and Site Analysis

a. Context analysis

i. Topography, natural and built environment features, any **cultural landscape identified in the plan**, views and vistas;

viii. Protected buildings, places and objects, protected trees, historic heritage **sites of Ngāi Tahu cultural significance** and archaeological sites; and b. Site analysis

¹⁶ As noted in the evidence of George Waitai Tikao (Strategic Directions)

iii. Topography, natural and built environment features, any **cultural landscape identified in the plan**, views and vistas.

v. Protected buildings, places and objects, protected trees, historic heritage **sites of Ngāi Tahu cultural significance**;

Industrial

16.1.1.1 Policy 1 (notified version 16.1.1. Policy 1) and 16.1.3.1 Policy 7

46. Te Rūnanga and ngā Rūnanga sought relief to ensure that the cultural significance of some greenfield sites is considered as part of Policy 1.
47. I agree with Mr Stevenson that the relief sought by Te Rūnanga and ngā Rūnanga regarding greenfield sites is best incorporated into the Revised Proposal 16.1.3.1 Policy 7 (c.). I do however, prefer the relief sought by Te Rūnanga and ngā Rūnanga to that of the Council. The amendments by Mr Stevenson do not go far enough to provide certainty to Ngāi Tahu that they will be able to fulfil their responsibilities as kaitiaki, or maintain relationships with their ancestral land and natural resources. I recommend the provision read:

c. Development shall provide for Ngāi Tahu cultural values through low impact urban design, the protection and enhancement of waterways, springs, wetlands and sites of indigenous vegetation, the treatment of stormwater prior to discharge to waterways, and the protection of Ngāi Tahu sites of significance.

16.1.2.1 Policy 6 (notified version 16.1.1.1 Policy 6)

48. Te Rūnanga and ngā Rūnanga sought relief to ensure the protection of the environment and cultural values in development of brownfield sites. I support Mr Stevenson's drafting of clause (ix) in response to the relief sought by Te Rūnanga and ngā Rūnanga within Revised Proposal Policy 6 (notified version Policy 7). The amendments focus the environmental and cultural values to those associated with water, which is consistent with concerns of manawhenua.

16.1.3 Objective 3

49. Mr Stevenson supports the relief sought to use low impact design in greenfield areas.

Proposed rezoning of North Belfast to General Industrial

50. North Belfast is located within the takiwā of Te Ngāi Tūāhuriri Rūnanga. Representatives of Te Ngāi Tūāhuriri requested that the proposed rezoning from rural to industrial be opposed. The site is located within Silent File area 015 (Belfast).
51. Silent files are a tool used to protect sites of significance within the takiwā of Ngāi Tahu. Rather than identifying the exact location of culturally significant sites, such as urupā or other wāhi tapu sites, the silent file provides a general indication. The Mahaanui IMP explains that silent files are a trigger for ‘a high level of engagement with tangata whenua’ and that some activities may be acceptable where the activity is consistent with protecting the values that the silent file is protecting¹⁷.
52. I have taken the opportunity to explore the proposed rezoning within Silent File Area 015 further with representatives of Te Ngāi Tūāhuriri Rūnanga and their Rūnanga cultural heritage specialist, Te Maire Tau. I am advised that Manawhenua concerns relating to the area are the potential for discovery of wāhi tapu or wāhi taonga and the protection of springs present.
53. The Ngāi Tahu submission includes as a second preferred relief sought, a series of provisions for how the site could be developed for industrial activities while protecting the springs and other cultural values of the site. I have considered this relief and support the intent of this relief.
54. I am concerned that matters relating to the proposed rezoning within Silent File Area 015 are being considered in four chapters and in three phases of notification of the Plan in addition to the Industrial proposal, namely; Chapter 8 Subdivision, Chapter 6 General Rules (including waterway set back rules), and a chapter on Natural and Cultural heritage. Chapter 8 Subdivision will be dealt with in the latter part of Phase 1, Chapter 6 during Phase 2, and the chapter on Natural and Cultural heritage in Phase 3. I

¹⁷ Mahaanui IMP, page 171

am concerned that there should be consistency in approach to such matters and I would be comfortable if the Panel should see fit to defer consideration of the rezoning in the interests of consolidating matters.

55. This deferral also has the advantage of allowing time for further discussions to occur between Te Ngāi Tūāhuriri Rūnanga and the landowners which may well result in considerable refinement of the issues between the parties or resolution of these issues altogether.
56. In the event that the Panel does not wish to defer consideration of the proposed rezoning I set out below the concerns of Te Ngāi Tūāhuriri Rūnanga.
57. I have been advised by Te Ngāi Tūāhuriri Rūnanga representatives and Mr Tau that if appropriate measures are undertaken to prevent adverse effects on the cultural values associated with the site, including springs, Te Ngāi Tūāhuriri will not oppose a proposed rezoning. Accordingly, the primary relief that was sought, that the site not be rezoned, is no longer being pursued by Te Rūnanga and ngā Rūnanga. That is however based on the rules ensuring that a Cultural Impact Assessment (**CIA**) be prepared for the site prior to development occurring and which should consider:
- (a) The value of springs on the site including those springs which have been drained over time, which should be retained or enhanced by development;
 - (b) The potential and likelihood of discovery of kōiwi (human remains) or other artefacts on the site; and
 - (c) A protocol agreed with Ngāi Tūāhuriri Rūnanga for any earthworks or land use within the silent file area.
58. I have included the above in the **attached** amended relief sought by Te Rūnanga and ngā Rūnanga (Rule 16.2.7.3.3 of the Revised Proposal).

Cultural Impact Assessment

59. In my experience, CIAs are a commonly used and well understood tool to provide a detailed assessment on a site or area wide basis to articulate and manage cultural values associated with an area. A CIA is particularly

appropriate in greenfield areas such as this which are located within a silent file.

60. I note that in the Revised Proposal the erection of new buildings and additions to existing buildings are Restricted Discretionary activities. A matter of discretion is whether a CIA has been undertaken (16.2.7.3.3 Revised Proposal) and the extent to which Rūnanga have been consulted (16.2.7.3.3 Revised Proposal).
61. In the proposed rules the provision of a CIA is triggered for every development. Whilst I support the use of CIAs, it may be more appropriate to trigger the CIA requirement at subdivision stage as a first preference (as provided for by Rule 8.4.1.4), and amend the wording in Rule 16.2.7.1.2 RD1 as suggested below:

RD1 The erection of new buildings and additions to existing buildings in any part of the Outline Development Plan area defined in Appendix 16.6.5 **where the site has not previously been appropriately assessed as part of a Cultural Impact Assessment.**

Protection of Springs

62. A further matter of discretion is the provision of an outline development plan which shows the separation of springs from stormwater treatment (16.2.7.3.1 h. Revised Proposal). In the Revised Proposal the Council has deleted rule 16.2.7.3.3 which dealt in some detail with the protection of springs. Due to overlap with Rule 8.3.7.1, the Council has deleted this rule and replaced with Rule 16.2.7.3.1 h.
63. With the inclusion of the matters set out above in the CIA, I support the amendments provided by the Council to narrow consideration of the separation of stormwater from springs to protect the values associated with this area.
64. In my opinion, this package of methods reflects the intent of the relief sought by Te Rūnanga and ngā Rūnanga, and provides for the protection of Ngāi Tahu values.

CONCLUSION

65. The **attached** amendments to the Revised Proposals, along with those already accepted by the Council in its Revised Proposals achieve the following:
- (a) Ensure the protection of natural waterbodies from contaminants;
 - (b) Greater reflection of Ngāi Tahu values in new commercial and industrial development through the use of indigenous species in landscaping;
 - (c) Ensure the protection of Ngāi Tahu values and sites of Ngāi Tahu cultural significance; and
 - (d) Ensure the protection of Ngāi Tahu values within the silent file area 015 (Beflast) at North Belfast whilst providing for development.
66. In my opinion, these amendments achieve the purpose and sections 6, 7 and 8 of the RMA, give effect to the CRPS and Strategic Objectives 3.3.1 and 3.3.3 of the Christchurch Replacement Plan, and are consistent with the LURP, NERP and CERS.



Tanya Jane Stevens

24 April 2015

TJS ATTACHMENT 1

| Replacement Plan Provisions | Te Rūnanga and Ngā Rūnanga Amended Relief shown in bold underlined The amendments below are to the provisions of the Revised Proposal dated 6 th April (“the Revised Proposal”) | Evidence Reference |
|-----------------------------|---|--------------------|
| 15.1.1 Objective 2 | Adverse effects <u>on sites of significance to Ngāi Tahu and natural waterways (including waipuna)</u> are managed in recognising their values. | 20, 22, 30, 36, 37 |
| 15.1.2.1 Policy 9 | v. manage adverse effects on the surrounding environment, particularly at the interface with <u>natural waterways (including Waipuna), sites of Ngāi Tahu cultural significance,</u> residential areas and other more sensitive zones. | 20, 22, 30, 40 |
| 15.1.2.2 Policy 10 | <p>a. Require new development to be well-designed and laid out by</p> <p>i. encouraging pedestrian activity and amenity along streets frontages <u>[Foodstuffs, #705, p11]</u> and in adjoining public spaces, to a degree that is appropriate to the location and function of the road <u>[The Crown, #495, p251]</u> and enabling interaction between public and private space; <u>[Foodstuffs, #705, p11]</u></p> <p>ii. being of visual interest and a human scale while contributing to the character and coherence of a centre; providing a principal street facing façade of visual interest that contributes to the character and coherence of a centre <u>[Foodstuffs, #705, p11]</u></p> <p>iii. integrating with <u>natural features and</u> adjacent sites and buildings around it, where practicable;</p> <p>iv. facilitating movement within a site and with the surrounding area for people of all mobilities and ages, by a range of modes of transport through well-defined, convenient and safe routes;</p> <p>v. enabling visitors to a centre to orientate themselves and find their way with strong visual and physical connections with the surrounding area;</p> <p>vi. promoting a safe environment for people and reflecting principles of Crime Prevention through Environmental Design;</p> <p>vii. enabling providing for adaptive <u>[The Crown, #495, 250]</u> re-use of buildings and sites while recognising the use for which the building is designed <u>[Foodstuffs #705, p11];</u></p> <p>viii. incorporating principles of environmentally sustainable low impact design including energy efficiency, water conservation and the reuse of stormwater, where practicable <u>[Foodstuffs, #705, page 11]</u> <u>or on-site treatment or connection to catchment treatment;</u> and</p> <p>ix. promoting or maintaining views to prominent physical features <u>[The Crown, #495, 250]</u></p> | 22, 23, 30 |
| Rule 15.2.4.3.2 | <p>a. Whether any proposed signage, <u>building</u> colours or fences associated with <u>development</u> will adversely impact on the natural character and values of the Styx River.</p> <p>b. The visual appearance and attractiveness of the <u>development.</u></p> | 20, 21, 22, 30 |

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| | c. <u>The extent to which stormwater management and design is integrated into the development</u> | |
| Rule 15.2.4.3.3 | b. The extent to which the historic use value of the area as mahinga kai and the historic use of the area for market gardening and horticultural activities is retained through landscaping or other features. | 41, 42 |
| Rule 15.3.4.3.1 | <p>a. The extent to which comprehensive, mixed-use development would continue to be achieved.</p> <p>b. The nature and degree of any adverse effects caused by proposals not in accordance with the Outline Development Plan.</p> <p>c. The relationship and interigation integration [Christchurch City Council, #310, p149] of proposals with any other existing development within the block.</p> <p>d. Whether the scale and nature of development is consistent with that anticipated for a local centre.</p> <p>e. The degree to which vehicle, cycle and pedestrian access has provided for internal pedestrian and cycle circulation, including the connections with that part of the blocked zoned Residential Medium Density Zone.</p> <p>f. The extent to which comprehensive design enables greater use of open space within the development than would be the case with piecemeal development.</p> <p>g. The extent to which stormwater treatment areas are separated from natural water bodies to avoid the direct discharge of stormwater into natural waterbodies and integrated with open space.</p> | 20, 21, 22, 30 |
| Rule 15.8.3.8 | <p>a. The extent to which a an increased amount of development and/or greater site coverage</p> <p>i. maintains the function and character of the zone</p> <p>ii. provides adequate area for site access, manoeuvring, stormwater management and other activities [Mahaanui Kurataio #1145, p42]</p> <p>iii. affects the amenity of adjoining sites or public spaces due to the visual dominance and/or scale of development</p> <p>iv. is mitigated through the provision of landscaping/ screening</p> <p>v. impacts on the ability to manage stormwater on the site where connection to a catchment based stormwater treatment system is not available.</p> | 20, 21 |

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| <p><u>Design Guidelines</u></p> <p><u>15.10.7</u></p> | <p><i>15.10.7 Design guidelines – Lyttelton commercial Banks Peninsula zone</i></p> <p>4. Principal 1: Reflect the context</p> <p>a. Lyttelton has a special character due to its sloping topography, portside location, layout of streets and lots, and eclectic mix of buildings. <u>Lying beneath this visual presence is the significance of the area to Ngāi Tahu due to their historic and contemporary occupation of the area and use of Whakaraupō/Lyttelton Harbour as a mahinga kai.[...]</u></p> <p>b. A thorough evaluation of the development site’s context and the site itself prior to the design process, including an understanding of the <u>colonial and Ngāi Tahu</u> cultural heritage will help identify the influences on and attributes of the site and its surroundings.</p> | 43, 44, 45 |
| <p><u>Rule 15.10.19</u></p> | <p><i>Rule 15.9.13 Requirements for a 'context and site analysis' and 'detailed design statement':</i></p> <p>1. Context and Site Analysis</p> <p>a. Context analysis</p> <p>i. Topography, natural and built environment features, any <u>cultural landscape identified in the plan</u>, views and vistas;</p> <p>viii. Protected buildings, places and objects, protected trees, historic heritage <u>sites of Ngāi Tahu cultural significance</u> and archaeological sites; and b. Site analysis</p> <p>iii. Topography, natural and built environment features, any <u>cultural landscape identified in the plan</u>, views and vistas.</p> <p>v. Protected buildings, places and objects, protected trees, historic heritage <u>sites of Ngāi Tahu cultural significance</u>;</p> | 43, 44, 45 |
| <p>Rules 15.6.3.6 Note 1, 16.2.3.6 Note 2, 16.2.5.2.3 Note 1, 16.2.9.2.2 Note 1, 16.3.3.6 Note 2, 16.4.3.7 Note 2, Landscaped areas</p> | <p>Stormwater facilities shall be incorporated into any <u>development</u> to achieve effective stormwater management and to protect groundwater. Where practicable, [Christchurch City Council, #310, p159, 160/ para. 32]. The stormwater facilities, which support multiple values such as stormwater retention, water quality treatment, biodiversity enhancement, <u>Ngāi Tahu/ manawhenua</u> values and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management and the protection of groundwater in an integrated manner. <u>Stormwater detention or treatment sites should be separated from natural waterways with vegetated buffers to ensure stormwater is filtered through or detained within the treatment sites before it is discharged into natural waterways or wetlands.</u></p> | 30, 31 |
| <p>16.1.3.1 Policy 7</p> | <p><u>c. Development shall provide for Ngāi Tahu cultural values through low impact urban design, the protection and enhancement of waterways, springs, wetlands and sites of indigenous vegetation, the treatment of stormwater prior to discharge to waterways, and the protection of Ngāi Tahu sites of significance.</u></p> | 20, 22, 30 |
| <p>16.2.5.2.3</p> | <p>Reinstate note and add amendment provided in italics below:</p> | 30, 31, 32 |

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| | <p><u>Note 1: Stormwater facilities shall be incorporated into any development to achieve effective stormwater management and to protect groundwater. The stormwater facilities, which support multiple values such as stormwater retention, water quality treatment, biodiversity enhancement, Ngāi Tahu/ manawhenua values and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management and the protection of groundwater in an integrated manner. Stormwater detention or treatment sites should be separated from natural waterways with vegetated buffers to ensure stormwater is filtered through or detained within the treatment sites before it is discharged into natural waterways or wetlands.</u></p> | |
| Rule 16.2.7.1.2 | <p><u>RD1</u></p> <p>The erection of new <u>buildings</u> and additions to existing <u>buildings</u> in any part of the <u>Outline Development Plan</u> area defined in <u>Appendix 16.76.5</u> <u>where the site has not previously been appropriately assessed as part of a Cultural Impact Assessment.</u></p> | 60, 61 |
| Rule 16.2.7.3.3 | <p>67. Whether a Cultural Impact Assessment has been undertaken that demonstrates that a <u>development</u> will not adversely affect <u>Wāhi Tapu me Wahi Taonga</u>. <u>The CIA must consider:</u></p> <p><u>(a) The value of springs on the site including those springs which have been drained over time, which should be retained or enhanced by development.</u></p> <p><u>(b) The potential and likelihood of discovery of kōiwi (human remains) or other artefacts on the site.</u></p> <p><u>(c) A protocol agreed with Ngāi Tūāhuriri Rūnanga for any earthworks or land use within the silent file area.</u></p> <p>a. The extent to which the Runanga have been consulted on the proposal and are satisfied that any effects on Wāhi Tapu me Wahi Taonga are mitigated.</p> | 57, 58 |