

Your Comment on the Ryans Road Industrial Area Application

Please include all the contact details listed below with your comments and indicate whether you can receive further communications from us by email to substantive@fasttrack.govt.nz.

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	Mahaanui Kurataiao Ltd on behalf of Te Taumutu Rūnanga		
First name	Grace		
Last name	King		
Postal address	[REDACTED]		
Home phone / Mobile phone	[REDACTED]	Work phone	[REDACTED]
Email (a valid email address enables us to communicate efficiently with you)	[REDACTED]		

2. We will email you draft conditions of consent for your comment			
☒	I can receive emails and my email address is correct	☐	I cannot receive emails and my postal address is correct

1.0 SUMMARY OF PROPOSAL

The Carter Group Ltd have applied for authorities through the Fast Track Application process to facilitate the development of a 126-lot subdivision at 104 Ryans Road. The subdivision is to be utilised for industrial use.

The fast-track application includes a set of consents covering District, Regional and National Environmental Standard requirements as well as Wildlife Act approvals. These consents will enable the construction, subdivision, land use, and operation of infrastructure services for the site.

Kaitiaki for Te Taumutu Rūnanga provided preliminary advice in January and May 2025. The following response provided in this document is in response to the ‘invitation to comment under the Fast-Track Approvals Act 2024’.

2.0 MANA WHENUA STATEMENT

Ngāi Tahu holds and exercises rangatiratanga within the Ngāi Tahu Takiwā and has done so since before the arrival of the Crown. The rangatiratanga of Ngāi Tahu resides within the Papatipu Rūnanga. The Crown and Parliament have recognised the enduring nature of that rangatiratanga through:

- The 1997 Deed of Settlement (Deed of Settlement) between Ngāi Tahu and the Crown; and
- The 1998 Ngāi Tahu Claims Settlement Act (NTCSA) in which Parliament endorsed and implemented the Deed of Settlement.
- Article II of Te Tiriti o Waitangi (Te Tiriti);

The contemporary structure of Ngāi Tahu is set down through the Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act). Article II of Te Tiriti o Waitangi (Te Tiriti), the TRoNT Act, Ngāi Tahu Claims Settlement Act (NTCSA) 1998, and the 1997 Deed of Settlement (Deed of Settlement) between Ngāi Tahu and the Crown sets the requirements for recognition of tangata whenua in Canterbury.

The takiwā of Taumutu Rūnanga centres on Taumutu and the waters of Te Waihora and adjoining lands and shares a common interest with Ngāi Tūāhuriri Rūnanga and Te Rūnanga o Arowhenua in the area south to Hakatere.

- Fast-track Approvals Act 2024

Under the Fast-track Approvals Act 2024, our comments have been requested under section 53 and 54 and must be considered with sufficient weighting as expressed under section 7, 18, 81(2), and 82 of the act. Section 82 applies if a Treaty settlement is relevant. The Ngāi Tahu Claims Settlement Act 1998 covers the takiwā of Ngāi Tahu (as expressed with in Te Runanga o Ngai Tahu Act 1996), including the takiwā of Te Taumutu Rūnanga. Te Taumutu Rūnanga hold mana whenua over the location of this project.

The Ngāi Tahu Claims Settlement (NTCSA) sought recognition of the relationship between Ngāi Tahu Whānui with the land. The settlement act contains the Crown Apology to Ngāi Tahu. The settlement marked a turning point, and the beginning of a “new age of co-operation”. The Crown apologised for its “past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries” and confirmed that it “recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui”. In the NTCSA, the Crown also

addresses the “breach of Article Two of the Treaty, it failed to preserve and protect Ngāi Tahu’s use and ownership of such of their land and valued possessions as they wished to retain.”

Section 7(1) of the Fast Track Approvals Act outlines that “all persons performing and exercising functions, powers, and duties under this Act must act in a manner that is consistent with the obligations arising under existing Treaty settlements”.

The Mahaanui Iwi Management Plan (Mahaanui IMP) is an expression of kaitiakitanga and rangatiratanga. It is a mana whenua planning document reflecting the collective efforts of six Papatipu Rūnanga that represent the hapū who hold mana whenua rights over lands and waters within the takiwā from the Hurunui River to the Hakatere River and inland to Kā Tiritiri o Te Moana. The Mahaanui IMP is the guiding framework for this report, its contents, and recommended consent conditions.

Because the Ngāi Tahu Claims Settlement Act recognises Ngāi Tahu as “the tāngata whenua of this takiwā and as holding rangatiratanga within it”, the Mahaanui Iwi Management Plan and its associated objectives and policies should be considered under section 82(2) of the Fast Track Approvals Act.

This provision requires that the plan, and as such this report, be given “the same or equivalent effect through the panel’s decision making as it would have under any relevant specified Act.”

Relevant policy within the Mahaanui Iwi Management Plan have been provided in previous Mana Whenua Advice Reports submitted in relation to this application.

3.0 DISCUSSION OF PROPOSAL WITH REGARDS TO MAHAANUI IWI MANAGEMENT PLAN POLICY

The policies from the Mahaanui Iwi Management Plan (as provided in previous response documents) provide a framework for assessing the potential negative impacts of the proposed activity on Mana Whenua values and provide guidance on how these effects can be moderated.

Te Tiriti o Waitangi guarantees tāngata whenua the right to fulfil their kaitiaki obligations to protect and care for taonga in the environment, including land, waterways, natural features, wāhi tapu and flora and fauna with tribal areas. Section 6 of the Resource Management Act (RMA) identifies a number of matters of national importance, including two which relate specifically to Māori: (e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga; and (f), The protection of historic heritage from inappropriate subdivision, use and development (this includes sites of significance to Māori, including wāhi tapu). The meaningful engagement of tāngata whenua in decision making processes and regard to kaitiakitanga is required by Section 7 (a).

Te Taumutu Rūnanga have a unique and abiding interest in the sustainable management of te taiao – the environment. Wai māori (freshwater) is a taonga of Ngāi Tahu, governed under the domain of rangatiratanga and defined by Ngāi Tahu tikanga and ritenga. Water races and drains are often defined as artificial watercourses; however, they also provide habitat and critical passage routes for native fish and other biodiversity, contributing to the wider network of mahinga kai habitat and water flow in the takiwā. Ngāi Tahu values and policies in the Mahaanui Iwi Management plan (such as WM14.1 and RH4.2) require that drains are recognised as waterways for the purposes of water management. The piping of a drain can have impacts on the mauri of the waterway and harm aquatic life. Kaitiaki of Te Taumutu Rūnanga acknowledge that the Carter Group have revised their original proposal to pipe the water race on the southern boundary of the proposed subdivision site. Retaining and naturalising a waterway aligns with policy in the Mahaanui IMP and is captured by proposed consent condition 5.

Consent conditions and advice notes in section of 4.0 below are provided to mitigate the impacts of the proposal on the kaitiaki values of Te Taumutu Rūnanga as set out in the Mahaanui IMP. Measures such as avoiding fish from becoming stranded in pools or channels up and downstream of the works should be included to moderate any of the potential negative effects associated with the culvert installation on Wai Māori, Papatūānuku and Tane Mahuta policy. The proposal must retain the water race and provide riparian plantings as was more recently proposed. Wetlands, waipuna and riparian areas are all considered to be wāhi taonga by Ngāi Tahu, treasured for their role in protecting and enhancing mauri, and providing habitat for mahinga kai. The consent holder must establish and maintain a planted riparian margin that contains indigenous vegetation around any waterway and water body on-site. Additionally, all building activity should retain at least a 10-metre building setback from any waterway or body of water.

Restoring indigenous biodiversity values is one of the most important challenges for the future management in the takiwā. A healthy economy relies on a healthy environment. Indigenous biodiversity, both flora and fauna, along with air, water and soil, are all taonga; they are the regions natural capital, providing a suite of ecosystem services. A key priority of tāngata whenua is the protection and restoration of native flora and fauna as expressed throughout the Mahaanui IMP. Land use activities that are detrimental to the extent, health, and wellbeing of indigenous species are not culturally acceptable. Every indigenous vegetation removed should be replaced with two equivalent species (like-for-like) at or near the site through transplantation or other methods, as an offset measure. The lizard surveys undertaken by the Carter Group found evidence of lizard habitat and native lizards within the site (southern grass skinks (at risk declining)). Part of the subdivision's construction and operation involves clearing this habitat. A wildlife permit has been sought to authorise the capture and release of lizards encountered. Consent condition 8 has been provided below and should be included among conditions around the handling of lizards.

Correspondence between the Carter Group and DOC shows that DOC experts have expressed concern for the quality of habitat within the proposed lizard release site. Without sufficient enhancement and time for vegetation establishment, the habitat could be unsuitable for lizard release and may result in unsuccessful re-location and casualty of lizards. Lizards must be released into a suitable and approved habitat with sufficient vegetation cover to facilitate successful translocation.

Without sufficient management, earthworks can have negative effects on surrounding environments by increasing the potential for erosion, sediment runoff, and creating pathways for sediment to enter waterways. Therefore, where earthworks occur as part of a development, an erosion and sediment control plan must be in place to ensure the protection of water, soil and air. These erosion and sediment control plans must ensure provisions for managing exposed soil, dust and erosion. The plan should be active until exposed soils have been re-vegetated. Earthworks are also a significant concern for tāngata whenua with regard to Section 5.4 of the Mahaanui IMP. Any disturbance to land has the potential to uncover or damage previously unrecorded wāhi taonga or Māori artefacts. To ensure appropriate protocols are in place, an Accidental Discovery Protocol (ADP) is required to deal with archaeological finds (Appendix 1).

Stormwater runoff from urban environments can have significant effects on water quality and waterway health as it has the potential to introduce contaminants and sediments to the receiving environment. The cumulative effect stormwater discharge from urban land use residential developments is a significant issue for tāngata whenua. The methods of stormwater discharge should be designed to protect the land/soil used as a receiving environment, surface waters, and groundwater. These include, but are not limited to, ensuring that all stormwater is treated before discharge (including for heavy metals) by at least a first flush treatment, that treatment methods are not installed on contaminated land, and that the design of the stormwater infrastructure has sufficient capacity to prevent ponding on site. Please see advice notes 1 and 2.

Subdivision and development can have significant effects on tāngata whenua values, including sense of place, cultural identity, indigenous biodiversity, mahinga kai, and wāhi tapu and wāhi taonga, but can also present opportunities to enhance those values. The consent holder is encouraged to refer to the Ngāi Tahu subdivision and development guidelines (found within the Mahaanui IMP) for low impact methods. Low impact design solutions such as rain and greywater collection and re-use systems as an alternative to discharge to land systems are encouraged. Stormwater treatment prior to discharge and disposal in line with best practice methods will have overall beneficial results to water quality and this is encouraged

4.0 CONSENT CONDITIONS AND ADVICE NOTES

The following recommendations should be considered to moderate effects of this proposed activity on mana whenua values:

1. An Accidental Discovery Protocol (ADP) must be in place during all earthworks required to exercise this consent to deal with archaeological finds and protect the interests of mana whenua. This condition does not constitute a response under the Heritage New Zealand Pouhere Taonga Act (HNZPT 2014).
2. An Erosion and Sediment Control Plan for any earthworks required to give effect to this consent must be prepared, inspected, and maintained in accordance with Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury until such time the exposed soils have been stabilised.
3. Indigenous planting must be established and maintained within the development.
4. Every indigenous vegetation removed must be replaced with two equivalent species (like-for-like) at or near the site through transplantation or other methods, such as an offset measure.

Ecology:

5. The applicant must retain, naturalise, and incorporate any waterway on or bordering the property (including stream, drain, or water race).
6. The consent holder must establish and maintain a planted riparian margin that contains indigenous vegetation around any waterway or body of water.
7. The consent holder shall ensure that all practicable measures be undertaken to ensure that there is no stranding of fish in pools or channels up and downstream of the proposed works within the water race.
8. All works relating to lizard fauna, including capture and relocation must occur in accordance with the Lizard Management Plan, the wildlife permit and Wildlife Act (1953), and in the presence of a qualified and experienced herpetologist
 - a. This must be undertaken during suitable weather conditions (lizard monitoring is undertaken in Canterbury during the months of Sept/Oct – April to coincide with the warm weather).
 - b. Lizards must be released into a suitable and approved habitat with sufficient vegetation cover to facilitate successful translocation.
 - c. Lizards on site must be captured and released as per DOC guidelines.
 - d. The consent holder must monitor the re-located lizards and provide improvement habitat works where necessary.

Stormwater:

9. All stormwater, including that from hardstand areas and roofs must be treated prior discharge, including a minimum of first flush treatment and heavy metal treatment.
10. The design of stormwater infrastructure must have sufficient capacity to prevent ponding at the site.
11. Soakpits must not be installed on soil with contamination level above accepted values.

The following advice notes must be included in the final decision:

1. The development and/or subdivision of land should not result in a decrease in stormwater capacity within the catchment and should not result in negative cumulative effects on water quantity or quality.
2. Swales should be planted with appropriate native species (not left as grass), recognising the ability of particular species to absorb water and filter contaminants.
3. All building activity should retain at least a 10-metre building setback from any waterway or body of water.
4. The consent holder should implement the *Ngāi Tahu Subdivision and Development Guidelines* to the greatest practical extent. In particular, each lot should incorporate sustainable urban design features with respect to stormwater and greywater management including:
 - a. Greywater capture and reuse.
 - b. Rainwater capture and reuse (i.e., rainwater collection tanks).
 - c. Minimising impervious cover (e.g., using permeable paving and maintaining grass cover).
 - d. The use of rain gardens and swales (or other land-based methods) rather than standard curb and channel.

Further comment:

Please ensure that Te Taumutu Rūnanga are included as an affected party in the case that an accidental discovery is made. E.g. the following condition was proposed in the applicants' proposed conditions:

- In the event of the discovery/disturbance of any archaeological material or sites, including taonga (treasured artefacts) and koiwi tangata (human remains), the consent holder must immediately:
 - (a) Cease earthmoving operations in the affected area of the site; and
 - (b) Advise the Council of the disturbance via email to rcmon@ccc.govt.nz
 - (c) Advise appropriate agencies, including Heritage New Zealand Pouhere Taonga and the local Mana Whenua **Ngāi Tūāhuriri Rūnanga** of the disturbance. This condition does not constitute a response under the Heritage New Zealand Pouhere Taonga Act (HNZPT 2014).

Please ensure that Te Taumutu Rūnanga is represented in an accidental discovery protocol condition.

Appendix 1: Accidental Discovery Protocol (ADP)

PRIOR TO COMMENCEMENT OF ANY WORKS, A COPY OF THIS ADP SHOULD BE MADE AVAILABLE TO ALL CONTRACTORS WORKING ON SITE.

Purpose

This Accidental Discovery Protocol (ADP) sets out the procedures that must be followed in the event that taonga (Māori artefacts), burial sites/kōiwi (human remains), or Māori archaeological sites are accidentally discovered. The Protocol is provided by Te Taumutu Rūnanga. Te Taumutu Rūnanga are the representative body of the tangata whenua who hold mana whenua in the proposed area.

Background

Land use activities involving earthworks have the potential to disturb material of cultural significance to tangata whenua. In all cases such material will be a taonga, and in some cases such material will also be tapu. Accidental discoveries may be indicators of additional sites in the area. They require appropriate care and protection, including being retrieved and handled with the correct Māori tikanga (protocol).

Under the *Heritage New Zealand Pouhere Taonga Act 2014*, an archaeological site is defined as any place associated with pre-1900 human activity, where there is material evidence relating to the history of New Zealand. It is unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site (known or unknown) without the prior authority of the Heritage New Zealand Pouhere Taonga (HNZPT). This is the case regardless of the legal status of the land on which the site is located, whether the activity is permitted under the District or Regional Plan or whether a resource or building consent has been granted. The HNZPT is the statutory authority for archaeology in New Zealand.

Note that this ADP does not fulfil legal obligations under the Heritage New Zealand Pouhere Taonga Act 2014 regarding non-Māori archaeology. Please contact the HNZPT for further advice.

Immediately following the discovery of material suspected to be a taonga, kōiwi or Māori archaeological site, the following steps shall be taken:

1. All work on the site will cease immediately.
2. Immediate steps will be taken to secure the site to ensure the archaeological material is not further disturbed.
3. The contractor/works supervisor/owner will notify the Kaitiaki Rūnanga and the Area Archaeologist of the HNZPT. In the case of kōiwi (human remains), the New Zealand Police must be notified.
4. The Kaitiaki Rūnanga and HNZPT will jointly appoint/advise a qualified archaeologist who will confirm the nature of the accidentally discovered material.
5. If the material is confirmed as being archaeological, the contractor/works supervisor/owner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from HNZPT before work resumes (as per the *Heritage New Zealand Pouhere Taonga Act 2014*).
6. The contractor/works supervisor/owner will also consult the Kaitiaki Rūnanga on any matters of tikanga (protocol) that are required in relation to the discovery and prior to the commencement of any investigation.
7. If kōiwi (human remains) are uncovered, in addition to the steps above, the area must be treated with utmost discretion and respect, and the kōiwi dealt with according to both law and tikanga, as guided by the Kaitiaki Rūnanga.
8. Works in the site area shall not recommence until authorised by the Kaitiaki Rūnanga, the HNZPT (and the NZ Police in the case of kōiwi) and any other authority with statutory responsibility, to ensure that all statutory and cultural requirements have been met.
9. All parties will work towards work recommencing in the shortest possible time frame while ensuring that any archaeological sites discovered are protected until as much information as practicable is gained and a decision regarding their appropriate management is made, including obtaining an archaeological authority under the *Heritage New Zealand Pouhere Taonga Act 2014* if necessary. Appropriate management may include recording or removal of archaeological material.

10. Although bound to uphold the requirements of the Protected Objects Act 1975, the contractor/works supervisor/owner recognises the relationship between Ngāi Tahu whānui, including its Kaitiaki Rūnanga, and any taonga (Māori artefacts) that may be discovered.

IN DOUBT, STOP AND ASK; TAKE A PHOTO AND SEND IT TO THE HNZPT ARCHAEOLOGIST

Contact Details

HNZPT Archaeologist: [REDACTED] archaeologistcw@heritage.org.nz

HNZPT Southern Regional Office [REDACTED] infosouthern@heritage.org.nz

HNZPT Māori Heritage Advisor ([REDACTED]) pouarahisouth@heritage.org.nz

Kaitiaki Rūnanga:

Te Taumutu Rūnanga: 03 371 2660, taumutu@ngaitahu.iwi.nz