

Our Reference: 250212022137

Valuation Reference: 2161122200 & 2161123700

27 February 2025

Chris Fowler

Saunders & Co

Via email: s 9(2)(a)

Dear Chris,

**Re: Kaiapoi Retirement Village Project – Proposed Fast Track Referral Order Application (Momentum Land Limited)**

Thank you for your letter of 24 January 2025 advising of Momentum Land Limited's intent to lodge a fast-track referral application for the North Kaiapoi Housing Project on the land commonly referred to as the "North block", and for your follow-up meeting on 11 February 2025 to discuss the proposed referral application in person. Council understands from this meeting that your referral application will also include the Kaiapoi retirement village project on the "South Block".

Council notes that its recommendations on Momentum Land Limited's proposed Waimakariri District Plan submissions for rezoning are to rezone the land to enable medium density residential subdivision and residential housing to occur on it.

Thank you also for the information you've provided about the proposed road stopping which will be included in the referral application. I understand there will be further discussions with Council staff about whether this procedure is best undertaken as part of the substantive fast track application or under the Local Government Act. Further, the Council will need to be satisfied that public access is provided within the development to maintain existing connections.

Council appreciates Momentum Land Limited's consultation and notification of the proposed referral application and understands that the Minister must invite comments from relevant local authorities on the application<sup>1</sup>. Council's intention is to provide formal comments at that time.

Thank you for notifying and consulting with us over this proposal.

Yours sincerely,



Kelly La Valley

General Manager, Planning, Regulation & Environment

---

<sup>1</sup> S17(1)(a), Fast Track Approvals Act 2024

# Pre-Application Advice for Momentum Land Limited – RMA253084

**Disclaimer:** This technical advice note does not constitute legal advice and should not be relied upon as such. Please note this preliminary advice has been given prior to any official guidance from the Ministry for the Environment relating to ECan's role under the Fast-Track Approvals Act 2024.

Meeting Date:	10/02/2025
RMA# Closure Date:	
Advice Expiry Date:	

## Executive Summary

Momentum Land Limited (Momentum) (the applicant) have sought a meeting with ECan to discuss using the Fast-Track Approval Act (FTAA) for their developments near Kaiapoi in the Waimakariri District. The two developments are not listed in Schedule 2 of the FTAA, so Momentum will be lodging a referral application with the Ministry for the Environment.

ECan Staff – Elizabeth Hovell and Nardia Feehan (Consent Planning), Mel Weaver (ECan), Victoria Watt and Amanda Thompson (Planning)  
Momentum Land Limited – Chris Fowler (Legal – Saunders & Co.), Mark Allan (Planning - Aurecon), Shane Fairmaid (Director – Momentum), Levi Grady (Project Director – Momentum)

## Introduction

### Fast-Track Approval Act Consenting:

Under the FTAA, the applicant is required under section 11(1)(a) to consult with relevant local authorities (amongst others) before lodging a referral application. Momentum will need to provide evidence of this consultation as part of their referral application.

The Ministry for the Environment is the responsible agency that will decide if the application is complete and (if it considers it is) refer it to the Minister. Once referred to the Minister, the Minister will then copy the application to, and invite comments from the relevant local authorities (section 17 of the FTAA). ECan, as a relevant local authority in this case, will have 20 working days upon receipt of the copy of the application to provide comments to the Minister.

There is also provision in the FTAA for the Minister to request further information from the relevant local authorities (Section 20(1)).

This pre-application meeting is to discuss the process going forward for an application by Momentum under the FTAA.

The fast-track applications process came into operation on 7 February.

The applicant requested a pre-app meeting to discuss their proposed Kaiapoi developments and their intention to utilise the Fast-Track approvals process to obtain the necessary approvals. Specifically, the applicant is seeking advice relating to the following developments that, collectively, comprise their Beachgrove Kaiapoi Expansion Project:

**North Block - Kaiapoi Housing Proposals:**

Water Permit

- To divert surface water, permanently take groundwater and to take dewatering water during the construction of a new alignment of McIntosh Drain
- To take groundwater during construction for dewatering purposes
- A water permit for the permanent take of groundwater into two wet basins will likely be required.

Land use consent

- For earthworks over aquifers; and land disturbance, and vegetation removal in the riparian margins on McIntosh Drain
- To reclaim part of the current alignment, and excavate, disturb, and maintain the new alignment of McIntosh Drain and construct an outfall structure in the new alignment of the waterbody
- Earthworks to create stormwater management basins

Discharge permit

- To discharge construction-phase stormwater including water treatment chemicals; discharge intercepted groundwater; to discharge surface water into the current and new alignment of McIntosh Drain; and discharge water into land.
- To discharge dewatering water to surface water; construction-phase stormwater to land; intercepted groundwater; water treatment chemicals; and groundwater and operational-phase stormwater to land and water

NES:FW

- For activities associated with the diversion and reclamation of, and installation of any temporary or permanent culverts in, McIntosh Drain.

**South Block - Kaiapoi Retirement Village Proposal:**

Water Permit –

- To take and use groundwater during construction and dewatering purposes

Land Use Consent

- For earthworks over aquifers and to create stormwater management areas

Discharge Permit

- To discharge dewatering water, construction-phase stormwater management (including water treatment chemicals), intercepted groundwater and operational-phase stormwater to land and water

NES:FW

- Diversions and reclamation of onsite drains

### Minutes – Notes

Momentum:

Momentum is in the last phase of developing residential zoned land at Beachgrove, Kaiapoi. Development of the North Block and South Block is a logical extension of the existing Beachgrove development.

Key part of development is the realignment of McIntosh Drain. The Beachgrove development realigned it and restored ecological values. Momentum's proposed development of the North Block would double the size and extent of the existing McIntosh Reserve as a fundamental asset and amenity of the residential environment.

Momentum previously sought the North Block and South Block proposals be listed in the Fast-track Approvals Bill. While the proposals were supported by the independent Advisory Group report, they were not included at the cabinet level.

Key concern with the Waimakariri District Plan review process is the opposition from Christchurch International Airport Limited (CIAL) to rezoning the North Block and the South Block as they are under the air noise contour shown on planning maps. Likely that rezoning would be supported by Council officers, but CIAL would likely appeal that decision (due for release July 2025) to the Environment Court and this would add time to the process (i.e. up to 4 years before district and regional consents can be issued to allow development to proceed). FTAA provides an opportunity for Momentum to secure all necessary approvals to develop the North Block and the South Block sooner.

Three parts to the Beachgrove Expansion Project:

- North Block (Housing Proposal immediately north of Beachgrove) –650-900 residential lots, neighbourhood commercial hub.
- South Block (Retirement Village Proposal immediately west of Beachgrove) –300 units comprised of stand-alone, apartment and care bed typologies.
- Realignment of McIntosh Drain within a 6ha ecological restoration area along the eastern extent of the North Block- effectively a continuation of what Momentum did for the McIntosh Drain as part of the existing Beachgrove development immediately south of the North Block.



Many technical assessments have been done (e.g. ecology, archaeology, infrastructure services, flood hazard) and also Momentum has prepared considerable technical evidence to support rezoning through the Waimakariri District Plan review process.

Largely the same requirements as the Beachgrove project so Momentum has a good understanding of the types of approvals required and the nature of technical assessments needed to support the FTAA substantive application.

Aiming for one application to cover the Retirement Village Proposal and Housing Proposal plus associated McIntosh Drain realignment and restoration, which will be developed in parallel. Subdivision of the North Block under one consent, but developed in stages.

Timeframes – Momentum wants to lodge asap. Momentum considers that information for the referral order application is largely available, and Momentum will look to lodge this shortly and then rapidly start work on preparing the substantive application. Working on both referral application and substantive applications in parallel.

Amanda – Map A? High Hazard Area?

Momentum:

Top part of North Block is identified in the Regional Policy Statement (RPS) as part Future Development Area, and part Greenfield Priority Area. South Block is a Future Development Area. The RPS contains an exemption for Kaiapoi regarding residential development within the 50 dBA airport noise in Greenfield Priority Areas, but that doesn't explicitly include Future Development Areas.

Proposed Waimakariri District Plan zones both the North and South Blocks as Rural Lifestyle, with overlays supporting future residential development of the land. Council Officers support rezoning of the land to Medium Density Residential Zone.

RPS review – ECan completed review of air noise contours and this suggests changes to existing contour location (away from Momentum land). But they have yet to be included in the RPS as the RPS review has been delayed by at least 12 months.

Future Development Strategy under NPS:UD is called the Greater Christchurch Spatial Plan (GSCP). The GSCP has recently been amended to replace reference to "avoid" residential development within the 50 dBA noise contour to "carefully manage" such development.

Flood risk – appropriately mitigated. Evidence was produced through Waimakariri District Plan review process.

Amanda – Map A – looks like it might be fine. Need to review technical reports on hazard management. Planning will make an assessment against RPS.

Momentum – Tonkin & Taylor have undertaken extensive flood modelling analysis and mitigation to support the rezoning, and this has been successful with Beachgrove. This sort of information is available.

Referral detail will include issues, and how does ECan want to respond.

Elizabeth – discussion around what Momentum needs to include in substantive application to get it approved by EPA.

Momentum – there is a lot of information available from the previous Beachgrove consenting processes (district and regional approvals / conditions of consent) and the Proposed Waimakariri District Plan Review process (technical evidence and Officer assessments).

Elizabeth – still unclear on what consultation is required under the FTAA.

Nardia – extension of existing development, so we have a fair idea of what type of activities we are looking at. Also have an idea of what conditions would be expected and can work out what is or isn't working currently with the existing Beachgrove proposal. What we would be looking for is new or different effects, what they are, and how Momentum is planning to manage their effects.

Momentum – keen to keep working with ECan on what conditions would look like. Keep working going forward in the development of the referral application and the substantive application.

As soon as referral is lodged, Momentum will continue to identify any technical gaps or need for updated or additional technical assessments. All work towards the substantive application will revert to a standard resource consent process if the referral application is unsuccessful.

In principle is this something that ECan could support? Note any particular areas or issues that a substantive application should address.

Hoping to attach to the referral order application an appendix recording pre-application consultation confirming that ECan has been party to consultation.

Nardia – the purpose of the minutes/ notes is so Momentum has evidence of consultation with ECan to attach to any application they lodge.

**ACTION** – ECan to identify key areas of interest

**ACTION** – Momentum to share what information they have for us to look at.

**ACTION** – Momentum to send any notes, key things they want noted

**ACTION** – Nardia to collate and send through notes.

### Additional Information

Charging: Usual pre-app charging for work on the development of a referral application and substantive application.

Process (with different projects): North and South Block and McIntosh Drain enhancement to be all part of one application package.

Communication (going forward): Nardia and Chris from Momentum

Timelines for pre and substantive notification: Currently developing a referral application and working through the FTAA process of what is needed.

### Next Steps:

ECan will write up minutes and send through to Momentum

### Signed by



Nardia Feehan  
Principal Consent Planner



Elizabeth Hovell  
Team Lead – Significant Consents

## MANA WHENUA ADVICE

### J7221 – Momentum Land Ltd – Beach Grove Development

---

To: Momentum Land Ltd

Contact: Chris Fowler

#### 1.0 Mana Whenua 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). The TRoNT Act and Ngāi Tahu Claims Settlement Act (NTCSA) 1998 sets the requirements for recognition of tangata whenua in Canterbury.

The Te Rūnanga o Ngāi Tahu Act 1996 and the NTCSA 1998 gives recognition to the status of Papatipu Rūnanga as kaitiaki and mana whenua of the natural resources within their takiwā boundaries. Each Papatipu Rūnanga has their own respective takiwā, and each is responsible for protecting the tribal interests in their respective takiwā, not only on their own behalf of their own hapū, but again on behalf of the entire tribe.

Mahaanui Kurataiao Limited is owned by 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.

One or more of the following Rūnanga may hold mana whenua over the project's location:

- Te Ngāi Tūāhuriri Rūnanga

#### 2.0 Summary

Momentum Land Ltd proposed to develop a retirement village at 310 Beach Road, Kaiapoi (known as south block) and continue residential development north of the existing Beach Grove subdivision on Beach Road, Kaiapoi (known as north block).

There are a number of waterways through and/or adjacent to the sites. Some of these are to be realigned or piped. The ecology report provided states that there is low ecological value to these waterways. The report also states the magnitude of effect of the proposal on freshwater values is expected to be high

Aerial imagery indicates a wetland area located centrally within the north block. It appears to be drained by the waterway named 'offshoot 1' on plans. There appears to be wetland type vegetation



in the area. The ecology report provided states: *'There are no areas of wetland as per the ECan Wetland GIS layer within the site. The closest identified ECan wetland area is located approximately 330 m to the north east.'*

There also appears to be springs within both the north block and the south block.

## 4.0 Mahaanui Iwi Management Plan 2013

The Mahaanui Iwi Management Plan (IMP) is a written expression of kaitiakitanga, setting out how to achieve the protection of natural and physical resources according to Ngāi Tahu values, knowledge, and practices. The plan has the mandate of the six Papatipu Rūnanga, and is endorsed by Te Rūnanga o Ngāi Tahu, as the iwi authority.

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

The policies in this plan reflect what Papatipu Rūnanga support, require, encourage, or actions to be taken with regard to resolving issues of significance in a manner consistent with the protection and enhancement of Ngāi Tahu values, and achieving the objectives set out in the plan.

Key Policies of the IMP for developers to consider at design phase are provided below, however, the list is not exhaustive and relevant policies are not limited to those provided below:

### 5.1 KAITIAKITANGA

#### RECOGNITION OF MANAWHENUA

**K1.3** Papatipu Rūnanga are the regional collective bodies representing the tāngata whenua who hold mana whenua, and are responsible for protecting hapū and tribal interests in their respective takiwā.

**K1.4** For resource management issues in particular catchments or geographical areas set out in Part 6 of this IMP, engagement must occur with the appropriate Papatipu Rūnanga, as per the takiwā boundaries set out in:

(a) the Te Rūnanga o Ngāi Tahu (Declaration of Membership Act) Order 2001.

**K1.7** Mahaanui Kurataiao Ltd is the Manawhenua Environmental Consultancy owned by Ngāi Tūāhuriri Rūnanga, Te Hapū o Ngāti Wheke (Rāpaki), Ōnuku Rūnanga, Koukourārata Rūnanga, Wairewa Rūnanga and Te Taumutu Rūnanga, and is mandated to engage in resource and environmental management processes on behalf of the six Papatipu Rūnanga.

**Comment:** *Te Tiriti o Waitangi guarantees tāngata whenua the right to fulfill 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.*

### 5.3 WAI MĀORI

#### TĀNGATA WHENUA RIGHTS AND INTERESTS IN FRESHWATER

**WM1.4** To require that local authorities and water governance bodies recognise that:

- (a) The relationship of tāngata whenua to freshwater is longstanding;
- (b) The relationship of tāngata whenua to freshwater is fundamental to Ngāi Tahu culture and cultural well-being;
- (c) Tāngata whenua rights and responsibilities associated with freshwater are intergenerational; and
- (d) Tāngata whenua interests in freshwater resources in the region are cultural, customary and economic in nature.

#### CHANGING THE WAY WATER IS VALUED

**WM2.4** To continue to assert that the responsibility to protect and enhance mauri is collective, and is held by all those who benefit from the use of water; and that the right to take and use water is premised on the responsibility to safeguard and enhance the mauri of that the water.

#### WATER QUALITY

**WM6.2** To require that water quality in the takiwā is of a standard that protects and provides for the relationship of Ngāi Tahu to freshwater. This means that:

- (a) The protection of the eco-cultural system is the priority, and land or resource use, or land use change, cannot impact on that system; and
- (b) Marae and communities have access to safe, reliable, and untreated drinking water; and
- (c) Ngāi Tahu and the wider community can engage with waterways for cultural and social well-being; and
- (d) Ngāi Tahu and the wider community can participate in mahinga kai/food gathering activities without risks to human health.

##### *Discharges*

**WM6.8** To continue to oppose the discharge of contaminants to water, and to land where contaminants may enter water.

##### *Controls on land use activities to protect water quality*

**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.

##### *Costs and benefits*

**WM6.23** To ensure that economic costs do not take precedence over the cultural, environmental and intergenerational costs of poor water quality.

#### WATER QUANTITY

##### *Aquifers*

**WM8.6** To require that aquifers are recognised and protected as wāhi taonga. This means:

- (a) The protection of groundwater quality and quantity, including shallow aquifers;
- (b) The protection of aquifer recharge;
- (c) Ensuring a higher rate of recharge than abstraction, over the long term;
- (d) Continuing to improve our understandings of the groundwater resource, and the relationship between groundwater and surface water.

#### ACTIVITIES IN THE BEDS AND MARGINS OF RIVERS AND LAKES

##### *Use and enhancement of river margins in the built/ urban environment*

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

- 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; and
  - (b) Up to 50 metres where there is the space, such as towards river mouths and in greenfield areas.

#### WETLANDS, WAIPUNA AND RIPARIAN MARGINS

- WM13.1** To recognise and protect all wetlands, waipuna and riparian areas as wāhi taonga that provide important cultural and environment benefits, including but not limited to:
- (a) Mahinga kai habitat;
  - (b) The provision of resources for cultural use;
  - (c) Cultural well-being;
  - (d) The maintenance and improvement of water quality; and
  - (e) Natural flood protection.

- WM13.2** To protect, restore and enhance remaining wetlands, waipuna and riparian areas by:
- (a) Maintaining accurate maps of existing wetlands, waipuna and riparian margins;
  - (b) Requiring that the drainage of existing wetlands or waipuna or the destruction or modification of existing native riparian areas be a prohibited activity;
  - (c) Requiring the use of appropriate fencing, buffers and set back areas to protect wetlands, waipuna and riparian areas from intensive land use, including stock access and irrigation;
  - (d) Supporting initiatives to restore wetlands, waipuna and riparian areas; and
  - (e) Continuing to educate the wider community and landowners of the taonga value of these ecosystems.

#### DRAIN MANAGEMENT

- WM14.1** To require that drains are managed as natural waterways and are subject to the same policies, objectives, rules and methods that protect Ngāi Tahu values associated with freshwater, including:
- (a) Inclusion of drains within catchment management plans and farm management plans;
  - (b) Riparian margins are protected and planted;
  - (c) Stock access is prohibited;
  - (d) Maintenance methods are appropriate to maintaining riparian edges and fish passage; and
  - (e) Drain cleaning requires a resource consent.

**Comment:** *Mauri and mahinga kai are recognised as key cultural and environmental indicators of the cultural health of waterways and the relationship of Ngāi Tahu to water.*

### 5.4 PAPATŪĀNUKU

#### URBAN AND TOWNSHIP PLANNING

- P3.3** To require that the urban development plans and strategies as per Policy P3.2 give effect to the Mahaanui IMP and recognise and provide for the relationship of Ngāi Tahu and their culture and traditions with ancestral land, water and sites by:
- (a) Recognising Te Tiriti o Waitangi as the basis for the relationship between Ngāi Tahu and local government;
  - (b) Recognising and providing for sites and places of importance to tāngata whenua;
  - (c) Recognising and providing for specific values associated with places, and threats to those values;
  - (d) Ensuring outcomes reflect Ngāi Tahu values and desired outcomes; and
  - (e) Supporting and providing for traditional marae based communities to maintain their relationship with ancestral land.

## 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 (see Appendix 1).

## STORMWATER

**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:

- (a) Education - engaging greater general public awareness of stormwater and its interaction with the natural environment, encouraging them to take steps to protect their local environment and perhaps re-use stormwater where appropriate;
- (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 wetpools and wetlands (environmental infrastructure), using appropriate native plant species, recognising the ability of particular species to absorb water and filter waste.

## SOIL CONSERVATION

**P9.4** To support the following methods and measures to maintain or improve soil organic matter and soil nutrient balance, and prevent soil erosion and soil contamination:

- (a) Matching land use with land capability (i.e. soil type; slope, elevation);
- (b) Organic farming and growing methods;
- (c) Regular soil and foliage testing on farms, to manage fertiliser and effluent application levels and rates;
- (d) Stock management that avoids overgrazing and retires sensitive areas;
- (e) Restoration and enhancement of riparian areas, to reduce erosion and therefore sedimentation of waterways;
- (f) Restoration of indigenous vegetation, including the use of indigenous tree plantations as erosion control and indigenous species in shelter belts; and
- (g) Avoiding leaving large areas of land/soil bare during earthworks and construction activities.

## CONTAMINATED LAND

**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.

## EARTHWORKS

**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;
- (d) Potential effects on natural landforms and features, including ridge lines;
- (e) Proposed erosion and sediment control measures; and
- (f) Rehabilitation and remediation plans following earthworks.

#### *Indigenous vegetation*

**P11.8** To require the planting of indigenous vegetation as an appropriate mitigation measure for adverse impacts that may be associated earthworks activity.

#### *Erosion and sediment control*

**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.

**Comment:** *An important kaupapa of Ngāi Tahu resource management perspectives and practice is the protection and maintenance of the mauri of Papatūānuku, and the enhancement of mauri where it has been degraded by the actions of humans.*

## **5.5 TĀNE MAHUTA**

### **MAHINGA KAI**

**TM1.3** To progressively enhance and restore mahinga kai resources and sites and the customary use traditions associated with such resources, by:

- (a) Integrating mahinga kai objectives and policy into regional planning and conservation management documents;
- (b) Continuing to develop Ngāi Tahu led restoration projects;
- (c) Creating Mahinga Kai Cultural Parks (see Box - Mahinga Kai Cultural Parks);
- (d) Organising wānanga, to teach our tamariki about our mahinga kai traditions; and
- (e) Investigating mahinga kai opportunities for existing protected areas, proposed restoration projects and open place/reserve settings.

#### *Ki Uta Ki Tai*

**TM1.4** To promote the principle of Ki Uta Ki Tai as a culturally appropriate approach to mahinga kai enhancement, restoration and management, in particular:

- (a) Management of whole ecosystems and landscapes, in addition to single species; and
- (b) The establishment, protection and enhancement of biodiversity corridors to connect species and habitats.

#### *Remnant areas*

**TM1.7** To require that district and regional plans include policy and rules to protect, enhance and extend existing remnant wetlands, waipuna, riparian margins and native forest remnants in the takiwā given the importance of these ecosystems as mahinga kai habitat.

## **INDIGENOUS BIODIVERSITY**

### *Ngāi Tahu interests in biodiversity*

**TM2.1** To require that local authorities and central government actively recognise and provide for the relationship of Ngāi Tahu with indigenous biodiversity and ecosystems, and interests in biodiversity protection, management and restoration, including but not limited to:

- (a) Importance of indigenous biodiversity to tāngata whenua, particularly with regard to mahinga kai, taonga species, customary use and valuable ecosystem services;
- (b) Recognition that special features of indigenous biodiversity (specific areas or species) have significant cultural heritage value for Ngāi Tahu;
- (c) Connection between the protection and restoration of indigenous biodiversity and cultural well-being;
- (d) Role of mātauranga Ngāi Tahu in biodiversity management; and
- (e) Role of Ngāi Tahu led projects to restoring indigenous biodiversity (e.g. Mahinga Kai Enhancement Fund; Kaupapa Kēreru).

*Significance*

**TM2.4** To require that criteria for assessing the significance of ecosystems and areas of indigenous biodiversity recognise and provide for ecosystems, species and areas that are significant for cultural reasons.

*Protection of remnant and restored areas*

**TM2.5** To require that city, district and regional plans include specific policy and rules to protect, enhance and extend existing remnant and restored areas of indigenous biodiversity in the takiwā.

**Comment:** *The protection and enhancement of indigenous biodiversity and mahinga kai occurs through a shared, coordinated effort between tāngata whenua, local authorities, conservation groups and communities.*

## **5.6 TANGAROA**

### **COASTAL WATER QUALITY**

**TAN2.1** To require that coastal water quality is consistent with protecting and enhancing customary fisheries, and with enabling tāngata whenua to exercise customary rights to safely harvest kaimoana.

### **COASTAL WETLANDS, ESTUARIES AND HĀPUA**

**TAN3.2** To require that local authorities recognise and address the effects of catchment land use on the cultural health of coastal wetlands, estuaries and hāpua, particularly with regard to sedimentation, nitrification and loss of water.

**Comment:** *The extent and cultural health of coastal wetlands, estuaries and lagoons has declined significantly as a result of both urban and rural land use, and this has had a marked impact on mahinga kai resources and opportunities. The intrinsic and cultural value of these ecosystems requires an immediate and effective response to issues such as wastewater and stormwater discharges, sedimentation and nutrient run off.*

## **5.8 NGĀ TŪTOHU WHENUA**

### **RECOGNISING CULTURAL LANDSCAPES**

**CL1.1** To require that local and central government recognise and provide for the ability of tāngata whenua to identify particular landscapes as significant cultural landscapes, reflecting:

- (a) Concentration, distribution and nature of wāhi tapu and wāhi taonga;
- (b) Setting within which sites occur and significance of that setting;
- (c) Significance with regard to association and relationship to place; and

- (d) Degree of risk/threat.

#### *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.

#### **WĀHI TAPU ME WĀHI TAONGA**

**CL3.1** All taonga within the takiwā of Ngāi Tahu, accidental discovery or otherwise, belong to the Papatipu Rūnanga/ Te Rūnanga o Ngāi Tahu.

**CL3.9** To support a range of methods to protect sites identified as wāhi tapu and wāhi taonga, including but not limited to:

- (a) Registration with Historic Places Trust as wāhi tapu or wāhi tapu area; (b) Covenants (e.g. heritage, open space);
- (c) Heritage orders;
- (d) Designation as Historic Reserve or local purpose reserve, under the Reserves Act 1977;
- (e) Tribally developed 'hot zones', Heritage Risk Models or Heritage Alert Layers to protect wāhi tapu, wāhi taonga and archaeological sites; and
- (f) Methods to protect and restore cultural landscapes, as per Policy CL1.7.

**Comment:** *Cultural landscapes are recognised and provided for as a planning tool to protect wāhi tapu and wāhi taonga, the multiple values associated with these sites and places (traditional and contemporary), and the relationship of tāngata whenua to them.*

### **4.1 Guidance to Moderate Impacts on Mahaanui Policy**

The above policies from the Mahaanui IMP provide a framework for providing guidance at the preliminary design phase of development.

The whole of the Canterbury region has cultural landscape value: Ngāi Tahu travelled through, engaged with and named the land, and tāngata whenua history is part of the landscape. However, within this landscape of Ngāi Tahu land use and occupancy particular areas are identified as cultural landscapes. A cultural landscape is a geographical area with particular (and often related) traditional, historical, spiritual and ecological value to Ngāi Tahu. An area may be identified as a cultural landscape due to the concentration of values in a particular location, the particular importance of the area to Ngāi Tahu cultural, history or identity, or the need to manage an area as a particular landscape unit. Cultural landscapes are integral to Ngāi Tahu culture, identity and history, and are testament to relationship of tāngata whenua with the land over time. They are intergenerational: providing future generations (our tamariki and mokopuna) the opportunity to experience and engage with the landscape as their tūpuna once did.

The site is within the Ashley Estuary (Te Aka Aka) and Coastal Protection Zone and is adjacent to a silent file area (part of north block is within the area). The earliest survey plans for Canterbury District – Black Maps, indicates that the area is a historic wetland area.

Increasing land use change and intensification threatens what remains of indigenous habitats – including mahinga kai species and wāhi taonga. Less than 10% of the region’s previously extensive wetlands remain. It is critical that existing wetlands are retained, protected and enhanced. The proposed development would remove a wetland which should be retained.

As per policy WM13.1 and WM13.2, all wetlands, waipuna and riparian areas are wāhi taonga. It is critical opportunities are taken to re-establish wāhi taonga across the landscape. Spring heads, either permanent or seasonal must be identified, retained, protected and enhanced. Subdivision design should include appropriate setbacks and riparian buffer zones planted with indigenous species. Waterways should be retained in their natural or existing form, protected and enhanced. The proposed development will remove existing waterways (considered drains). There is also likely to be a loss of springs within the sites due to the proposed development.

Drains are a common feature across Ngā Pākihi Whakatekateka o Waitaha, given that much of the land in lower catchment areas was originally swamp. An extensive network of drains provides flood protection for settlement and land use. Some of these drains are modified natural waterways, and many connect or empty into existing waterways and waterbodies. For this reason, drain management is an important kaupapa for tāngata whenua. While drains may not be highly valued in the wider community, drains can function as mahinga kai habitat. Locations where mahinga kai resources are gathered may be identified as wāhi taonga by Ngāi Tahu. Waterways considered drains (or other description, such as, ephemeral water courses) should be provided the same mana as any other waterway.

Shallow depth to groundwater and earthworks undertaken over an aquifer are factors that cause concern for kaitiaki. Earthworks often generates sediment laden water which should be treated prior to discharge. There are concerns about residual chemicals associated with the use of flocculants and coagulants. There are also concerns regarding earthworks over an aquifer as this can cause contamination of groundwater and surface 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, along with air, water and soil, are taonga; they are the region’s natural capital, providing a suite of essential ecosystem services. Although these services are often taken for granted, they have immense value to cultural, social and economic wellbeing. Retaining, protecting and enhancing waterbodies and indigenous vegetation would increase habitat and help to restore indigenous biodiversity values of the area.

## 5.0 Rūnanga – Affected Party or Not

In terms of this response, Mahaanui Kurataiao has taken a targeted approach and only addresses matters of fundamental concern to Te Ngāi Tūāhuriri Rūnanga. The fact that Mahaanui Kurataiao has not commented on any particular matter should not be taken as support thereof and Te Ngāi Tūāhuriri Rūnanga reserves the right to comment on additional matters at a hearing or in the future.

The proposed development does not align with policy in the Mahaanui Iwi Management Plan and Kaitiaki for Te Ngāi Tūāhuriri Rūnanga are **opposed** to the proposed development on north block and south block. There needs to be re-instatement, protection and enhancement of waterways, wetlands



and springs. There has been a significant loss of biodiversity in this area, particularly the loss of frogs and eels.

## 6.0 Recommendations

No consent conditions are recommended as there are no conditions that are deemed suitable to mitigate the effects of the proposed activity on mana whenua values.

On behalf of Mahaanui Kurataiao Ltd, this report has been prepared by Kelly Sunnex | Mahaanui Kurataiao Ltd Environmental Advisor, and peer reviewed by Grace King | Mahaanui Kurataiao Ltd Environmental Advisor.

Date: 17<sup>th</sup> February 2025

# Fast-Track Pre-Lodgement Consultation Information

**Purpose** - This document provides a summary of information from DOC following a pre-lodgement consultation request.

## Project Details

Project name:	North Kaiapoi Housing Project and Kaiapoi Retirement Village Project
Engagement type:	Pre-Lodgement – Referral
Applicant/agent:	Momentum Land Limited
Proposal overview:	<p>Momentum is proposing two fast track referral applications on private land -</p> <p>North Kaiapoi Housing Project - 650-900 residential lots on land known as the North Block. 5-8 years to develop.</p> <p>Kaiapoi Retirement Village Project - 300-unit retirement village complex on land known as the South Block, as an extension of their existing Beach Grove residential development. 5-8 years to develop.</p>
Location overview:	Kaiapoi, North Canterbury
Date pre-lodgement request received:	29/01/2025
Summary of pre-lodgement Consultation	
Fast track project lead DOC:	Kim Morgan – Senior Fast Track Consents Advisor (National Office)
DOC specialist input required:	<p>Statutory Manager (Regional Office)</p> <p>Permissions Regulatory Delivery Manager</p> <p>Senior Resource Management Planner</p>
DOC Permissions and approvals that may be required as part of FT process (identified by applicant in pre-lodgement request)	<ul style="list-style-type: none"><li>Authority under Wildlife Act 1953</li></ul>

<p><b>DOC Commentary on Fast Track approvals and permissions identified:</b></p>	<p>The following applies to both applications -</p> <p><b>Wildlife Act Permissions</b></p> <ul style="list-style-type: none"> <li>• Wildlife approval would likely be required for the disturbance, taking, or killing of protected wildlife associated with the project.</li> <li>• Surveys and specific plans would be required to determine exactly what wildlife will be affected and to what extent. We note in the information provided – this is yet to be confirmed by the project ecologist. We note that it may not be possible to receive wildlife approvals without sufficient certainty of the presence of wildlife covered by the approval – purely speculative approvals would not normally be available.</li> <li>• Until further detail is provided, we cannot support much further.</li> <li>• Should an application for a wildlife permit be included please refer to this advice on Wildlife Permits - <a href="#">Interacting with wildlife: Apply for permits</a>.</li> <li>• DOC can provide further information about the specific content we would anticipate would be needed to support a substantive Wildlife Approval once more detailed information is available at that stage. Information requirements are in clause 2 Schedule 7 of the Act.</li> <li>• Prior to lodgement of a substantive application DOC encourages the applicant to re-engage with us. However, based on the information to date we would anticipate an applicant would prepare and include: <ul style="list-style-type: none"> <li>• Surveys to determine the presence of any protected species.</li> <li>• Description of any methods included in application to be used to safely, efficiently, and humanely catch, hold, relocate/salvage or kill the animals. This should also include identifying any relevant animal ethics processes, and how the applicant will ensure best practice standards are met.</li> <li>• Recording and assessing effects - An ecological assessment should fully consider the proposed activity's, alignment with the purpose of the Wildlife Act/statutory planning docs – e.g. whether any impacted species is mentioned specifically in the relevant Conservation Management Strategy, or whether the impact on wildlife is for a protective purpose. <ul style="list-style-type: none"> <li>• The methods that will be used to avoid and minimise adverse effects on protected wildlife, and any offsetting or compensation proposed to address unmitigated adverse effects (including steps taken before the project begins, such as surveying, salvaging, and relocating protected wildlife). This would include species management plans where appropriate.</li> </ul> </li> </ul> </li> </ul>
<p><b>Treaty Settlement implications/considerations:</b></p>	<p>We do not hold any information regarding Treaty partners' views on this project. Given limitations around time and confidentiality, we have not been able to engage with our Treaty partners on this issue but would encourage the applicant to do so.</p>

<p><b>Potential Resource Management Act (RMA) considerations and effects:</b></p> <p><i>Note: DOC's role in relation to 53(2)(m)(i) FTAA</i></p>	<p>A range of subdivision and land use consents will be sought, along with a water permit and discharge permit.</p> <p>Without further information available DOC has no further comments at this time.</p>
<p><b>DOC Statutory Planning Document considerations in relation to site (e.g. GCP/CMS/CMP):</b></p>	<p>Alignment of the proposed impacts on wildlife with statutory planning documents is unclear at this stage. We anticipate this would be addressed in any substantive application to follow.</p>
<p><b>Any specific information requests to applicant(s)/agent for pre-app engagement at this point:</b></p>	<p>In summary we do not think there is enough information at this time and do not feel a pre-lodgement meeting is needed until further information on the presence or absence of wildlife is determined and any management plan prepared. We then encourage you to come back to DOC at this time to ensure the information contained within the plan supports the proposed applications.</p>
<p><b>Any further information/considerations:</b></p>	<p>Nothing further at this time.</p>
<p><b>Additional Notes</b></p>	<p>While DOC will assist applicants as much as we can when they engage in pre-lodgement consultation, it is applicants' responsibility to comply with the FTAA and to ensure they have applied for all permissions they need.</p> <p>Note that at substantive stage a panel will invite the statutory bodies listed in clause 4 of Schedule 7 to comment (NZCA, conservation boards, Fish and Game Council, and Game Animal Council). We encourage applicants to engage with these bodies in advance of filing a substantive application.</p>





## Meeting File Note

**Subject and Purpose of Meeting** Fast-track Referral Application for the North Kaiapoi Housing Project and the Kaiapoi Retirement Village Project

**Date:** Thursday 13 February 2025

**Venue:** Heritage New Zealand Pouhere Taonga  
Office at 64 Gloucester Street, Christchurch  
Central 8013

**Participants:** Arlene Baird (HNZPT Area Manager), Mitzie Bisnar (HNZPT Planner), Huia Pacey (HNZPT Māori Heritage Advisor), Gwen Hoopmann (HNZPT Senior Regional Archaeologist), Jasmine Weston (HNZPT Archaeologist; attended for training purposes), and Mark Allan (Aurecon Director)

**Apologies:** Shane Fairmaid (Momentum Land Ltd Managing Director), Chris Fowler (Saunders & Co)

### Summary of Proposal

Momentum Land Ltd intends to lodge a referral application under the Fast-track Approval Act 2024 (FTA) regarding two projects, the North Kaiapoi Housing Project and the Kaiapoi Retirement Village Project and wishes to consult with Heritage New Zealand Pouhere Taonga (HNZPT).

The North Kaiapoi Housing Project will involve developing 34ha of land immediately adjacent to the BeachGrove development at Kaiapoi, North Canterbury into a 650-900 lot residential subdivision. The subject sites for this project are 143, 145 & 151 Ferry Road, Kaiapoi. The sites are legally described as Lot 2 DP 4532, Lot 1 DP 5010 and Lot 5 DP 313322.

The Kaiapoi Retirement Village Project will involve developing 6ha of land immediately adjacent to the BeachGrove development at Kaiapoi, North Canterbury into a 300-unit comprehensive care retirement village. The subject site for this project is 310 Beach Road, Kaiapoi and is legally described as Lot 2 DP 83191.

### Potential effects on heritage

The subject sites for the North Kaiapoi Housing Project do not contain any heritage items listed on the New Zealand Heritage List / Rārangī Kōrero. These sites also do not contain any scheduled heritage items within the Proposed or Operative Waimakariri District Plan.

The subject site for the Kaiapoi Retirement Village Project does not contain any heritage items listed on the New Zealand Heritage List / Rārangī Kōrero. This site also does not contain any scheduled heritage items within the Waimakariri District Plan.

The sites for the North Kaiapoi Housing Project contain the following Overlays in the Proposed Waimakariri District Plan:

- Wāhi Tapu Overlay – SASM002
- Wāhi Tapu Overlay – SASM005
- Ngā Tūranga Tūpuna – SASM013

The sites for the Kaiapoi Retirement Village Project contain the following Overlays in the Proposed Waimakariri District Plan:



- Ngā Tūranga Tūpuna – SASM013

There is potential for archaeology and cultural heritage in the above subject sites, as discussed below.

### **Archaeology**

In the meeting we were shown an archaeological assessment covering both the North Kaiapoi Housing Project and Kaiapoi Retirement Village Project, undertaken in 2022 by Underground Overground Archaeology.

Feedback provided in the meeting indicated that this assessment would not meet the standard for acceptance as part of an authority application to modify or destroy archaeology across the entire site as it concluded the likelihood of impacting Māori archaeology was unlikely. An authority cannot be issued for works that will not impact archaeology.

Options suggested for creating a complete authority application were:

- Applying only for modifications to the McIntosh Drain.
- Requesting further assessment of the potential to impact Māori archaeology, to be considered in conjunction with cultural values statements.

Following the meeting, a search of our records showed that this assessment has been used in three applications to date.

- Two applications were returned, citing the point made above.
- The third application, which limited the works to impacts on the McIntosh Drain only, was granted as authority 2023/284 (attached).

Authority 2023/284 was granted on 7 December 2022 and expires on 7 December 2027. The appeal period has passed with no appeals lodged, however consent from the owners of the land covered by this authority is still outstanding. This means that the authority cannot be exercised until consent has been obtained from all landowners.

As discussed in the meeting, an application that covers only McIntosh Drain means that the remainder of the project will be operating under an Accidental Discovery Protocol. Depending on the appetite for risk within the project, Momentum Land Limited may still wish to request further assessment of the potential to impact Māori archaeology, to ensure that an ADP is the option that best suits the project.

### **Cultural Heritage**

It was noted in the meeting that Kaiapoi was a significant space for Ngāi Tūāhuriri and Ngāi Tahu. Consultation from 2022 would need to be updated to ensure full information was available to make an informed decision on their opinion of the current project scope and consequence. Momentum noted they were re-engaging with Mahaanui Kurataiao and will engage with Ngāi Tahu in the near future.

### **Conclusion**

Thank you for contacting HNZPT regarding your referral application under the Fast-track Approvals Act 2024. As discussed above, the North Kaiapoi Housing Project and Kaiapoi Retirement Village Project are of interest to HNZPT given the archaeological and cultural heritage impacts they may have. Please note that the advice provided above is not for the purpose of a pre-approval at this point in time, and only aims to provide initial pre-application consultation advice to the applicants.