



TO: ENVIRONMENTAL PROTECTION AGENCY

**RE: FRANCO FARMS - REFERRAL APPLICATION UNDER THE FAST-TRACK APPROVALS ACT
2024 ((FTAA-2604-1219))**

DATE: 13 JULY 2026

INTRODUCTION

Ngāi Tūāhuriri is a principal hapū of Ngāi Tahu, acknowledged in Te Rūnanga o Ngāi Tahu Act 1996 and the Ngāi Tahu Claims Settlement Act 1998 (Settlement Act). The takiwā of the hapū is centered at Tuahiwi, and extends from Hurunui to Hakatere, sharing an interest with Arowhenua Rūnanga northwards to Rakaia, and thence inland to the Main Divide. This is articulated in, and discernible from, the Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001 (formerly Schedule 1 of the Te Rūnanga o Ngāi Tahu Act 1996). Within this area, Ngāi Tūāhuriri has maintained noho tūturu (ahi kā), meaning the tribe's 'fires' have been kept burning and that they actively exercise rangatiratanga.

Ngāi Tūāhuriri Rūnanga has mandated Whitiora Centre Limited (Whitiora) to provide advice and act on its behalf in respect of environmental policy, planning, and strategy matters. This includes proposals being referred to or processed as a substantive application under the Fast-track Approvals Act 2024 (FTAA). Accordingly, all comments made in this document can be read as from both Whitiora and Ngāi Tūāhuriri Rūnanga.

Please find set out below our comments.

BACKGROUND

The Franco Farms project (the project) lies within the takiwā of Ngāi Tūāhuriri, situated on the confluence of the Hurutini/Hallswell River, Knights Stream, Ngāi Tahu Stream, and Creamery Drain. The site is comprised of two separate land parcels, one within Selwyn District and one within Christchurch District.

The key components of the project are:

- Approximately 350 residential lots and commercial units.



- A neighbourhood centre
- A new reserve and enhanced riparian margin adjacent to Knights Stream, the Halswell River and the Creamery Drain.
- An integrated street and reserve network, along with stormwater management areas
- Open spaces integrated throughout the development proposal, including a central neighbourhood reserve and stormwater basins with associated wetland areas to the south of the application site.
- Associated infrastructure including upgrades and new transport, stormwater, wastewater, water supply, electricity and telecommunications infrastructure.
- Staged construction delivery within one substantive application.

Whitiora was formally notified of Sabys 101 Limited's intention to lodge a referral application under the FTAA for the Franco Farms development on 15 April 2026. Whitiora then received an invitation to comment on the project from the EPA on 22 June 2026.

MATTERS ARISING FROM THE NGAĪ TAHU SETTLEMENT

The Ngāi Tahu Claims Settlement Act 1998 (NTCSA) records the scope, detail, and nature of the Crown's settlement with Ngāi Tahu. These matters included:

- An apology
- The return of Aoraki to Ngāi Tahu
- A wide range of mechanisms for economic redress
- A wide range of mechanisms for recognition of mana
- Recognition of, and provision for mahinga kai

The Apology

The Crown's apology recognised its repeated breaches of the principles of the Treaty of Waitangi in its purchases of Ngāi Tahu land. This included acknowledgement that the Crown failed to properly consider, let alone preserve and protect Ngāi Tahu's use and ownership of such land, and the losses and dispossessions they wished to retain; as well as "past failures to acknowledge Ngāi Tahu's mana and mauri over the South Island lands within its boundaries."¹

¹ S6 Ngāi Tahu Claims Settlement Act 1998



Within the apology, the Crown recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui. The apology concludes with a commitment to enter a new age of co-operation with Ngāi Tahu.

Mechanisms for Recognition of Mana

The importance of Te Waihora to Ngāi Tahu is recognised in the NTCSA. The Act provides for the vesting of the lakebed in Te Rūnanga o Ngāi Tahu as redress for the loss of mahinga kai.

The Mahaanui Iwi Management Plan² describes Te Waihora as a tribal taonga representing a major mahinga kai and an important source of mana. For over 170 years, the effects of land use change and intensification within the lake's catchment have resulted in its decline. It is now considered to be one of the most polluted bodies of water in New Zealand.

Policy in the Mahaanui Iwi Management³ requires that the management of land and water within the Te Waihora catchment recognises and provides for the cultural health of Te Waihora. Franco Farms is within the catchment of Te Waihora, and every effort should therefore be made to ensure that the urban use of this land does not adversely and cumulatively contribute to further degradation of the lake.

Special Association with Taonga Species

The NTCSA also acknowledges the cultural, spiritual, historic, and traditional association of Ngāi Tahu with taonga species which are identified in Schedule 97 of the Act.

Relevance to the Proposed Subdivision

Matters arising from the Ngāi Tahu Settlement that concern the proposed subdivision are:

- a. Management of construction and operational stormwater to ensure that the water which is being treated and then transported via ground and surface water does not contribute to the existing and cumulative degradation of Te Waihora;
- b. Where appropriate, to integrate and provide for taonga species in the development, including as part of landscape treatment and within the riparian habitat for native fish.

² Mahaanui Iwi Management Plan, Chapter 6.11, p. 11.

³ Mahaanui Iwi Management Plan, Policy TW4.1.



COMMENTS ON APPLICATION

Overview

Parts of the site is subject to SASM37 (Ngā Wai Overlay) relating to Knights Stream and the Halswell River. Ngā Wai are important waterways and waterbodies. They are integral to tribal identity and considered to be a Wāhi Taonga. Ngā Wai are a source of mahinga kai as well as being places of significant events, occupation, historic access and travel routes. The condition and treatment of water is considered a reflection on the health and regard for Papatūānuku. The Hurutini/Hallswell is a significant tributary of Te Waihora/Lake Ellesmere, a major mahinga kai site and tribal taonga⁴. Sewage and stormwater disposal associated with urban subdivision, along with poor drain and waterway management has contributed to the degradation of water within this catchment⁵. Policy 1.1 in Chapter 5.4 Papatūānuku of the Mahaanui Iwi Management Plan promotes land use to recognise and provide for natural resource capacity, capability, availability, and limits, the assimilative capacity of catchments.

The proposed land development triggers matters of interest and concern to Ngāi Tūāhuriri Rūnanga. These include the following:

- The management of earthworks including:
 - o Run-off from exposed earthworks into waterways causing contaminants to enter the waterway;
 - o Dust nuisance;
 - o Accidental discovery of Māori artefacts or sites of pre-European origin.
- The availability and efficient use of water.
- Reticulation of wastewater.
- Protection of surface waterbodies and the habitat they provide for fish and wildlife.
- The use of indigenous and taonga species as part of landscape treatment.
- Protection of springheads.
- Protection and enhancement of mahinga kai.
- The management of stormwater

⁴ Mahaanui Iwi Management Plan, 6.11 Te Waihora

⁵ Mahaanui Iwi Management Plan, Issue TW7, p



In addition, we emphasise that the preferred approach to land management in the takiwā requires taking an inter-generational view of the environment alongside the capacity of natural resources to absorb the development, having regard to cumulative effects within the catchment.⁶

Ngāi Tūāhuriri supports an approach to land development that is informed by, and responds to, the presence of surface and ground water bodies, biodiversity, retention of trees, retention of springs and the retention of natural landforms, all of which contribute to environmental quality and preserve the physical distinctiveness of specific locations.

Three Waters

It is understood that water supply and wastewater will be connected to Christchurch City Council (CCC) reticulated services, including the land parcels in Selwyn District. This is supported.

The site is within a CCC District Plan Flood Management Area. The applicant has indicated that they expect the site will need to be raised. Indicative designs include first flush basins discharging to detention wetlands. Final discharge will be to the Halswell River. The applicant has advised that detailed flood modelling and final design will be completed as part of the Substantive Application. Whitiōra is interested to understand if raising the land will involve a consequential requirement for pumping of stormwater to, and between, the different elements of the stormwater treatment system.

Having regard to the cultural significance of Te Waihora, stormwater management and treatment must be carefully designed to minimise any impact on the water quality of the Hurutahi River and downstream to Te Waihora. Whitiōra brings to attention, the multiple stormwater management projects being proposed within the Te Waihora catchment, including under the FTAA, and the need to address potential cumulative downstream effects on water quality.

The applicant's preferred stormwater design would require the conveyance of stormwater from CCC catchments into management facilities located on Selwyn District land and the conveyance of both primary and secondary flows under the Halswell River to the stormwater management area. This relies on an agreement being reached between the Applicant,

⁶ Mahaanui Iwi Management Plan, 2013, Chapter 10, Section 10.1.1, Kaupapa/Policy P1.1.



CCC and SDC. Whitiora expects that works under and within the Halswell River corridor will be undertaken in accordance with a methodology that ensures that there are no adverse effects on stream geomorphology, ecosystems or water quality; with any restoration works ensuring a high level of environmental outcomes.

The alternative option is to have two separate stormwater facilities, each located at the low point of both Territorial Authority catchments, both discharging to the Halswell River. This would remove the need for agreement between the two authorities.

Regardless of what option is chosen, Ngāi Tūāhuriri expect the following outcomes and objectives (from the SDC global consent) underpin and direct how stormwater is managed from this development :

- The health and wellbeing of water is prioritised, and all water systems are protected and enhanced by:
 - Protecting and restoring the natural processes of all water and waterways.
 - Protecting and enhancing Te Waihora Lake Ellesmere and all tributaries by identifying actions that will make a meaningful contribution to improving water quality and restoring the mauri of Te Waihora.
 - Recognising the interconnectedness of all waterbodies including between natural, modified and constructed.
 - Protecting and enhancing naturalised habitats and biodiversity within waterways, races and drains.
 - Restricting the unnatural mixing of water bodies and their waters.
- Integrated water and land development ensures that enabling infrastructure is sustainable by:
 - Developing resilient and sustainable infrastructure that is adaptive to our changing climate.
 - Integrating land use planning and stormwater infrastructure development protects water and contributes to environmental outcomes.
 - Promoting stormwater recycling.



- Managing the stormwater network so that run-off from urban areas, the primary stormwater network and overland flow paths do not exacerbate flooding, erosion or damage to property or cause risks to human safety
- Leading best practice, innovative infrastructure and service delivery to enable resilience, mitigation and adaptation.
- Continuous improvement in stormwater quality, with particular focus on high-risk sites and sensitive receiving environments;

Ngāi Tūāhuriri expect that the quality of the discharge to reflect a state of improved water quality, or as a bare minimum that there is no further or cumulative environmental degradation within the catchment. Comprehensive stormwater and surface water quality monitoring must be undertaken to monitor the impact of stormwater discharges on surface water quality and aquatic ecosystems. This is especially important considering the proposed intensification of housing, and stormwater runoff into the Hurutini/Hallswell River.

Whitiōra is concerned with the release of copper and zinc from roofs; and requests clarification from the applicant that materials containing these elements will not be permitted within the development through the use of covenants.

Surface Water

The proposed site sits within a confluence of waterways, that all meet and flow into the Hurutini/Haswell awa in the centre of the site and ultimately discharge into Te Waihora. The protection of these waterbodies, water quality and mahinga kai is a priority to Ngāi Tūāhuriri.

Every effort must be made to ensure that the quality of water discharged from the site will contribute to the achievement of improved water quality from the wider catchment. Whitiōra expects that the fast-track approval will ensure there is a robust monitoring regime imposed to ensure that water quality standards will be met. This will include water monitoring for copper, lead, zinc, dissolved inorganic nitrogen, dissolved inorganic phosphorus and total suspended solids. Soil sampling of the stormwater treatment system for contaminants would also inform the effectiveness of the stormwater treatment system.



The natural character of these water bodies should also inform the proposed design.

Naturalisation and indigenous native planting along the riparian must be undertaken to improve and protect the health of these waterways.

Whitiora considers greenfield subdivisions as the optimal time to ensure that the site layout provides for the health of waterbodies - with appropriate setbacks on both sides of the surface water body and riparian planting, secured via a legal mechanism such as a reserve or easement. Waterways must be planted on both sides and the setback be subject to some form of legal mechanism for protection. Confirmation of this should be provided in the substantive application.

The ecological report provided identified several taonga species present on the proposed site. Taonga and mahinga kai species present on site must be protected and enhanced. Knights Stream, Nottingham Stream and the Creamery Drain have also been identified by CCC as an Ecological Site, meaning they are ecologically significant.

Landscape Planting

The proposal intends to incorporate setbacks, riparian margins and esplanade reserves along waterways. These initiatives are supported and planting with indigenous species is encouraged. Whitiora supports these initiatives to mitigate the effects of contaminated run-off from increased hard surfacing on waterways.

It is expected that conditions of consent will require all planting to be implemented in full and maintained to ensure success.

Spatial Planning

On behalf of Ngāi Tūāhuriri, Whitiora raises a concern at the number of Easement Subdivisions proposed in this part of Canterbury which are located on land with high potential for urban growth. It is unclear how these independent subdivisions contribute to the achievement of positive community outcomes without strategic planning of transport, water, and stormwater impacts and in the absence of the necessary infrastructure and regional services of these communities. Whilst each proposal may be justified against urban growth policies – there doesn't appear to be any requirement to consider the cumulative effects



Summary and Conditions of Consent

The applicant has provided some information to demonstrate that the project will be undertaken in accordance with best practice as a site specific development. Whitiora expects that these matters will be enforced through conditions of consent addressing the following matters:

- best practice erosion and sediment control during earthworks;
- best practice measures for dust management during earthworks;
- an Accidental Discovery Protocol during earthworks;
- implementation of an ecological management plan for the transfer of fish;
- implementation of best practice for fish passage;
- implementation of landscape planting incorporating indigenous species where possible;
- implementation of best practice methods for stormwater management;
- connection to reticulated networks for water supply and wastewater; and
- implementation of green spaces, reserves and planting as described in the application.

Whitiora seeks further information on:

- monitoring of water quality, and who will be responsible for monitoring and adaptive management over time if the monitoring identifies water quality issues.
- Final stormwater management and treatment plans
- Proposed treatments and protection measures for surface water bodies
- how the development will be supported by essential services, such as schooling, healthcare facilities, and public transport.

CONTACT DETAILS

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