

Planning Unit

# Notice of Submission on an Application for Resource Consent

Application Reference:

Resource Management Act 1991 - Form 13

Send or deliver your application to: Selwyn District Council, PO Box 90, Rolleston 7643 or [submissions@selwyn.govt.nz](mailto:submissions@selwyn.govt.nz)

For enquiries phone: (03) 347-2800 or email: [contactus@selwyn.govt.nz](mailto:contactus@selwyn.govt.nz)

## 1. Submitter Details

Name of Submitter(s) (state full name(s)): [Mahaanui Kurataiao on behalf of Te Taumutu Rūnanga](#)

Physical Address: [C/- 226 Antigua Street, Christchurch 8011](#)

Address for Service (if different):

Email: [Mahaanui.admin@ngaitahu.iwi.nz](mailto:Mahaanui.admin@ngaitahu.iwi.nz) and [Taumutu@ngaitahu.iwi.nz](mailto:Taumutu@ngaitahu.iwi.nz) (please send to both email addresses)

Telephone (day): [03 377 4374](#)

Mobile:

## 2. Application Details

Application Reference Number (if not stated above): [RC255430](#)

Name of Applicant (state full name): [J Mitchell](#)

Application Site Address: [172 Seabridge Road, Motukarara](#)

Description of Proposed Activity: [Land use consent is sought for an internal boundary setback non-compliance and earthworks exceeding a volume of 350m3 within the SASM 30 overlay.](#)

## 3. Submission Details

- I / We: ☐ Support all or part of the application  
☐ Oppose all or part of the application  
☒ Are neutral towards all or part of the application

The specific parts of the application that **my / our** submission relates to are: (give details, continue on a separate sheet)

[Consent is required for earthworks associated with the construction of a dwelling within the SASM 30 overlay \(Te Waihora margins and wetlands\). The applicant is proposing to develop the dwelling with a finished floor level of 2.2 metres above mean sea level \(amsl\). An existing condition imposed under the subdivision consent \(RC15150\), requires dwellings to have a floor level no less than 3m amsl.](#)

The reasons for **my / our** submission are:

[Mahaanui Kurataiao was contacted by Selwyn District Council in June of this year to provide Mana Whenua Advice on this resource consent, however, the application was set to Limited Notification before feedback could be provided. Therefore, this submission is related to the potential adverse effects of the proposal on Mana Whenua values, particularly regarding Te Waihora, and recommendation to mitigate these effects. PLEASE SEE CONTINUED SUBMISSION ON DOCUMENT "Te Taumutu submission - RC255430 continued".](#)

The decision **I / We** would like the Council to make is: (give details including, if relevant, the parts of the application you wish to have amended and the general nature of any conditions sought.)

[If the consent is granted, we ask that the consent conditions provided in the continued document by Te Taumutu Rūnanga in the continued document are included.](#)

#### 4. Submission at the Hearing

- ☐ I / We wish to speak in support of my / our submission.
- ☒ I / We do not wish to speak in support of my / our submission.
- ☐ If others make a similar submission I / We will consider presenting a joint case with them at the hearing.
- ☐ Pursuant to section 100A of the Resource Management Act 1991 I / We request that the Council delegate its functions, powers, and duties required to hear and decide the application to one or more hearings commissioners who are not members of the Council. *(Please note that if you make such a request you may be liable to meet or contribute to the costs of the commissioner(s). Requests can also be made separately in writing no later than 5 working days after the close of submissions.)*

#### 5. Signature

(Of submitter(s) or person authorised to sign on behalf of submitter(s))

Signature:..... Mahaanui Kurataiao Ltd Date: 17/07/2025

Signature:..... Date: .....

Note: A signature is not required if you make your submission by electronic means.

#### 6. Privacy Information

All the relevant information on this form is required to be provided under the Resource Management Act 1991 for Selwyn District Council to process the resource consent application referred to. Under this Act, this information can be made available to members of the public including business organisations. The information provided may be made available to other departments of the Council. You have the right to access the personal information held about you by the Council which can be readily retrieved. You can also request that the Council correct any personal information it holds about you. For further information, please refer to council's [Privacy Policy](#).

#### 7. Important Information

1. The Council must receive this submission before the closing date and time for submissions on this application.
2. You must also send a copy of this submission to the applicant as soon as reasonably practicable, at the applicant's address for service.
3. All submitters will be advised of hearing details at least 10 working days before the hearing. If you change your mind about whether you wish to speak at the hearing, please contact the Council by telephone on 347-2800 or by email at [duty.planner@selwyn.govt.nz](mailto:duty.planner@selwyn.govt.nz)
4. Only those submitters who indicate that they wish to speak at the hearing will be sent a copy of the planning report.

#### For Office Use Only

Received at the ..... Office on ..... at ..... am / pm

Submission on RC255430 - 172 Seabridge Road, Motukarara by applicant Joshua Mitchell

Submission from Mahaanui Kurataiao on behalf of Te Taumutu Rūnanga.

The reasons for **my / our** submission are **CONTINUED**:

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 1998 Ngāi Tahu Claims Settlement Act (NTCSA) in which Parliament endorsed and implemented the Deed of Settlement.

As recorded in the Crown Apology to Ngāi Tahu in the NTCSA, the Ngāi Tahu 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”.

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.

Accordingly, Te Taumutu Rūnanga have a unique and abiding interest in the sustainable management of te taiao – the environment.

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

The Treaty of Waitangi (Te Tiriti o Waitangi) provides the basis for the relationship between central and local government and iwi/hapū in managing indigenous biodiversity, as per the duty of active protection of Māori interests and the principle of partnership.

Te Tiriti o Waitangi protects Tikanga Māori values & practices as a constitutional legal instrument governing Aotearoa New Zealand. In addition, the Resource Management Act has provisions to protect Māori perspective (s 5, 6, 7, 8).

The subject site, 172 Seabridge Road, is located in the Te Waihora Co-Governance Area, a cultural landscape classification which recognises the significance of Te Waihora and the wider catchment. Te Waihora is a tribal taonga representing a major mahinga kai and an important source of mana. For the last 170 years, management of the lake and its catchment has reflected farming and land development values, at the expense of Ngāi Tahu values.

The applicants' site is not only within the Co-Governance Area, but within the SASM 30 overlay – Part of Te Waihora margins and wetlands, located within 2-2.5km of the lake's shores.

Activities within the margins, wetlands, and flood plains of Te Waihora must be managed cautiously and with intent because they influence the way the lake is managed.

The applicant wishes to construct their dwelling with a finished floor level below what is required by their underlying subdivision consent (2.2m amsl compared to 3m amsl). These floor level

requirements are implemented to protect both the lake and the structures from floods and natural / future lake expansions.

A reduced finished floor level could place additional pressures/limitations on the ability for Te Waihora to expand, as it naturally does and must be allowed to do. The protection of communities and private property is often given priority over and above environmental events and the tribal property right over the lakebed. Te Waihora Management Board refers to this as a ‘superimposed priority to keep these settlements dry’. The lake margins may become subject to land modification, water restrictive infrastructure, or unnecessary openings to protect inappropriately designed developments.

Issue TW5: Lake level management, from the Mahaanui Iwi Management Plan (MIMP) explains how lake level management must be consistent with the protection and restoration of Ngāi Tahu values and interests.

Permitting developments that could influence lake level management, both now and in the future, is inconsistent with Ngāi Tahu values and the policies outlined in TW5 of the MIMP.

The following part of this submission provides context to the consent conditions and advice notes Te Taumutu Rūnanga wishes for the consenting authority to apply if the consent is granted (please see last section of this document).

As outlined above, Te Taumutu Rūnanga requests that the consenting authority requires the dwelling to be constructed with a finished floor level consistent with that evaluated and approved under the underlying subdivision consent.

Furthermore, the applicant is proposing to conduct associated earthworks. Without sufficient management, earthworks have the potential to degrade environmental values by causing sediment, nutrient, contamination, and dust migration. This is especially important when the site is within proximity to a significant cultural site such as Te Waihora. The Iwi Management Plan describes how we must ensure our actions do not compromise the life supporting capacity of the environment. Therefore, an Erosion and Sediment Control Plan has been recommended as an addition to this consent.

Earthworks are also a significant concern for tāngata whenua as displayed by Section 5.4 in the MIMP. Any disturbance to land has the potential to uncover or damage previously unrecorded wāhi taonga or Māori artefacts. Because Te Waihora is a significant landscape to Ngāi Tahu heritage, used for travel, meaning kai and more, this potential is considered higher. To ensure appropriate protocols are in place an Accidental Discovery Protocol must be utilised.

Restoring indigenous biodiversity values is one of the most important challenges for the future management in the takiwā. Indigenous flora can aid in the mitigation of negative effects as well as being a fundamental part of enhancing the culture, identity and heritage of Ngāi Tahu. The establishment of indigenous biodiversity promotes ecosystem services like enhancing the cultural landscape, increasing indigenous habitat, filtering sediment and sequestering carbon.

On site wastewater management is required to give effect to this development. Wastewater discharge, while not the subject of this consent, is an integral part of the dwellings function and therefore should be considered. As previously mentioned, the site is located within the margins of Te Waihora. Wastewater discharges can contain a variety of contaminants that are considered harmful and can degrade the mauri of many natural resource’s values by tāngata whenua. Wai is a taonga, and the mauri of the wai must be prioritised. Noting that this property is within the SASM 30 overlay and close proximity

to Te Waihora, the on-site management of contaminants is crucial before they are carried off site. The future wastewater treatment system should implement a secondary level treatment system.

The decision I / We would like the Council to make is (**continued**):

If the consent is granted, we wish for the consenting authority to include the following consent conditions and advice notes.

1. The dwelling must be designed and constructed to align with the requirements imposed by the underlying subdivision consent. Particularly regarding the required finished floor level.
2. 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).
3. 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.
4. Indigenous planting is required to enhance the cultural landscape, increase indigenous habitat, filter sediment and sequester carbon.

The following advice notes are recommended:

5. The future wastewater treatment system should implement a secondary level treatment system.
6. The overall proposal should refer to the Ngāi Tahu Subdivision and Development Guidelines to the greatest practical extent.

Te Taumutu Rūnanga have identified these measures as to mitigate the effects of the proposal on cultural values and taonga – these must be taken into account to align with section 6(e), (f) and section 7(a) of the Resource Management Act.