

From: [Ray McGuigan](#)
To: [Hearings](#)
Cc: [Pizzey, Brent](#)
Subject: Fw: SUBMITTERS RESPONSE FOR GLOBAL CONSENT CRC160056 & CRC190445
Date: Monday, 25 February 2019 8:36:56 AM
Attachments: [CCE12092015_0000.pdf](#)

TO WHOM IT MAY CONCERN

SUBMITTERS RESPONSE FOR GLOBAL CONSENT CRC160056 & CRC190445

BEFORE THE CANTERBURY REGIONAL COUNCIL

UNDER THE Resource Management Act 1991

AND

IN THE MATTER OF application CRC190445 by the
Christchurch City Council

CORRECTIONS TO SUBMITTERS WRITTEN RESPONSE

RAYMOND JOHN MCGUIGAN

AND

PAULINE FAY MCGUIGAN

EMAIL: [REDACTED]

1. We wish to advise Canterbury Regional Council, Christchurch City Council and the respected panel members, amendments to our written submission. We consider the context of our submission relies upon these corrections being duly noted and we sincerely apologise for any inconvenience these amendments may create.

2. The corrections refer to the following paragraphs:

13. = Pg 3 and states:

The removal or splitting of the western rural properties from the overall catchment when rezoning 'Prestons' allowed for new and separate catchments to be identified. We believe, this removed the developers obligation to include the cross-drainage and/or drainage pattern that existed between the western rural properties within their 'Prestons' stormwater design for the subdivision. We believe it also removed their obligation to mitigate the effects that were subsequently passed onto the adjoining rural properties.

14. - Pg 3 and states:

We believe, the strategy adopted by the developers, in consultation with Christchurch City Council, was to identify an "open space" on our property using the guise of the Stormwater Management Plans. We believe, this removed and

dismissed the developers obligation to comply with the clause stated in the earthworks consent (Refer Para. 5 above)

3. We respectfully request the following paragraphs be amended to read:

13. - Pg 3

The removal and splitting of the western rural properties from the overall catchment when rezoning 'Prestons' allowed for new and separate catchments to be identified. We believe, this removed the developers obligation to include the cross-drainage and/or drainage pattern that existed between the western rural properties within **the stormwater design for Prestons subdivision. We also believe, Christchurch City Council felt this removed the developers obligation** to mitigate the effects that were subsequently passed onto the adjoining rural properties.

14. - Pg 3

We believe, the strategy adopted by the developers, in consultation with Christchurch City Council, was to identify an 'open space' on our property using the guise of the Stormwater Management Plans. We believe, this **showed intent and** removed and dismissed the developers obligation to comply with the clause stated in the earthworks consent. (Refer Para. 5 above)

4. We respectfully request the panels assistance to ensure the following amendments are duly noted with our submission to ensure there is complete clarity and understanding with the concerns we have raised in our written statement..'

SIGNED:

RAYMOND & PAULINE MCGUIGAN

[REDACTED]
[REDACTED]
[REDACTED]

From: Ray Mcguigan

Sent: Friday, 22 February 2019 2:33 PM

To: Hearings@ecan.govt.nz

Cc: Pizzey, Brent

Subject: SUBMITTERS RESPONSE FOR GLOBAL CONSENT CRC160056 & CRC190445

BEFORE THE CANTERBURY REGIONAL COUNCIL

UNDER THE Resource Management Act 1991

AND

IN THE MATTER of application CRC190445 by the
Christchurch City Council

SUBMITTERS WRITTEN RESPONSE

RAYMOND JOHN MCGUIGAN

AND

PAULINE FAY MCGUIGAN

Email: [REDACTED]

INTRODUCTION:

1. We wish to respond to the matters raised in the Applicants Draft Proposed Conditions, Joint Statement of Water Quantity Witnesses, Applicants Conditions for CRC190445.

APPLICANTS DRAFT PROPOSED CONDITIONS:

2. PARAGRAPHS 23-26:

These paragraphs address whether a volume limit should be applied and if so what that limit should be.

We support a condition being included within the approved consent for a volume limit as Figure 4 confirms a cumulative effect to river water levels have occurred since 1992. The content of many submissions also illustrated clearly the cumulative effect as seen by many residents.

The Styx Catchment has been identified as a high growth area and we feel the river levels will continue to be a 'moving feast'.

This is supported by the **JOINT STATEMENT OF WATER QUANTITY WITNESSES - PARA 13** which states the area of disagreement on acceptable water level increases ie: now 120mm increase in the Styx River. Previous discussions indicated 100mm was the accepted increase.

3. PARAGRAPHS 32-35

These paragraphs refer to the impacts of fill and whether fill is consented or otherwise authorised. It is admirable the panel has requested further investigations into how Mr & Mrs Rodrigues situation has been allowed to happen, however this situation is not an isolated case.

4. We wish to draw the panels attention to earthworks consents for filling of land and give an example of how they have been processed by the Christchurch City Council.

5. Prestons subdivision proceeded along our eastern boundary and the earthworks consent (RMA92019351) was approved non-notified and stated the following condition:

"The general new ground level (after cut and fill works) shall not cause ponding/drainage/run-off related nuisance to the neighbouring properties or any change of the current drainage patterns to detriment of the surrounding environment."

This is a consented activity allowing for 1M+ fill along the western rural boundary which stated there are 'no adverse effects' to the surrounding environment.

6. I have attached the LIDAR map showing the cross-drainage that existed for the western rural properties with the low and/or ponding area that existed pre-development.

7. We have battled for 6 years and repeatedly sought Christchurch City Councils assistance to enforce the above condition (Para 5) stated within the earthworks consent.

8. We now know the extent of the 'adverse effects' to our property and home with this consented activity and like Mr & Mrs Rodrigues removing fill to put back what was, is untenable. Consent or no consent. lawful or unlawful activity, does not change the outcome if the applicant, Christchurch City Council, fails to recognise the effects.

JOINT STATEMENT OF WATER QUANTITY WITNESSES STORMWATER MANAGEMENT PLANS (SMP)

9. PARAGRAPH 7 STATES:

The development of SMP for the Styx has occurred over the last 10 years or so. It was anticipated at the start of this process that each of these SMPs would be unique and customised to their respective catchments and separately consented. The relatively recent change of policy to have a Comprehensive Stormwater Discharge Consent covering all the individual SMPs does highlight the different approaches that have been taken for each catchment

We accept that when areas of rural land are rezoned for residential development SMPs would be unique and customised to the catchment rezoned and consented for development.

10. The Golder Associates Report for "Stormwater Management Plan for the Styx River Part A - Investigations and Planning Framework", dated October 2012, identifies our property as an 'open space' zone.

This 'open space' zone extends between our property and that of Prestons subdivision.

Paragraph 2.3.6 of the Golder Report states:

In summary the City Plan, UDS(Urban Development Strategy)CRPS

(Canterbury Regional Policy statement) & BAP(Belfast Area Plan) set out the existing and proposed land uses for the Styx SMP area. In particular, Plan Change 1 of the CRPS implements the proposed settlement patterns for the area, and it has been used as the basis for developing the Styx SMP, with flexibility to provide stormwater management for any future land use changes that occur, in addition to existing land uses.

11. Land that is rezoned for residential use requires discussions between Christchurch City Council and the developer on where the required infrastructure for stormwater would be sited within the new development.

12. However, we believe, the identification of our property in the Stormwater Management Plans - Part A was concurrent with the approval for Prestons subdivision proceeding along our boundary. As stated above the development required extensive earthworks along the western rural properties and these earthworks have changed the pre-development drainage pattern for the western rural properties. The western rural properties are presently zoned Rural Urban Fringe and were not included in Plan Change 30 - Prestons Subdivision.

13. The removal or splitting of the western rural properties from the overall catchment when rezoning 'Prestons' allowed for new and separate catchments to be identified. We believe, this removed the developers obligation to include the cross drainage and/or drainage pattern that existed between the western rural properties within their Prestons stormwater design for the subdivision. We believe it also removed their obligation to mitigate the effects that were subsequently passed onto the adjoining rural properties.

14. We believe, the strategy adopted by the developer, in consultation with Christchurch City Council, was to identify an 'open space' on our property using the guise of the Stormwater Management Plans. We believe this removed and dismissed the developers obligation to comply with the clause stated in the earthworks consent. (Refer Para. 5 above)

15. Most reasonable people would consider this strategy to be unjust and unreasonable, particularly if it was proven the non-compliance of the earthworks consent triggered the inclusion of an 'open space' within a rural property outside of the subdivision.

16. We also believe, the 'A' document pre-empts 'future projects' which may or may not occur and identifies predominantly rural properties in a systematic way to the detriment of these properties.

We suggest these properties are placed in a 'entrapped' situation and the ability to sell on the open market is disadvantaged as a result.

17. We propose any reference to 'open space' should not occur until properties have been rezoned for residential development. This would be the appropriate time for infrastructure to be notified to property owners and implemented within the rezoning process.

APPLICANTS CONDITIONS

STORMWATER NETWORK:

18. Paragraph 3. Will private farm drains which have existing use rights to discharge stormwater direct to the Styx River remain as an accepted activity. We propose a condition to ensure these 'existing use rights' for the many farm drains that discharge to the Styx river are protected.

19. Presently works are proceeding along our eastern boundary with an approved consent to discharge to the river via a new culvert and pipe. The global consent, CRC131249, was used for this purpose and works are sited entirely within Prestons Development. Approved plans for the construction works recorded the legal description of our property and it remains unclear whether our 'existing site and discharge rights' have been impinged upon with the approval of this consent. This matter has been referred to Environment Canterbury.

20. Paragraph 13. (b) IMPLEMENTATION PLAN:

Refer paragraphs 11-17 above.

It is unacceptable the applicant can implement a programme of stormwater works for **ANTICIPATED PRIVATE DEVELOPMENT**. It is unclear why the applicant would want to proceed with 'stormwater works' when there is no approval for development hence there is not a 'need' identified for the infrastructure.

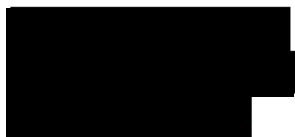
21. We believe the Stormwater Management Programme will allow for regulatory capture and/or compulsory acquisition of rural land to advance future aspirations of Christchurch City Council and developers. The taking of land by stealth has been accepted and recognised by the indigenous people of NZ as unlawful.

22. We request that condition 13.b **deletes the word 'ANTICIPATED'** within this clause. The amended clause is extremely broad and could be interpreted to accommodate compulsory acquisition of rural land prior to there being a need for the infrastructure.

23. We propose condition 13(b) excludes the word 'ANTICIPATED' and reverts to: **A programme of stormwater works for Christchurch City Council and private development.**

SIGNED:

RAYMOND & PAULINE MCGUIGAN



Ground Surface^N Elevation

Lyttelton
Datum

Christchurch
City Datum

> 6.0 m	> 15.0 m
5.5 to 6.0 m	14.5 to 15.0 m
5.0 to 5.5 m	14.0 to 14.5 m
4.5 to 5.0 m	13.5 to 14.0 m
4.0 to 4.5 m	13.0 to 13.5 m
3.5 to 4.0 m	12.5 to 13.0 m
3.0 to 3.5 m	12.0 to 12.5 m
2.5 to 3.0 m	11.5 to 12.0 m
2.0 to 2.5 m	11.0 to 11.5 m
1.5 to 2.0 m	10.5 to 11.0 m
1.0 to 1.5 m	10.0 to 10.5 m
0.5 to 1.0 m	9.5 to 10.0 m
0.0 to 0.5 m	9.0 to 9.5 m

Click 0.5 m hill contours for
elevations

26
Lower
Spr Rd

