

Before the Independent Commissioners

Under the Resource Management Act 1991

In the matter of a hearing on submissions on the proposed Te Tai o Poutini Plan

Topic 20: Settlement Zone and its Precincts

Submitter: **Russell Robinson** and **Brunner Builders Limited (S515)**

Statement of Evidence of Craig Alan Barr

18 March 2024

Submitters' solicitors:

Alex Booker | Kelsey Barry

Anderson Lloyd

Level 3, 70 Gloucester Street, Christchurch 8013

PO Box 13831, Armagh, Christchurch 8141

DX Box WX10009

p + 64 3 379 0037

alex.booker@al.nz | kelsey.barry@al.nz

**anderson
lloyd.**

Qualifications and experience

- 1 My full name is Craig Alan Barr.
- 2 I am a resource management planner and hold the qualifications of Master of Planning and a Bachelor of Science from the University of Otago. I have been employed in planning and development roles for 18 years, for both local authorities as well as in private practice.
- 3 I am a Director of Waveform Environmental Planning Limited.
- 4 I have been involved in district plan and regional policy statement development for over 11 years, including the Queenstown Lakes Proposed District Plan process for the Queenstown Lakes District Council. I was the lead planner and reporting officer for QLDC in relation to the landscape and rural zones, the Wakatipu Basin variation and also appeared in the Environment Court on these matters and several rezonings. I was closely involved in the latter stages of the preparation of the Partially Operative Otago Regional Policy Statement 2019 (PORPS) throughout 2017-2020, having appeared an Environment Court hearing in relation to the mining topic related provisions. I also have assisted development clients in private plan change rezonings and submissions on proposed district plans, including recently, a residential and mixed use development in Cromwell for in the order of 300 residential units, and other residential rezoning proposals in Bannockburn and Alexandra areas.
- 5 I have not been involved to date in the TTPP plan hearings on text.
- 6 This evidence is provided in support of the submission by Russell Robinson and Brunner Builders Limited seeking to rezone Lot 1 DP 2820 and Part RS3806 (**Site**) from notified Settlement Zone and Rural Residential Precinct to a mix of Settlement Zone and Settlement Zone with Settlement Centre Precinct, subject to an Outline Development Plan (**ODP**), through the Proposed Te Tai o Poutini Plan (**TTPP**).
- 7 My role has been to provide advice in relation to planning. Supported by this evidence is the following:
 - (a) The proposed minor amendments to the TTPP to accommodate the Moana North ODP and area specific provisions (**Attachment 1**);
 - (b) A further evaluation of the proposal undertaken in accordance with the scale and significance of the changes as required by section 32AA of the RMA (**Attachment 2**); and
 - (c) The notified TTPP Plan Maps (**Attachment 3**).

- 8 In preparing this statement of evidence I have considered the following evidence:
- (a) ecology prepared by Richard Nichol;
 - (b) landscape prepared by Louise Bailey;
 - (c) servicing (wastewater, water and stormwater) prepared by Sophie South;
 - (d) hazards and contaminated land prepared by Helen Kellett;
 - (e) transport prepared by Tony Penny;
 - (f) the developer's statement of evidence from Russell Robinson, which includes the letter on housing prepared by Nicky Brownlee of Harcourts Limited.
- 9 The key documents I have used, or referred to, in forming my view while preparing this evidence are:
- (a) TTPP Section 32 reports published by the West Coast Regional Council (**WCRC**)
 - (b) Te Tai o Poutini District Plan (notified June 2022) (**TTPP**)
 - (c) The Resource Management Act 1991 (**RMA**)
 - (d) National Policy Statement Urban Development 2020 (**NPS-UD**)
 - (e) National Policy Statement Freshwater Management 2020 – Amended February 2023 (**NPS-FM**)
 - (f) National Policy Statement Indigenous Biodiversity (**NPS-IB**)
 - (g) National Environmental Standard Freshwater (**NES-F**)
 - (h) National Environmental Standard Contaminated Sites (**NES-CS**)
 - (i) West Coast Regional Policy Statement (**WCRPS**)
- 10 An evaluation of the proposal against the key objectives, policies or other methods of these documents in the S32AA further evaluation in **Attachment 2**. In this evidence I summarise these documents in terms of the key decision-making considerations.

Code of Conduct for Expert Witnesses

11 While this is not a hearing before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of evidence

- 12 My evidence addresses the rezoning proposal, generally set out as follows:
- (a) The Site;
 - (b) The proposal;
 - (c) Constraints and features on the Site that will require particular management at the time of subdivision and development;
 - (d) The Statutory Framework;
 - (e) The TTPP Zoning and provisions relevant to the notified zoning; and
 - (f) Conclusions - the appropriateness of the Site to be zoned Settlement.

Summary of Assessment

- 13 The proposed rezoning seeks that the 26.7ha Site located to the north of the existing Moana township is rezoned from Settlement Zone (**SETZ**) Precinct 4 to SETZ with 1.27ha zoned Precinct 2 Settlement Centre Precinct. An outline development plan (**ODP**)¹ is supported which identifies several resource elements including a roading layout, Outstanding Natural Landscape (**ONL**) boundary and areas of indigenous vegetation which require specific management.
- 14 The SETZ Precinct 4 zoning anticipates residential activity at a density of 4000m² lots and has the potential to create approximately 45-50 lots over the Site². I consider the Site has capability to absorb greater levels of residential development and I support a SETZ zoning framework that will

¹ Which has the same meaning as Development Area Plan.

² Reducing 30% of the area for roading and services, and not taking into account any TTPP ONL or indigenous vegetation constraints.

provide for up to 200 residential units ranging in allotment size from as small as 300m², but requiring an average of 1000m² is achieved over the Site. Coupled with nuanced provisions to appropriately manage the identified ONL area, areas of indigenous vegetation and waterbodies with varying values, and a dedicated roading and walkway layout.

- 15 The proposed Moana North ODP will guide subdivision and development to ensure appropriate management of the following:
 - (a) Roading within the Site is as connected as practicable, and subdivision and development avoids multiple crossings and intersections onto Arnold Valley Road;
 - (b) Walkways will be provided throughout the site providing connections where it is not practicable or desirable, due to waterbody and indigenous vegetation, for connections to be created by roads. Walkways will be able to be integrated with waterbodies and the open space and stormwater network.
 - (c) Indigenous biodiversity will be better protected than under the notified TTPP, which in the Grey District only restricts indigenous vegetation clearance with Schedule 4 Significant Natural Area, ONLs or riparian margins. The Moana North ODP identifies two no build areas which contain high indigenous vegetation values, and a wider Forest Residential overlay which while providing for residential activity, provides limits on clearance.
 - (d) The proposed ONL boundary coincides with the two No Build areas which reflects the mature forest vegetation cover.
 - (e) The 1.27ha area of proposed Settlement Precinct 2 will provide local convenience retail and service opportunities without detracting from the viability and function of the Neighborhood Centre Zones and Commercial Zones and Mixed Use in Moana and the large Commercial Zone located to the east of the Site.
- 16 Collectively, these management methods are more appropriate than the notified TTPP zoning, and I consider the proposed rezoning to better give effect to the TTPP and RMA 1991.

The Site

- 17 The Site comprises two properties legally described as Lot 1 DP2820 (14.0027ha) and Pt RS 3806 (12.7168ha).

- 18 The Site is located immediately north of Moana township, approximately 480 metres north of Lake Moana/Brunner and approximately 500 metres east of the Arnold River.
- 19 The Site is bordered to the east by Arnold Valley Road, south by existing residential properties demarcating the existing urban extent of Moana township, west by a Department of Conservation (**DoC**) reserve with mature forest, and to the north the DoC forest wraps around the site, and there is a smaller 1.36ha area identified as a scenic reserve and land which is road. Immediately beyond these land parcels are seven rural lifestyle properties, each approximately 1ha in area.
- 20 The topography of the site is characterised by flat to gentle (0° to 5°) terraces of differing elevations transitioning from the higher area in the north to the lower area in south boundary of the site. There are steeper gullies within the south western side of the site, and centrally within the site where waterbodies are located.
- 21 There are several small streams or natural drainage channels and wetlands located on the site with the flow running generally from northeast to southwest which have been identified and assessed for their biodiversity values.
- 22 The site in terms of its landscape character is described in Ms Bailey's evidence. The indigenous vegetation cover and its values are described by Mr Nichol in his evidence, and summarised below.

Existing and Previous Land Uses

- 23 The site is currently not utilised for any rural productive purposes. The eastern part of the site is used as a storage yard for civil construction equipment and storage of site sheds.
- 24 Former land uses and activities on the site are indicated through the analysis undertaken by Wiley Geotechnical Limited and are described in Ms Kellett's evidence, which identifies that former land uses include an air strip or helicopter landing site in the 1980s, a golf course, agriculture activity at least 20 years ago, the landfill and storage activities.

Relevant Resource Consents

- 25 The site holds a resource consent for four relocated buildings to be established on the Site (Grey District Council reference LU3163-23), located centrally within the Site.

- 26 The site contains two regional Council resource consents associated with the former landfill:
- (a) Resource consent RC95042/1 Moana Landfill Discharge Permit, for the discharge of contaminants to water, is a consent with “current” status attached to land parcel Pt RS 3806. The consent was issued on 8 March 2000 with a 35 year term from the date of issue.
 - (b) Resource consent RC95042/3 Moana Landfill Discharge Permit, for the discharge of contaminants to air, is a consent with “current” status attached to land parcel Pt RS 3806. The consent was issued on 8 March 2000 with a 35 year term from the date of issue.
- 27 The rezoning and subsequent subdivision and development can be undertaken and still ensure any conditions of these resource consents are fulfilled, including monitoring and any future necessary remedial activities which (subject to monitoring) maybe required.

TTPP Zoning

- 28 Under the TTPP the site is zoned Settlement, and Rural Residential Precinct 4 (**SETZ PREC 4**). The western edge of the site is identified as an Outstanding Natural Landscape. The site is not subject to the following annotations also deployed by the notified TTPP:
- (a) Natural Hazards;
 - (b) Sites of heritage or significance to Maori, except to note that Lake Brunner and the Arnold River are identified as sites of significance to Maori, and the site alongside large parts of the District is subject to the Pounamu Management Area overlay.
- 29 **Attachment 3** contains excerpts of the relevant TTPP Plan Maps.

The Proposal

- 30 The proposal is to rezone two adjoining sites with a collective area of 26.7ha located immediately north of Moana township from SETZ PREC 4 to Settlement Zone.
- 31 A 1.27ha area located near the primary intersection with Arnold Valley Road is proposed to have the PREC 2, Settlement Centre Precinct.
- 32 Subdivision and development facilitated by the rezoning will be subject to an area specific objective, policies, rules and other methods such as an

ODP to ensure appropriate environmental outcomes. The key parameters of the proposed rezoning and the Moana North ODP are:

- (a) A maximum capacity of 200 residential lots with flexible densities varying from in the order of 300m² minimum lot sizes, providing an average residential lot size of 1000m² is achieved;
 - (b) A 1.27ha commercial village area to provide local convenience retail;
 - (c) A pedestrian/cycling network interspersed amongst the existing stream network and providing connections to the existing DoC reserve located to the west of the Site;
 - (d) Access to the development will be via two intersections from Arnold Valley Road.
 - (e) Protection of indigenous vegetation and ONL areas through the 'No Build' areas, and the Forest Residential Area which while providing for residential development provides restrictions on the extent of indigenous vegetation clearance at the time of subdivision development and on an ongoing basis for future residential lot owners.
- 33 The proposed TTPP amendments are in **Attachment 1**. The evaluation associated with the identification of the most efficient and effective way to achieve the objectives of the proposal, including an evaluation against other TTPP zones has been undertaken in the S32AA evaluation in **Attachment 2**.

Constraints and Features on the Site that will require particular management at the time of subdivision and development

- 34 The following identifies and summarises the constraints and features of the site, and a summary of the relevant expert's assessment of these and how they have informed the S32AA evaluation in **Attachment 2**, and the proposed amendments to the TTPP in **Attachment 1**.

Landscape

- 35 Louise Bailey's landscape evidence identifies that while the site's existing character will be modified, the effects are appropriate because the landscape modifications will occur within a site that has a highly modified rural environment. The loss of rural character, in particular as viewed from Arnold Valley Road can be mitigated by the retention of the values of the indigenous vegetation adjacent to the reserve (proposed to be within the Forest Residential overlay) establishment of an open space area as

indicated by the walkaway connections on the Moana North ODP. I consider that under the notified TTPP provisions, it is more likely than not that rural character would be substantially modified, if not potentially lost outright through anticipated development under the SETZ PREC 4, in particular along Arnold Valley Road frontage which is not subject to the same indigenous vegetation cover as the western parts of the site.

- 36 Ms Bailey supports amending the ONL boundary to more closely follow the attributes of the site which qualify as outstanding in the terms of section 6(b) of the RMA and the WCRPS, being in this context the existing indigenous forest remnants located on the site which are consistent with the ONL values of the reserve to the west, consistent with Mr Nichol's ecological assessment of areas of mature forest which have a connection to the adjacent Moana Reserve and ONL 29.
- 37 The revised ONL boundary is more appropriate and overall, the development can be undertaken while protecting the ONL values within the site and the reserve area to the west, and the wider rural character.
- 38 A 10m vegetation buffer is identified on the Arnold Valley Road frontage, and the limitation of indigenous vegetation clearance within the Forest Residential overlay will assist with buffering development adjacent to the ONL area. No development is anticipated within the two No Build Areas which coincide with Ms Bailey's recommended ONL boundary.

Indigenous Vegetation

- 39 Mr Nichol has undertaken an assessment of the site and I refer to his evidence which contains greater detail on the vegetation types, communities and the extent to which areas of the Site qualify as a Significant Natural Area applying the West Coast Regional Policy Statement's identification criteria³.
- 40 By way of summary, the vegetation over the site comprises five main vegetation types, these are:
 - (a) Mature Podocarp Forest: Tall forest occupies the western side (true left) of a small stream in the south-west corner of the project area, a small area about halfway along the western boundary and about the north-western portion of the project area.

³ West Coast Regional Policy Statement Appendix 1: Ecological criteria for identifying significant terrestrial and freshwater indigenous biological diversity, and Appendix 2: Ecological criteria for identifying significant wetlands.

- (b) Regenerating or Secondary Forest: An area of secondary forest adjoins the mature forest, most notably within the south-western corner of the project area as well as along much of the western boundary north of the main waterway bisecting the block. The composition of this immature forest is less complex and is typically dominated by kamahi and kahikatea up to about 15 to 18m in height and with trunks up to about 30cm in diameter.
- (c) Moderate to tall shrubland dominated by forest species as well introduced gorse and blackberry: Shrubland is concentrated alongside the existing waterways within the site which are dominated by Coprosma propinqua where these shrubland strips are relatively narrow or form a fringe alongside wider strips of shrubland vegetation.
- (d) Streams and Wetlands: Several small streams and six wetland areas have been identified within the Site. Mr Nichol has undertaken the wetland identification and assessment of values, and applied relevant delineation protocols, and also the criteria provided pursuant to the NPS-FM and NES-F (as amended in 2023). Of the six wetlands, three wetlands are considered to qualify as 'natural inland wetlands' and be subject to the NES-F regulations. In terms of the values of the wetlands, only one wetland, being Wetland 6 (the southern most wetland), has values which trigger the WCRPS significance criteria owing to the presence of rohutu which has an elevated threat status due to its potential vulnerability to myrtle rust.
- (e) Exotic Grasslands: The better-drained, and gently-sloping terraces not dominated by indigenous vegetation are covered in a grassland sward that is dominated by exotic pasture species.
- (f) A total of 21 bird species were encountered, 13 were endemic or native, no lizards or bats were identified as present on site, although the site comprises habitat for these species. Environmental DNA sampling revealed a mix of indigenous and introduced species but the main taxon of interest were the native fish (including eels), freshwater crayfish and several insect orders which have their larval stages living within the waterways.

Indigenous Vegetation Management

- 41 An area comprising the secondary forest and shrubland areas which occupy the western position of the site has been identified by Mr Nichol as qualifying as significant under the WCRPS. One of the main features of the indigenous habitat (including freshwater habitat) within the Site is the degree of connectedness with adjacent areas with similar characteristics.

- 42 Within this area, two locations have been further identified and recommended to be set aside as a no build area, ideally vested as reserve land. These areas are identified on the Moana North ODP as the No Build Areas:
- (a) The **North-west No Build Area** has been identified as an area with trees of a greater stature (up to 20m or more), on steeper slopes with a greater prevalence of kamahi. This area would also include the headwaters of a small stream that flows westward through the forest and enters the Arnold River separate to the other waterways within the Project Area. Setting aside this area from any development would mean the setting aside of hardwood dominated hillslope forest which differs compositionally and retains more mature forest trees as well as giving protection to poorly drained ground associated with a small-volume (perhaps temporal) forest stream.
 - (b) The **South-west No Build Area** would be centered on the small waterway that runs northwards and which includes At Risk fish species, aquatic invertebrates, more-mature forest adjoining protected DOC land, notably on the steep true-left slopes of this incised gully. This area would also offer one of the few places to construct a linkage with the Velinski walkway, via a bridge over the gully catchment and away from areas of housing.
- 43 The remaining area identified as qualifying as significant is recommended to be subject to controls which while providing for low density residential development, achieve the policy direction of the WCRPS, TTPP and NPSIB. This area is identified on the Moana North ODP as Forest Residential and within this area residential activity is anticipated, however development would need to limit the removal of indigenous vegetation as much as practicable. The following planning provisions are recommended:
- (a) That for any subdivision and development resource consent application discretion over any indigenous vegetation clearance within the Forest Residential Area.
 - (b) As part of the subdivision design element, a maximum area of 35% indigenous vegetation clearance be allowed for the establishment of a dwelling, excluding accessways for a dwelling.
 - (c) Clearance of any trees with a diameter of greater than 20cm diameter at breast height (DBH) be avoided.
- 44 These recommendations are able to be implemented by way of policies or methods (i.e. rules, matters of discretion or assessment matters) which are

required to be applied as part of any subdivision and can be followed through to the future lot owners by way of consent notice conditions and registered on the record of title of future lots.

- 45 I support the rezoning and proposed ODP on the basis of the indigenous vegetation provisions in **Attachment 1**.

Wetland Management

- 46 Subsequent subdivision and the subdivision development will more likely than not modify the existing wetlands on the site. This will be as a result of the location of roads, and also the modification of wetlands to accommodate the stormwater network and integrate the walkways.
- 47 Consents will be required under the NES-F and the West Coast Land and Water Plan (**WCLWP**). The s32AA further evaluation in **Attachment 2** has evaluated the restricted discretionary activity resource consent pathway under NES-F Regulation 45C. I consider that there is a viable resource consent pathway associated with modification of the wetlands on site.
- 48 Mr Nichol has identified that notwithstanding that three of the wetlands qualify under the NES-F as a 'natural inland wetland', and one of the wetlands qualifies as significant due to the presence of rohu, the values overall are low. The future subdivision and development of the Site also presents the opportunity to enhance wetland areas that have been retained and construct a wetland sequence associated with the stormwater management regime. In addition to the TTPP policies which incentivise riparian and wetland enhancement, I recommend a policy is added to the Moana North provisions to encourage wetland enhancement where this is practicable.
- 49 The effects on indigenous biodiversity values can be managed so that the values of the identified areas of significance are protected, and the effects on the identified wetlands can be managed so that there is a resource consent pathway under the NES-FM and WCLWP. Indigenous biodiversity values can be appropriately managed through location specific provisions in the TTPP associated with the rezoning.
- 50 On this basis I support the proposal in terms of the wetlands which are present on site.

Hazards and Contaminated Land

- 51 Ms Kellett's evidence describes that Wiley Geotechnical Limited have undertaken geotechnical and contaminated land investigations of the Site.

- 52 Natural Hazards comprising flooding, land stability (including potential subsidence from over the area of former landfill), earthquake hazards including liquefaction and lateral spreading have been assessed and the Site is suitable for rezoning for residential activity from a hazards perspective.
- 53 Wiley Geotechnical undertook a preliminary site investigation (**PSI**), which identified the following former land uses:
- (a) Persistent pesticide bulk storage or use including sport turfs, market gardens.
 - (b) orchards, glass houses or spray sheds.
 - (c) Storage tanks or drums for fuel, chemicals or liquid waste.
 - (d) Airports including fuel storage, workshops, washdown areas, or fire practice areas.
 - (e) Transport depots or yards including areas used for refuelling or the bulk storage of hazardous substances.
 - (f) Landfill Sites.
- 54 Wiley Geotechnical Ltd also undertook a detailed site investigation (**DSI**) which concluded that that there are two small areas with lead concentrations which exceed acceptable levels. In other areas, contaminants are not present at concentrations that could pose an unacceptable risk to human health as a result of the proposed development of the site for residential and commercial use. There are land remediation options available to appropriately manage the two areas with elevated lead contamination and these can be addressed at the time of subdivision development, and requirements under the NESCS.
- 55 Future land use and subdivision would require a controlled activity resource consent pursuant to Regulation 9(1) and 9(3) of the NESCS, as identified in Ms Kellet's evidence.
- 56 There is sufficient information available that the landfill and other areas of contaminated land on the Site are not an impediment to the rezoning, and these matters can be assessed and managed as part of subdivision and development.

Stormwater

- 57 Ms South identifies options for treating stormwater. As I have identified above and in the s32AA further evaluation in **Attachment 2**, resource consents would be required under the NES-F and WCLWP for modifications to existing wetlands and waterbodies, in addition to the stormwater management network being evaluated for its performance as part of the subdivision and development processes.
- 58 The rezoning is feasible from a stormwater perspective, there would be sufficient area within the Site for stormwater management areas. The detailed stormwater design and approval, including any regional council consents, is a matter for the future subdivision and development.

Water Supply

- 59 At present there is no potable water supply in Moana. Ms South notes in her evidence that some recent developments at Moana have chosen to install pipework for reticulation should a supply become available.
- 60 There is the potential for a reticulated supply to be installed and a community scale water storage and supply system. On site rainwater tanks are also a viable option, and the likely preferred option for the lots – based on rainfall patterns for the site this is feasible.

Fire Fighting

- 61 Provision for fire fighting water can be made through providing dedicated 45m³ tanks within a 90 m radius of all parts of the development.

Wastewater

- 62 Ms South identifies that there are a number of options which either deployed separately or collective can provide servicing to the Site and development.
- 63 Ms South identifies that there is currently limited capacity in the reticulated sewer network in Moana. Furthermore, there are constraints in the existing network to service the Site. The Site is directly adjacent to the existing reticulated Moana urban area and extensions in to the southern and central part of the site may be an option, with individual or community onsite wastewater in the northern parts of Site and/or within the Forest Residential Area where lots are likely to be of a much larger size than the 300m² minimum so as to be able to appropriately manage ecological values.

- 64 Wastewater disposal is therefore considered feasible and the preferred option of connection to the existing Moana wastewater scheme can be investigated and designed as part of the detailed subdivision.

Transport

- 65 Mr Penny has identified and discussed the existing transport environment, the proposed traffic generation and proposed accesses onto Arnold Valley Road.
- 66 As identified in the proposed Moana North Development Area Plan, the site will have two accesses onto Arnold Valley Road. The main (northern) access to the site will be located on the west side or outside of the bend in Arnold Valley Road directly opposite the access to the Moana resource centre (recycling depot). This location has been chosen to ensure effective sight lines in both directions along Arnold Valley Road for drivers negotiating turning manoeuvres at the access road intersection.
- 67 The southern access will be located 250m south of the main access and will function as a secondary access. The secondary access will be located about halfway between the bend in Arnold Valley Road adjacent to the existing service station on the eastern side of the road and the next bend in the road about 260m further south. This arrangement will maximise the sight distance from this access to about 130m in each direction.
- 68 The internal road layout will contain several cul-de-sac roads and residential access lanes, as identified in the proposed ODP. While this configuration is not ideal from a traffic circulation perspective, where ideally there would be a more extensive and connected road network, waterbodies and a desire to limit the intrusion of roading within the Forest Residential Area dictates, to a large extent, the roading layout. Additionally, the potential for future connections beyond the site are constrained by a forest reserve to west and north, and by existing residential properties to the south.
- 69 A footpath will be constructed along the Arnold Valley Road frontage of the site from the northernmost intersection and extend further south beyond the frontage to connect with the footpath within the existing town area.
- 70 Walking and cycling access and connections through the subdivision will be available through not only the road network but the stormwater management network. The proposed ODP identifies the requirement for walking and cycling connections through the site which are not provided for by the road layout, and access to the forest reserve at the south west.

- 71 Mr Penny identifies that typically a 200 lot residential development would result in the order of 120 vehicles movements in the peak hour. The proposed Precinct 2 retail activity could include up to 5000m² of gross floor area which could generate approximately 250 vehicle movements in the peak hour.
- 72 The majority of vehicle movements generated by the residential and commercial development enabled by the proposed plan change would be from the northern access, and involve movements to and from the south associated with trips to/from Moana and Lake Brunner as well as travel to the south and across Arthurs Pass to Canterbury. It is expected that relatively fewer trips will be associated with travel to/from Greymouth and other areas of the West Coast north of Moana.
- 73 Modifications to the existing Arnold Valley Road network will comprise two new intersections, and Mr Penny recommends that the 50 km/h speed limit in Moana which currently extends along Arnold Valley Road to the transition with the 100km/h limit about 50m north of the existing service station, will be extended approximately 400m further north.
- 74 Both intersections will be controlled by a Give-Way sign with priority along Arnold Valley Road. The main access intersection will have a right turning lane on Arnold Valley Road matching a right turn lane for the resource centre on the opposite side of the road. A right turn lane is unlikely to be required for the secondary access. Similarly left turn lanes are unlikely to be necessary on Arnold Valley Road for either of the two intersections.
- 75 Mr Penny has assessed that the intersections will readily accommodate the traffic generated by the proposed development. The Arnold Valley Road network can accommodate the development and the proposed intersection configuration is appropriate.
- 76 With both access intersections operating efficiently, they would not create any traffic capacity issues on the access roads and therefore no frustration related to traffic delays that can affect road safety. Also, the speed environment on Arnold Valley Road is expected to be sufficiently slow to avoid any speed related accidents.
- 77 Pedestrians will have the safety of a separated footpath from within the development area along Arnold Valley Road, and appropriate design should safely accommodate road crossings at the proposed intersections.
- 78 It is noted that the available room in the existing road reserve at the southern edge of the Site may not be able to accommodate a footpath in

addition to the roadside swale. Along this section the stormwater swale may need to be piped to accommodate the footpath.

Summary

- 79 The above environmental related constraints and features of the site and environment can be managed so that subdivision and development gives effect to the objectives of the proposal, and the TTPP. The Moana North ODP will help guide appropriate subdivision and development.

The Statutory Framework

Section 32 RMA

- 80 Section 32AA(1)(a) of the RMA requires a further evaluation in respect of the amendments sought to the existing proposal since the section 32 evaluation was completed. In this context:
- (a) The 'existing proposal' is applying the SETZ PREC 4 to the Site; and
 - (b) The 'amending proposal' is removal of the PREC 4, applying the SETZ and 1.27ha of PREC 2, and any bespoke methods or rules proposed, noting these are in **Attachment 1**.
- 81 Section 32AA(1)(b) states that the further evaluation must be undertaken in accordance with sections 32(1) to (4), while section 32AA(c) requires that the level of detail must correspond to the scale and significance of the changes. As noted above, **Attachment 2** contains a further evaluation undertaken to a level of detail which corresponds to the scale and significance of the changes.
- 82 Additionally, the overarching principles of section 32 must also be considered, namely:
- (a) Are the objectives the most appropriate to achieve the purpose of the RMA?
 - (b) Are the policies the most appropriate way to achieve the objectives?
 - (c) Will the policies be an effective and efficient way to achieve the objectives (by assessing benefits and costs - in a quantifiable way if possible - including the opportunities for economic growth and employment)?
 - (d) Will there be a risk of acting or not acting (ie. including policies or not including policies) if there is uncertain or insufficient information?

83 Ultimately, the primary question in section 32 terms is whether the notified TTPP SETZ PREC 4 zoning, or the SETZ with area specific provisions in my **Attachment 2** is the most appropriate framework to achieve the objectives of the TTPP.

Part 2 RMA

84 The purpose and principles in Part 2 of the RMA emphasise the requirement to sustainably manage the use, development and protection of the natural and physical resources for current and future generations.

85 Section 6 ('Matters of national importance') requires that, in managing the use, development, and protection of natural and physical resources, the following matters of national importance be recognised and provided for (those parts particularly relevant to the Site are shown in **bold**):

- (a) **the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;**
- (b) **the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;**
- (c) **the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;**
- (d) **the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;**
- (e) **the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other Taonga;**
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development;*
- (g) *the protection of protected customary rights; and*
- (h) *the management of significant risks from natural hazards.*

86 The appeal land is located partially within an ONL Therefore, the proposal engages with section 6(b) matters which I consider have been given effect to by the notified TTPP and the operative WCRPS. The site has also been identified as containing indigenous vegetation which qualifies as significant, streams, six wetlands, 3 of which qualify as inland natural wetlands under the NES-F. The site is also likely to be of interest to Maori and their

relationship to the wider environment, including Moana and the Arnold River.

87 Section 7 ('Other matters') identifies a range of matters that RMA decision-makers, in managing the use, development, and protection of natural and physical resources, shall have particular regard to. In my view all of the matters appearing in section 7 are relevant to the appeal land, with 7(b) and (c) and (f) being of particular relevance (shown in **bold**):

(a) *kaitiakitanga:*

(aa) *the ethic of stewardship:*

(b) ***the efficient use and development of natural and physical resources:***

(ba) *the efficiency of the end use of energy:*

(c) ***the maintenance and enhancement of amenity values:***

(d) *intrinsic values of ecosystems:*

(e) *[Repealed]*

(f) ***maintenance and enhancement of the quality of the environment:***

(g) *any finite characteristics of natural and physical resources:*

(h) *the protection of the habitat of trout and salmon:*

(i) *the effects of climate change:*

(j) *the benefits to be derived from the use and development of renewable energy.*

88 Section 7 is relevant to this proposal in terms of the efficient use of the land, the maintenance and enhancement of the quality of the environment and rural amenity values (as a general concept rather than a landscape classification issue). I consider that these matters are expressed through the WCRPS and subsequently in the TTPP.

National Policy Statements / National Environmental Standards

89 When preparing district plans, territorial authorities must give effect to any National Policy Statement (**NPS**) or National Environmental Standard

(NES). The National Policy Statements on Urban Development, Freshwater and Indigenous Biodiversity have been considered in the s32AA further evaluation in **Attachment 2**.

- 90 I consider the proposed rezoning will assist the TTPP and Council to give effect to the NPSUD, and that the Moana North ODP will promote a well functioning urban environment. There are potential costs associated the location of residential subdivision and development within the Forest Residential Area, but these costs can be managed so that bottom line adverse effects are avoided, and the values of the area of significant can overall be managed while providing for limited residential development. I also note that under the TTPP, indigenous vegetation within the Grey District is not protected, except where it is located within 10m of a waterbody. The proposal has identified areas over the site which qualify as significant, and has identified a nuanced planning framework. I consider the proposal to better give effect to the NPSIB than the TTPP.
- 91 The relevant NESs are the NES Freshwater and NES Contaminated Sites. I have assessed the resource consent framework in terms of NES-F Regulation 45C associated with modification of a natural inland wetland, and I consider that there is a Resource consent pathway available, and the presence of natural inland wetlands on the Site are not an impediment to the rezoning. As discussed above a controlled activity resource consent would be granted for future subdivision under the NESCS.

West Coast Regional Policy Statement

- 92 Section 75(3)(c) of the RMA requires that a district plan must give effect to any operative regional policy statement. The relevant WCRPS objectives and provisions have been evaluated in **Attachment 2**. I consider the proposal will better give effect to the WCRPS than the notified TTPP zoning and planning framework.

The TTPP Zoning and Provisions Relevant to the Notified Zoning

- 93 I have also evaluated the relevant TTPP objectives and policies in my s32AA further evaluation in **Attachment 2**.
- 94 My evaluation concludes that while there will be costs in terms of likely modification to wetlands, and the loss of some indigenous vegetation within the Forest Residential Area, valued specimens will be retained, and the benefits of the proposal outweigh the costs, and the proposal better gives effect to the TTPP than the notified zoning.

- 95 In particular, the proposal will provide for more effective management of indigenous vegetation values over the site. This is because the TTPP land use rule framework only manages indigenous vegetation on the Site where it is located within 10m of a waterbody, where Rule NC-P1(2) limits permitted clearance of indigenous vegetation to 20m² over a 200m stretch of a riparian area.
- 96 TTPP Rule ECO-R1 permits indigenous vegetation clearance and disturbance outside of the coastal environment (the latter not relevant to the Site), where:
1. *It is outside of a scheduled [Significant Natural Area](#) as identified in [Schedule Four](#);*
- 97 The Site is not a scheduled SNA in Schedule 4.
2. *It is clearance permitted by the Natural Character and the Margins of Waterbodies [Rule NC - R1](#); or*
- 98 This limb rule would apply to the site, but only within 10m of the margin of a waterbody, and is not considered a complete or comprehensive framework for managing indigenous vegetation.
3. *It is necessary for one of the following purposes: ...*
- 99 Limb 3 does not apply to the Grey District, Rule ECO-P1 refers to Standard 4 where Standard 3 is not achieved.
4. *Within the Grey District it is clearance outside of an Outstanding Natural Landscape identified in [Schedule Five](#); or*
- 100 The vegetation clearance would be restricted over those parts of the site which are ONL, but otherwise unrestricted (permitted). Although the ONL attributes relate to forest cover, I do not consider applying the ONL overlay as a proxy for permitting indigenous vegetation clearance a complete or comprehensive rule framework for managing indigenous vegetation.,
5. *Within the Buller and Westland Districts: ...*
- 101 The site is not located in the Buller or Westland District, these standards, and in particular the 5000m² clearance limit is not applicable.
- 102 I consider that the TTPP land use framework provides a substantially higher permitted threshold for indigenous vegetation clearance than what is proposed under the Moana North ODP and area specific provisions. This is reflected in Policy ECO-P1, and the ECO introductory text which states:

In the Grey District, an evaluation process has been underway for a number of years, and this has enabled 37 Significant Natural Areas to be identified within the Grey District. The list of these Significant Natural Areas can be found in [Schedule Four](#) and they are also shown on the maps.

In the Buller and Westland Districts, where Significant Natural Areas have not yet been mapped, Te Tai o Poutini Plan has general vegetation clearance rules, with an expectation that an assessment against the regionally consistent significance criteria will be undertaken at the time of any resource consent.

- 103 Subdivision rules SUB-R9 / ECO-R6 are relevant to a subdivision and development. Rule SUB-R9 / ECO-R6 is a restricted discretionary activity, which refers to ‘areas of significant indigenous biodiversity’. This phrase is defined in the TTPP as:

means, in relation to the Subdivision Rules,

- a. an area identified as a Significant Natural Area in Schedule Four; or*
- b. an area identified through an ecological assessment process undertaken by an ecologist as meeting the criteria for a Significant Natural Area as set out in the West Coast Regional Council Policy Statement, Appendix One.*

- 104 Notwithstanding the large permitted clearance of indigenous vegetation over the site, allowed by Rule ECO-R1, a subdivision application would be more likely than not required to submit an assessment of the extent of any indigenous vegetation on the site and the extent of proposed clearance, via Rule SUB-R7/ECO-R4. In the case of the Site and the high level of information available relating to indigenous vegetation, the assessment to identify indigenous vegetation has already been undertaken, and it is Mr Nichol's opinion that no clearance is supported or should be allowed in the two ‘No Build Areas’, but limited and carefully considered indigenous vegetation is supported in the Forest Residential Area, despite it qualifying as significant in terms of WCRPS Appendix One.

- 105 Therefore, the application of TTPP rules SUB – R6, SUB – R7/ECO – R4, SUB-R9 / ECO-R6, SUB – R15/ECO – R8 and SUB – R27/ECO – R9 are not considered the most efficient rules in the context of this proposal. This is because the activity status for any subdivision and development at Moana North would be a restricted discretionary activity through proposed Rule SUB-13A (instead of parts of the Site potentially a controlled activity via Rule SUB-R3), and the matters of discretion and policies would require careful consideration of indigenous vegetation and the extent of any clearance within the Forest Residential Area. There is already a high level of information available to inform the planning provisions in relation to the Moana North Site, whereas, the TTPP Rules identified above apply district

wide and must necessarily start from a basis that no information is known about a site.

- 106 As identified by Mr Penny, under the TTPP zoning there is the potential for a series of 4000m² lots located along the frontage to Arnold Valley Road and under Rule TRN.2 there is the potential for individual accesses onto Arnold Valley Road every 10m. In addition to the traffic related effects raised by Mr Penny, there is the potential that an outcome would not retain a rural character, and give rise to an ad hoc sense of development. I note that the Moana North ODP would have a 10m vegetation buffer along the Arnold Valley Road frontage, as discussed in Ms Bailey's evidence.
- 107 The above has identified some observations at the rule level, where the level of information known (and risk of acting or not acting) is such that the Moana North rezoning proposal would better give effect to the TTPP than the notified zoning and generic framework.

Conclusion - The Appropriateness of the Site to be zoned SETZ with Area Specific Provisions

- 108 Having considered the above, the benefits of the proposal outweigh the costs and the proposal and its amendments to the TTPP will be more appropriate than the notified TTPP SETZ PREC 4 zoning and generic framework.
- 109 The identified constraints and resources which require management are more appropriately managed by the Moana North ODP than the generic TTPP PREC 4 zoning and provisions. I also consider that the increased densities of development are readily attainable, while noting the requirements for resource consents under the WCLWP and NES-F in relation to waterbodies and wetlands on the Site, and the related ECO and SUB framework in the TTPP.
- 110 To implement subdivision and development, the proposed amendments to the TTPP in my **Attachment 1** do not create inconsistencies with the TTPP plan framework, and nor do they result in the proliferation of unnecessary text.
- 111 From a planning perspective, I support the proposed rezoning.



Craig Alan Barr

Dated this 18th day of March 2024

Amendments to Plan Maps

As shown in the Moana North Development Area Outline Development Plan, rezone the site to the following:

- 1.27 ha Settlement Centre Precinct (**SETZ-PREC2**)
- 25.39 ha (balance of the site) Settlement Zone (**SETZ**)
- Amend the ONL boundary to more accurately reflect the forest vegetation cover associated with the reserve and Arnold River environment located to the west of the site, (including consequential amendments to the adjoining sites to better reflect the ONL boundary)

Amendments to the TTPP Plan Text

The Following underlined text identified are amendments to the TTPP

Underline and ~~Strikethrough~~ text are the amendments sought to include and integrate the Moana North rezoning and Development Area Plan into the TTPP

Part 1 – Introduction and General Provisions - How The Plan Works – Relationship Between Spatial Layers

Development Areas	
Name	Description
<u>Moana North</u>	<u>The Purpose of the Moana North Development Area Outline Development Plan is to provide for residential subdivision and development, a village centre while protecting landscape and biodiversity values.</u>

Part 2 – District-Wide Matters- Subdivision

SUB – R6 Subdivision to create allotment(s) in any RURZ – Rural Zone or MPZ- Māori Purpose Zone	
<p>Activity Status Controlled Where:</p> <p>...</p> <p>3. This is not within an area of:</p> <ul style="list-style-type: none"> i. Outstanding Natural Landscape as identified in Schedule Five; ii. Outstanding Natural Feature as identified in Schedule Six; iii. Sites of Historic Heritage as identified in Schedule One; iv. Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay; v. This is not within the Earthquake Hazard Overlay; <u>vi. The Moana North Development Area Plan in Part 3.</u> 	<p>Activity status where compliance not achieved:</p> <p>Restricted Discretionary where 3 is not complied with. Discretionary 2 or 5- 7 is not complied with. Non-complying where 4 is not complied with</p>

SUB – R13A Subdivision to create allotment(s) in the Moana North Development Area Plan in Part 3

Activity Status Restricted Discretionary

Where:

1. Subdivision and development is in general accordance with the Moana North Development Area Plan;
2. Not more than 200 allotments are created for residential activity;
3. No residential allotments are contained within the area identified as 'No-Build' in the Moana North Development Area Plan; and
4. Vehicle access onto Arnold Valley Road is limited to the locations shown on the Moana North Development Area Plan.
5. All Subdivision Standards are complied with.

Matters of Discretion are:

- a. Those matters listed in a-m of Rule SUB – R6; and
- b. In relation to subdivision in the area identified in the Moana North Development Area Plan as 'Forest Residential', those matters listed in a-e of Rule SUB – R7/ECO – R4.

Advice Note: This rule applies to subdivision to create allotment(s) in the Moana North Development Area instead of SUB – R6, SUB – R7/ECO – R4, SUB – R15/ECO – R8, SUB - R27/ECO - R9.

Activity status where compliance not achieved:
Discretionary

SUB – R18 Subdivision of Land which would otherwise be a Controlled or Restricted Discretionary Activity, where one or more of the Subdivision Standards are Not Complied With

Activity Status Discretionary

Where:

1. This is not in an Overlay area subject to Rules SUB - R14, SUB - R15, SUB - R18 or SUB - R20;
2. This is not the subdivision of a minor residential unit from the principal dwelling in the GRUZ - General Rural Zone; and
3. This is not the subdivision of units within a papākainga development or within the GRUZ - PREC 1 -

Activity status where compliance not achieved:

Non-complying where 2 or 3 are not complied with.

Community Living Precinct where the minimum lot sizes for the relevant zone are not met.

4. Subdivision to create allotment(s) in the Moana North Development Area Plan in Part 3

Subdivision Standards	
SUB-S1	Minimum Lot Sizes for each allotment
<p>1. Each allotment, including the balance allotment must meet the following minimum lot size:</p> <ul style="list-style-type: none"> a. General Residential Zone 350m²; b. Large Lot Residential Zone 1000m²; c. Medium Density Residential Zone 200m²; and d. Neighbourhood Centre Zone 350m²; e. Settlement Zone, Settlement Zone – Coastal Settlement Precinct and Settlement Zone – Settlement Centre Precinct 1000m² in unsewered areas and 500m² in sewerred areas; f. Settlement Zone – Rural Residential Precinct 4000m²; g. Rural Lifestyle Zone 1 hectare; h. General Rural Zone 4 hectares, except that it is 10 hectares in the Highly Productive Land Precinct; and i. Future Urban Zone 4 hectares. j. <u>Settlement Zone at Moana North 300m² net site area and average of 1000m² calculated over the Zone</u> 	

Part 3 – Area Specific Matters – Zones – Rural Zones – SETZ-Settlement Zone

SETZ Settlement Zone

Overview

...

SETZ - PREC2 - Settlement Centre Precinct is located in settlements where a focal community and commercial area is developing. It is anticipated that the Settlement Centre character will develop over time, with more commercial development in particular. This precinct anticipates the possibility that the settlement will grow and demand for retail and commercial services will increase, and that community facilities could be developed or expanded with this growth. Settlement Centre Precincts are identified in Karamea, Charleston, Blackball, Kumara, Moana North, Ross, Harihai, Kaniere and Haast

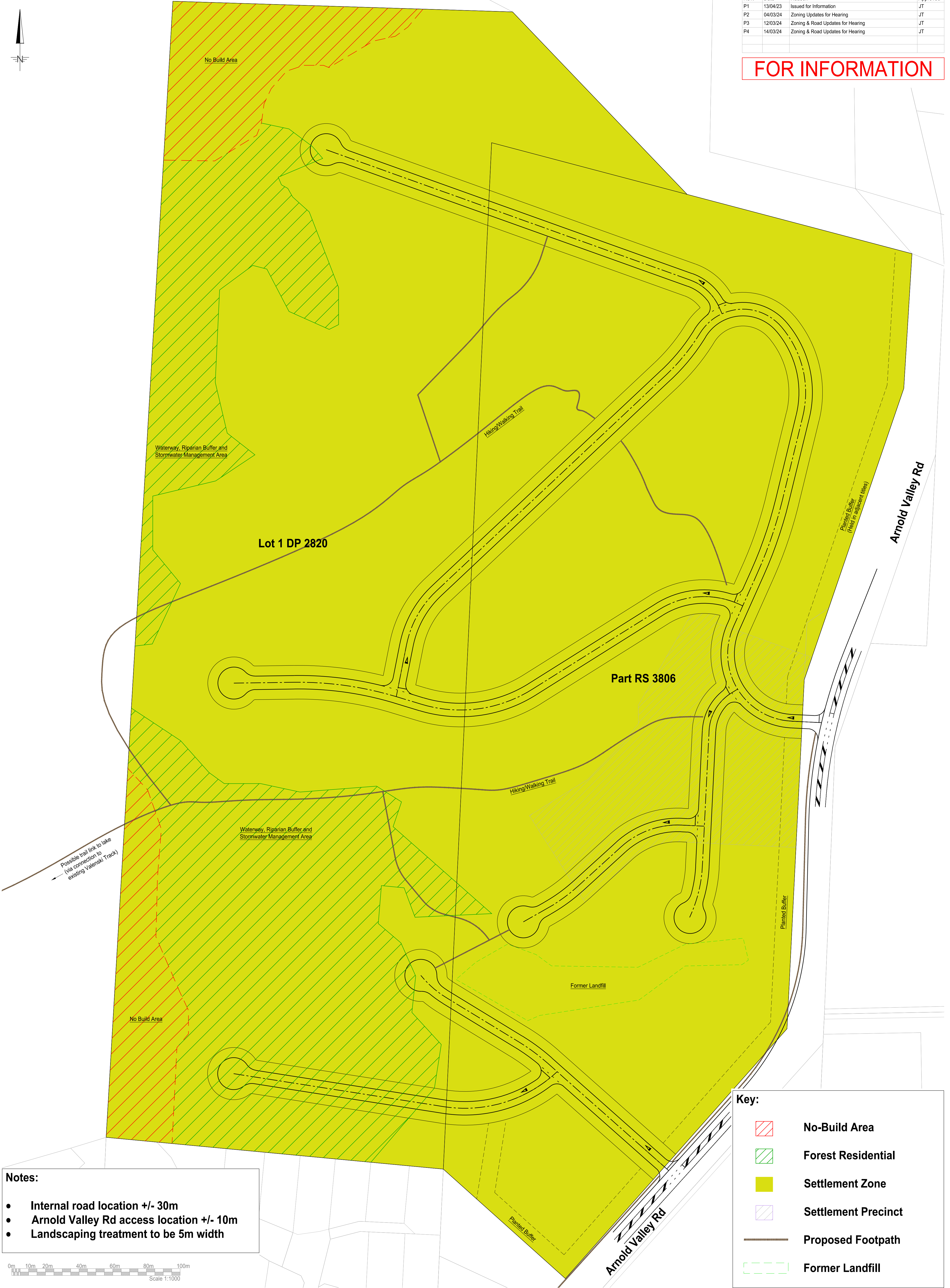
Rules

SETZ - R1 Residential Activities and Residential Buildings - Density	
Activity Status Permitted Where:	Activity status where compliance not achieved:
<p>1. Residential unit density is no more than:</p> <ul style="list-style-type: none"> i. 1 unit per 500m² net site area in areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems, except that: <ul style="list-style-type: none"> a. where smaller sites were lawfully established under the previous Buller, Grey or Westland District Plan then the residential unit density is one residential unit per site; or ii. 1 unit per 1000m² net site area in areas where there is on site servicing of wastewater, water supply and stormwater systems; except iii. In the SETZ - PREC4 - Rural Residential Precinct residential unit density is 1 unit per 4000m² net site area; iv. <u>At Moana North residential density is 1 unit per 300m² net site area and average of 1000m² calculated over the zone (as identified in the Moana North Development Area Plan).</u> 	<p>Discretionary</p>

Part 3 – Area Specific Matters – Development Areas – Moana North Outline Development Plan

Rev.	Date	Reason	Approved
P1	13/04/23	Issued for Information	JT
P2	04/03/24	Zoning Updates for Hearing	JT
P3	12/03/24	Zoning & Road Updates for Hearing	JT
P4	14/03/24	Zoning & Road Updates for Hearing	JT

FOR INFORMATION



Notes:

- Internal road location +/- 30m
- Arnold Valley Rd access location +/- 10m
- Landscaping treatment to be 5m width

Key:

	No-Build Area
	Forest Residential
	Settlement Zone
	Settlement Precinct
	Proposed Footpath
	Former Landfill

CAD ref: 41285.Development Area Plan

[Add the following objectives, policies and other methods]

<u>Moana North Development Area</u>	
<u>Objectives</u>	
<u>DA-01</u>	<p><u>Moana North</u></p> <p><u>A high quality residential development with a village centre that conforms to a structure plan, provides flexibility for a range of housing densities and which integrates with the surrounding landscape while protecting indigenous biodiversity values.</u></p>
<u>Policies</u>	
<u>DA-P1</u>	<p><u>Require subdivision and development to be in general accordance with the Moana North Development Area Outline Development Plan, including:</u></p> <p><u>a. Provision of a walking network and its integration with the Moana Scenic Reserve, Arnold Valley Road and where practicable adjoining sites; and</u></p> <p><u>b. Opportunities to maintain or enhance any natural inland wetlands; and</u></p> <p><u>c. General conformity to the roading layout.</u></p>
<u>DA-P2</u>	<p><u>Provide for subdivision and development while ensuring that indigenous biodiversity values and the values of the Outstanding Natural Landscape are protected by:</u></p> <p><u>a. Locating development in general accordance with the Moana North Development Area Outline Development Plan;</u></p> <p><u>b. Avoiding development within the two identified No Build areas; and</u></p> <p><u>c. Restricting indigenous vegetation clearance within the Forest Residential Area.</u></p>
<u>DA – R1 Subdivision to create allotment(s) the Moana North Development Area</u>	
<p><u>In addition to those matters of discretion listed under Rule SUB-R13A, when assessing any subdivision, the following shall be additional matters of discretion:</u></p> <p><u>Within the Forest Residential Area</u></p> <ol style="list-style-type: none"> <u>i. avoiding development within the two identified No Build areas and the future ownership and management of these areas;</u> <u>ii. identification for a minimum area of indigenous vegetation to be retained on each residential allotment, noting that as a guide it is anticipated that not more than 35% indigenous vegetation shall be cleared as part of the anticipated development of the lots.</u> <u>iii. clearance of any trees with a diameter of greater than 20cm diameter at breast height be avoided, and where this cannot be practicably avoided, reasons for the removal and remediation proposed.</u> 	

Attachment 2: Section 32AA Evaluation

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1 Introduction

1.1 Objectives of the proposal

The objectives of the proposal are to rezone two sites with a collective area of 26.7ha located immediately north of Lake Brunner and Moana township from Settlement Zone with Rural Residential Precinct under the notified Te Tai o Poutini District Plan (**TTPP**), to a mix of Settlement Zone and a village commercial centre precinct. Subdivision and development facilitated by the rezoning will be subject to several location specific objectives, policies, rules and other methods to ensure subdivision and development will appropriately manage the wetland, waterbody and indigenous vegetation values on the site, and that subdivision and development is more appropriate than the notified TTPP zoning. The key parameters of the rezoning are:

- TTPP Settlement Zone, with a maximum capacity of 200 residential lots with flexible densities varying from 300m², with an average residential lot size of not less than 1000m² calculated across the Site;
- A commercial village area, applying the TTPP Settlement Zone Precinct 2 overlay;
- A pedestrian/cycling network interspersed amongst the existing stream network and stormwater management system;
- Integrating the existing low value wetlands with the proposed stormwater management and proposed wetland stormwater management regime which can be designed to provide an overall enhancement of wetland and biodiversity values;
- a 10m wide landscape planting buffer along Arnold Valley Road;
- Riparian planting along the existing stream network; and
- Access to the development will be via two intersections from Arnold Valley Road.

The above objectives have been synthesised into the following proposed statutory objective which captures the fundamental resources issues to be managed, and which will be added to the TTPP and will apply to subdivision and development at the site:

A high quality residential development with a village centre that conforms to a structure plan, provides flexibility for a range of housing densities and which integrates with the surrounding landscape while protecting indigenous biodiversity values.

2 Section 32AA

2.1 Section 32AA requirements for undertaking and publishing further evaluations

Section 32AA(1)(a) of the RMA requires a further evaluation in respect of the amendments sought to the proposal since the section 32 was published. In this context the existing proposal is the Settlement Zone (**SETZ**) with the Rural Residential Precinct (**SETZ – PREC 4**), as notified in the TTPP, and the amending proposal is the proposed rezoning to SETZ (without SETZ – PREC 4) and SETZ Settlement Centre Precinct (**SETZ – PREC 2**) with the location specific provisions outlined in section 1 above, and as set out in detail in the TTPP amendments in **Attachment 1** of my evidence, and an amended ONL boundary.

Section 32AA of the RMA states:

- (1) *A further evaluation required under this Act—*
 - (a) *is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
 - (b) *must be undertaken in accordance with section 32(1) to (4); and*
 - (c) *must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
 - (d) *must—*
 - (i) *be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*
 - (ii) *be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*
- (2) *To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*
- (3) *In this section, proposal means a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act.*

Section 32AA(1)(b) states that the further evaluation must be undertaken in accordance with sections 32(1) to (4), while section 32AA(c) requires that the level of detail must correspond to the scale and significance of the changes. The assessment in this evidence has been undertaken to meet the requirements of section 32AA in the scale and significance of the changes.

2.2 Section 32AA(1)(a)-(c)

Section 32AA(1)(b) requires further evaluations to be undertaken in accordance with section 32(1)(a) which requires an examination of the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA.

The objectives of the proposal are identified in section 1 above. The examination to the extent the objectives of the rezoning are the most appropriate way to achieve the purpose of the RMA has been undertaken against the key statutory planning documents¹ which achieve the purpose of the RMA in the context of the district, being the following:

- National Policy Statement Urban Development 2020 (**NPS-UD**)
- National Policy Statement Freshwater Management 2020 (**NPSFM**)
- National Policy Statement Indigenous Biodiversity 2023 (**NPSIB**)
- National Environmental Standards (Freshwater, and Contaminated Sites)
- West Coast Regional Policy Statement (**WCRPS**)
- Te Tai o Poutini District Plan (notified June 2022) (**TTPP**)

The evaluation of these statutory policy statements and plans has been informed by the evidence on landscape, three waters, hazards and contaminated land, transport and ecology which accompany the rezoning request.

2.2.1 National Policy Statement Urban Development 2020 (NPS-UD)

The Grey District is a Tier 3 local authority under the NPS-UD, which means that only a small number of the Objectives and Policies set out in the NPS-UD are required to be implemented by the TTPP. The Council's section 32 evaluation states that during the course of development of the TTPP it has become very evident that there is a significant need for additional land to support both housing and industrial development, and that many aspects of the NPS-UD are relevant in application on the West Coast/Tai o Poutini².

Notwithstanding that the TTPP is not subject to the same urban development obligations as other district plans which are within Tier 1 or Tier 2 local authority areas, and the TTPP does not need to give effect to these, the NPS-UD nonetheless is considered relevant in terms of the positive obligations placed on local authorities to provide for housing and a diversity of housing options. Provision 1.5 of the NPS-UD encourages tier 3 local authorities to do the things that tier 1 or 2 local authorities are obliged to do under Parts 2 and 3 of the NPS-UD.

¹ The Operative Grey District Plan is not included as a key relevant statutory planning document because it has been identified for replacement by the TTPP.

² Te Tai o Poutini Plan – Section 32 Evaluation Report One – Overview and Strategic Directions at [7].

The following policies of the NPS-UD are considered relevant to this proposal, with an evaluation of the proposal against the NPS-UD.

The NPS-UD is designed to improve the responsiveness and competitiveness of land and development markets.

Key NPS-UD objectives engaged by this proposal are Objectives 1 and 2:

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.

This focus, to create well-functioning urban environments and to support the *competitive operation of land and development markets* is also found in Policy 1 of the NPS-UD, which establishes the factors for a well-functioning urban environment. The matter of whether an activity would create a well-functioning urban environment, is also a qualifying criteria for urban development to modify wetlands as provided for in Regulation 45C of the NES-F.

The Moana North ODP, which would guide subdivision and development within the Site, will ensure the site positively contributes to a well-functioning urban environment of both the existing Moana Township as an extension to that existing urban area and the site itself.

The NPS-UD looks to *create conditions for the market to respond to growth through plenty of opportunities for development in Council plans.*³ The rezoning of the Site to provide for urban development, in particular SETZ zoning with flexible residential densities from 300m² upwards while maintaining an average of 1000m² over the ODP Area, would contribute to housing variety in the Grey District and provides the planning authority an opportunity to be responsive to a plan change/rezoning that provides significant capacity that is not otherwise enabled by the TTPP. The additional housing capacity at Moana North assist the TTPP and planning authority to implement NPS-UD Policy 2 (which applies to Tier 3 local authorities) and also implements NPS-UD Policy 8 by being responsive to plan changes.

The NPS-UD promotes the increase of supply and market competition to support housing affordability rather than any other approach (i.e. inclusionary zoning or other methods to provide greater housing affordability). This is reflected in NPS-UD Objective 2 where the support of *competitive land and development markets* (as opposed to alternative mechanisms) is identified as the method by which to improve housing affordability. This is reinforced by a number of other provisions of the NPS-UD including Objective 6 in seeking responsiveness to proposals that would contribute significantly to supply. The re-zoning of the site and subsequent supply of housing this enables will contribute to these outcomes.

³ Ministry for the Environment 2020 *Introductory guide to the National Policy Statement on Urban Development* 2020. Wellington: Ministry for the Environment www.mfe.govt.nz p11 Figure 1

NPS-UD Objective 6 is an objective for planning decisions to be integrated, strategic and responsive:

Objective 6: Local authority decisions on urban development that affect urban environments are:

- (a) *integrated with infrastructure planning and funding decisions; and*
- (b) *strategic over the medium term and long term; and*
- (c) *responsive, particularly in relation to proposals that would supply significant development capacity.*

With regard to limb (a) and water and wastewater, while there are existing constraints in the network capacity as identified in Ms South's evidence, there are options available to provide water and wastewater servicing to the development. The provision of a higher density zoning can enable the Council to consider network upgrades in the context of the development contributions and/or network improvements required through the rezoning, and funding and workstreams are able to be put into place that will provide the necessary upgrades to service the entire rezoning area and within the timeframes anticipated for subdivision and development to be completed through the life of the TTPP.

Transport network matters are not impediments to the rezoning, with the roading intersection accesses onto Arnold Valley Road an improvement to Arnold Valey Road.

Limb (b) requires that planning decisions are strategic over the medium term and long term. The Council's section 32 evaluation identifies that the West Coast Councils' all have infrastructure strategies which tie into their Long Term Plan investment and resource allocation processes. However, there are not understood to be any future development plans or spatial plans published for the Grey and Moana area. The proposal therefore is not inconsistent with any strategic planning, and the inclusion of an ODP for Moana North, to be included in the TTPP, sets out a strategy for intended growth and development at Moana.

NPS-UD Objective 6, Limb (c) relates to the responsiveness of local authorities and is also elaborated upon in NPS-UD Policy 8:

Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:

- a) Unanticipated by RMA planning documents; or*
- b) Out-of-sequence with planned land release.*

The proposal would qualify under NPS-UD Policy 8 as adding significantly to development capacity in the short term in the Moana area, if not the Grey District.

The next evaluation component is the extent to which the rezoning proposal accords with the responsive planning provisions of the NPS-UD, which are elaborated upon in NPS-UD 'Subpart 2 – Responsive Planning'.

3.8 Unanticipated or out-of-sequence developments

- (1) This clause applies to a plan change that provides significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release.*
- (2) Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity:
 - (a) would contribute to a well-functioning urban environment; and*
 - (b) is well-connected along transport corridors; and*
 - (c) meets the criteria set under subclause (3).**
- (3) Every regional council must include criteria in its regional policy statement for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity.*

In terms of whether the proposal would contribute to a well-functioning urban environment (limb (2)(a)), the NPS-UD defines what 'well-functioning' is by way of Policy 1, which states:

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- (a) have or enable a variety of homes that:
 - (i) meet the needs, in terms of type, price, and location, of different households; and*
 - (ii) enable Māori to express their cultural traditions and norms; and**
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*

(e) support reductions in greenhouse gas emissions; and

(f) are resilient to the likely current and future effects of climate change.

With regard to (a)(i), the housing product able to be offered at Moana North will provide a variety of housing types through the flexibility proposed to create residential lots sizes from 300m² while achieving an average of 1000m² across the site within the SETZ, and from a district wide perspective enabling greater housing opportunities at Moana and the Grey District. The provision of housing can contribute to affordability by increasing the supply of housing and variety of residential lot size options in the Moana area.

In terms of matter (a)(ii) it is not known whether the rezoning contributes to enabling Māori to express their cultural traditions and norms.

With regard to matter (b) and whether the rezoning would have, or enable a variety of sites that are suitable for different business sectors in terms of location and site size, the rezoning would contribute to this by way of adopting the notified TTPP Settlement Precinct (2) framework which provides for a village centre that will fulfil local convenience retail and commercial needs.

Matter (c) is that a well-functioning urban environment would have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport. The proposal provides for good accessibility both within the site and connections to the existing Moana township, through the proposed ODP and identification of key roading connections, walkway connections and network. The Moana North ODP provides for active transport, but currently public transport is limited at Moana, and is understood to be limited in the Grey District generally.

The proposal aligns with limb (d) which is to 'support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets. While the rezoning area is held by only one landowner, the proposal, like any large scale greenfields rezoning, would support the proposition of limiting adverse impacts on the competitive operation of land markets.

Limb (e) is 'support reductions in greenhouse gas emissions'. The re-zoning, providing for growth in Moana with supporting local convenience retail, will contribute toward reducing dependency with associated vehicle trips to larger centres and towns for convenience items. The location of the proposal and the context of the wider Grey District and West Coast, being a more remote settlement than an urban extension near a Tier 1 city such as Christchurch limits the potential for the rezoning proposal to engage with wider climate change initiatives, in so far as transport related incentives are relevant.

Lastly, matter (f) is that well-functioning urban environments are resilient to the likely current and future effects of climate change. The proposal is not located in an area subject to identified hazards induced by climate change, such as flooding or other sources of inundation, as identified in Ms Kellett's evidence. The stormwater network

can be designed and constructed to manage flooding from stormwater. This aspect will be assessed as part of the future resource consents.

The proposal is consistent with the criteria for the NPS-UD's definition of a well-functioning urban environment. The proposed Moana North ODP and TTPP rules and policies promote an outcome that would be likely to result in a well-functioning urban environment. The proposal is contiguous with an existing urban area being the residential zoned land to the north of the existing Moana Township.

The proposal would contribute to a well-functioning urban environment.

Having addressed part (2)(a) of 'Subpart 2 – Responsive Planning' regard is to be had to (b) if the development is well-connected along transport corridors; and (c) meets the criteria set under subclause (3).

The proposal is located adjacent to Arnold Valley Road, and has walking and cycling access to Moana township which is directly to the south, and access to the Reserve to the west.

Lastly, NPS-UD Subpart 2 3.8(2)(c) requires that the criteria under subclause (3) are met which are that *'every regional council must include criteria in its regional policy statement for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity'*.

The Operative West Coast Regional Policy Statement (**WCRPS**) does not currently identify any criteria and does not offer any guidance on this matter.

Overall, the proposal is consistent with the NPS-UD, and the rezoning would contribute positively toward the TTPP giving effect to the NPS-UD and the provision of housing in the Grey District.

2.2.2 National Policy Statement Freshwater Management 2020 – Amended February 2023 (NPS-FM)

The NPS-FM sets out an objective and policies that focus on managing freshwater in a way that 'gives effect' to Te Mana o te Wai: (the integrated and holistic well-being of a freshwater body) in the management of fresh water, prioritising the health and wellbeing of water bodies and freshwater ecosystems, followed by the health needs of people, and then followed by the ability of people and communities to provide for their social, economic and cultural well-being, now and in the future.

The associated National Environmental Standards – Freshwater Management (**NES-F**) provide rules in relation to freshwater, and relevant to this site, natural inland wetlands.

The NPS-FM sets a national framework for how freshwater is to be managed across the country. Regional and district plans are required to give effect to it according to its terms. The relevant objective and policies of the NPSFM which relate to the Moana North proposal are in relation to waterbodies and wetlands and are:

Objective:

- (1) *The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:*
 - (a) *first, the health and well-being of water bodies and freshwater ecosystems*
 - (b) *second, the health needs of people (such as drinking water)*
 - (c) *third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

Policies of Relevance:

Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.

Policy 2: Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.

Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.

The proposed Moana North ODP, and subsequent management of the wetlands, can be managed so that the directions required by Policies 1-4 can be met. The TTPP process, and potentially future applications for resource consent to the WCRC would also enable Tangata Whenua to engage and influence the waterbody management regime on the site.

...

Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

Policy 7: The loss of river extent and values is avoided to the extent practicable.

The proposed rezoning is cognisant of the associated restricted discretionary activity resource consent pathway introduced through the February 2023 amendments and new Regulation 45C, and the prohibited activity rule Regulation 53 which would apply to other activities.

Richard Nichol has identified three wetlands that meet the criteria of a 'natural inland wetland' under the NPS-FM. Development in accordance with the proposed rezoning and Moana North ODP is likely to result in modification to the wetlands, but also presents an opportunity to recreate higher quality wetland and enhance the existing wetlands as part of the stormwater and subdivision development process, and engage the wetlands as part of the public realm.

The restricted discretionary activity resource consent pathway and qualifying matters have been evaluated below. The proposal can be undertaken in a way that accords with the matters of discretion and decision-making framework under NES-F Regulation 45C.

Policy 8: The significant values of outstanding water bodies are protected.

The waterbodies and wetlands do not have significant values, as identified by Richard Nichol. While three of the wetlands qualify as 'natural inland wetlands', only one of those wetlands has been assessed as significant (pursuant to West Coast Regional Policy Statement criteria) and that assessment is based off one plant's susceptibility to myrtle rust. The actual assessment of values finds that these wetlands are not significant. However, the proposed rezoning and subsequent subdivision and development represents an opportunity for enhancement, including ensuring the quality of any downstream effects on the Arnold River are appropriately managed.

Policy 9: The habitats of indigenous freshwater species are protected.

The works to the waterbodies on site are able to result in an overall restoration and enhancement through riparian area planting and habitat restoration.

...

Policy 15: Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.

The proposal will help provide housing and employment opportunities as a result of the rezoning, and on the basis that the subdivision and development works are carefully designed, and undertaken in a way that is consistent with the NPSFM and the WCRPS and the WC Land and Water plan.

2.2.3 National Policy Statement Indigenous Biodiversity

The objective of the National Policy Statement Indigenous Biodiversity (NPSIB) is:

(1) The objective of this National Policy Statement is:

(a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and

(b) to achieve this:

(i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and

(ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and

(iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and

(iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.

The policies relevant to the Moana North rezoning are:

Policy 1: Indigenous biodiversity is managed in a way that gives effect to the decision-making principles and takes into account the principles of the Treaty of Waitangi.

Policy 2: Tangata whenua exercise kaitiakitanga for indigenous biodiversity in their rohe, including through:

- (a) managing indigenous biodiversity on their land; and*
- (b) identifying and protecting indigenous species, populations and ecosystems that are taonga; and*
- (c) actively participating in other decision-making about indigenous biodiversity.*

Policy 3: A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.

Policy 4: Indigenous biodiversity is managed to promote resilience to the effects of climate change.

...

Policy 6: Significant indigenous vegetation and significant habitats of indigenous fauna are identified as SNAs using a consistent approach

Policy 7: SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development.

Policy 8: The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.

...

Policy 10: Activities that contribute to New Zealand's social, economic, cultural, and environmental wellbeing are recognised and provided for as set out in this National Policy Statement.

Policy 13: Restoration of indigenous biodiversity is promoted and provided for.

Policy 14: Increased indigenous vegetation cover is promoted in both urban and non-urban environments.

Policy 15: Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of highly mobile fauna is improved.

...

The assessments undertaken by Mr Nichol on the Site provide a high level of detail and the opportunity to manage indigenous biodiversity on the Site in a more nuanced way than the notified TTPP provisions, in particular when compared to the notified TTPP Schedule 4 which does not include the Site in its list of SNAs in the Grey District.

I also note that TTPP Policy ECO-P1 may not provide the ability for additional SNA's to be identified in the Grey District. Limb (1) of the policy refers to areas in Grey identified in Schedule 4, and makes no reference to updates, while the identification of SNAs through the resource consent process, as envisaged through the NPSIB is utilised in only the Buller and Westland Districts (ECP-P1(2)).

In this context, the Moana North ODP provides for more appropriate management of SNA areas on the site than the notified TTPP, and better gives effect to the NPSIB than the notified TTPP.

In broad terms, the Moana North ODP and identification of the No-build areas and the Forest Residential Area will assist the TTPP to give effect to the NPSIB.

In relation to SNA areas in a consenting context, Part 3.10 Managing adverse effects on SNAs of new subdivision, use, and development of the NPSIB identifies that the adverse effects that must be avoided are:

- (a) *loss of ecosystem representation and extent*
- (b) *disruption to sequences, mosaics, or ecosystem function*
- (c) *fragmentation of SNAs or the loss of buffers or connections within an SNA*
- (d) *a reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems*
- (e) *a reduction in the population size or occupancy of threatened or at risk (declining) species that use an SNA for any part of their life cycle.*

Referring to Mr Nichol's evidence, the values of indigenous vegetation and biodiversity on the site are such that subdivision and development can be undertaken so that it avoids adverse effects on the no build areas, and limits and otherwise manages indigenous vegetation removal within the Forest Residential Area can be done while achieving matters (a) to (e) above.

2.2.4 National Environmental Standard Freshwater

Mr Nichol has assessed the Site and its waterbodies on site by applying wetland delineation protocols, which resulted in the identification of 6 wetlands. Those wetlands were then assessed in reference to the 'natural inland wetland' criteria provided pursuant to the NPS-FM and NES-F, which identified three 'natural inland wetlands'.

The NPS-FM (2020) was revised in late 2022 and changes to the definition of what constitute a 'natural inland wetland' are now in effect. The NPS-FM uses the RMA (1991) definition of wetland but provides specific exclusions to that definition for the purpose of establishing what is a 'natural inland wetland'. Changes relating to those exclusions were introduced in December 2022 and became effective on 5th January 2023.

Clause c) of the NPS-FM (s3.21) is one of those exclusions and states that a natural inland wetland is not one that "*has developed in or around a deliberately constructed water body, since the construction of the water body*".

Several small streams and six wetland areas have been identified within the Site reproduced below as **Figure 1** below.



Figure 1. Location of streams and wetlands (excerpt of Figure 8 of the Nichol Report).

Two main waterways fall within the project area. The northern stream channel arises on land to the east of the Site, within a degraded wetland area. The riparian vegetation alongside this channel is highly modified, with several invasive species, but these continue to afford shade and riverbank protection and prevent sediment run-off. The southern waterway, (which splits into a number of tributaries), has its catchment boundary largely within the Site and has a high degree of indigenous vegetative cover.

The wetland areas are relatively small, ranging in size from 0.1 through to 0.9.

Mr Nichols has identified in his evidence that of the six wetlands, only three of wetlands are considered to qualify as 'natural inland wetlands' and be subject to the NES-F regulations. In terms of the values of the wetlands, only one wetland, being Wetland 6, has values which trigger the WCRPS significance criteria owing to the presence of rohutu which has an elevated threat status due to its potential vulnerability to myrtle rust.

The qualification of the wetlands under the NES-F as a 'natural inland wetland', and achievement of significance pursuant to the WCRPS criteria are summarised in the following table:

Table 1. Summary of wetland status with NPS-FM and the values

Wetland (as identified in Figure 1 above)	1	2	3	4	5	6
Qualifies as a natural inland wetland under the NPS-FM and subject to the NES-F	Yes	Yes	No	No	No	Yes
Achieves any of the significance criteria in the WCRPS.	No	No	No	No	No	Yes

Mr Nicholl states in this evidence that while only Wetland 6 qualifies as significant (due to the presence of rohutu and its threatened status), the wetlands play a role in hydrological and ecological processes and needs to be carefully considered with respect to proposed land-use, especially with respect to stormwater disposal.

In addition to the policy framework of the WCRPS and any rules of the West Coast Regional Council Land and Water Plan which manage wetlands and other waterbodies, Regulation 45C of the NES-F provides a resource consent pathway as a restricted discretionary activity for the following activities if they are for the purpose of urban development:

- Vegetation clearance within 10m of a natural inland wetland⁴
- Earthworks within 10m of⁵, or earthworks beyond 10m but within 100m of a natural inland wetland⁶
- The taking, use, damming or diversion of water⁷, or discharge of water within or within a 100m setback⁸

In order for a restricted discretionary activity resource consent to be granted, the Regional Council will need to be satisfied that matters relating to urban development are met, as stated in Regulation 45C(6) and (7):

- (6) *A resource consent for a restricted discretionary activity under this regulation must not be granted unless the consent authority has first—*
- (a) *satisfied itself that the urban development—*
- (i) will contribute to a well-functioning urban environment; and*
- (ii) will provide significant national, regional, or district benefits; and*
- (b) *satisfied itself that—*

⁴ NES-FM Regulation 45C(1)

⁵ NES-FM Regulation 45C(2)

⁶ NES-FM Regulation 45C(3)

⁷ NES-FM Regulation 45C(4)

⁸ NES-FM Regulation 45C(5)

(i) there is no practicable alternative location for the activity within the area of the development; or

(ii) every other practicable alternative location in the area of the development would have equal or greater adverse effects on a natural inland wetland; and

(c) applied the effects management hierarchy.

(7) A resource consent for a restricted discretionary activity under this regulation must not be granted if the activity—

(a) occurs on land other than land that is identified for urban development in the operative provisions of a regional or district plan; or

(b) occurs on land that is zoned in a district plan as general rural, rural production, or rural lifestyle.

In terms of limb 6(a), and whether the proposal would contribute to a well-functioning urban environment, an understanding of what constitutes a well-functioning urban environment is required, which has been assessed above at pages 7-9 in section 2.21.

The proposal is consistent with the criteria for the NPS-UD's definition of a well-functioning urban environment. The proposed Moana North ODP and TTPP rules and policies promote an outcome that would be likely to result in a well-functioning urban environment. The proposal is contiguous with an existing urban area being the residential zoned land to the north of the existing Moana Township.

The proposal is able to be consented in terms of limb 6(i).

In terms of limb 6(a)(ii) whether the rezoning will provide significant national, regional, or district benefits. The proposal would provide benefits through the provision of additional housing, and retail to Moana, which increases resilience to the Moana community through greater services, attracts greater infrastructure investment and can halt population decline. While the benefits have not been quantified (i.e in a monetary sense), the development would provide significant benefits to the District if not the region through greater investment in Moana, social and cultural benefits through the open space network and provision of housing opportunities at Moana.

Limb 6(b) requires the regional council to be satisfied that (i) there is no practicable alternative location for the activity within the area of development; or (ii) every other practicable alternative location in the area of the development would have equal or greater adverse effects on a natural inland wetland.

The Moana North ODP has been informed by Mr Nichol's ecological advice, which has made recommendations for the protection of areas within the site that qualify as significant indigenous vegetation, and the portion of the site which qualifies as ONL. Mr Nichol has identified that the areas of wetland have relatively low ecological values, and the development of the open space network and stormwater network associated

with subdivision and development under the TTPP is an opportunity to enhance overall the biodiversity and wetland values.

The areas identified as having values have been identified to be managed in a way so that those values are protected, and there is no practicable alternative location for development. Retaining the wetlands in their current form could result in urban development encroaching upon the indigenous vegetation and ONL values in the western part of the site that are otherwise protected as part of the Moana North ODP and proposed TTPP provisions. Retaining the existing 'natural inland wetlands' would not take into account the protection of other more significant values, nor the opportunity for stormwater management associated with the subdivision to create wetland enhancements.

The proposal satisfies Limb (i) because there is no practicable alternative location for the activity within the area of development.

Limb 6(c) requires the application of the effects management hierarchy. Effects management hierarchy is defined in Clause 3.22 of the NPS-FM as follows:

***effects management hierarchy**, in relation to natural inland wetlands and rivers, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that requires that:*

- (a) adverse effects are avoided where practicable; and*
- (b) where adverse effects cannot be avoided, they are minimised where practicable; and*
- (c) where adverse effects cannot be minimised, they are remedied where practicable; and*
- (d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; and*
- (e) if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; and*
- (f) if aquatic compensation is not appropriate, the activity itself is avoided*

While the resource consents as part of the future subdivision and development would identify and assess in detail the effects management hierarchy and other qualifying matters in NES-F Regulation 45C, the following provides a brief summary. This is to ensure that the rezoning and Moana North ODP is appropriate in terms of a consent

pathway that can be further assessed by the WCRC at the time of a future subdivision and development.

The assessment and identification of the values of Wetlands 1-6, including those three wetlands which qualify as natural inland wetlands by Mr Nichol has confirmed that modification is appropriate on the basis that the wider waterbody receiving environment is protected and there is an increase in biodiversity throughout the walking and open space network which would be required to be developed as part of subdivision and development under the Moana North ODP. In particular, the modification of Wetland 6 which contains rohutu (listed as a threatened plant) is appropriate due to this wetland being very small in size, ongoing encroachment of invasive species along the eastern and southern boundary and the widespread occurrence of rohutu elsewhere.

Overall there is sufficient information available that future resource consents under the NES-F associated with implementing the Moana North ODP will manage adverse effects on wetland values so that they will not be more than minor, and no biodiversity offsetting would be required.

In a future consenting context, the implementation of the Moana North ODP is capable of being approved in the context of applying the effects management hierarchy.

Lastly, limb 7(a) requires that for the activity to qualify under Regulation 45C, the activity occurs on land identified for urban development in the operative provisions of a regional or district plan. The rezoning as proposed will facilitate the rezoning to urban, and future resource consent applications to modify the relevant wetlands will be able to be applied for as a restricted discretionary activity under the NES-F.

For the above reasons, any subdivision and development pursuant to the rezoning that would modify 'natural inland wetlands' would be able to be consented via Regulation 45C of the NES-F.

The alternative is that subdivision and development which is not identified as urban development in the TTPP or a regional plan, would be Subject to the following rules in relation to 'natural inland wetlands'⁹:

- Regulation 52, which requires a non-complying activity resource consent for earthworks, or the taking, use, damming, diversion, or discharge of water outside, but within a 100m setback from, a natural wetland if it results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland.
- Regulation 53 which prohibits earthworks, or the taking, use, damming, diversion, or discharge of water within a natural wetland if it results, or is likely to result in the complete or partial drainage of all or part of a natural wetland.

⁹ Part 3 Standards for other activities that relate to freshwater. Subpart 1 – Natural Inland Wetlands

With regard to the existing streams on the site, bridges or culverts can be constructed over rivers as a permitted activity subject to standards, or via a restricted discretionary or discretionary activity resource consent pathway under the NES-F and WCLWP.

2.2.5 National Environmental Standard Contaminated Sites (2011) (NESCS)

Ms Kellett's evidence explains that Wiley Geotechnical Limited has prepared a preliminary site investigation which has identified the following activities or industries identified on the Hazardous Substances List (**HAIL**) as part of the review of the site history:

- Persistent pesticide bulk storage or use including sport turfs, market gardens,
- orchards, glass houses or spray sheds.
- Storage tanks or drums for fuel, chemicals or liquid waste.
- Airports including fuel storage, workshops, washdown areas, or fire practice areas.
- Transport depots or yards including areas used for refuelling or the bulk storage of hazardous substances.
- Landfill Sites

The Wiley PSI notes that soil contaminants may be buried in the landfill at the site, and potential contaminants in the soils or migration of landfill gas may pose a risk to human health.

The site is also thought to have housed a small airstrip / landing pad and to have been part of a golf course. Soil contaminants related to these activities may be present in the soils. Water sampling has been undertaken for the past 20 years at the site associated with monitoring of the former landfill. The sample results indicate leaching of contaminants is low.

Wiley Geotechnical Ltd also undertook a detailed site investigation (DSI) which concluded that there are two small areas with lead concentrations which exceed acceptable levels. In other areas, contaminants are not present at concentrations that could pose an unacceptable risk to human health, as a result of the proposed development of the site for residential and commercial use. There are land remediation options available to appropriately manage the two areas with elevated lead contamination and these can be addressed at the time of subdivision development, and requirements under the NESCS.

Future land use and subdivision would require a controlled activity resource consent pursuant to Regulation 9(1) and 9(3) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health NESCS, as identified in Ms Kellett's evidence.

There is sufficient information available that the landfill and other areas of contaminated land on the Site are not an impediment to the rezoning, and these matters can be

assessed and managed as part of subdivision and development. The rezoning is considered appropriate from a contaminated land perspective and the future subdivision development can be managed by way of resource consent under the NESCS.

2.2.6 West Coast Regional Policy Statement (WCRPS)

Section 75(3) of the RMA requires a district plan to give effect to the relevant regional policy statement, being the WCRPS, with the WCRPS providing methods which district councils are directed to give consideration to.

Of relevance to this rezoning proposal, the objectives and policies and other methods of the WCRPS give direction in regard to Poutini Ngāi Tahu values, indigenous biodiversity (including the criteria for determining significance of indigenous biodiversity and wetlands), natural hazards, the protection of outstanding natural features and landscapes, and the built environment. The relevant WCRPS provisions are identified alongside the evaluation of the TTPP policy framework in Table 1 below.

2.2.7 West Coast Regional Plans

Section 75(4) of the RMA requires a district plan to not be inconsistent with any regional plan. The relevant regional plan to this rezoning is the West Coast Regional Land and Water Plan. Relevant to this are the rules in the National Environmental Standards Freshwater management which prescribes rules for wetlands and waterbodies. The implications of these rules are discussed below and in the planning assessment report.

2.2.8 Te Tai o Poutini District Plan (notified June 2022) (TTPP)

The following objectives, policies and provisions of the TTPP are relevant to the proposal.

Table 1. Evaluation of the relevant TTPP objectives and policies, and WCRPS objectives and policies.

TTPP and WCRPS Provision	Evaluation
WCRPS	
<p>Chapter 4 Resilient and Sustainable Communities</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. To enable sustainable and resilient communities on the West Coast. 2. This region's planning framework enables existing and new economic use, development and employment 	<p>The Moana North rezoning can be designed to protect the important natural resources on the Site (i.e. indigenous biodiversity, waterways and landscape values) while providing for a range of development activities that will provide sustainable employment for the community and encourage community resilience.</p>

<p>opportunities while ensuring sustainable environmental outcomes are achieved.</p> <ol style="list-style-type: none"> 3. To ensure that the West Coast has physical environments that effectively integrate subdivision, use and development with the natural environment, and which have a sense of place, identity and a range of lifestyle and employment options. 4. The significant values of historic heritage are appropriately managed to contribute to the economic, social and cultural wellbeing of the West Coast. 5. To recognise and provide for the relationships of Poutini Ngāi Tahu with cultural landscapes. 	<p>The rezoning has been designed to ensure the sense of place of Moana is strengthened.</p>
<p>Chapter 7 Ecosystems and Indigenous Biological Diversity</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. Identify in regional and district plans, and through the resource consent process, areas of significant indigenous vegetation and significant habitats of indigenous fauna in a regionally consistent manner. 2. Protect significant indigenous vegetation and significant habitats of indigenous fauna. 3. Provide for sustainable subdivision, use and development to enable people and communities to maintain or enhance their economic, social, and cultural wellbeing in areas of significant indigenous vegetation and significant habitats of indigenous fauna. 4. Maintain the region's terrestrial and freshwater indigenous biological diversity. <p>[And related policies 1-9]</p>	<p>The Moana North provisions are able to manage the identified biodiversity values in a more proactive way than the status quo (i.e. the general indigenous vegetation provisions in the notified TTPP). The Moana North ODP identifies areas for protection and ongoing management in a sustainable way.</p> <p>The Moana North rezoning better achieves Objective 3 than the notified TTPP provisions through being able to identify a tailored management regime which provides for subdivision while protecting the values of indigenous vegetation on the site identified as significant.</p> <p>The proposal has identified the values of indigenous vegetation using the criteria in Policy 1 (Chapter 7 WCRPS), and that the proposal is able to implement Policies 2 and 3 by undertaking the activities in such a way that the adverse effects of activities will be avoided, remedied or mitigated. Offsetting is not required to be considered for this proposal, on the basis the no build areas</p>

	<p>are protected as identified in the Moana North ODP.</p> <p>The proposed rezoning also has a higher degree of certainty at implementing Policy 8 (maintaining indigenous biological diversity) through enhancement and restoration of the existing waterway areas and promotion of indigenous vegetation planting throughout the site, that what would otherwise potentially occur via the status quo.</p> <p>The TTPP permits the clearance of indigenous vegetation outside an SNA identified on the plan maps. The proposal better manages indigenous biodiversity that the notified TTPP.</p>
<p>TTPP Strategic Directions</p>	
<p>NENV-01</p> <p>To recognise and protect the natural character, landscapes and features, ecosystems and indigenous biodiversity that contribute to the West Coast's character and identity and Poutini Ngāi Tahu's cultural and spiritual values.</p>	<p>This matter is addressed below through the evaluation on the Site's indigenous biodiversity. The Moana North ODP recognises the values of the site and manages them in a way contributes to the Coast's character and identity.</p>
<p>NENV-04</p> <p>To clearly identify:</p> <ol style="list-style-type: none"> a. Unique and important natural environment areas and features on the West Coast/Te Tai o Poutini which must be protected; and b. Areas where subdivision, use and development to enable community economic, cultural and social wellbeing can be sustainably managed. 	<p>The Moana North rezoning can achieve this through the use of the ODP to identify the important natural resources and areas on the site where development can be sustainably managed.</p>
<p>Urban Form and Development Strategic Objective</p>	
<p>UFD-01</p> <p>To have urban environments and built form on the West Coast/Te Tai o Poutini that:</p> <ol style="list-style-type: none"> 1. Are attractive to residents, business and visitors; 	<p>The Moana North ODP will provide for built form in a way that responds to the opportunities and constraints of the site, are attractive and identify and retain special character more so than the</p>

<ol style="list-style-type: none"> 2. Have areas of special character and amenity value identified and their values maintained; 3. Support the economic viability and function of town centres; 4. Recognise the risk of natural hazards whereby new development is located in less hazardous locations; 5. Promote the re-use and re-development of buildings and land, including private and public land; 6. Support inclusivity and housing choice for the diversity within the community now and into the future; 7. Improve overall accessibility and connectivity for people, transport (including walking and cycling) and services; 8. Promote the safe, efficient and effective provision and use of infrastructure, including the optimisation of the use of existing infrastructure and protection of critical infrastructure; 9. Maintain the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments; and 10. Promote and enhance the distinctive character of the districts' towns and settlements. 	<p>status quo zoning of SETZ Rural Residential Precinct.</p> <p>Future subdivision and development facilitated through the Moana North ODP will be more appropriate at implementing these policy limbs than the SETZ Rural Residential Precinct.</p> <p>The Moana North zoning will provide for a variety of housing densities which while responding to the natural resource constraints on site such as the ecological areas of higher sensitivity, has a dual role of providing a variety of densities, while achieving a Settlement scale density overall.</p>
<p>Public Access Objective</p>	
<p>PA-01</p> <p>To maintain and enhance customary and public access to and along the coastal marine area, waterbodies and public resources.</p>	<p>The Moana North ODP identifies walking networks that will integrate along with the enhancement of the existing walkway and wetland network on site, and connect to the existing walkway / reserve in the southwest portion of the site. The proposal therefore provides an opportunity to enhance public access.</p>
<p>ECO-01</p> <p>To identify and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna on the West Coast/Te Tai o Poutini</p>	<p>The Moana North ODP would identify areas of indigenous vegetation that have been identified as meeting the significance criteria in the WCRPS.</p>
<p>ECO-02</p> <p>To provide for appropriate subdivision, use and development within areas of significant indigenous vegetation and significant habitats of indigenous fauna where the values of the area can be maintained or enhanced.</p>	<p>The identification of the two no build areas (potential future scenic reserve areas) and the Forest Residential overlay on the Moana North ODP with</p>

	bespoke rules will maintain indigenous biodiversity values.
<p>ECO-04</p> <p>To maintain the range and diversity of ecosystems and indigenous species found on the West Coast/Te Tai o Poutini.</p>	<p>The Moana North ODP can implement this policy through the identification of the two vegetation management overlays (no build area and Forest Residential Area).</p>
<p>ECO-P1</p> <p>Identify areas of significant indigenous vegetation and fauna habitat:</p> <ol style="list-style-type: none"> 1. In the Grey District these areas are identified in Schedule Four; 2. In the Buller and Westland Districts: <ol style="list-style-type: none"> i. The criteria set out in Appendix 1 of the West Coast Regional Policy Statement will be used to assess significance; ii. Areas of significant indigenous vegetation and fauna habitat will be identified through the resource consent process until such time as district wide identification and mapping of significant natural areas is undertaken; iii. Buller and Westland district wide assessment, identification and mapping of significant natural areas will be undertaken and completed by June 2027; and iv. Identified areas of significant indigenous vegetation and fauna habitat will be added to Schedule Four through a Plan Change. 	<p>The Moana North ODP provides an additional area of indigenous vegetation that meets the significance criteria in the WCRPS.</p> <p>The proposal therefore further assists the TTPP to implement this policy and achieve Section 6(c) of the RMA.</p> <p>As discussed above under the evaluation of the NPSIB, the proposed rezoning provides an opportunity to manage an area identified as qualifying as an SNA in accordance with the WCRC criteria, that does not appear to be available to the consent authority through Policy ECO-P1.</p> <p>The proposed rezoning and location specific rules are more appropriate than the notified TTPP and SNA identification framework provided by ECO-P1.</p>
<p>ECO-P2</p> <p>Allow activities within areas of significant indigenous vegetation or significant habitats of indigenous fauna where:</p> <ol style="list-style-type: none"> a. This is for a lawfully established activity; or b. It is for a Poutini Ngāi Tahu cultural purpose; or c. This is undertaken on Poutini Ngāi Tahu or Te Rūnanga o Ngāi Tahu land in accordance with an Iwi/Papatipu Rūnanga Management Plan; <p>or</p>	<p>The rezoning can occur while managing the adverse effects on indigenous biodiversity values so that they are not more than minor, as informed by the evidence of Richard Nicholl.</p>

<p>d. The activity has a functional need to be located in the area;</p> <p>e. The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat.</p>	
<p>ECO-P3</p> <p>Encourage the protection, enhancement and restoration of significant indigenous biodiversity by:</p> <ul style="list-style-type: none"> a. Allowing additional subdivision rights if an area of significant indigenous vegetation or significant habitat of indigenous fauna within the same property is legally protected as part of the subdivision; b. Promoting the creation of connections and ecological corridors between areas of significant indigenous biodiversity; c. Promoting the use of eco-sourced species from the relevant ecological district; d. Supporting opportunities for Poutini Ngāi Tahu to exercise their cultural rights and responsibilities as mana whenua and kaitiaki in restoring, protecting and enhancing areas of significant indigenous biodiversity; and e. Supporting initiatives by landowners, community groups and others to protect, restore and maintain areas of significant indigenous biodiversity. 	<p>The Moana North ODP will provide for a connection with the scenic reserve located to the west of the site, and will promote a corridor with the wider wetland and waterbody network on the site.</p>
<p>ECO-P6</p> <p>When assessing consents for subdivision, use and development, avoid activities which will:</p> <ul style="list-style-type: none"> a. Prevent an indigenous species or community being able to persist in their habitats within their natural range in the Ecological District; b. Result in a degradation of the threat status, further measurable loss of indigenous cover or disruption to ecological processes, functions or connections in land environments in category one or two of the Threatened Environment Classification at the Ecological District level; <p>and</p> <ul style="list-style-type: none"> c. Result in a reasonably measurable reduction in the local population of threatened taxa in the Department of Conservation Threat Categories 1 – 3a - 	<p>The identification of the two no build areas on the ODP, and the proposed Forest Residential Overlay, and subject to location specific provisions that limit the extent of indigenous vegetation modification within the Forest Residential area will ensure future subdivision facilitated by the rezoning will be able to implement Policy ECO-P6.</p>

<p>nationally critical, nationally endangered and nationally vulnerable.</p>	
<p>ECO-P7</p> <p>When assessing resource consents in areas of significant indigenous vegetation and significant habitats of indigenous fauna, consider the following matters:</p> <ol style="list-style-type: none"> a. The necessity for the activity to provide for critical infrastructure or renewable electricity generation; b. Whether formal protection and active management of all or part of any area of significant indigenous vegetation or habitat will occur as part of the subdivision, use or development; c. The extent to which the proposed activity recognises and provides for Poutini Ngāi Tahu cultural and spiritual values, rights and interests; d. The cumulative effects of activities within or adjacent to any area of significant indigenous vegetation or habitat; e. The effects the activity may have on the introduction or spread of exotic weed species and pest animals both terrestrial and aquatic; f. The impacts on mahinga kai; g. The impact of the activity on the values of any area of significant indigenous vegetation or habitat, or threatened species and how any potential impact could be avoided, remedied or mitigated; and h. The appropriateness of any biodiversity offsetting or compensation in accordance with Policy 9 to offset any residual adverse effects that remain after avoiding, remedying and mitigating measures have been applied. 	<p>The proposal can more appropriately implement limb (b) by protecting vegetation within the no build areas, and the limited clearance of vegetation within the Forest Residential Area.</p>
<p>ECO-P8</p> <p>Maintain indigenous habitats and ecosystems across the West Coast/Te Tai o Poutini by:</p> <ol style="list-style-type: none"> a. Maintaining, and where appropriate enhancing or restoring the functioning of ecological corridors, linkages, dunes and indigenous coastal vegetation and wetlands; b. Minimising adverse effects on, and providing access to, areas of indigenous 	<p>The proposal is able to better implement this policy that the status quo SETZ Rural Residential Precinct for the reasons outlined above, and in particular by way of the ODP which identifies the no build area and the Forest Residential area which can carefully manage subdivision and development in the more sensitive parts of the Site.</p>

<p>biodiversity which are significant to Poutini Ngāi Tahu;</p> <p>c. Restricting the modification or disturbance of coastal indigenous vegetation, dunes, estuaries and wetlands;</p> <p>d. Preserving protected wildlife; and</p> <p>e. Recognising the benefits of active management of indigenous biodiversity, including voluntary animal and plant pest and stock control and/or formal legal protection.</p>	
Natural Features and Landscapes	
<p>NFL-O1</p> <p>To protect the values of outstanding natural landscape and outstanding natural features on the West Coast/Te Tai o Poutini, while providing for subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced.</p> <p>Also relevant is Chapter 7B 'Natural Features and Landscapes' of the WCRPS and Objectives 1-2 and Policies 1-4 have been considered in this evaluation.</p>	<p>The proposed Moana North ONL boundary more closely reflects the actual forest cover which has an association with the scenic reserve located to the west of the site and wider Arnold River environment. Within the revised ONL boundary (which coincides with the indigenous vegetation no build area) buildings would not be contemplated, or any additional subdivision and development would be required to be undertaken in a way that protects the values of the ONL. In this case the ONL values have been identified on the associated of the forest cover (rather than landform, or instance) and the proposed Moana North ODP will protect the forest cover and therefore the ONL values.</p>
<p>NFL-P2</p> <p>Where possible, avoid significant adverse effects on the values that contribute to outstanding natural landscapes described in Schedule contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where significant adverse effects cannot be avoided, ensure that the adverse effects are remedied, mitigated or offset.</p>	<p>As identified in the landscape evidence of Louise Bailey, the interconnection between the indigenous vegetation management and the ONL overlay will ensure that the relative ONL values will be protected and significant adverse effects are able to be avoided.</p>
<p>NFL-P4</p> <p>Require that new buildings, structures within outstanding natural features or landscapes minimise any adverse visual effects by:</p>	<p>The Moana North ODP will help ensure that subdivision facilitated by the rezoning will not locate future buildings within the ONL. This approach is more</p>

<ul style="list-style-type: none"> a. Ensuring the scale, design and materials of the building and/or structure are appropriate in the location; b. Using naturally occurring building platforms, materials and colour that blends into the landscape; and c. Limiting the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape. 	<p>ideal than the status quo which could (subject to resource consents) result in an ad hoc approach to managing the ONL values on site. This may be through uncoordinated subdivision including resource consents obtained for development in the ONL, and if not buildings, then through changes in land ownership result in fencing, planting and a fragmented pattern of land use. The amending proposal and implementation of subdivision under the Moana North ODP would greatly reduce the potential for ad hoc development approaches to the ONL area.</p>
<p>NFL-P5</p> <p>Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision:</p> <ul style="list-style-type: none"> a. The scale of modification to the landscape; b. Whether the proposal is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change; c. Whether the proposal can be visually integrated into the landscape and whether it would break the skyline or ridgelines; d. The temporary or permanent nature of any adverse effects; e. The functional, technical, operational or locational need of any activity to be sited in the particular location; f. Any historical, spiritual or cultural association held by Poutini Ngāi Tahu; g. Any positive effects the development has on the identified characteristics and qualities; h. Any positive effects at a national, regional and local level; i. Any relevant public safety considerations; and j. The measures proposed to mitigate the effects on the values and characteristics, including: <ul style="list-style-type: none"> i. The location, design and scale of any buildings or structures, or earthworks; ii. The intensity of any activity; and 	<p>The Moana North ODP can ensure that future subdivision facilitated by the rezoning will be consistent with this policy. Development is not anticipated within the ONL area as identified on the Moana North ODP, and therefore provides a greater level of protection that under the notified TTPP rules.</p>

<p>iii. The finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing.</p>	
<p>Natural Character and the margins of waterbodies</p>	
<p>NC-01</p> <p>To preserve the natural character of lakes, rivers and wetlands and their margins while providing for appropriate subdivision, use and development where adverse effects can be avoided or mitigated.</p> <p>Also relevant is Chapter 7A 'Natural Character' of the WCRPS and Objectives 1-2 and policies 1-4 which have been considered in this evaluation.</p>	<p>The Moana North ODP, informed by the ecological and three waters evidence can integrate stormwater and riparian management areas that will provide for appropriate subdivision and development.</p>
<p>NC-02</p> <p>To recognise and provide for the relationship of Poutini Ngāi Tahu and their traditions, values and interests associated with the natural character of lakes, rivers and wetlands and their margins.</p>	<p>The subdivision matters of discretion provide for assessment of cultural value at the time of consenting.</p>
<p>NC-03</p> <p>To provide for activities which have a functional need to locate in the margins of lakes, rivers and wetlands in such a way that the impacts on natural character are minimised.</p>	<p>The stormwater regime for the Moana North area can be undertaken in a way that minimises impacts on the natural character of the wetlands, as can the riparian treatment to the watercourses which flow through the site.</p>
<p>NC-P1</p> <p>Minimise the adverse effects of activities on the natural character of the riparian margins of lakes, rivers and wetlands by ensuring that subdivision and land use maintains the elements, patterns and processes that contribute to their natural character.</p>	<p>The Moana North ODP, informed by the ecological and preliminary 3 waters assessments can integrate a stormwater and riparian management area that will provide for appropriate subdivision and development.</p>
<p>NC-P4</p> <p>Encourage the restoration and enhancement of the natural character of the riparian margins of lakes, rivers and wetlands.</p>	<p>Subdivision and development under the Moana North ODP will include riparian restoration and enhancement, particularly where this is integrated with the walking corridors and as part of stormwater management. The ODP provides for an integrated approach to enhancement of natural character</p>

	values, which may not be as readily fulfilled under the status quo SETZ Rural Residential Precinct.
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WCRPS Chapter 8 'Land and Water' has also been considered. In particular, the proposal can achieve Objective 5 by integrating the management of stormwater with the subdivision and restoring the values of the existing wetlands on the Site. The Stormwater regime is able to be designed so that discharges into the existing waterbody network (i.e. the watercourses and wetlands) will be appropriately treated to avoid adverse effects on fresh water quality and aquatic ecosystems.

The following Objectives of the TTPP are relevant to the Settlement Zoning and the proposal:

Rural Zone Objectives	
<p>RURZ-01</p> <p>To provide for a range of activities, uses and developments that maintain the amenity and rural character values of the rural environment, while retaining highly productive land and rural activities, and supporting a productive rural working environment.</p>	<p>The site is already identified in the TTPP as Rural Residential Precinct which could result in the order of 45-50 residential lots. The Site is not identified as Highly Productive Land (i.e. Class 1-3 in the Manaaki Whenua Landcare Research mapping system).</p> <p>The proposal would not be contrary to this Objective.</p>
<p>RURZ-02</p> <p>To provide for low-density rural lifestyle living on the outskirts of settlements where this will support settlement viability and not lead to conflicts with productive rural land use or rural character.</p>	<p>The site to the north contains rural lifestyle development. Spatially, the proposal helps achieve this objective through retaining more intensive urban development near the existing Moana Township and is located southward of existing rural lifestyle zoning and development.</p> <p>The requirement to achieve an average 1000m² site site at Moana North will ensure that there is sufficient open space over the site and not conflict with productive land use or rural character</p>

<p>RURZ – 03</p> <p>To maintain and enhance the distinctive rural character and amenity of West Coast/Te Tai o Poutini settlements while :</p> <ul style="list-style-type: none"> a. Allowing settlements to grow and adapt as economic activity changes; b. Providing for commercial and industrial land uses in larger settlements where these landuses provide for local community and rural services. 	<p>The proposal represents a logical and sensitive expansion of the existing Moana settlement.</p> <p>Residential activity at a density of one dwelling / lot per 4000m² is already anticipated via the notified TTPP and the Moana North ODP would provide for higher densities of residential activity, and mixed use activity that better provides for the local community than what could be undertaken under the notified TTPP Rural Residential Precinct development.</p>
<p>RURZ – 04</p> <p>To support the expansion of existing settlements and necessary infrastructure in areas at low risk of natural hazards, and implement hazard management to reduce the risk where existing development is located in high risk locations.</p>	<p>The Moana North site is not located within an area of high natural hazard risk as identified in Helen Kellet's evidence, and the TTPP mapping.</p>
<p>RURZ-06</p> <p>To ensure appropriate levels of infrastructure servicing for communities and development within rural areas, recognising that outside of settlements or major developments, on site infrastructure servicing is expected.</p>	<p>Given the proximity to the Moana township, the preference will be to utilise the network wastewater, forming an extension to the Moana settlement. Capacity depending, there are a number of solutions available to connect to the existing wastewater treatment plant, or where capacity is not available onsite options are available both for a community system, or individual solutions.</p> <p>Potable water and fire fighting supply will be addressed onsite.</p>

2.2.9 Summary

The proposed rezoning provides an opportunity to more appropriately give effect to the WCRPS and TTPP objectives and policies through providing for sustainable subdivision and development, while appropriately managing the identified waterbody, wetland, landscape and indigenous biodiversity values, than the notified Rural Residential zoning and regulatory regime of the notified TTPP.

2.2.10 Evaluation – s32(1)(b) Examination of the provisions

Section 32(1)(b)(i) requires an examination as to whether the provisions in the proposal are the most appropriate way to achieve the objectives by identifying other reasonably practicable options for achieving the objectives, assessing the efficiency and effectiveness of the provisions in achieving the objectives and summarising the reasons for deciding on the provisions. The following options have been considered.

(a) Option 1: Status Quo

In general terms, the status quo of the notified TTPP being the SETZ Precinct 4 could provide for residential development at a density of 1 lot/residential unit per 4000mm² subject to the relevant district wide rules and provisions of the TTPP. Under the notified TTPP framework future development would be required to protect values, however despite the lower density anticipated by the Rural Residential provisions, there is less certainty that any future application for resource consent would provide an opportunity for the integrated management of the various resource constraints identified by the Robinson rezoning submission, and incorporate them into positive features of development. The Moana North ODP provides greater certainty as to the protection of areas and expectations associated with subdivision and development.

The resource consent process under the Rural Residential precinct does not provide for a strategic and master planned type approach to the development of the site, nor does the resource consent process sufficiently enable the social and economic benefits of providing for land uses in a tailored way that is otherwise able to be evaluated through section 32, and the identification of the most appropriate way to achieve the objectives and policies of the TTPP.

As identified in Mr Penny's evidence, under the status quo Rural Residential Precinct, there could be a proliferation of accessways onto the Arnold Valley Road, creating a fragmented roading environment but also an uncoordinated approach to the site management and landscaping interface.

The status quo would not manage and protect indigenous vegetation as effectively as the proposal. This is because TTPP land use Rule ECO-R1 permits indigenous vegetation clearance in the Grey District outright so long as it is not identified as a SNA in Schedule 4, or an ONL in Schedule 5. The extent of Forest Residential is greater than the notified ONL area on the Site. I also note that Rule NC-R1(2) limits indigenous vegetation clearance to 20m² per 200m stretch of riparian area. However, the wider Forest Residential Overlay provides for indigenous vegetation management over a greater area than the riparian margin of waterbodies.

The other options considered below include applying the SETZ (general zone) in option 3, and the TTPP Residential Zones in option 5. Relevant TTPP provisions have been considered in those assessments.

The notified TTPP SETZ Precinct 4 zoning is not considered to be as efficient in terms of yield and use of land which has been identified as suitable for residential activity. In addition, the Moana North provisions are considered more appropriate at achieving the

strategic objectives of the TTPP, in particular as it relates to management of the ONL and indigenous biodiversity.

(b) Option 2: Applying a Special Purpose Zone

This option would be simpler from the Submitter's perspective to 'bed-in' the Moana North development, but would have disregard to the utility and efficiency of the notified TTPP framework. This option would also require numerous consequential amendments to the TTPP district wide framework to include zone specific rules (i.e. signs, earthworks chapters). This option is not considered efficient in a plan drafting and plan design context, particularly where the combined district plan affects a legacy area of multiple local authorities, covers a large geographic area and the subject site is by comparison to the district wide zone framework relatively small.

It is also noted that the special purpose zones in the TTPP reflect established activities or industries in many instances, which may not suit a residential subdivision and village precinct which are already provided for in the notified TTPP framework through the use of precinct overlays.

This option is not favoured and it is recommended that the rezoning adopt to the greatest extent practicable the zone framework as notified in the TTPP.

(c) Option 3: Adopting the TTPP Settlement Zones with an ODP

This option involves retaining the SETZ (general zone) in favour of Precinct 4 which is the status quo. Precinct 4 anticipates residential activity at a density of one residential unit/allotment per 4000m², while the SETZ provides for residential density of one dwelling per 500m² in areas fully serviced wastewater and 1000m² in areas that are not serviced.

This option also utilises the TTPP framework of 'Part 3 – Area Specific Matters – Development Areas', which enables the inclusion of area specific rules and structure plans/outline development plans to be added to the TTPP. Although the notified TTPP does not include any provisions in Part 3 – Development Area, for the only area identified¹⁰, from a plan design perspective it appears the most efficient place to locate any location specific provisions to avoid cluttering the generic zone and district wide provisions with too many location specific rules and matters.

While the proposed Moana North minimum residential density of 300m² is higher than for the Settlement Zone as notified, the bespoke rule for Moana applies in the context of a 24.58ha area accommodating 200 units and the average residential allotment density will be 1000m² which is consistent with the objectives of the Settlement Zone in the TTPP.

The retention of the Settlement Zone at Moana North, with the addition of the Moana North ODP and location specific objective, policies and rules evaluated in terms of the efficiency and effectiveness with the following policies:

¹⁰ Kumara Junction Developments.

RURZ-P2

Provide for growth and change to settlements that:

- a. Improves the long-term viability of the settlements and their communities;*
- b. Fits with the historic, cultural and environmental character of the existing settlement;*
- c. Provides new housing opportunities in locations that are away from significant risks to life, safety and property damage from natural hazards;*
- d. Integrates with the existing residential settlement and maintains a consolidated settlement form;*
- e. Supports rural community needs by providing for community facilities and educational facilities; and*
- f. Does not compromise the dominance of the natural and cultural landscape setting and minimises ribbon residential development along the coastline, on prominent spurs, ridges and skylines and avoids development on the ridgelines and peaks of ancestral mountains.*

The proposal is consistent with Policy RURZ -P2 by investing in the long term viability of Moana while fitting with, and being sensitive to the identified resources on the site. The flexibility of 300m² allotment sizes and 1000m² average proposed at Moana North will also be more appropriate at integrating the development and maintaining consolidated form, than a 4000m² lot size anticipated under the notified Rural Residential Precinct zoning.

RURZ-P3

Expansion of existing settlements beyond current boundaries should support the existing character and amenity of the settlement and avoid areas of high hazard risk, high natural or Poutini Ngāi Tahu cultural values, or significant agricultural production values.

The expansion of the existing Moana township can be undertaken while avoiding high hazard risks and without impinging on any known cultural values.

RURZ – P11

Subdivision and development in GRUZ - General Rural and RLZ - Rural Lifestyle Zones, the SETZ - PREC3 - Coastal Settlement Precinct and the SETZ - PREC4 -Settlement Zone - Rural Residential Precinct should recognise the character and form of rural infrastructure including:

- a. Roads with roadside ditches rather than kerb and channel;*
- b. An absence of street lights and urban style footpaths; and*
- c. On site provision of water supply and on-site land treatment and disposal of stormwater and wastewater.*

RURZ - P12

Within the SETZ - Settlement Zone (outside of the SETZ - PREC3 Coastal Settlement Precinct and SETZ - PREC4 - Rural Residential Precinct) ensure that sufficient wastewater, water supply, refuse disposal, roading, footpath, open space and parking infrastructure servicing is provided as part of new development.

Policy 11 applies to the site in its notified form, being the Rural Residential Precinct 4, while Policy 12 applies to the Settlement Zone generally, which is proposed as part of the Moana North rezoning. The policies distinguish that higher levels of service are expected in the Settlement Zone outside Precincts 3 and 4, while still contemplating on site servicing and reticulated servicing. The Settlement Zone contemplates reticulated and onsite provision of services.

RURZ - P13

Where community scale infrastructure is developed to support more than 10 privately owned lots this should be to appropriate standards and vested in the Council to ensure ongoing maintenance and renewal.

Roading would be vested, with the exception of joint owner access lots serving a lower number of properties, as required by the TTPP and NZS4404:2010 subdivision and development standards. As identified in Ms South's evidence there are several options available and whether they are vested would be a matter identified and addressed at the time of subdivision.

For these reasons, Option 3 is the preferred option.

(d) Option 4: Applying the Grey District Plan Zones

This option would involve adopting the GDP residential, commercial and industrial zoning. The section 32 reports published by the Council have made it clear that retention of the existing legacy district plan zone frameworks is not the most appropriate way to achieve the objectives of the TTPP. Therefore, reapplying these legacy zones is not efficient and would not be effective at achieving the objectives of the TTPP.

This option is not favoured.

(e) Option 5: Adopting the TTPP Residential Zones

An option is the adoption of one or more of the TTPP Residential Zones, being the three zones identified in TTPP Section 3. These are the General Residential Zone (**GRZ**), Large Lot Residential Zone (**LLRZ**), and Medium Density Residential Zone (**MRZ**).

From a spatial perspective, the GRZ may be somewhat anomalous at Moana. Despite the existing Moana township being zoned GRZ, the GRZ appears to be the domain of the existing main towns on the West Coast. The TTPP Overview text for the GRZ states the following:

The GRZ - General Residential Zone encompasses the majority of the areas where people live in the main towns on the West Coast/Te Tai o Poutini - Hokitika, Greymouth/Māwhera, Westport/Kawatiri and Reefton. These locations are all fully serviced by water supply, wastewater and stormwater infrastructure. Generally these areas are characterised by low height built form. This, combined with generally wide gridded streets, creates a very open character with vistas of the mountains being a defining characteristic of the areas. While

there are non-residential activities present in the GRZ - General Residential Zone, these are low key activities with minimal impacts on the amenity and character of the zone

Objective RESZ-1 states the following:

To provide for a variety of housing forms and densities in the main towns of the West Coast/Te Tai o Poutini to enable individual residential lifestyle options while ensuring developments are serviced with all required infrastructure

While extending the existing GRZ at Moana township northwards would appear logical based solely on the notified TTPP zoning of the existing Moana township, it is questionable whether the GRZ is the most effective zoning for the Moana North urban extension. It appears as though the strategic intentions of the TTPP are to focus the Residential Zones in the main centres. Conversely, Moana is regarded as a settlement.

The LLRZ - Large Lot Residential Zone encompasses areas which are served by reticulated water supply and wastewater systems but are of a lower density character than the GRZ - General Residential Zone. They are predominantly located on the edges of towns.

The MRZ is identified in the TTPP as being located in close proximity to town centres and while some lots are anticipated at Moana North similar to a medium density, being 300m² which is the same as that for the MRZ (Rule MRZ-R1), the fundamental distinction at Moana north is that an overall average of 1000m² must be met and this average density is not congruent with the MRZ.

By comparison, the Settlement Zoning identified in the TTPP, is described in the Chapter text Overview as:

The SETZ - Settlement Zone covers all the wide range of settlements that are outside of the four main towns throughout the West Coast/Te Tai o Poutini. Settlements differ from the main towns because of their small scale and low intensity of development. They comprise a mixture of residential, commercial, recreational, rural, community and other uses, often interspersed. The character of settlements is influenced by the prevailing mixture of uses, large section sizes, low intensity of development and informal appearance.

From a district plan design perspective, the proposal and associated Moana North ODP is located as part of the rural settlements, outside the main four towns on the West Coast. The application of the SETZ generally provides a better fit, and would be a more efficient and effective zone to adopt, including the commercial precinct for the following reasons:

- Moana is not one of the four main towns on the West Coast, being identified in the GRZ Overview text as Hokitika, Greymouth/Māwhera, Westport/Kawatiri and Reefton. The identification of Moana North as a Settlement Zone is consistent with TTPP.
- The Moana North Site contains elements which are most appropriately addressed via the spacious and overall open environment anticipated in the Settlement Zone, but still being able to incorporated into the overall development. These include the identified ONL, the Forest Residential Area

and two no build areas which manage areas of identified indigenous vegetation which qualify as significant and have varying values and the open space network which will incorporate trails and stormwater management.

- The variable lot size proposed at Moana North is better able to be achieved within the Settlement Zone. The average density of 1000m² is consistent with the Settlement Zone generally, where TTPP Rule SETZ -R1 requires 1 unit per 500m² for serviced sites and 1000m² where there is on site servicing. The overall development anticipated under the Moana North ODP would better achieve the objectives of the SETZ, than the three notified residential zones.

(f) Option 6: Commercial Zones

The two reasonably practicable options are applying one of the TTPP's four Commercial Zones and Mixed Use Zones, or the Settlement Centre precinct.

The four Commercial and Mixed Use Zones are identified in the TTPP as follows:

The Plan provides for four different types of CMUZ - Commercial and Mixed Use Zones:

- *A general COMZ - Commercial Zone which applies to areas near to, but outside of town and local centres, where a range of different types of commercial activities occur;*
- *TCZ - Town Centre Zone which covers the four main town centre commercial areas of Reefton, Westport/Kawatiri, Greymouth/Māwhera and Hokitika;*
- *NCZ - Neighbourhood Centre Zone which applies to small groups of shops and community facilities within the main settlements on the West Coast/Te Tai o Poutini; and*
- *MUZ - Mixed Use Zone which is primarily located on the edge of Greymouth/Māwhera and provides for a mixed commercial/residential community.*

Of relevance spatially to Moana, the TTPP has zoned approximately 4ha of land opposite (to the east of Arnold Valley Road) the Moana North site to Commercial Zone, and this zone is identified in the TTPP as applying to areas near to but outside of the town and local centres, where a range of different types of commercial activities - from small stores to supermarkets, service stations, bulk retail and offices occur. Because there is little public transport within towns on the West Coast/Te Tai o Poutini, these activities are often accessed by car, although people may also walk and cycle from nearby residential areas.

The Moana township also has two smaller areas of land at Ahu and Kehu Streets zoned Commercial Zone, and three Neighbourhood Centre Zones at Kehu Street, Know Street and at the lakefront.

The relevant Commercial Zone and Neighbourhood Centre policies provide for larger format activities such as trade retail and trade suppliers in the Commercial Zone (Policy CMUZ-P13) while the Neighbourhood Centre Zone should provide for retail and

community facilities which serve the immediate local community and should not undermine town centre function and identity (Policy CMUZ-P16).

The Commercial Zone would not be an efficient or effective zone to apply for the commercial centre at Moana because the nature and scale of activities enabled by that zone are too large and intensive for what is required to support local convenience retail, and are not supported. Additionally, the local convenience retail and service function anticipated for the Moana North commercial area should not engage with potential matters associated with detracting from the viability and function of other Commercial and Mixed Use Zones.

The Neighbourhood Centre Zone is described in the TTPP Overview statement as:

Neighbourhood Centre Zone provides for a range of small-scale commercial, retail and community activities that provide for day-to-day needs of the surrounding residential neighbourhood. Neighbourhood Centres provide a limited range of services, employment and living opportunities at a scale appropriate to the residential neighbourhood they are located in. In general, Neighbourhood Centres are of low to medium density.

Neighbourhood Centres are generally located near the street edge, sometimes with verandahs and retail display windows along the frontage. Typically, buildings are 1-2 storeys high. Parking is usually available on the street.

In general terms the Neighbourhood Centre Zone could be an appropriate fit for the village at Moana North, however the provisions in the Neighbourhood Centre Zone are restrictive in terms of operating hours and the nature and scale of activities. For instance, Rule NCZ-R1 does not permit bars/taverns and restricts activities (other than emergency services) to 6am-11pm weekdays and 7am-10pm weekends and public holidays.

While these restrictive provisions may be appropriate for areas with existing established neighbourhoods, they will not best cater for the master planned and anticipated development of the village at Moana North.

The relevant policy for the Settlement Centre Precinct is:

SETZ - PREC2 - Settlement Centre Precinct Policy

SETTING - PREC2 - P2

Subdivision, use and development within the SETZ - PREC2 - Settlement Centre Precinct should:

- a. Maintain or enhance the character and built form of the settlement;*
- b. Adaptively reuse existing heritage and character buildings where practicable; and*
- c. Provide for commercial activities and community facilities which serve the settlement, rural community and visitors.*

Compared to the Neighbourhood Centre Zone, the Settlement Precinct rules provide for greater flexibility in terms of the nature of activities and hours of operation (i.e. Rules Setting -R13 and R14) as there are no restriction on hours of operation in the Settlement Zone Precinct 2, and unlike the Neighbourhood Zone bars/taverns and

presumably restaurants¹¹ are permitted, while still retaining a modest building bulk and location which are considered commensurate with the built form anticipated in the SETZ and Moana North.

For the above reasons, the adoption of the Settlement Precinct 2 overlay to the Moana North commercial area is the most efficient and effective way to achieve the objectives of the TTPP and the Moana North ODP.

2.2.11 Preferred Option

The preferred option is Option 3 - Adopting the notified TTPP zones with an ODP and limited area specific provisions, and for Option 6, adopting the Settlement Zone Precinct 2 for the village area.

The preferred options provide for a residential density on the site which is commensurate with the general Settlement Zone framework, while accommodating the identified natural resource constraints and providing for a variety of housing and accommodation types through the variable density provisions. This option has the ability to better achieve the objectives of the TTPP and the purpose of the RMA by providing for greater housing options and economic and social wellbeing while more effectively protecting areas of high natural value which have been identified on the site.

2.2.12 Efficiency and effectiveness of the proposed provisions

Section 32(1)(b)(ii) requires an examination of the efficiency and effectiveness of the provisions.

The proposed provisions are set out in **Attachment 1** of my evidence. In general terms, the provisions have adopted the TTPP framework and rules to greatest extent practicable. One exception, is that the activity status for subdivision at Moana North in accordance with the ODP would be a restricted discretionary activity, which is more restrictive than the controlled activity subdivision activity status for subdivisions which comply with the relevant standards.

A restricted discretionary activity subdivision is considered appropriate to ensure that the consent authority has the ability, if necessary, to require amendments to any plan of subdivision, greater ability to interrogate the extent of development within the Forest Residential Area as part of the subdivision development, and impose effective conditions that retain an appropriate amount of indigenous vegetation within the Forest Residential Area. The restricted discretionary activity also allows the consent authority to full assess and decline if necessary, or impose appropriate conditions in relation to wastewater, and provides considerable greater power to the consent authority than a controlled activity status.

Additional information requirements will be required at the time resource consent application for subdivision. This will create a transaction cost for the developer but is a

¹¹ Restaurant is not defined in the TTPP. Noting that the definition of retail excludes drive through restaurants.

small cost overall, given the certainty that the Moana North ODP provides a subdivider and the community overall in terms of expectations for future development.

Once a subdivision is completed, conditions would be imposed by way of consent notice and future development such as residential activity would be a permitted activity on each lot, subject to the rules and standards of the SETZ, and the location specific consent notice conditions.

While this imposes a transaction cost on those landowners and the Council with a regulatory function, it is considered overall more efficient than a bespoke rule framework which required a resource consent for all building construction at Moana North.

The Council are able to recover its transaction costs under section 36 of the RMA for the review of information and ensuring compliance with those future consent notice obligations, and through building consent processes.

The provisions will be effective at protecting the natural resource values on the site while providing efficiencies in terms of providing certainty for future development.

2.2.13 Key reasons for deciding on the provisions

Section 32(1)(b)(iii) requires a summary of the reasons for deciding on the provisions, those reasons are:

- The provisions integrate well with the notified TTPP framework;
- The provisions identify and appropriately manage the identified indigenous vegetation, landscape and waterbody resources on the site;
- The bespoke density is a design led response to the identified constraints and opportunities on the site while still achieving the objectives of the Settlement Zone;
- The provisions will ensure that subdivision and development is sustainable and will appropriately manage adverse effects.

2.3 Section 32 (2)

Section 32(2) requires that an assessment under section 32(1)(b)(ii), as part of assessing the efficiency and effectiveness of the provisions in achieving the objectives identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for economic growth that are anticipated to be provided or reduced, and employment that are anticipated to be provided or reduced.

2.3.1 Benefits and costs including opportunities for economic growth and employment to be provided or reduced

The landscape, ecological, hazards, contaminated land, roading and servicing aspects of the proposal have been assessed in the respective evidence. The costs to the environment, including social and cultural costs relate to indigenous vegetation values, and effects on waterbodies. These are able to be appropriately managed so that the benefits outweigh those costs. The benefits are broadly summarised as being:

- Additional housing options at Moana, and at a variety of densities to provide flexibility of housing choice which responds appropriately to the natural resource constraints on site;
- Opportunities to enhance the built and social environment by way of a village centre in the Moana North area;
- Modification of the currently low value wetland system that will result in restoration and enhancement of biodiversity values;
- A greater level of protection of indigenous vegetation and biodiversity than what is provided under the TTPP, through the identification of the Forest Residential overlay and two no build areas on the proposed Moana North ODP, which act as a proxy for areas which qualify as significant across the site.
- Riparian enhancement;
- Opportunities for a neighbourhood to be connected through a network of pedestrian walkways which engage and interact with the riparian areas.
- Opportunities for an overall improved community water and wastewater network through the provision of additional housing to contribute to network improvements.
- The control of access and egress onto Arnold Valley Road.
- Employment (while not quantified) through the subdivision development activities and construction of housing. Ongoing employment through commercial village activities within the Precinct through business which serve the local community such as restaurants and cafes and service retail activity.

For the above reasons the benefits of the proposal outweigh the costs.

2.3.2 Risk of Acting or not acting

While the costs and benefits have not been quantified, they have been evaluated by technical experts, and the risk of acting (i.e. the rezoning as proposed taking effect) is considered to be low. There is a high level of information available about the site and the subject matter of the provisions, in particular the likely ecological and landscape effects and traffic effects. By not acting, there is the potential for ad hoc development under the SETZ Precinct 4 residential densities.

2.4 Section 32(3)

The requirements of section 32(3) have been incorporated into the above evaluation by considering the objectives of the TTPP (the existing proposal) and the implications of the rezoning and additional objectives and provisions in the TTPP.

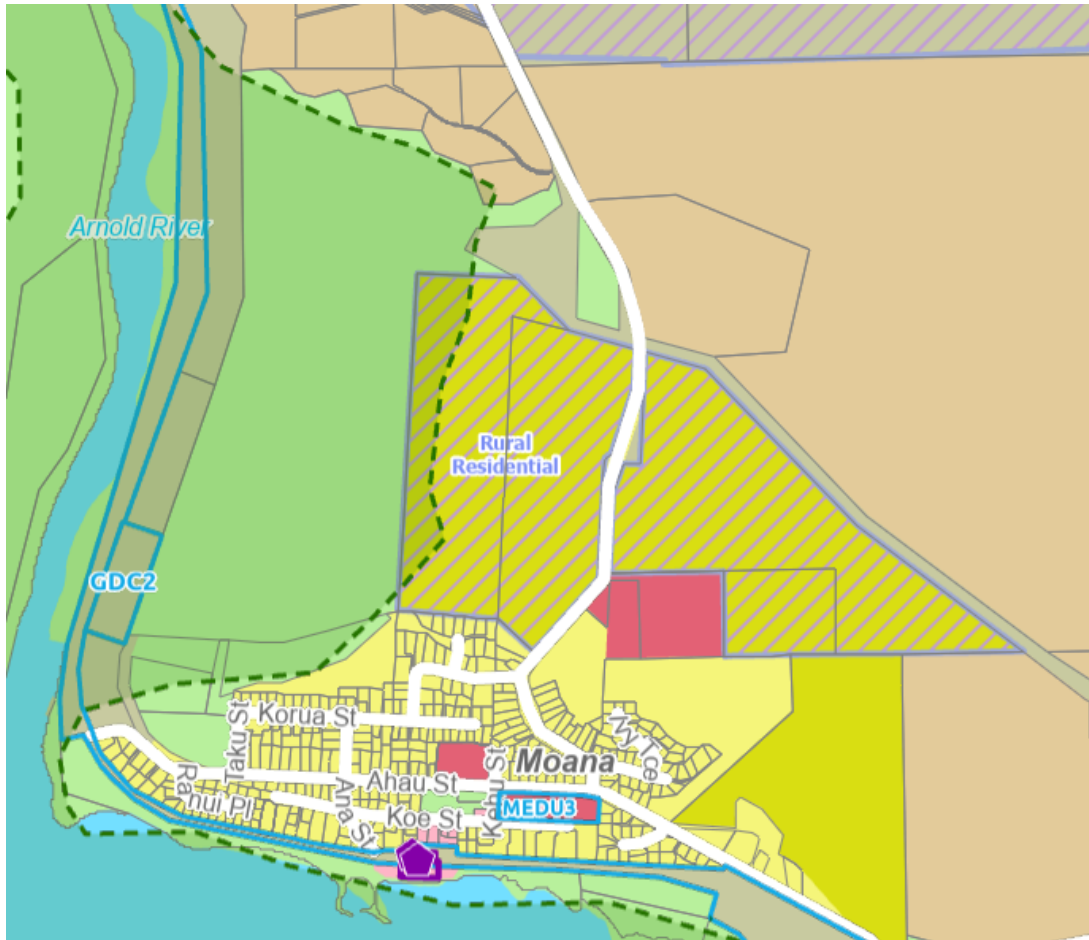


Figure 1. Excerpt of TTPP Plan Map (E-map version). Moana township is zoned General Residential and the subject site is zoned Settlement and Rural Residential Precinct. The notified ONL overlay is depicted by the green shading and the ONL boundary is the green dashed line.

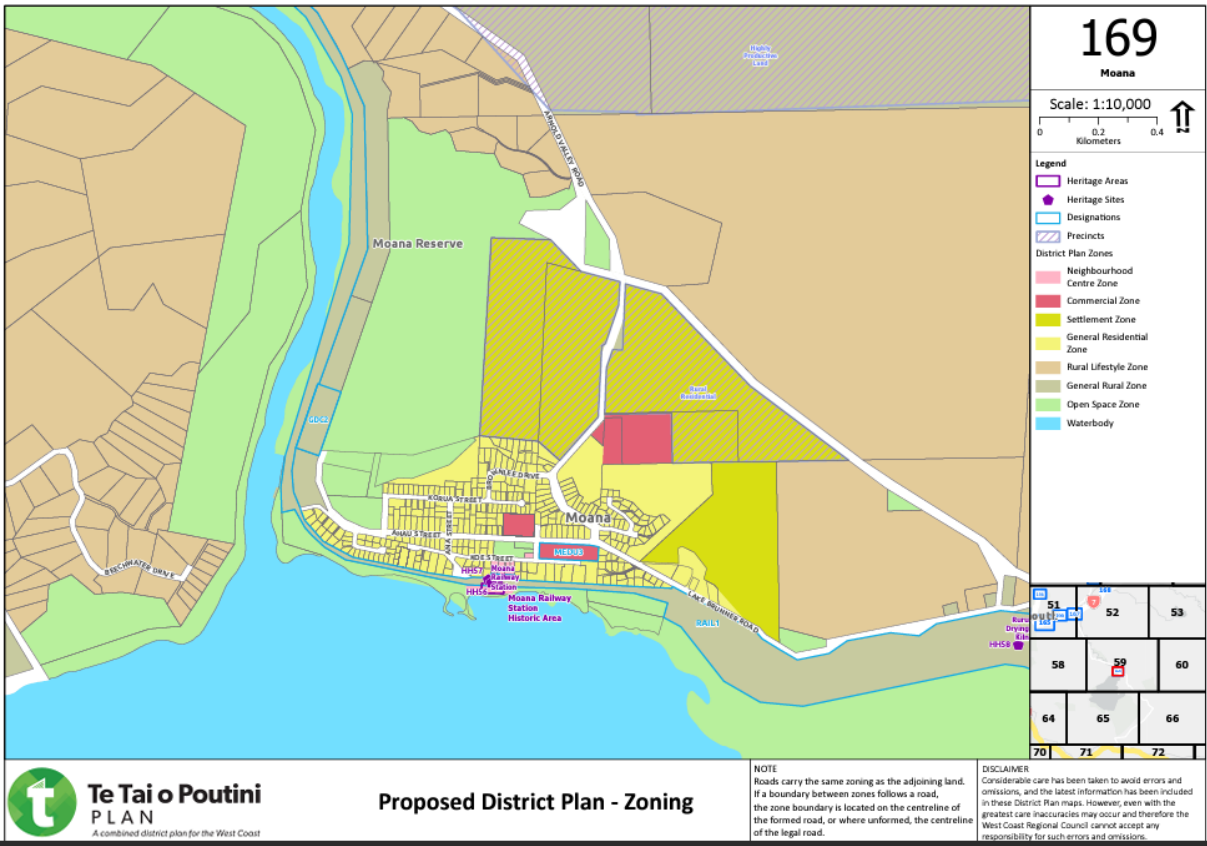


Figure 2. TTPP pdf District Plan Zoning mapbook.

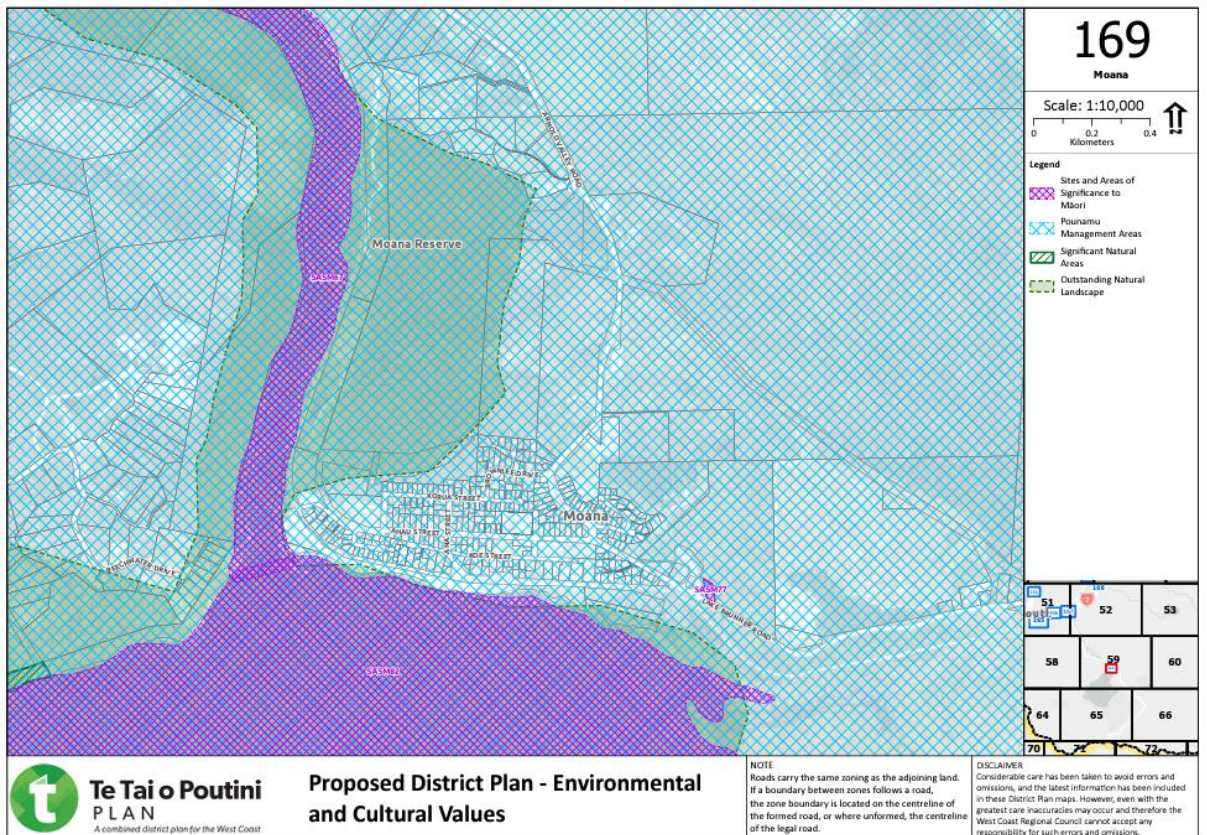


Figure 3. TTPP pdf map Environmental and Cultural values mapbook, illustrating the ONL over part of the site and the pounamu overlay.

