



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Hearing Commissioners - Te Tai o Poutini Plan

Prepared by: Lois Easton, Principal Planner

Date: 12 February 2024

Subject: s42A Author Right of Reply Rezoning at Moana and Cape Foulwind

Purpose of Report

1. The purpose of this report is to respond to the matters raised by the Hearings Commissioners during Hearing 18: Rural Zones and Settlement Zones and Hearing 17: Residential Zones in relation to rezoning matters at Moana, Grey District and Cape Foulwind, Buller District and for the Officer to propose any further amendments to the notified version of the Proposed District Plan above those recommended in the Officers s42a evidence reports. This report is supplementary to my Rights of Reply for the Residential Zones, Rural Zones and Settlement Zones topics, as I did not respond to the specific zoning matters raised in relation to Moana and Cape Foulwind at that time.

Minute 38 and Minute 52

2. My response is informed by the technical report produced by BTW as a result of Minute 38 looking at the cumulative effects of wastewater, and the responses of submitters provided as a result of Minute 52.

Rezoning at Moana

3. In light of my review of the BTW wastewater technical report and the responses of submitters I make the following comments.
4. The current approach to on-site wastewater treatment at Moana (simple primary treatment septic tanks) would appear to be inappropriate when applied to rezoning large areas at Settlement Zone or greater densities. The risk of contamination of local streams and wetlands is a concern with the BTW report identifying this to be "moderate to high risk" (Page iv of WTP summary) for both faecal and nutrient contaminants. As a general statement it appears clear that reticulation of new lots at Moana is preferable and the BTW report recommends that wastewater disposal should be reticulated to the wastewater treatment plant (Page vi WTP summary).
5. Provided that the sites are reticulated to the wastewater treatment plant, relatively speaking the impacts of further residential development appear to be minor or less than minor on Lake Brunner. There are however localised issues at Cashmere Bay, which is not subject to the same circulation and mixing as the rest of Lake Brunner, and E.coli levels at Cashmere Bay can at times be elevated. I note that LAWA (accessed 10 December 2024) states that in the past 5 years 4% of samples have failed swimming standards (unsuitable for swimming) and a further 2% have caution advised. While the overall status of Lake Brunner is as an oligotrophic lake, with a "good" long term E.coli grade, it is important that the cumulative effects of rezoning do not result in a degradation of this water quality.

Russell Robinson Builders Site (S501)

6. Turning to the specific proposals, it is my view that any rezoning of the Robinson Builders site (Lot 1 DP2820 (14.0027ha) and Pt RS 3806 (12.7168ha) should have an absolute

requirement that the properties be fully reticulated for wastewater as recommended in the BTW report.

7. In considering the amended zoning proposals, as presented at, and in response to the hearing, I do not support the overall proposal from the submitter for the site. It is clear that the development type proposed is, in essence, an extension (and doubling in size) of the Moana settlement and is likely to be at similar densities to the Moana township.
8. The development proposal seeks an "average" of 1000m² lots, with an area of 300m³ lots around the proposed Settlement Centre Precinct. I do not support this. No zones in the Plan provide an "averaging" approach. I am concerned that an "averaging" approach in a staged development becomes very complex to administer, and I do not consider that there are any compelling resource management reasons for such an approach. I am concerned that an "averaging approach" could lead to a small number of very large sites (in the forest residential area for example), and a large number of sub 1000m² sites – and that there is a significant likelihood that most sites in the development would end up in the order of 500m² size.
9. I do not support providing for 300m² lots around the Settlement Centre Precinct. I note that the average dwelling size in New Zealand, as of 2024, is 147m². When I take into account parking, and consider that most of the properties at Moana include boat parking, I consider it unlikely that the sites could meet the Permitted Standard of a maximum site coverage of 40% as an average dwelling would have 50% site coverage. This raises concerns for me around the likely extent of impermeable surfaces and the implications for stormwater management. I consider with such small site sizes, the likelihood is that effectively most of the sites would be impermeable surface, with consequent cumulative effects on generation of stormwater. As I also noted in the s42A report, 300m² is smaller than the Permitted Activity density in the General Residential Zone, and is out of kilter with zoning densities anticipated in the Settlement Zone. I do not consider that the submitter has presented any compelling resource management reason for such small lot sizes.
10. If the panel considers that such small lots are appropriate then I consider that these should be specifically located – and zoned (General Residential with the normal minimum lot size of 350m²) on the planning maps or within an Outline Plan to be included in the Development Areas section of the Plan, so that appropriate infrastructure and management is able to be put in place for these areas.
11. In relation to the former landfill, I consider this area needs to be specifically identified as a "no build" area. I consider the Open Space Zone would be the most appropriate for this area.
12. I support the proposal for the Settlement Centre Precinct, and consider that the location proposed appears appropriate.
13. Turning to the proposed Objectives and Policies put forward by the applicant to support the proposed development plan, I consider that as currently worded, they are vague as to outcome, and do not link clearly to requirements in the proposed rules. If the proposal as put forward by the submitter was to proceed, I consider that a strengthening of language and a greater specificity of requirements flowing through into the rules would be necessary.
14. Overall I note that the submitter appears to want a bespoke zone (albeit called "Settlement Zone") which allows for incomplete servicing and maximises the flexibility and development potential for the property. While I can understand the commercial drivers for such an approach, I do not consider this fits with the approach taken to zoning in Te Tai o Poutini Plan, and has a high risk of unintended consequences and adverse effects, particularly on infrastructure.
15. Currently Moana is not serviced with a drinking water supply, however the Council infrastructure team has acknowledged that there is probably a need for this with the existing community size. Stormwater infrastructure in the area is also under-developed.

16. While there appears to be capacity in the existing Moana wastewater treatment plant for the development, its consent is due to expire within the next 5 years. The treatment plant currently discharges to the Arnold River, which is a Site of Significance to Māori.
17. I consider there is a reasonable expectation that the plant will need to move to a more land based disposal approach and this will have significant, currently unbudgeted, costs for the Grey District Council.
18. Likewise I cannot find that upgrading of the stormwater system, or water supply at Moana is currently provided for within the Council's Long Term Plan (2021-2031) or Infrastructure Strategy (2021 – 2051). While the submitter's technical experts have outlined that there is likely to be an acceptable solution to stormwater management and water supply for the site as proposed to be developed by the submitter, I remain concerned about the cumulative effects, and the absence of a community wide approach to managing these issues at what would, with the development of this property, become one of the largest settlements in the Grey District.
19. Finally I have become aware of the cultural impact assessment for the site undertaken by Poutini Ngāi Tahu as part of the (now on hold) proposal from the applicant for a Plan Change to the Grey District Plan for the location. This assessment was lodged with the WCRC in 2023 and is dated July 2023. It does not support or oppose the proposal but does raise matters around potential cultural impacts and has the following recommendations:

Excerpt from Ngāti Waewae Cultural Impact Assessment Report

8.2 Recommendations

Recommendations for the consideration of BBL (and Council) to enable potential impacts on Ngāti Waewae to be addressed:

- That BBL and Council continue to engage with Ngāti Waewae about this project.
- That the Council protects and enables and BBL recognises the rangatiratanga of Ngāti Waewae over the area. Rangatiratanga equates to authority, control and decision-making function over taonga which includes engagement, sustainable harvest and traditional use of taonga materials and mahinga kai.
- That the wastewater treatment and disposal options for the proposed development are reconsidered and a reticulated land-based option which does not degrade the mauri of surrounding waterways is proposed.
- That the stormwater treatment and disposal options for the proposed development are reconsidered. Ngāti Waewae seeks that the intrinsic values of existing waterways and natural wetlands are protected.
- That the proposed development enhances natural wetlands and waterways and protects indigenous vegetation and fauna species, with minimum net loss of indigenous plant and animal species within the surrounding area.
- That the treatment and discharge of stormwater and wastewater contaminants from the subdivision will be consistent with the principles of the NPS-FM and have regard for Te Mana o te Wai.
- That the design and development provisions and rule controls are redrafted, so they provide more certainty and are easier to monitor and enforce. The current proposed provisions and rules for the forest residential overlay lack enforceability or are not practical i.e., controlling homeowners' clearance of significant indigenous vegetation clearance, pet ownership and pet movements. The provisions currently enable a reduction of indigenous flora and fauna species which is of concern.

- That further information and investigations are undertaken into the hydrological conditions of the site to determine short- and long-term impacts on wetlands and waterways on the site.
 - That Council directed independent reviews of the technical reports are undertaken and provided to Ngāti Waewae.
 - That further investigations are undertaken on the site's flora and fauna e.g., instream sampling of fish species rather than reliance on eDNA sampling alone.
 - The extent of contamination at the site due to the proposed development at the site (e.g. proposed light industrial development) and from potential remediation required to the existing landfill is currently unclear to us. We are concerned about the potential risk to local waterways from earthworks and stormwater and are wary of any residual risks from contaminants that may exist on the site. Ngāti Waewae reserves the right to comment more fully on this matter once the resource consent required under the NES-CS has been provided to us and further information is provided about the type of commercial and light industrial development that is proposed for the site.
 - During the finalising of this CIA, the Government released the NPSIB. We have not included comment on the implications of the provisions in the NPSIB in this CIA but note that this is a matter that the Applicant will need to consider given the nature of their proposal in relation to the vegetation and wetlands on site. We reserve the right to comment on this matter at a later stage once the Applicant has provided their assessment.
 - That Ngāti Waewae are given the opportunity to comment on any updated plan provisions or peer reviews of information being proposed by the Applicant or by Council.
20. The rezoning proposal presented to the hearing does not appear to have been amended in response to any of the recommendations or matters raised by Ngāti Waewae in the cultural impact assessment, and I understand no further consultation with Ngāti Waewae has been undertaken. Many of the matters raised in the recommendations (wastewater treatment and disposal, stormwater treatment and disposal, existing contaminated site management, design and development provisions and rule controls) are similar to those matters which I have also raised in this Right of Reply.
21. In my addendum report to the s42A report I outlined that I did not oppose the rezoning of the site to Settlement Zone. This would allow for 500m² sites, but only where full 3 waters reticulation is provided. I also supported the provision for a Settlement Centre Precinct as proposed by the submitter. Based on my review of the evidence presented, and the further information outlined in this report I do not alter my recommendations.

Te Kinga Estates Site

22. Te Kinga Estates Limited (S517.003) has sought the rezoning of their property to Settlement Zone Rural Residential Precinct. This would provide for 4000m² lots across their 134 ha property (approximately 300 new lots). They provided no additional evidence at the hearing in relation to servicing or infrastructure, environmental or cultural effects.
23. The BTW report scenarios looked at the implications of the property being developed with 4000m² sites with on-site servicing. It notes that the property drains to three sub-catchments that drain respectively to Lake Brunner, the Arnold River and Molloy Creek. The BTW report identifies that the key environmental risks from on-site wastewater systems on the property are the risk of cumulative effects from E.coli and nutrients on the small streams and wetlands within the site, as well as increased E.coli at Molloy Bay in Lake Brunner. The BTW report notes that adverse effects are likely from any land use change (Summary Page vii) but that the degree of adverse effect cannot be determined from the information provided. They also identify that the current approach to on-site wastewater treatment at

Moana is inadequate to manage these effects due to the high permeability of the soils and that secondary treatment at a minimum should be required.

24. The site contains large areas of sphagnum moss, pakihi and manuka wetlands. None of these wetlands are scheduled in the West Coast Land and Water Plan but will be subject to provisions in the NESFW. No ecological, cultural or landscape assessment has been provided by the submitter in support of their proposal.
25. The property is zoned Rural Lifestyle in the notified plan.
26. No information presented at the hearing, or within the BTW report causes me to change my recommendations in the s42A report that this submission should be rejected and the property remain as per the notified plan Rural Lifestyle zone.

Rezoning at Cape Foulwind

27. In light of my review of the BTW wastewater technical report and the responses of submitters I make the following comments.
28. The current approach to on-site wastewater treatment at Cape Foulwind (secondary treatment) would appear to be generally appropriate when applied to rezoning areas at 4000m² or lower densities, although site specific assessment will still be required and some sites may require tertiary treatment systems. The poor drainage at Cape Foulwind does create a risk of contamination of local streams and wetlands with the BTW report identifying this to be "moderate to high risk" (Page v of WTP summary) for nutrient contaminants.
29. The report identifies that there is a low risk of changes to water quality for those areas flowing to Gibson Creek, and that while there may be localised effects on the Quarry Lake, overall the potential risk of effects to this are low (Page v of WTP summary).
30. The report recommends that areas A1 and B1 (shown in the map below) are not rezoned from Rural Lifestyle (1ha) to Settlement Zone Rural Residential (4000m²) as there is insufficient information to ascertain the actual or potential adverse effects, but these could be significant.

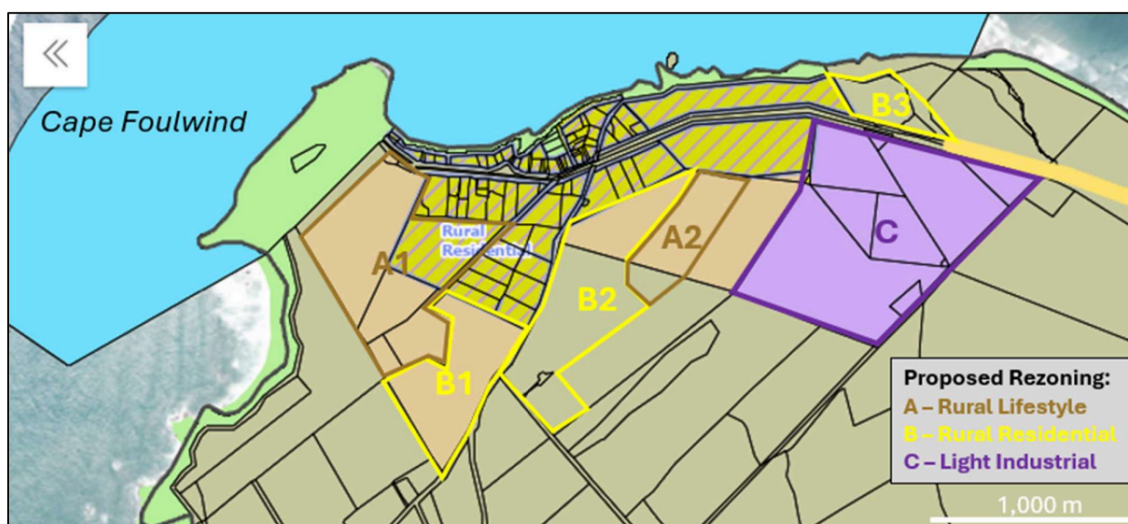
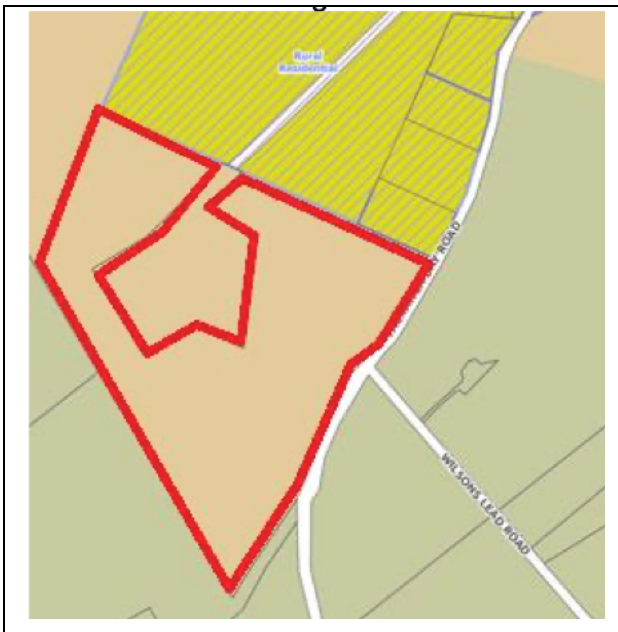


Figure 2.2: Cape Foulwind sites proposed for rezoning from the current proposed TTPP plan – Proposed changes annotated with Zone identifiers (A – C). See Table 2.1 for TTPP basemap legend.

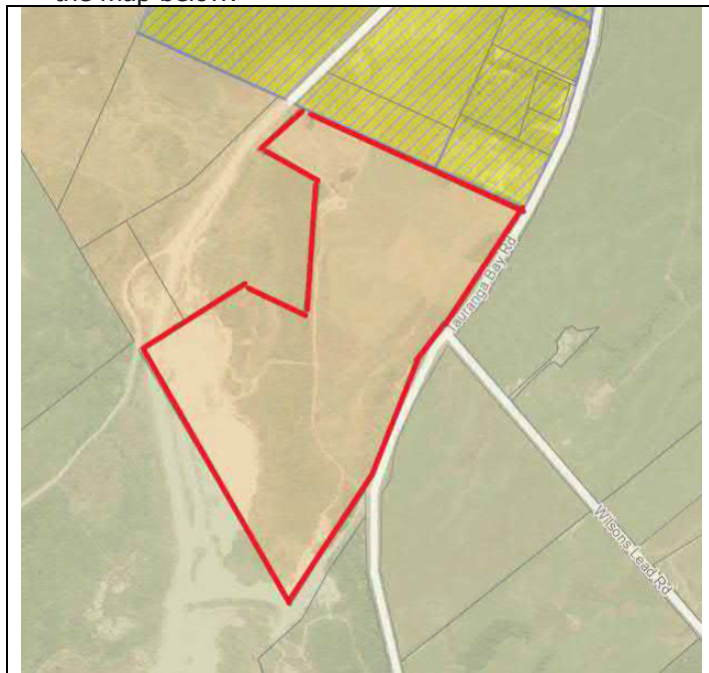
Cape Foulwind Staple 1 Ltd (S557) and Cape Foulwind Staple 2 Ltd (S558) Sites

31. These submitters presented evidence at the hearing about the rezoning of two areas within the wider Cape Foulwind/Omau area.

32. Cape Foulwind Staple 1 Ltd sought that the land known as Area 4 Guardian Lake Flats (adjacent to Tauranga Bay Road) be rezoned to Settlement Zone – Rural Residential Precinct. This area identified in the original submission (and my s42A report) is shown in the map below.

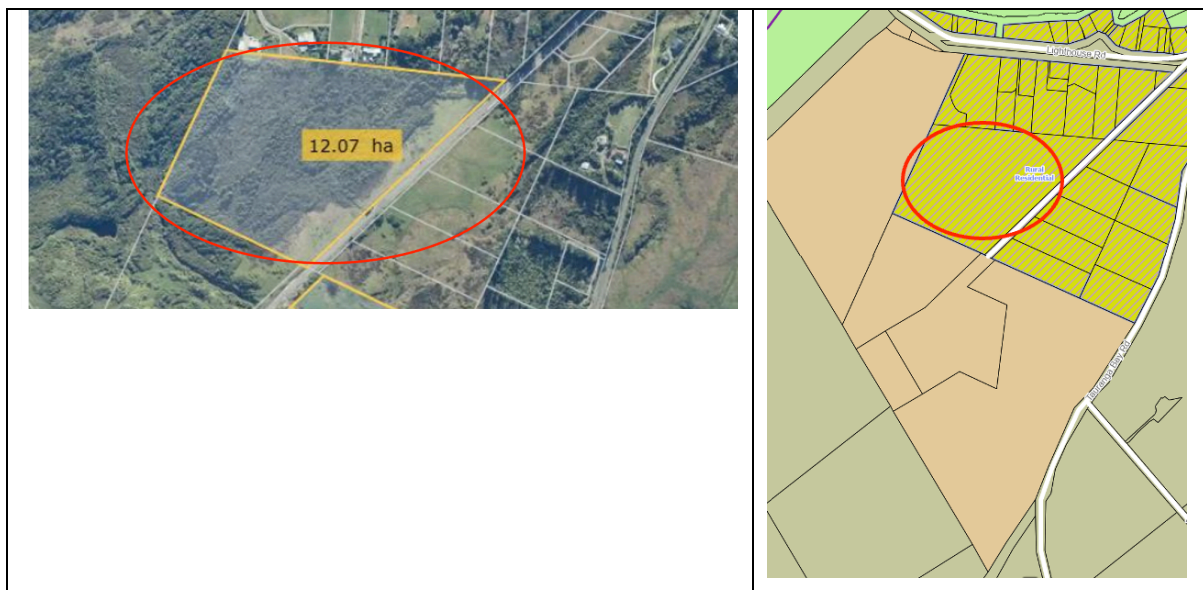


33. In March, post the Planners S42 Report, the Submitter reduced this area to the area shown in the map below:



34. Most of this site falls into the area known as B1 in the BTW report. The BTW report recommends that the area known as B1 remain Rural Lifestyle Zone.
35. In my s42A report I had recommended that this area remain Rural Lifestyle Zone. The BTW report and evidence presented at the hearing does not alter my view and I still recommend this area remain Rural Lifestyle Zone.
36. At the hearing, these submitters also sought that an area of approximately 12ha that is zone Settlement Zone Rural Residential Precinct be rezoned Rural Lifestyle Zone as the presence of

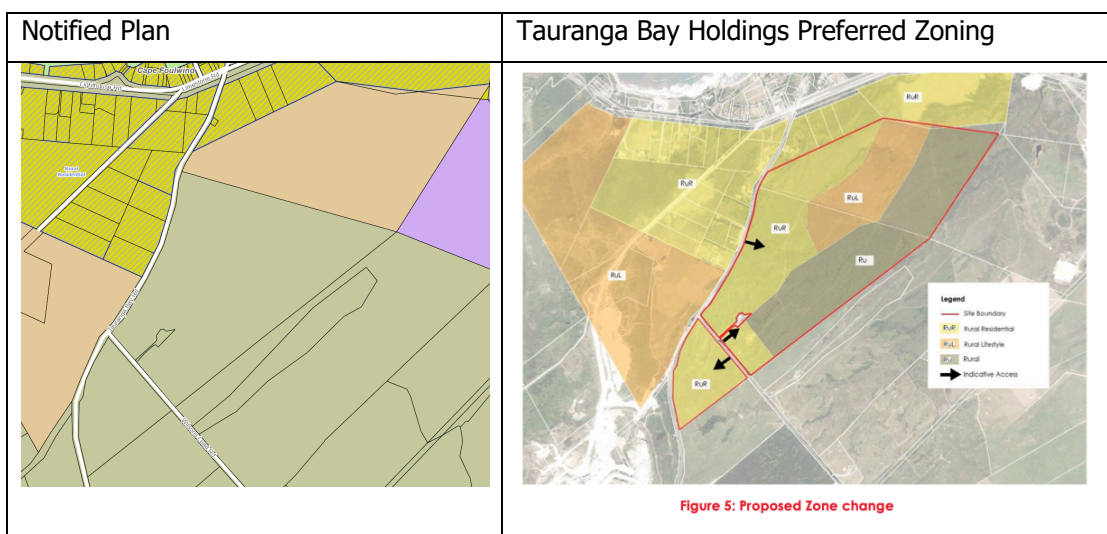
significant natural areas on that part of the property means that there is very little development potential. This area is shown in the maps below:



- 37. This “downzoning” was proposed in response to the s42A report where I identified that I consider sufficient land has been rezoned Settlement Zone Rural Residential Precinct. The submitters suggested a “swapping” of the zoning so that a more appropriate Rural Lifestyle Zone was applied to the area with the significant natural area identified by the submitter.
- 38. I cannot find that there is any scope in the original submission of Cape Foulwind Steeple 1 for this request, so while I support it on its planning merits I do not recommend any changes to the Plan in relation to this matter.

Tauranga Bay Holdings Site (S597)

- 39. Tauranga Bay Holdings (S597) have sought that their property be rezoned a combination of Rural Lifestyle and Settlement Zone Rural Residential Precinct.
- 40. The zoning in the notified Plan was part Rural Lifestyle and part General Rural as shown in the map below.



- 41. Essentially the submitter has sought split zoning of 100 ha of land to Settlement Zone Rural Residential Precinct, Rural Lifestyle Zone and General Rural Zone.

42. At the hearing they presented a range of technical evidence including landscape, environmental and geotechnical evidence.
43. The BTW report identifies that it may be possible to appropriately service this area with on-site wastewater systems with the zoning proposed by the submitter, provided that these are at least secondary and potentially tertiary wastewater systems.
44. The receiving environment for the wastewater would also be Gibsons Creek – the principal area where wastewater system effluent from the combined Cape Foulwind rezoning would end up.
45. While the BTW report does not identify that on-site wastewater treatment at the densities proposed by the submitter is a barrier to development, I retain my view as outlined in the s42A report that the development is not appropriate at this time.
46. As I outline in the s42A report, Omau is a small township and there has already been substantial rezoning of approximately 90ha of land to Settlement Zone Rural Residential Precinct (from the operative Plan Rural Zone) in the notified Plan that will allow for development that will put significant pressure on existing infrastructure. In addition a further 100ha has been rezoned Rural Lifestyle Zone.
47. I understand that roading upgrades at the worst intersection at Limestone Road are about to commence but I am not aware of the capacity that they will provide for any additional development not included in the notified TTPP.
48. The submitter has not provided any evidence on infrastructure impacts and how any adverse effects could be mitigated with very brief one paragraph assessments provided in the geotechnical report.
49. In relation to stormwater management the report identifies that once the iron pan is broken that soakage is possible and that discharge to the existing streams and gullies would “manage” the stormwater.
50. The submitters site drains entirely to the Gibsons Creek which has culverts under Limestone Road and Cape Foulwind Road. There has been no consideration of the increase in stormwater flows that might impact on this stream in terms of hydrology, the combined impact of stormwater and wastewater flows and whether this will also impact on downstream requirements for the culvert sizing at these roads or localised water quality impacts.
51. Since the hearing, the “masterplan” for the Westport area has been released. Entitled “Cutting our Own Track” this report can be found at the following link:
https://static1.squarespace.com/static/6660292df2cb0d38869f8842/t/67a463ba8eb6d0229d8958b1/1738826831316/250204_Cutting+Our+Own+Track+Booklet.pdf
52. This masterplan confirms the view that I expressed in the s42A report that the intention for long term development of Westport remains the gradual movement of development up onto the Alma Road terrace and the land area behind it.
53. The masterplan includes the smaller settlements in the wider Westport area. It identifies that Omau has a current population size of 150 people and that within the life of the plan, that this might increase to around twice that size within the existing infrastructure capacity. This is consistent with the amount of rezoning that has already been provided for within the notified Plan.
54. It is clear from the masterplan, that the focus of Council (and government) investment in infrastructure for the foreseeable future will be on enabling the development of the wider Alma Road area. With its very limited resources the Buller District Council does not have capacity to undertake infrastructure upgrades across a number of growing areas. This is exemplified at Omau where there is no public stormwater system or footpaths, and the difficult Limestone Road/Cape Foulwind Road intersection upgrade has been more than a decade in the planning.
55. While I consider that the rezoning proposal put forward by this submitter may be an appropriate way to zone the land in a future Plan Change, I do not consider that it is

appropriate at this time. With the absence of infrastructure planning for the area, combined with the existing rezoning proposed in the notified Plan, there is a risk that the Omau community will face significant increases in infrastructure need and improvement. I consider that the cumulative effects of development on what is currently a small coastal village need to be specifically planned for and that this work needs to be done ahead of any further rezoning. I therefore retain my view expressed in the s42A report that this rezoning proposal should be rejected at this time.

Recommendations

1. I have no recommended amendments to the Plan as a result of this Right of Reply.