

Before Queenstown Lakes District Council

In the matter of The Resource Management Act 1991

And The Queenstown Lakes District Proposed District Plan Topic 12
Upper Clutha Mapping

STATEMENT OF EVIDENCE OF DUNCAN WHITE FOR

Allenby Farms Limited (#502 and #1254)

Dated 6 April 2017

Solicitors:

Warwick Goldsmith | Rosie Hill
Anderson Lloyd
Level 2, 13 Camp Street, Queenstown 9300
PO Box 201, Queenstown 9348
DX Box ZP95010 Queenstown
p + 64 3 450 0700 | f + 64 3 450 0799
warwick.goldsmith@al.nz | rosie.hill@al.nz

**anderson
lloyd.**

Qualifications and Experience

- 1 My name is Duncan Lawrence White. I hold the qualifications of a Bachelor of Science in Geography, a Diploma for Graduates and a Post Graduate Diploma in Science. Both of the latter two qualifications are in Land Planning and Development. These qualifications are all from the University of Otago.
- 2 I have over 14 years' experience as a planner. I have seven years planning experience with the Manukau City Council, including three years as a subdivision officer processing subdivision resource consent applications, followed by four years as an environmental policy planner undertaking district plan changes, policy development and the acquisition of reserves. For the past seven years I have lived in Wanaka and worked as a planner for Paterson Pitts Limited Partnership (Paterson Pitts). Paterson Pitts is a land development consultancy that undertakes a variety of rural and urban subdivision, resource consent applications and plan change work, primarily around Wanaka.
- 3 In preparing this evidence I have reviewed the reports and statements of evidence of other experts giving evidence relevant to my area of expertise, including:
 - (a) The site history and development intentions from Lynden Cleugh – Managing Director of Allenby Farms Ltd
 - (b) Ecological from Dr Kelvin Lloyd - Wildland Consultants Ltd
 - (c) Urban Design and Landscape Patrick Baxter - Baxter Design Group Ltd
 - (d) Recreation from Dr Shayne Galloway – Galloway Recreation Research Ltd
 - (e) Infrastructure from Peter Joyce - Paterson Pitts Group
- 4 As a Wanaka resident I am familiar with Mt Iron having regularly walked or run the public tracks and viewed Mt Iron and Little Mt Iron from all angles. I have visited the areas discussed in this evidence during the development of the proposal and in the preparation of evidence.
- 5 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. This evidence has been prepared in accordance with it and I agree to comply with it. I can confirm that this evidence is within my area of expertise, except where I state that I have relied on material produced by other parties, and that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Executive Summary

- 6 I have been engaged by Allenby Farms Limited to prepare evidence in relation to the provisions of the Proposed District Plan that relate to Mt Iron. Mt Iron is identified in the Proposed District Plan (PDP) as being subject to multiple planning controls. Allenby Farms Ltd's (Allenby) submissions to the Proposed District Plan (#502 and #1254) sought to rationalise these controls and provide an integrated and sustainable long term resource management regime for Mt Iron.
- 7 Allenby owns approximately 90 hectares (Lot 104 DP 412843) on Mt Iron. This is all of the privately owned part of Mt Iron. The remainder of Mt Iron is conservation estate/Crown Land and administered by the Department of Conservation (DoC). In addition to the 90 hectares on Mt Iron, Allenby has recently purchased the adjacent Little Mt Iron (Lot 4 DP 471320) containing 27 hectares. This purchase provides the opportunity to work with DoC to achieve a consistent ecological and recreational management regime, and extend the network of recreational trails, to cover 117 hectares of privately owned land (the site) and 57 hectares of conservation estate.
- 8 The site has very significant ecological and recreational values as well as potential for these to be enhanced. Any productive farming use would face significant challenges due to a number of factors, including size, topography, nature of soils, and the extent of the identified Significant Natural Area. In addition, the site is adjoined on its northern and western sides by residential uses. It is provided with connections to roading, reticulated water, wastewater, power and telecommunications networks.
- 9 I consider that sustainable management of the site needs to provide for an integrated, holistic and enduring solution that provides guaranteed environmental outcomes that protect and enhance the site's ecological, landscape and recreational values in such a way that is economic for the owners and secures recreational and ecological benefits for the wider community and environment. I consider that the notified planning regime for Mt Iron from the PDP does not best provide for these opportunities.
- 10 Allenby's submission sought the following amendments to the Proposed District Plan:
 - a) Amend the Significant Natural Area (SNA) E18C on the northern side of Mt Iron and extend it on the southern side.
 - b) Amend the Urban Growth Boundary (UGB) to include all of Mt Iron within the UGB.

- c) Amend the location of the Outstanding Natural Feature (ONF) landscape classification to better reflect natural topographical and native vegetation factors.
 - d) Remove the existing Building Restriction Area (BRA) from land adjacent to the Wanaka – Luggate Highway (SH84) and create a new BRA containing the prominent western slopes of Mt Iron below the SNA.
 - e) Extend the Large Lot Residential zone (LLR) to include 19.7 hectares adjacent to the Aubrey Road LLR zone to provide for up to 15 houses. This zoning would replace the proposed Rural zoning of this area of the site in the PDP.
- 11 As a result of further work undertaken subsequent to the lodging of the submission, and as a result of the recommendations of the section 42A report, the proposal has been amended. Allenby is not pursuing the submission points seeking amendment of the locations of either the UGB or the ONF around Mt Iron.
- 12 The zoning sought has also been amended. The original Allenby submission sought the rezoning of 19.7 hectares of land to enable up to 15 residential houses. Instead of the LLR zoning sought in the submission, it is now proposed to rezone the same 19.7 hectare area to a new Mt Iron Park Rural Lifestyle zone (MIPRL) and to insert a new structure plan into Chapter 22 (Rural Living) of the Proposed District Plan (PDP) covering the MIPRL area. The amended proposal still seeks a density of one house per 1.3 hectares which is a rural lifestyle density not an LLR density, and the amended zoning is considered to better reflect the outcomes sought by the submission.
- 13 A specifically tailored set of objectives, policies and rules has been developed to recognise the specific values of Mt Iron. The proposed zone provides for a comprehensively designed rural lifestyle development of up to 15 dwellings in areas on Mt Iron where the proposed development can be absorbed by the landscape and within the existing indigenous vegetation, while still being compatible with, and not affecting, adjacent large lot residential activities.
- 14 Specific objectives and policies are proposed to minimise the removal of existing indigenous vegetation and are directive in maintaining and enhancing the ecological values of Mt Iron and Little Mt Iron (not just the MIPRL area). These objectives and policies are also directive in enhancing permanent public access to Mt Iron and Little Mt Iron through additional recreational trails and integrated recreation management with adjacent land administered by the Department of Conservation.

- 15 These policies require the implementation of legal mechanisms to ensure these objectives and policies are achieved on an ongoing, permanent basis at no cost to the community. These objectives and policies are specific, prescriptive and able to be proposed by Allenby as the owner of both Mt Iron and Little Mt Iron.
- 16 This evidence assesses the objectives proposed for the MIPRL zone and compares these against the provisions of the Proposed District Plan to consider which of these represents the most appropriate way to achieve the sustainable management of natural and physical resources (the purpose of the Resource Management Act 1991) as required by Section 32(1)(a). In this evidence all references to the Act or the RMA are to the Resource Management Act 1991.
- 17 This evidence then considers whether the provisions (the policies and methods) are the most appropriate way to achieve the objectives (Section 32(1)(b)) by identifying other reasonably practicable options for achieving the objectives, and assessing the efficiency and effectiveness of the provisions in achieving the objectives.
- 18 This evidence has been prepared to provide the level of assessment required by Sections 32 and 32AA of the Act in relation to the provisions sought by the submissions (S32(3)) at a level of detail that corresponds to the significance of the anticipated effects from the proposed change to Rural Lifestyle zone (S32(1)(c)).
- 19 In preparing this evidence I have reviewed (amongst other documentation described above) the following:
- (a) The PDP planning maps, primarily Maps 18 and 21;
 - (b) The S32 Evaluation Report – Rural Residential Zone and Rural Lifestyle Zone;
 - (c) S42A Hearing Report - Chapter 22 Rural Residential and Rural Lifestyle, including the S32AA evaluation of recommended changes;
 - (d) S42A Hearing Report – Upper Clutha Mapping, including the S32AA evaluation of relevant recommended changes and supporting evidence.
- 20 I consider that the proposed specifically designed management regime is the most appropriate method to achieve the sustainable management of the resources and values of the Mt Iron area. I also consider that the proposed planning controls are consistent with Sections 6 (b), (c) and 7 (b), (c), (d) and (f) of the Act and represent the most appropriate way to achieve the purposes of the Act.

Introduction

21 In this evidence I will address the following:

- Mt Iron Park Rural Lifestyle Zone and Structure Plan
- Mt Iron Park Rural Lifestyle Zone
- Ecological
- Recreation
- Location and Landscape Effects
- Infrastructure
- Building Restriction Area
- Proposed District Plan
- Regional Policy Statements
- Section 32 Summary
- RMA Part II Matters

22 A series of plans is included in Appendix **A** showing:

Sheet 1 – Mt Iron, Little Mount Iron and their surroundings;

Sheet 2 – Extent of the proposed Mt Iron Park Rural Lifestyle Zone;

Sheet 3 – Building Restriction Areas (proposed new and proposed to be removed);

Sheet 4 – Significant Natural Areas (proposed extension and proposed to be excluded);

Sheet 5 – Mt Iron Park Structure Plan;

Sheet 6 – Building Platform areas and access;

Sheet 7 – Plan showing proposed Kanuka retention and removal;

Sheet 8 – Existing formal and informal trails on Mt Iron and Little Mt Iron;

Sheet 9 – Proposed trail network that would result from the development.

- 23 The northern and western slopes of Mt Iron are privately owned by Allenby, with the southern and eastern slopes managed by the Department of Conservation (DoC). The Proposed District Plan (PDP) identifies Allenby land to be zoned Rural and having an Outstanding Natural Feature (ONF) landscape classification. Additional mapping annotations include a Significant Natural Area (SNA) E18C covering the upper kanuka covered slopes and a Building Restriction Area (BRA) covering the western tongue adjacent to the Wanaka – Luggate Highway (SH6).
- 24 Allenby submitted on the Proposed District Plan (#502 and #1254). These submissions (particularly #502 which is the primary focus of this evidence) sought the following amendments to the PDP:
- a) Amend the SNA E18C on the northern side of Mt Iron to reduce its extent by 16 hectares and extend it on the southern side of Mt Iron by 16 hectares.
 - b) Amend the Urban Growth Boundary (UGB) to include all of Mt Iron within the UGB.
 - c) Amend the location of the ONF landscape classification to better reflect natural topographical and native vegetation factors.
 - d) Remove the existing BRA from land adjacent to the Wanaka – Luggate Highway (SH84) and create a new BRA containing the prominent western slopes of Mt Iron below the SNA.
 - e) Extend the Large Lot Residential zone (LLR) to include 19.7 hectares adjacent to the Aubrey Road LLR zone. This zoning would replace the proposed Rural zoning of this area of the site in the PDP.
 - f) Relocate the UGB and the Clutha River ONF within the Hikuwai Conservation Area.
- 25 As a result of further work undertaken subsequent to the submission and as a result of recommendations of the officers in the section 42A report the proposal has been amended. Allenby is now not pursuing the submission points seeking amendment of the locations of either the UGB or the ONF around Mt Iron.
- 26 The zoning sought has also been amended. This is further discussed in following paragraphs.
- 27 I consider that sustainable management of the site needs to provide for an integrated, holistic and enduring solution that provides guaranteed environmental outcomes that protect and enhance the site's ecological, landscape and recreational values in such a way that is economic for the

owners and the wider community. I consider that the planning regime proposed by the PDP for Mt Iron does not best provide for these opportunities.

Mt Iron Park Rural Lifestyle Zone and Structure Plan

28 Instead of extending the Large Lot Residential zone over 19.7 hectares along the northern boundary of Allenby land as sought in the submission it is now proposed that the same area be rezoned to a new and specifically tailored Mt Iron Park Rural Lifestyle zone (MIPRL) with a specific Structure Plan. These provisions would be included in Chapter 22 (Rural Living) and Chapter 27 (Subdivision and Development) of the PDP. This zoning more accurately reflects the density of development requested in the Allenby submission, being up to 15 houses within 19.7 hectares.

29 A series of plans is included in Appendix A showing the extent of the Mt Iron and Little Mount Iron Structure Plan Area. A specifically tailored set of objectives, policies and rules, for the Mt Iron Park Rural Lifestyle zone (MIPRL) has been developed to recognise the specific values of Mt Iron (contained in Appendix B). This proposed zone provides for:

- a) A comprehensively designed rural lifestyle development of up to 15 dwellings on the northern slopes of Mt Iron and within the existing indigenous vegetation.
- b) Specific objectives and policies provide for minimising the removal of existing indigenous vegetation and are directive in maintaining and enhancing the ecological values of Mt Iron and Little Mt Iron (not just the MIPRL area).
- c) These objectives and policies are also directive in enhancing permanent public access to Mt Iron and Little Mt Iron through additional recreational trails and integrated recreation management with adjacent DoC land.
- d) The MIPLR policies require the implementation of legal mechanisms to ensure these objectives and policies are achieved on an ongoing, permanent basis at no cost to the community.
- e) These objectives and policies are specific, prescriptive and able to be volunteered by Allenby as they own Mt Iron and Little Mt Iron.

Mt Iron Park Rural Lifestyle Zone

30 The design rationale for the MIPRL zone is to create a rural lifestyle development on Mt Iron with minimal impact on the site's bush setting and the landscape values of Mt Iron. To achieve this the building platforms have been located in positions to ensure that these are of limited visibility, with specific and

restrictive controls placed on building height, coverage, design and materials to reduce visibility and to protect the skyline and to ensure that that future houses will be reasonably difficult to see. The locations of access and services have also been carefully considered and for the main part follow existing tracks and contours to reduce the amount of vegetation removal and earthworks required.

- 31 The proposed controls are predicated around the subdivision occurring prior to the development of buildings, which is achievable as the site is owned by the submitter and Allenby Farms does not wish to construct the houses. Specific rules require the establishment of 15 building platforms (BP) at the time of the first subdivision within the MIPRL zone. The proposed MIPRL zone objectives, policies and rules are included in Appendix **B** to this evidence. This evidence also includes changes to Chapter 22 – Rural Residential Lifestyle and Chapter 27 – Subdivision and Development.
- 32 The location of these BPs is to be in accordance with a specifically developed structure plan (the Mt Iron Park Structure Plan - see Sheet 5 of Appendix **A**). In this zone BPs are to be 1,500m². This size is larger than provided for in other zones in the PDP and has been determined to providing enough space for building (limited in coverage to 500m² for BPs 1 - 9 and 13 – 15, and 275m² on BP 10 – 12), sufficient room around each house for fire protection, planting of 400m² of indigenous vegetation of low flammability as well as some space for access, lawns, gardens etc.
- 33 The first subdivision is to provide for one lot including a building platform that includes all the Protection Areas and the Revegetation Area shown on the Structure Plan and the creation of access easements and the formation of public access tracks.
- 34 The first subdivision is also to prepare a Mt Iron Park Implementation and Management Plan. This plan is to provide for initial and ongoing pest and animal control, the prevention of grazing within the Protection Areas, and replanting within the Revegetation Area. In addition to the Implementation Plan the first subdivision is also to provide a Recreation Management Plan.
- 35 The first subdivision will also result in the registration of consent notices requiring compliance with the design controls (discussed below), the planting of 400m² of indigenous vegetation within each building platform, the protection of all indigenous vegetation outside the building platform, ongoing compliance with the Implementation Plan (including ongoing monitoring) and legal obligations to contribute towards the cost of the implementation of the Implementation Plan. I also note that the consent notice rule also includes a prohibition on the keeping of cats and mustelids (ferrets, stoats etc).

- 36 No minimum lot size is proposed in the zone, as the number and location of future housing is controlled by compliance with the Structure Plan so there is no need for a minimum lot size. Lot size is effectively controlled by the size of the building platforms and the prevention of any more than 15 residential units within the zone.
- 37 Specific and stringent building controls on height (4.5m except BP 10 – 12 which are to be limited to 3.8m) coverage (500m² total floor area, except BP 10 – 12 which are to be limited to 275m²), materials and colours, lighting (not outside the building platforms, downward and limited to 1.2m above ground level) are proposed to ensure dwellings are able to be absorbed into the landscape. Cats and mustelids shall not be kept or brought onto any of the lots. Fencing is to be limited to around the building platform or along the zone boundary and is to be limited to post and wire fencing limited to 1 metre in height. Infringements to these standards are to require resource consent as either Non-Complying or Discretionary Activities.
- 38 These rules are stringent and comprehensive, particularly in relation to the ongoing recreation and ecological obligations, the building design controls (especially those applying to BPs 10 – 12) and the keeping of domestic animals.
- 39 The objectives and policies are also specifically tailored to the outcomes sought in the zone.

Ecological

- 40 I have reviewed the SNA assessment undertaken for Mt Iron which identified 48.08 hectares as suitable for inclusion in the PDP as E18C, the Wildlands Consultants 2017 report Evaluation of a Proposed Significant Natural Area at Mt Iron, Wanaka, and the ecological evidence of Dr Kelvin Lloyd in relation to the extent of the Mt Iron SNA.
- 41 In relation to the extent of SNA (E18C) I prefer Dr Lloyd's much more detailed analysis of the site's ecological characteristics than that undertaken within Council's SNA assessment. I also agree with the revised southern extent of E18C proposed by Dr Lloyd for its ability to better capture all known vegetation types and habitats (including Threatened and At Risk plants) on Allenby's land as well as important populations of flora and fauna¹.
- 42 I note that the Mt Iron SNA was originally proposed to have an area of 48.08 hectares and the currently proposed SNA has an area of 53.9 hectares. This is a 5.8 hectare increase of the area of the SNA and includes an extension to the

¹ Evidence of Dr Lloyd para 52.

SNA at the summit of Mt Iron on the south-eastern boundary of the site to provide for consistence and ease of administration. I further note that Dr Lloyd considers that the proposed SNA extent *“has much higher ecological value than the notified Mt Iron SNA C, and will deliver much better protection for the ecological values on the Mt Iron site.”*²

- 43 Dr Lloyd has specifically examined the area containing the proposed development and considered *“this part of the kanuka woodland to be the most modified by existing development activities and weed invasion, and also to have the lowest diversity and abundance of indigenous plant, invertebrate and lizard species”*³. The same paragraph also recommends that the gully in this area be retained within the SNA as it contains large rock outcrops that provide habitat for Cromwell gecko, as well as indigenous grass and turf vegetation. That recommendation has been accepted by Allenby, and is shown on the SNA plan (Sheet 4) in Appendix A.
- 44 Para 8.32 of Glenn Davis’s evidence to the Rural Hearing Stream 2 (Indigenous Vegetation and Biodiversity, and Wilding Exotic Tree chapters) of 6 April 2016 did not support reducing the northern extent of the SNA stating that *“the Wildlands (2015) report specifically states that the reduction of the northern boundary is ‘at the expense of losing some kanuka scrub and shrubland’. It states that this is acceptable due to kanuka being common in the local area. While kanuka woodland is the most prevalent indigenous community in the local area it remains situated within an environment that has less than 20% indigenous vegetation cover remaining. It is within this context that the assessment of significance should be applied.”*
- 45 Para 52 of Dr Lloyd’s evidence specifically responds to this statement and considers that *“kānuka woodland on the lower northern slopes does not need to be included within Mt Iron SNA C, apart from where it is an integral component of the gully that we recommend remains included within the SNA. While this ‘discard from SNA’ area occurs on land environments that have less than 20% indigenous cover remaining nationally, we have shown that these land environments have 39% indigenous cover locally. In addition, we have shown through site investigations that the majority of important ecological values occur outside kānuka woodland habitat, and many occur in areas outside the notified Mt Iron SNA C.”*
- 46 The area of kanuka proposed to be removed for the access and building platforms has been calculated (see Appendix A – sheet 7) at 1.1 hectares. This

² Ibid para 53

³ Ibid para 50

area has been based on the area of kanuka required to be removed for access and off the building platforms. The area of kanuka to be removed has been calculated from aerial photographs taken before the recent clearance.

- 47 Dr Lloyd⁴ has considered the effects of the vegetation removal required to provide for the residential sites and states *"I understand that the proposed building platforms in this area would require clearance of 1.1 ha of kānuka woodland, out of a total of 10.9 ha of kānuka woodland within the proposed zone (and a much larger extent of kānuka woodland elsewhere on Mt Iron and Little Mt Iron). This level of clearance would have minimal effect on indigenous forest birds given the extent of forest bird habitat available locally (Attachment 8), and the effects of indigenous vegetation clearance could easily be dealt with through positive actions that would be of benefit to the SNAs on Mt Iron"*.
- 48 I also note that the future integrated management of Mt Iron (including SNA E18C), Little Mt Iron (including SNAs E18D_1 and E18D_2) including the ecological management actions proposed in paras 54 and 63 of Dr Lloyd's evidence including:
- a) Control of woody weeds.
 - b) Monitoring of pest animal activity.
 - c) Planting of ecologically valuable indigenous trees including broadleaved forest restoration planting on 0.5 hectares adjacent to SNA E18D_1 in the saddle between Mt Iron and Little Mt Iron to provide a seed source for colonisation of planted tree species into kanuka woodland elsewhere on Mt Iron and Little Mt Iron (see also Dr Lloyd's paras 57 and 58). I also note the recommendations in relation to low flammability indigenous species in green break around houses to reduce the spread of fire and provide restoration of broadleaved forest (para 62).
 - d) Removal and subsequent surveillance and control of wilding tree species (see also Dr Lloyd's para 59).
- 49 The Allenby proposal and more specifically the objectives and policies of the MIPRL implement Dr Lloyd's recommendation by requiring nature conservation and ecological values of all Mt Iron to be protected and enhanced, and made accessible to the community. Further, these objectives and policies require the control and eradication of wilding tree species, as well as minimise the removal of indigenous vegetation. These are ongoing permanent obligations that are to be secured by legal methods at no cost to the wider community.

⁴ Ibid para 56

- 50 The MIPRL subdivision rules make specific reference to the implementation plan (described in a previous paragraph) to eradicate pest plant and animal species and undertake measures to effectively controls to minimise reinvasion, the planting of the 0.5 ha revegetation area, with these works to be undertaken prior to the issue of the 224 certificate for the subdivision. The subdivision is also to result in the registration of a consent notice on lots that result from the first subdivision consent in the zone. The conditions of that consent notice and therefore an ongoing and enduring requirement is that no indigenous vegetation outside a building platform is to be removed, 400m² of replacement planting of non-flammable species around the building platform and the requirement toward the costs of implementing the zone implementation and management plan. These rules and consent notice will be efficient, effective and enduring in achieving the proposed MIPRL ecological objectives and policies.
- 51 As a result of Dr Lloyd's assessment, the amount of kanuka cover remaining on Mt Iron, the proposed conditions relating to vegetation clearance, and revegetation proposed and ongoing management, I consider that the proposed structure plan and MIPRL better achieves the s6(c) matters than the notified PDP regime.
- 52 These outcomes will achieve the objectives and policies (the S42A report versions) of Chapter 3 – Strategic Direction, Chapter 33 – Indigenous Vegetation and Biodiversity, and Chapter 34 – Wilding Exotic Trees, but the proposed MIPRL objectives and policies go further than those of the PDP as they require ongoing action by residents of the MIPRL area and that this action is required on a permanent and ongoing basis.
- 53 Active ecological enhancement over the 117 hectares of the Allenby owned Mt Iron and Little Mt Iron without recourse to public funds requires ongoing private funding. The provisions of the MIPRL zone will include the requirement for the residents to make an annual financial contribution for the ongoing ecological maintenance and enhancements. The way for this to be realistic and the costs to be spread appropriately is to enable some form of residential development in the less sensitive areas of Mt Iron and to levy these owners for their share of the costs.
- 54 I consider the proposed MIPRL provisions in relation to ecological matters achieves the objectives of Chapters 3, 33 and 34. The MIPRL zone specifically exceeds these requirements and requires active ecological management on an ongoing and permanent basis. I consider district plan controls on ecological areas to be essentially passive management, in that such controls manage against adverse environmental effects, but do not require positive effects. The proposed provisions instead require active management and enhancement. On this point I note Dr Lloyd's comments (at para 54) “[i]f these actions were

undertaken they would represent a significant improvement under the rezoning proposal compared to under the reply version of Chapter 33, which would allow farming practices to continue and would require no ongoing management of ecological values.” I cannot see any other way of achieving the same outcomes without recourse to public ownership, public funding or public management. I therefore consider the proposed provisions to be the most appropriate way to achieve the objectives.

- 55 The provisions are simple, easy to administer and understand. The achievement of the outcomes is able to be monitored and enforced. Therefore the provisions are considered to be efficient and effective.
- 56 The ecological effects of the proposal have been considered and in Dr Lloyd’s evidence (at para 56), and the ecological benefits have been described in preceding paragraphs. All the costs associated with the preparation of the zone provisions will be borne by Allenby, the costs associated with the registration of the legal agreement will be borne by the developer and the ongoing ecological management and enhancement costs paid by future residents. In relation to the ecological components I consider there to be very limited risk associated with the provisions.

Recreation

- 57 As covered in the introduction the northern and western slopes of Mt Iron and Little Mt Iron are privately owned by Allenby, with the southern and eastern slopes of Mt Iron managed by DoC. I have reviewed the draft statement of evidence of Shayne Galloway on the recreation amenity values of Mt Iron and Little Mt Iron. Dr Galloway concludes that Mt Iron receives a high level of use from local residents, regional visitors and tourists as a multiple use recreational area⁵. This statement is consistent with my own observations as a local resident.
- 58 Dr Galloway (at para 30) considers the *“recreation amenity values of Mount Iron and Little Mount Iron are varied and of a high standard and accommodate range of experiences in terms of encountering others, nature appreciation, health and fitness, social interaction, etc. The resource has proven resilient to site hardening and concentrated use (i.e. Mount Iron Track) however it is clear that informal tracks have been formed for unmanaged recreational use and these have a concerning impact on what is in fact a relatively fragile alpine environment.”*

⁵ Evidence of Shayne Galloway paras 10 and 12

- 59 Dr Galloway considers (at para 31) that formalising the existing informal trails on the northern side of Mt Iron, providing access to Little Mt Iron and the commuter trail along the base of Mt Iron would add considerable value to the existing recreational amenities.
- 60 I also note that Dr Galloway concludes that development within the proposed MIPRL will not affect the recreational amenity of Mt Iron or Little Mount Iron.
- 61 In relation to the proposed objectives and policies of the MIPRL zone I consider these objectives to be specific in that they provide for practical and permanent public access to Mt Iron, the legitimisation of public access to existing informal trails, and provide for these outcomes to be secured by ongoing legal methods. These objectives are an appropriate way of achieving the recreational benefits outlined in Dr Galloway's evidence. The proposed provisions of the Rural or the Rural Lifestyle zones do not provide for such outcomes and so I consider the proposed MIPRL objectives to be more appropriate in these circumstances.
- 62 I consider the level of recreational benefits provided for by the MIPRL provisions to be significantly positive as they open up areas of Mt Iron and Little Mt Iron for recreational activities that are not currently legally available. As Dr Galloway notes Mt Iron and Little Mt Iron are already used for a range of recreational activities and the benefits both, socially and economic from increased recreational use are also significantly positive. As Dr Galloway notes there are no particular environmental costs associated with the recreational benefits. I therefore consider the proposed MIPRL provisions will be efficient and effective in achieving the recreational outcomes sought and that there are no risks or uncertainties about the provisions in relation to recreation.

Location and Landscape Effects

- 63 I have reviewed Mr Baxter's landscape evidence and compared that with the landscape assessment undertaken by Ms Mellsop for Council. I note that both landscape architects are assessing different proposals. Ms Mellsop assessed a LLR proposed of 4,000m² lots with standard design controls, whereas Mr Baxter assessed a different, considerably more refined proposal with 15 building platforms and specifically tailored and stringent design controls. For this reason I prefer Mr Baxter's assessment.
- 64 The proposal has been assessed against the S42A version of the Chapter 6 (Landscape) objectives and policies. I have noted above that the objectives and policies in the ONF are stringent in avoiding "*subdivision and development on Outstanding Natural Features that does not protect, maintain or enhance Outstanding Natural Features*" Policy 6.3.3.1, and that "*subdivision and development within ONFs will be inappropriate in almost all locations, meaning successful applications will be exceptional cases*" Policy 6.3.1.2.

- 65 I consider that this proposal is an exceptional case because the significant and privately funded ecological and public recreational benefits that would arise from development enabled by these provisions, together with the strong building design controls, will protect, maintain and enhance the ONF as required by Policy 6.3.3.1. I have reviewed the objectives and policies of Chapter 6 and consider that these are achieved by the proposed objectives, policies and other provisions of the MIPRL zone as detailed in Appendix **B**.
- 66 I note that Rule 6.4.1.3 provides that the ONF assessment matters do not apply to the Rural Lifestyle zone. I do not see this as a concern as the proposed MIPRL rules and assessment matters have already considered and incorporated the relevant ONF matters.

Infrastructure

- 67 The infrastructure report (Appendix **C**) notes no particular infrastructural or natural hazard constraints that would preclude rural lifestyle development on the site. Specific design of infrastructure can be undertaken at the time of development in accordance with Council standards (including a pumped water supply system) and there are options for the disposal of wastewater and design solutions available for stormwater disposal. The concept plans show details of proposed access with 13 possible sites (including the three existing houses) coming off Rob Roy Lane and two additional platforms accessed off Hidden Hills Drive.
- 68 There are no particular provisions relating to servicing, and in my opinion none are required for the MIPRL zone as this is already adequately covered in the PDP within Chapter 27 – Subdivision and Development and Council’s Land Development and Subdivision Code of Practice.

Building Restriction Area

- 69 Allenby’s submission sought that the BRA covering an area of 8.6 hectares between the Anderson Road roundabout, the Wanaka-Luggate Highway (SH84) and below the houses on the southern side of Mt Iron Drive, Rob Roy Lane, and Allenby Place be removed and an 8.9 hectare BRA be established on the lower western slopes of Mt Iron.
- 70 In the Upper Clutha area BRAs have historically been used to protect significant infrastructure (for instance the runway at Wanaka Airport, the former Wanaka and Albert Town oxidation ponds on Ballantyne Road and below Riverhaven Lane in Albert Town). BRAs have also been used to protect amenity such as on Plantation Road adjacent to Mitre 10 and over the Rural zoned land at Kirimoko Crescent.

- 71 If it is assumed this BRA is intended to protect the amenity of this entrance to Wanaka I consider the need for the BRA in this location has been superseded. The SH6/ SH84/ Riverbank Road intersection, the welcome to Wanaka sign, Puzzling World, the Three Parks area under development on the southern side of SH84, all mean that the entrance to Wanaka is not now perceived at the highway/Anderson Road roundabout but rather at the welcome to Wanaka sign south of Mt Iron. The fact that houses on the southern side of Mt Iron Drive, Rob Roy Lane, and Allenby Place can be seen above the BRA also reduces the effectiveness of the BRA.
- 72 There appears to be no documented justification for the original creation of this BRA. It looks like the existing provisions have been rolled over from the ODP with no further analysis under S32 against possible alternative provisions.
- 73 I have reviewed the recommended amendments to the Landscape section to the PDP (Chapter 6) and noted that Objective 6.3.1 states that Rural Landscape areas require protection from inappropriate subdivision and development and Policy 6.3.1.3 states that development is inappropriate in many locations in these landscapes. Objective 6.3.5 is to ensure “*subdivision and development does not degrade landscape character and diminish visual amenity values of the Rural Landscapes (RLC).*” There are some strong policies such as 6.3.5.1 and 6.3.5.2 that would only allow development where it would “*not degrade landscape quality or character, or diminish visual amenity values identified for any Rural Landscape*” and similarly avoid adverse effects from development that would be highly visible from public places. As residential or commercial development in the Rural zone is a Discretionary Activity these matters would be assessed as part of the consideration of any resource consent application.
- 74 I believe that the Rural zone provisions are adequate to protect the values of this area. I also consider that the S42A report does not adequately assess the effectiveness of those Rural provisions against the proposed BRA in order to justify the BRA under S32.
- 75 In the case of the revised BRA I consider this is offered by the submitter and provides an additional layer of protection.

Proposed District Plan

- 76 A thorough consideration of the Proposed District Plan objectives and policies is provided in attached Appendix **D** and summarised briefly below.
- 77 Objectives and policies from Chapter 3 – Strategic Direction, Chapter 6 – Landscapes, Chapter 22 – Rural Residential and Rural Lifestyle, Chapter 33 – Indigenous Vegetation and Biodiversity, and Chapter 34 – Wilding Exotic Trees are relevant to this application. This subdivision and development, while in an

area with an ONF classification, is considered appropriate in the context of the surrounding development. Dr Galloway considers the proposed development will result in significant amenity enhancements for local residents, visitors and tourists by providing public access to further trails on Mt Iron and Little Mt Iron. The proposal specifically recognises and provides for a methodology of managing indigenous biodiversity. The protection and enhancement of Significant Natural Areas are a key component of this application.

Regional Policy Statements

- 78 The Otago Regional Policy Statement (RPS) is an overview of the Otago region's resource management issues and the policies and methods to achieve the integrated management of its natural and physical resources. Other resource management plans (the various regional plans and the District Plan) reflect the provisions of the RPS and cannot be inconsistent with it. These policies give effect to the RPS.
- 79 The proposal has been assessed against the objectives and policies relating to land, water quality and natural hazards. These objectives seek to promote the sustainable management of Otago's land and water resources, to avoid, remedy or mitigate degradation of Otago's natural and physical resources and maintain and enhance Otago's land resource through avoiding, remedying or mitigating the adverse effects of activities which have the potential to create adverse effects.
- 80 The matters covered by the RPS are similar to (although not as detailed as) those covered in the Proposed Regional Policy Statement (PRPS) described in detail below. The conclusions reached below also apply to the similar, but less detailed, RPS provisions.
- 81 The following objectives and policies from the Proposed Regional Policy Statement for Otago (1 October 2016) decision version are relevant to this proposal. An assessment against each of these provisions has been undertaken as demonstrated below. I note that provisions of the PRPS are under appeal.
- 82 *Objective 3.1 - The values of Otago's natural resources are recognised, maintained and enhanced*

Policy 3.1.9 Ecosystems and indigenous biological diversity

Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to achieve all of the following:

- a) Maintain or enhance ecosystem health and indigenous biological diversity;*
- b) Maintain or enhance biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity;*

- c) *Maintain or enhance areas of predominantly indigenous vegetation;*
- d) *Recognise and provide for important hydrological services, including the services provided by tussock grassland;*
- e) *Recognise and provide for natural resources and processes that support indigenous biological diversity;*
- f) *Maintain or enhance habitats of indigenous species and the habitat of trout and salmon that are important for recreational, commercial, cultural or customary purposes;*
- g) *Control the adverse effects of pest species, prevent their introduction and reduce their spread.*

Comment: The proposal specifically recognises and provides for a methodology for the management of indigenous biodiversity over 117 hectares to maintain and enhance ecosystem health and biodiversity over a large area of predominantly indigenous vegetation and the control of weed and pest species. This proposal achieves this objective and policy.

83 Policy 3.1.12 Environmental enhancement

Encourage, facilitate and support activities which contribute to enhancing the natural environment, by one or more of the following:

- a) *Improving water quality and quantity;*
- b) *Protecting or restoring habitat for indigenous species;*
- c) *Regenerating indigenous species;*
- d) *Mitigating natural hazards;*
- e) *Protecting or restoring wetlands;*
- f) *Improving the health and resilience of:*
 - i. *Ecosystems supporting indigenous biological diversity;*
 - ii. *Important ecosystem services, including pollination;*
- g) *Improving access to rivers, lakes, wetlands and their margins, and the coast;*
- h) *Buffering or linking ecosystems, habitats and areas of significance that contribute to ecological corridors;*
- i) *Controlling pest species.*

Comment: The proposal includes components that will protect and restore indigenous habitat and species, improve the health and resilience of ecosystems and control pest weed and animal species.

84 Objective 3.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced

Policy 3.2.2 Managing significant vegetation and habitats

Protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna, by all of the following:

- a) *Avoiding adverse effects on those values which contribute to the area or habitat being significant;*

- b) *Avoiding significant adverse effects on other values of the area or habitat;*
- c) *Remedying when other adverse effects cannot be avoided;*
- d) *Mitigating when other adverse effects cannot be avoided or remedied;*
- e) *Encouraging enhancement of those areas and values which contribute to the area or habitat being significant;*
- f) *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.*

Comment: The proposal identifies the significant and highly valued natural resources of Mt Iron and Little Mt Iron and is considered to protect and enhance these values by developing in an area of the site that contains less significant ecological values (areas of modified kanuka woodland) in such a way that provides for the protection and enhancement of the more significant areas of indigenous vegetation and fauna and control pest species over Mt Iron and Little Mt Iron. The proposed achieves this objective and policy.

85 *Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes*
Protect, enhance and restore outstanding natural features, landscapes and seascapes, by all of the following:

- a) *Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape;*
- b) *Avoiding, remedying or mitigating other adverse effects;*
- c) *Recognising and providing for the positive contributions of existing introduced species to those values;*
- d) *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;*
- e) *Encouraging enhancement of those areas and values which contribute to the significance of the natural feature, landscape or seascape.*

Comment: The proposal is to enable residential development to occur so as to fund the management of an outstanding natural feature. Included in this has been the careful selection of building/living area positions and numbers to reduce as much as possible the effects on indigenous vegetation, building design controls to ensure limited visibility from outside the site and specific ecological management and control of pest species as described above. As a result of these measures I consider that the proposal is consistent with this policy.

86 *Policy 3.2.6 Managing highly valued natural features, landscapes and seascapes*
Protect or enhance highly valued natural features, landscapes and seascapes by all of the following:

- a) *Avoiding significant adverse effects on those values which contribute to the high value of the natural feature, landscape or seascape;*
- b) *Avoiding, remedying or mitigating other adverse effects;*
- c) *Recognising and providing for positive contributions of existing introduced species to those values;*
- d) *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;*
- e) *Encouraging enhancement of those values which contribute to the high value of the natural feature, landscape or seascape.*

Comment: See assessment against Policy 3.2.4 (above).

87 Objective 5.1 *Public access to areas of value to the community is maintained or enhanced*

Policy 5.1.1 *Public access*

Maintain and enhance public access to the natural environment, including to the coast, lakes, rivers and their margins and where possible areas of cultural or historic significance, unless restricting access is necessary for one or more of the following:

- a) *Protecting public health and safety;*
- b) *Protecting the natural heritage and ecosystem values of sensitive natural areas or habitats;*
- c) *Protecting identified sites and values associated with historic heritage or cultural significance to Kāi Tahu;*
- d) *Ensuring a level of security consistent with the operational requirements of a lawfully established activity.*

Comments: One of the key components of the proposal is the enhancement of public access to the natural environment. This proposal specifically enhances public access to Mt Iron by legalising existing informal tracks and providing public access to Little Mt Iron. This proposal goes further in providing for the maintenance of these public access trails as well. I consider this to be a significant benefit arising from the proposal and that the proposal exceeds the outcomes sought by these objectives and policies.

88 Objective 5.4 *Adverse effects of using and enjoying Otago's natural and physical resources are minimised*

Policy 5.4.5 *Pest plants and animals*

Control the adverse effects of pest species, prevent their introduction and reduce their spread, to safeguard all of the following:

- a) *The viability of indigenous species and habitats for indigenous species;*

- b) Ecosystem services that support economic activities;
- c) Water quality and water quantity;
- d) Soil quality;
- e) Human and animal health;
- f) Recreation values;
- g) Landscapes, seascapes and natural character.

Comments: The proposal provides for the control of pest plant and animal species to support the site's indigenous flora and fauna.

89 As a result of the above I consider that the proposal achieves the outcomes sought by the Proposed Regional Policy Statement.

Section 32 Summary

90 As discussed above the MIPRL zone objectives have been assessed against the requirements of RMA s32(1)(a) and as these incorporate relevant objectives from Chapter 3 – Strategic Direction, Chapter 6 – Landscape, Chapter 33 – Indigenous Vegetation & Biodiversity and Chapter 34 Wilding Exotic Trees as well as those from Chapter 22 – Rural Residential and Lifestyle in a way that has been specifically tailored for this particular site and its specific characteristics and opportunities are considered more appropriate to achieve sustainable resource management in the submission area than the objectives of the Rural zone.

91 As required by s32(1)(b) the MIPRL policies and methods have been assessed to ensure they are the most appropriate way to achieve the relevant objectives in relation to the submission area. This section also considers the costs and benefits of the proposed provisions.

92 Section 32(2)(a) requires the identification and assessment of the anticipated benefits, costs, and the environmental, economic, social and cultural effects of the proposal. The proposed MIPRL will provide for a comprehensively designed rural lifestyle development of up to 15 dwellings in areas on Mt Iron where the proposed development can be absorbed by the landscape and within the existing indigenous vegetation, while still being compatible with, and not affecting, adjacent large lot residential activities. The rezoning will provide for environmental benefits in the funding of continuing and guaranteed ecological enhancement and pest control (both animal and weed) on Mt Iron and Little Mt Iron for the benefit of the environment. The proposal also provides for the provision of additional public access to Mt Iron and Little Mt Iron, which is

considered to be of considerable and ongoing benefit, as will the ongoing track maintenance provided for in the MIPRL provisions. All the costs associated with the preparation of the zone provisions have to be borne by Allenby, the costs associated with the registration of the legal agreement will be borne by the developer and the ongoing ecological management and public access and enhancement costs paid by future residents.

93 Environmental and social effects of the proposal are expected to be limited as the site is already developed for lower density residential use (three existing houses) and is on the periphery of existing residential development. No sites of cultural significance would be affected by the proposal and no cultural effects are anticipated as a result of the proposal.

94 Section 32(2)(c) requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. In the case of the proposed MIPRL zone there is very limited uncertainty and sufficient information in order to make a decision on the submission. The risk associated with the zoning sought is very low as the outcomes of the proposal can be predicted with accuracy as a result of the Structure Plan. As the environmental conditions are readily predictable and well understood the level of risk associated with the rezoning is considered very low.

RMA Part II Matters

95 The proposal has been assessed against the matters contained in Sections 5, 6 and 7 matters of the RMA. These matters are covered in detail below with an assessment against each of the relevant Section 6 and 7 matters in the following paragraphs, followed by a consideration of whether the proposal represents a sustainable use of natural and physical resources in accordance with Section 5 (1) of the Act.

96 The Section 6 matters of national importance relevant to this application are:

(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:*

97 The submission site is an outstanding natural feature (ONF), despite this the proposed subdivision and development is considered to be appropriate for development is the mechanism to enable ongoing and enduring ecological management and revegetation and public access benefits to Mt Iron and Little Mt Iron at no public cost.

98 At para 51 I concluded that the proposal will better achieve RMA 6(c) than the notified PDP. Dr Lloyd has considered the effects of the 1.1 hectare vegetation removal required to provide for the residential sites and concludes the level of clearance would have minimal effect on indigenous flora and fauna and that effects would be offset by the positive ecological management outcomes which he recommends.

99 It is therefore considered that the proposed development recognises and provides for the relevant matters of section 6 of the Act in that that proposal will result in subdivision and development within an ONF area, but that this subdivision is considered appropriate in the context of the development surrounding and on the lower slopes of Mt Iron, and more particularly appropriate as a result of the significant secured and ongoing ecological, public access and recreation benefits that will arise from the proposal.

100 Section 7 of the Act requires:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

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

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

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

101 The proposal is considered to represent an efficient use and development of resources that provides for ongoing significant ecological, public access and recreation benefits at no cost to the public.

102 The recreation evidence of Dr Galloway is that the proposed development will not impact on the recreation amenity values of Mt Iron, but more particularly that providing public access to further trails on Mt Iron and Little Mt Iron would result in significant amenity enhancements for local residents, visitors and tourists. I therefore consider that the proposal has had regard to and maintains and specifically enhances amenity values in accordance with s7(c).

103 The intrinsic value of ecosystems has been specifically considered in this proposal and the revised SNA defined to protect a wider range and the significant ecosystems on Mt Iron. In addition to this specific protection the proposal provides for the protection of the balance of Mt Iron and Little Mt Iron's indigenous vegetation and ecosystems. I also note the proposed broadleaved forest replanting area and the ongoing active management of wilding plant

species, animal pest and ecological enhancement will result in positive benefits to indigenous ecosystems on Mt Iron and Little Mt Iron. This active ecological management and the provision and maintenance of the trails network will maintain and enhance the quality of the environment. As Mt Iron is so well utilised these enhancements will be noticeable to a wide sector of the community, both local and visitors. It is therefore considered that the proposal has had regard to and provides for the relevant matters of section 7 of the Act.

104 The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources. Section 5(2) of the Act defines sustainable management as:

“... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

105 The proposal has been specifically developed to manage the resources of Mt Iron so as to specifically protect and actively enhance the ecological and recreational amenities of Mt Iron and Little Mt Iron. The ecological management and public access will specifically enable the local community and visitors to provide for their social wellbeing, while the additional recreational amenities will provide for enhanced economic benefits to the Wanaka area. The proposed ecological management and the trail network will meet the foreseeable needs of future generations to be able to access natural areas in close proximity to urban areas and provide a more complete trail network within Wanaka. The proposal also provides safeguards for the life-supporting capacity of ecosystems and avoids or mitigates adverse effects on the environment.

106 I therefore consider that the proposal represents a sustainable management of the land resource and achieves the purpose of the Resource Management Act 1991.

Conclusion

- 107 Allenby Farms Ltd owns Mt Iron and has recently purchased Little Mt Iron. Allenby submissions to the Proposed District Plan (#502 and #1254) sought to rationalise the planning controls contained in the Proposed District Plan to provide an integrated and sustainable long term resource management regime for Mt Iron.
- 108 Mt Iron and Little Mt Iron have very significant existing and potential ecological and recreational values. Any productive farming use would face significant challenges due to a number of factors, including size, topography, nature of soils, and the extent of the identified Significant Natural Area and would compromise those values. In addition the site is adjoined on its northern and western sides by residential or large lot residential uses. It is provided with connections to roading, reticulated water, wastewater, power and telecommunications networks.
- 109 I consider that sustainable management for these areas needs to provide for an integrated, holistic and enduring solution that provides guaranteed environmental outcomes that protect and enhance the sites' ecological, landscape and recreational values in such a way that is economic for the owners and secures recreational and ecological benefits for the wider community and environment. I consider that the planning regime for Mt Iron from the Proposed District Plan does not best provide for these opportunities.
- 110 The MIPRL zone now being proposed includes a specifically tailored set of objectives, policies and rules has been developed to recognise the specific values of Mt Iron. The proposed zone provides for a comprehensively designed rural lifestyle development of up to 15 dwellings in areas on Mt Iron where the proposed development can be absorbed by the landscape and within the existing indigenous vegetation, while still being compatible with, and not affecting, adjacent large lot residential activities. Specific objectives and policies are proposed to minimise the removal of existing indigenous vegetation and are directive in maintaining and enhancing the ecological values of Mt Iron and Little Mt Iron (not just the MIPRL area). These objectives and policies are also directive in enhancing permanent public access to Mt Iron and Little Mt Iron through additional recreational trails and integrated recreation management with adjacent DoC land. In addition these policies require the implementation of legal mechanisms to ensure these objectives and policies are achieved on an ongoing, permanent basis at no cost to the community. These objectives and policies are specific, prescriptive, and provide for secured long term environmental and public access benefits.

- 111 The MIPRL zone objectives, policies and methods are considered more appropriate to achieve sustainable resource management in the submission area than the objectives of the Rural zone. The MIPRL policies and methods have been assessed against the requirements of s32(1)(b) to ensure they are the most appropriate way to achieve the relevant objectives in relation to the submission area.
- 112 The proposal has also been assessed against the provisions of section 32(2)(a) which requires the identification and assessment of the anticipated benefits, costs, and the environmental, economic, social and cultural effects of the proposal. The proposed MIPRL will provide for a comprehensively designed rural lifestyle development of up to 15 dwellings in areas on Mt Iron where the proposed development can be absorbed by the landscape and within the existing indigenous vegetation, while still being compatible with, and not affecting, adjacent large lot residential activities. The rezoning will provide for economic benefits in the funding of continuing and guaranteed ecological enhancement and pest control (both animal and weed) on Mt Iron and Little Mt Iron for the benefit of the environment. The proposal also provides for the provision of additional public access to Mt Iron and Little Mt Iron, which is considered to be of considerable and ongoing benefit, as will the ongoing track maintenance provided for in the MIPRL zones. All the costs associated with the preparation of the zone provisions have be borne by Allenby, the costs associated with the registration of the legal agreement will be borne by the developer and the ongoing ecological management and public access and enhancement costs paid by future residents.
- 113 Environmental and social effects of the proposal are expected to be limited as the site is on the periphery of existing residential development. No sites of cultural significance would be affected by the proposal and no cultural effects are anticipated as a result of the proposal.
- 114 Section 32(2)(c) requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. In the case of the proposed MIPRL zone there is very limited uncertainty and sufficient information in order to make a decision on the submission. The risk associated with the zoning sought is very low as the outcomes of the proposal can be predicted with accuracy as a result of the Structure Plan. As the environmental conditions are readily predictable and well understood the level of risk associated with the rezoning is considered very low.
- 115 The proposal has also been assessed against the Part II matters of the Act and I consider that the proposal represents a sustainable management of the land resource and achieves the purpose of the Resource Management Act 1991.

Dated this 6th day of April 2017

Duncan White

Appendix A – MIPRL Plans

Appendix B – Objectives, Policies and Rules Relevant to MIPRL

Appendix C – Infrastructure Report

Appendix D –Assessment Against Proposed District Plan Objectives and Policies