

Response ID ANON-URZ4-5FBX-A

Submitted to Fast-track approval applications
Submitted on 2024-05-03 13:11:44

Submitter details

Is this application for section 2a or 2b?

2B

1 Submitter name

Individual or organisation name:
Mitchells 2021 Limited

2 Contact person

Contact person name:
Paul Lynch

3 What is your job title

Job title:
Managing Director

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
s 9(2)(a)

6 What is your postal address?

Postal address:
s 9(2)(a)

7 Is your address for service different from your postal address?

Yes

Organisation:
Planz Consultants Ltd

Contact person:
Tim Joll

Phone number:
0221711529

Email address:
timj@planzconsultants.co.nz

Job title:
Consultant Planner - Partner

Please enter your service address:

PO Box 1845
Christchurch

Section 1: Project location

Site address or location

Add the address or describe the location:

1950 Kumara Inchbonnie Road,
Legally described as Lot 4 DP 440795 & RS 3738; Lot 1 DP 2507 and Section 2-3 Survey Office Plan 12604; and PT RS 2032, Mitchells, Lake Brunner/
Kotuku, Grey.

File upload:

Aerial Photo.pdf was uploaded

Upload file here:

Attachment 2 Existing Land Covenant.pdf was uploaded

Do you have a current copy of the relevant Record(s) of Title?

Yes

upload file:

546742.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

Mitchells 2021 Limited

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

The Lynch Family (the Applicant) is the owner of the Lake Brunner Eco Lodge, at Mitchells, on the southern shore of Lake Brunner / Kotuku. The Lynch family also owns adjoining freehold land titles, including Lot 4 DP 440795, being 382.4 hectares, which are subject to a covenant for conservation purposes issued under s 77 of the Reserves Act 1977. (Tasman Accord Covenant). A copy of the Records of Title are contained in Attachment 1. The Applicant is proposing to develop an approximately 31 lot eco subdivision on the Land as stage one of this Fast-track application. The Tasman Accord Covenant was entered into between South Pacific Forest Holdings Ltd and the Minister of Conservation in December 1999. A copy of the Covenant is annexed to this application, at Attachment 2. The Covenant applies to multiple titles on the West Coast of the South Island. As noted, one of those titles is Lot 4 DP 440795 (the Land), which is the subject of the subdivision proposal. As is discussed below, the Tasman Accord Covenant requires approval of the Minister of Conservation, under the Reserves Act, in order for this subdivision development to proceed. In addition, stage two of this Fast-track application is development of a marina at Mitchell's Lake Brunner/Kotuku. The marina would be located on freehold land owned by Mitchell's 2021 Ltd which is not subject to the Tasman Accord Covenant. However, to access the lake a canal across unformed legal road administered by Grey District Council would need to be formed. In addition, some small scale works in the bed of Lake Brunner/Kotuku would likely be required to facilitate boat access to the marina. The bed of Lake Brunner is administered by the Department of Conservation, and any works in the bed of the lake would require a concession from the Minister of Conservation under the Conservation Act 1987.

Section 2: Project details

What is the project name?

Please write your answer here:

Mitchells Terraces Subdivision, and Marina Facility.

What is the project summary?

Please write your answer here:

The Applicant is proposing to develop a 31 lot eco subdivision on the application site. In summary, the subdivision will be a discrete off grid development, designed to harmonise with the existing environment of the Land, and in the wider Mitchells and Lake Brunner area. The proposed subdivision will provide a revenue stream, through a trust mechanism, to enable wider environmental protection and enhancement, across the applicant's land, and adjacent areas. In particular, 15% of the sale proceeds will be placed in a trust for pest and weed control purposes on the Land. Additionally, other conservation projects in the Mitchells area that will be funded through the trust would include enhancement of local waterways within the Mitchells catchment through native plantings. The applicant is also proposing to develop a marina facility at Mitchell's Lake Brunner / Kotuku, as stage 2 of this Fast-track application.

What are the project details?

Please write your answer here:

OVERVIEW

The Applicant is proposing to develop a 31 lot eco subdivision on the application site. In summary, the subdivision will be a discrete off grid development, designed to harmonise with the existing environment of the Land, and in the wider Mitchells and Lake Brunner area. The subdivision scheme plan

contained in Appendix 3 illustrates the proposed subdivision layout, which includes:

- 31 residential bush lots, and one additional residual title.
- All residential lots are between 1 and 1.6 ha – individual lot sizes are shown on the scheme plan in Attachment 3.
- The location of the lots is focused around part of the Land that is close to the existing road, and areas where previous historical disturbance has occurred.
- The subdivision, including proposed accessways and building platforms, has been designed to seek to minimize disturbance to old growth vegetation, and avoid disturbance of substantial waterways.
- All lots will be 'off grid', thereby avoiding the need to further disturb existing vegetation through provision for sewage, electricity or telephone reticulation.
- All lots will have restrictions prohibiting cats and restricting some dog breeds.
- Additional covenant conditions will require the use of sustainable building materials, and dedicated building platforms, with requirements on landowners to limit the ability for pest species to establish.
- The proposed subdivision will provide a revenue stream, through a trust mechanism, to enable wider environmental protection and enhancement, across the land, and adjacent areas. In particular, 15% of the sale proceeds will be placed in a trust for pest and weed control purposes on the Land.
- Additionally, the proposal will create the ability for other conservation projects in the Mitchells area to be funded through the trust, including public walking tracks through the remaining block up on to the plateau, improve Mitchells boat access facilities, and enhancement of local waterways within the Mitchells catchment including native plantings. These proposals do not however form part of the current applications.

In addition, stage two of this Fast-track application is development of a marina at Mitchell's Lake Brunner / Kotuku. Illustrative concept drawings for the marina facility are shown at Attachment 3. The marina would be located on freehold land owned by Mitchell's 2021 Ltd which is not subject to the Tasman Accord Covenant. However, to access the lake a canal across unformed legal road administered by Grey District Council would need to be formed. In addition, some small scale works in the bed of Lake Brunner / Kotuku would likely be required to facilitate boat access to the marina. The marina will significantly enhance recreational and tourism related access opportunities for residents and visitors to this part of the lake. Further details of the proposal are contained in Attachment 4.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

The development comprises two stages. Stage 1 involves the creation of the eco subdivision (establishment of proposed accessways and building platforms), and the creation of the trust mechanism to enable wider environmental protection and enhancement works, from the sale proceeds. Stage 2 establishment of marina facilities at Mitchells.

What are the details of the regime under which approval is being sought?

Please write your answer here:

The key consenting requirements for this project are as follows:

- Land use consent required under the Operative Grey District Plan and Proposed Te Tai o Poutini Plan.
- Subdivision consent required under the Operative Grey District Plan and Proposed Te Tai o Poutini Plan.
- Land use consent may be required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011.
- Regional Consents required under the operative West Coast Regional Land and Water Plan. These consents are anticipated to be required for works, including the establishment of structures, within the lake bed and margins associated with the proposed marina. Depending on the scale and nature of on-site discharge of sewage effluent from on-site treatment and disposal systems, and from the discharge of stormwater runoff.
- Reserves Act 1977 – The proposed subdivision site is subject to a covenant for conservation purposes issued under s 77 of the Reserves Act 1977. (Tasman Accord Covenant). The approval of the Minister of Conservation to undertake specified activities on privately owned freehold land located at Mitchells, Lake Brunner / Kotuku, which is subject to a 'Tasman Accord' covenant, is required. The specific activities which would require approval include; building of structures, removal of vegetation, planting of vegetation, earthworks, and drainage. These activities will be subject to appropriate conditions and management plans to minimise adverse effects.
- Conservation Act 1987 - The marina facility would be subject to a separate resource consent process, and to the extent that it might involve any activity on the bed of Lake Brunner / Kotuku administered by DOC as stewardship area, concession processes under Part 3B of the Conservation Act 1987.
- Wildlife Act 1953 – Appropriate conditions and management plans will be utilised to minimise the potential for inadvertent killing of protected native wildlife during development of the subdivision and marina. Wildlife surveys have not detected any presence of protected lizards or bats on site, but it is possible that they are present. And on this basis it is expected that approval under the Wildlife Act for possible inadvertent killing of protected wildlife during the development phase will be required.
- Freshwater Fisheries Regulations 1983. Approvals may be required associated with culverts installed as part of the accessways associated with the subdivision development.
- For completeness, the application sites contains areas identified as being of cultural, landscape, and ecological values in District or Regional Plans.

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Grey District Council and West Coast Regional Council.

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

The land use and subdivision resource consent applications are currently being prepared as is the application to the Minister of Conservation for approval in principle under the Tasman Accord Covenant for the proposed subdivision development activities. However, no applications have currently been made.

Is approval required for the project by someone other than the applicant?

Yes

Please explain your answer here:

The approval of the Minister of Conservation to undertake specified activities on privately owned freehold land located at Mitchells, Lake Brunner/ Kotuku, which is subject to a 'Tasman Accord' covenant, is required in relation to the subdivision proposal activities. The approval of the Grey District council as manager of unformed legal road will also be required in relation to the marina facility.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

Subject to obtaining the relevant planning approvals (assuming the project is fast-track approved in March 2025), the applicant would target the following development timeline for Stage 1:

- Detailed design – March 2025
- Procurement – April 2025
- Funding – In place.
- Construction commencement – January 2026
- Completion – May 2026

Stage 2 would commence after the completion of Stage 1.

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

Grey District Council
West Coast Regional Council
Te Rūnanga o Ngāti Waewae

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

The applicant has had pre-application discussions with Grey District Council to discuss the resource consent process. The applicant also lodged a submission on the Proposed Te Tai o Poutini Plan. The submission included details of the proposed works. The applicant is not aware of any further submissions being received opposing the relief sought.

No consultation with Te Rūnanga o Ngāti Waewae or neighbouring landowners has occurred to date. However, the applicant is committed to engaging with these stakeholders as part of its preparation of the application for the marina development.

Upload file here:

Attachment 3a Subdivision masterplan.pdf was uploaded

Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

No land acquisition is required under the Public Works Act.

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

The Ngāi Tahu Claims Settlement Act 1998 applies to the geographical location of the project.

The subdivision development site is not identified as containing any identified cultural values, wāhi tapu, or wāhi taonga sites. The subdivision site is privately owned fee simple land and therefore is not surplus Crown land where Ngāi Tahu have first right of refusal to acquire via their Treaty settlement.

The marina site would involve works within the Lake Brunner / Kotuku and its margins, which is an identified Site and Area of Significance to Māori within the Proposed Te Tai o Poutini Plan.

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

Yes

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:

No file uploaded

Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

A detailed assessment of effects will be prepared as part of the resource consent process.

The summary below is an assessment of specific activities requiring approval from the Minister of Conservation under the Conservation Act

Fencing, building structures and improvements (Tasman Accord Covenant, cl 1(b)(ii))

Each Mitchells Terrace eco-subdivision site will have one approved 1000m² area of total clearance, which is to provide for a building platform for a designated house site, plus driveway providing vehicle access, septic and water tanks, ancillary buildings and curtilage/gardens. An approved bat monitoring protocol will be applied prior to any vegetation disturbance.

Building colour schemes will be limited to neutral and recessive natural tones. Electricity supply will be via roof mounted solar panels, rather than reticulated supply. Site specific building height and area restrictions will be applied to limit buildings to a maximum of two levels and discourage low quality builds. Urban type fencing (as specified in the Fencing Act) will not be permitted. These controls will be implemented through either a consent notice issued on the new lot titles, or a Land Covenant pursuant to section 116(1)(a) and (b) of the Land Transfer Act 2017, or a combination of these mechanisms. The Land Covenant will require compliance with the Mitchells Estates development guidelines, and will further require prior approval of development plans for each lot by Mitchells 2021 Ltd. In this way Mitchells 2021 Ltd retain a high degree of control over the development activities to be undertaken on individual on sold lots. There is the opportunity for a representative from DOC to also be involved in the approval of final development plans if that were considered desirable.

Removal or damage to vegetation (Tasman Accord Covenant, cl 1(b)(i))

Vegetation removal will occur in the areas identified for access and driveway formation, and at each designated building pad and house site curtilage area. The total area of vegetation to be cleared is estimated to amount to approximately 3.1ha, over the 31 proposed lots plus the area needed for roading. Part of this area would be subject to subsequent restoration planting (see below). The total area of clearance should be viewed in the context of the size of the block subject to the proposed eco-subdivision, being 382ha. (i.e. less than 2%). Rehabilitation plantings using locally sourced indigenous species will reduce the extent of clearance further over time. Existing Tasman Accord covenant conditions would remain in place to limit the potential for any further vegetation clearance which could not occur without Ministerial approval.

The Additional Land Covenant and Mitchells Estates development guidelines will also require specific approval before any trees are felled. This provides an additional level of safeguard against vegetation disturbance outside the pre-approved and cleared designated building platforms and curtilage area.

Prior to Mitchells 2021 Ltd developing designated building platforms and curtilage areas on the subdivision lots, a vegetation clearance plan will be approved and implemented. A bat monitoring protocol will be included in this plan and will detail specific steps to be undertaken prior to disturbance of any trees greater than 150mm DBH.

Planting trees, shrubs or other vegetation. (Tasman Accord Covenant, cl 1(b)(iii))

Approval required under the Tasman Accord for vegetation planting falls into two categories.

First, there will be restoration planting carried out alongside roadways and accessways, and on any areas of vegetation disturbance or earthworks not required to be maintained as cleared areas as part of the approved subdivision development. As noted a vegetation clearance and restoration plan will be prepared by a suitably qualified ecologist to guide this work. All restoration planting will involve only the use of locally sourced native plants, either translocated from areas disturbed as part of the subdivision development, or specifically raised from local seed and grown on in a plant nursery for restoration purposes. Where practicable, vegetation direct transfer will be utilised during the initial stages of subdivision development, including when forming access roadways and water tables.

Second, within the designated curtilage of each subdivision property, it is envisaged that each title owner will be able to grow fruit and vegetable species and have an area of lawn, for food production and amenity purposes. The total area will be limited, and specified in the application to be submitted in accordance with the Mitchells 2021 Ltd design guidelines.

Existing Tasman Accord covenant conditions will continue to apply requiring weed and pest control to be undertaken by new owners of subdivision sites, on those sites. Additionally, the resources to undertake pest and weed control on adjacent Tasman Accord areas, and surrounding area, will be significantly enhanced through the establishment of the Trust fund.

Soil disturbance/earthworks (Tasman Accord Covenant, cl 1(b)(vi))

As noted in relation to vegetation clearance, an estimated total area of 3.1 ha (excluding the roading) will be subject to earthworks and soil disturbance for the purposes of forming access road, driveways and building sites/curtilage.

Estimated approximate earthworks volumes are contained in Attachment 4. These volumes exclude topsoil stripping.

A soil disturbance and earthworks plan will be developed by a suitably qualified and experienced engineer, which will detail steps to be taken to;

- minimise the extent of soil disturbance and earthworks
- provide for progressive stockpiling of all soils, to be stored in areas which will not unnecessarily increase the overall level of vegetation disturbance on the site, and the utilisation of those soils for restoration and rehabilitation of the site
- avoid or minimise any potential for sediment loss to waterways
- ensure all machinery utilised in subdivision development, and any fill, gravel, roading metals or similar materials is free of weed seeds or vegetation material
- manage traffic, and in particular heavy traffic and earthmoving machinery, utilising the Kumara – Mitchells Road in accordance with all requirements of the Grey District Council
- identify the final offsite destination of any surplus earthworks material which is not required for onsite fill or rehabilitation works

The Soil Disturbance and Earthworks Plan, will include a specific Erosion and Sediment Control Plan, to address any potential for erosion or sediment from onsite works during development.

Draining, flooding or ponding (Tasman Accord Covenant, cl 1(b)(vii))

No draining, flooding or ponding is proposed. However, drainage considerations will be part of the design of earthworks, roading and subdivision building sites.

The subdivision will largely feature gravel surfaces for roading and driveways, with impervious surfaces minimised. Swale drains will capture runoff and channel it to existing waterways. Building platforms and curtilages will have slopes to avoid water ponding in heavy downpours.

House sites will capture rainwater for domestic usage. Each house site will have a septic/greywater effluent disposal field of approx. 75 – 90m².

Positive effects on covenant area

At present pests and predators are not being controlled on the covenant area. Wildlands note that “there is abundant animal sign and browse throughout, and groundcover is often sparse consisting of less palatable species”. Seven pest plant species were identified on site. The typical range of mammalian predators, including possums, stoats, feral cats and rats are all present.

Currently the resources required to meaningfully tackle pest and predators present on the covenant area are not available.

The Minister of Conservation, through the covenant, has agreed that the land has natural values “worthy of protection and preservation”. However, the extent of assistance by DOC towards pest or predator control on the Mitchell's Tasman Accord land in the 23 years since the covenant was entered into appears to have been limited to non-existent. Ospri does some work in the area, for animal disease control purposes. The nearby Predator Free Te Kinga Project, led by Predator Free 2050 “aims to completely remove possums from 3,700 ha of Mt Te Kinga, as part of a coordinated predator control programme across the wider Lake Brunner basin. Benefits will include helping to restore biodiversity of native flora and fauna, and boosting regional development and tourism.” The Mitchells Terrace funding programme is intended to provide a long-term revenue source that can contribute to this co-ordinated work in perpetuity.

The need for independent funding contributions such as are able to be provided by this project is acute. In real terms, funding to rid New Zealand of predators has reduced by almost 40% since 2021. The Department of Conservation's funding for pest/predator control for 2024 has decreased even more

sharply, by 53% compared to 2023 levels. The latest estimated cost of achieving the Predator Free 2050 goal is \$8 Billion. All this in a climate where DOC is also required to find additional overall budget savings of a further 6.5%.

This application provides a significant revenue stream to provide pest and predator control on the covenant area, and adjoining areas. As noted above, an estimated \$1.1 - \$1.5m (from sale of eco subdivision lots) would be put into a mixture of interest-bearing accounts or bonds, interest would be paid out to support the above functions.

It is proposed that a technical advisory panel will be convened, with invitees from DOC, Te Rūnanga o Ngāti Waewae, Predator Free Te Kinga, and the community, with expertise in pest and predator control, to identify priorities and confirm the ongoing work programme utilising funds made available from the Trust. It is envisaged that funding available for predator control will increase progressively, as subdivision lots sell, and capital contributions are accordingly made to the Trust funds for investment and subsequent dispersal of revenue earned.

Positive effects on adjoining areas

There are additional positive effects arising out of the proposal. Pest and predator control benefits are discussed above, but are not limited to the covenant area. There is also the opportunity to extend pest and predator control activities to adjacent public conservation lands, and integrate with wider DOC and OSPRI led work focused around Te Kinga. The proposal will assist in enabling landscape scale protection across the wider south west Lake Brunner basin area.

There are also other positive effects that the proposal will help realise in the Mitchells area. These include:

Positive effects associated with the marina

The main boat ramp serving Lake Brunner is situated at Moana, built to a high standard with three lanes, a floating jetty, breakwater and good parking. The existing boat ramp facilities at Mitchells are more modest and immediately following high rainfall events may not be accessible.

Upload file:

Attachment 5 Obj and Policies assessment for Mitchells.pdf was uploaded

Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

The following NPS/ NES that are considered to be relevant are as follows:

National Policy Statement on Freshwater Management (NPS-FM) and National Environmental Standards for Freshwater Management (NES-FM)

The National Policy Statement for Freshwater Management (NPS-FM), and the associated National Environmental Standards for Freshwater Management (NES-FM), together provide nationally consistent policy direction and regulation to control activities that may affect freshwater environments, including freshwater wetlands. The National Policy Statement on Indigenous Biodiversity (NPS-IB) likewise provides consistent national direction on how effects on indigenous biodiversity are to be managed.

An ecological assessment of the proposed development area has been prepared by Wildland Consultants Ltd and is annexed as Attachment 5.

The identified presence of watercourses means that the NPS-FM and NES-FM are in play for the site. The NPS-FM introduces the concept of Te Mana o te Wai, which refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community. There is a hierarchy of obligations set out in Objective 2.1, which 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); and
- c. third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Policy 9 seeks that the habitats of indigenous freshwater species are protected. Policy 15 refers to communities being enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.

The NPS-IB came into effect on 4th August 2023 notified. The NPS-IB has a single Objective 2.1 which in summary seeks to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity. This outcome includes protecting and restoring indigenous biodiversity while providing for the social, economic, and cultural wellbeing of people and community now and in the future. District Councils are required to undertake a district-wide assessment of Significant Natural Areas (SNAs) and notify a plan or plan change to include SNAs in their plans including by mapping each SNA and describing its attributes by 4 August 2028. Private land is able to be included as forming all or part of an SNA.

The Proposed Te Tai o Poutini Plan does not identify the subdivision site as being a SNA. Notwithstanding, Policy 3 seeks to adopt a precautionary approach when considering adverse effects, Policy 8 seeks to recognise and provide for the importance of maintaining indigenous biodiversity outside of Significant Natural Areas (SNAs), Policy 13 seeks that the restoration of indigenous biodiversity is promoted and provided for, and Policy 14 seeks that an increase indigenous vegetation cover in both urban and non-urban environments is promoted.

Of note, Clause 3.5(b) requires local authorities to consider “that the protection, maintenance, and restoration of indigenous biodiversity does not preclude subdivision, use and development in appropriate places and forms”.

The combination of the NPS-FM and the NPS-IB mean that particular care needs to be taken to retain and restore freshwater habitats, and that there is no overall loss in indigenous biodiversity.

Freshwater values in two small streams close to the proposed subdivision site include the presence of giant kōkopu, longfin eel, kōaro, and kōura. While these are all classified as at risk – declining, they are widespread on the West Coast.

A typically diverse invertebrate population was identified. No powelliphanta were detected.

National Policy Statement Indigenous Biodiversity.

The ecological assessment identified three vegetation and habitats on the site, being kamahi-hardwood-podocarp forest, secondary hardwood-tree fern forest and tutu tree forest. Sites of proposed development are located on land environments that are classified as having >30% indigenous cover left and >20% protected. The only Threatened or At Risk plant species identified are members of the Myrtaceae family, whose threat status was elevated in 2017, after the arrival of myrtle rust in New Zealand. Myrtle rust is already widely distributed in the north and west of the South Island, and has been found on the West Coast between Westport and Hokitika. A number of exotic pest plants were identified on the site.

No bats were detected across one hundred and twenty-five nights of collected acoustic survey data.

Avifauna was typical of indigenous hardwood forest. A total of 11 indigenous species were detected, including kea and kaka, which are both highly mobile species which range widely. No Great Spotted Kiwi/Rorua were detected.

No lizards were detected during surveys, but given their cryptic nature they could be present.

In summary, the ecological assessment has confirmed the ecological values present are worthy of preservation and protection, as envisaged in the covenant. However, none of the values present are particularly rare or unusual, in the West Coast context. The ecological assessment has confirmed the presence of pest and predator species, and exotic weeds. There would clearly be ecological benefits to the Land and its ecological values, if these pests, predators and weeds could be better controlled in a sustained manner over the long term.

This application, and the proposed development, is considered to be consistent with the objective of the NPSIB, which is to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity. In particular, the subdivision development will assist in providing financial resources (through the proposed Trust mechanism) to protect and restore indigenous biodiversity (through ongoing long term pest control) while providing for the social, economic, and cultural wellbeing of people and community now and in the future.

NES-CS

The regulations within the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (the 'NES-CS') came into force on 1 January 2012. These regulations apply when a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (7) or (8).

The application site is not considered to meet any of the criteria in subclause (7) and therefore the NES-Soil Contamination does not apply. However, if Grey District Council reaches a different conclusion then resource consent would be required as a Discretionary Activity as a Detailed Site Investigation could not be undertaken prior to a separate land use consent being approved to remove indigenous vegetation.

File upload:

No file uploaded

Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

The fast-track process provided for in the Bill will enable the project to be processed in a more timely and cost-efficient way than under normal consenting regimes for the following reasons:

- The proposal is subject to several different pieces of legislation with associated application processes. Some of which, such as applications made under the Conservation Act are not subject to statutory timeframes, therefore there is no certainty for the applicant in terms of when the project may be able to commence.
- It is the experience of the applicant that resource consenting processes for projects of this nature can become complex and drawn out. This can often result in a two-stage consenting approach that comprises of a council hearing and also potentially Environment Court appeals which can result in unnecessary time delay and expense.
- Given the scale of the project, it is anticipated that under normal RMA consenting processes the project would likely be limited if not publicly notified, adding cost and delay to the consenting timeframe.
- Given the nature of the project and it is anticipated there is likely to be public interest in the consenting process. As the applicant owns the land the subdivision and residential development elements of the project is proposed on it is critical to ensure that issues raised in the consenting process are efficiently managed and limited to those relevant to the consents sought and relevant conditions of consent to ensure that construction can commence within the indicated timeframes. The fast-track process will provide a more appropriate forum to achieve this and greater certainty for the applicant.
- Overall, the fast track process will ensure a more efficient consenting and approval process allowing the significant regional benefits to be released more efficiently.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

Referring the applicant's project will ensure the efficient operation of the fast-track process. The proposed project is well suited and appropriate for the fast-track process as the requirements of the project and its potential adverse effects are understood and the application is subject to several different applications under different legislation. Further, the potential adverse effects of the project and the positive impacts arising from additional pest control are well suited to being addressed through consent conditions, making the project well suited to the fast-track process proposed in the Bill.

The applicant is an established developer with experience with obtaining consents, and delivery of the consented projects. They are also the owners and operates of the Lake Brunner Eco Lodge so are heavily invested in the Mitchells Area and are well placed to provide certainty that the proposed ecological benefits will be achieved.

No similar consents have previously been considered or declined on the relevant land.

Has the project been identified as a priority project in a:

Not Answered

Please explain your answer here:

No – the project has not been identified as a priority project at a Central or Local Government Level or Sector Plan or Strategy.

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

The project is not an infrastructure project. The proposed marina facility is however considered to provide enhanced recreational and tourism related opportunities within the Mitchells area, and Lake Brunner that would be of regional benefit.

The subdivision development will also assist in providing financial resources (through the proposed Trust mechanism) to protect and restore indigenous biodiversity (through ongoing long term pest control).

Will the project:

increase the supply of housing, address housing needs, contribute to a well-functioning urban environment

Please explain your answer here:

The proposal will provide for 31 new housing lots as part of the eco subdivision element.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

Stage 1 will provide for the construction of 31 new houses, which will provide a significant injection of capital into the regional economy.

Stage 2 provides for the marina that will enhance recreational and tourism related economic benefits and opportunities.

Will the project support primary industries, including aquaculture?

No

Please explain your answer here:

Will the project support development of natural resources, including minerals and petroleum?

Yes

Please explain your answer here:

The proposal will support development of the Mitchells 21 Ltd land - a natural resource, and also the lake.

The subdivision development will also assist in providing financial resources (through the proposed Trust mechanism) to protect and restore indigenous biodiversity (through ongoing long term pest control).

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Yes

Please explain your answer here:

Stage 1 will provide financial resources (through the proposed Trust mechanism) to protect and restore indigenous biodiversity through ongoing long term pest control, which will support enhanced CO2 sequestration by the indigenous forests subject to this pest control.

Will the project support adaptation, resilience, and recovery from natural hazards?

No

Please explain your answer here:

Will the project address significant environmental issues?

Yes

Please explain your answer here:

The proposed subdivision will provide a revenue stream, through a trust mechanism, to enable wider environmental protection and enhancement, across the land, and adjacent areas. In particular, 15% of the sale proceeds will be placed in a trust for pest and weed control purposes on the Land. Additionally, other conservation projects in the Mitchells area that will be funded through the trust would include enhancement of local waterways within the Mitchells catchment through native plantings.

A technical advisory group (TAG) is envisaged, ideally with input from DOC, Ngāti Waewae, the nearby Predator Free Te Kinga programme, and others with expertise in pest and predator control on the West Coast, to guide annual planning and work programming, and annual funding allocations by the trust.

Pests and browsers are a significant environmental issue (as recognised in the Governments Predator Free 2050 strategy), and the proposed subdivision will provide additional long term resources to address this issue.

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

A detailed assessment of the project is contained in Attachment 5.

In summary the project is considered consistent with the Operative Grey District Plan, the Proposed Te Tai o Poutini Plan (West Coast District Plan), which give effect to the West Coast Regional Policy Statement and the Regional Land and Water Plan.

Anything else?

Please write your answer here:

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

Yes

If yes, please explain:

The eco subdivision site is not identified as being subject to any natural hazards in the District or Regional Plans. This area of the site is not impacted by any potential hazard from inland tsunامي, as the proposed lots are a sufficient distance and high relative to Lake Brunner / Kotuku.

Potential risk from water from stream overtopping banks within the eco subdivision area can be mitigated through setback and bunding.

The marina proposal is currently at concept stage but potential risk to the marina site from flooding or inland tsunami hazards can be minimised through detailed design of the marina facilities.

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

The applicant has not been subject to any compliance and/or enforcement actions.

Load your file here:

No file uploaded

Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:
Paul Lynch

Important notes