

Annexure A: Hayden Taylor comments on relief sought by Mt Hope/ Appleby 88

Provision and changes proposed by Mt Hope and Appleby 88 (Amendments are shown as strike out (deletions) or underline (additions) to provisions recommended in the Hearing Version (s 42A) Schedule of Amendments)	My comments/ position on relief sought by Mt Hope/ Appleby 88
<p>Policy 6.3.3.4D</p> <p>6.3.3.4D The urban development anticipated by a deferred zoning that is referred to in Rule 17.14.2.2 and identified in Schedule 17.14A is avoided unless:</p> <p>(a) any necessary intersections, connections and upgrades of roads to an appropriate standard have been delivered, <u>or the site otherwise has road access approved by NZTA/Waka Kotahi</u>; and</p> <p>(b) the necessary servicing infrastructure (including wastewater, water supply and stormwater) to an appropriate standard has been delivered<u>provided</u>; and</p> <p>(c) where relevant, development is sequenced with Council strategic planning, and infrastructure delivery as shown in the relevant Long Term Plan.</p> <p>Note: For the purpose of Policy 6.3.3.4D, 'delivered' is defined in provision 17.14.2.2</p>	<p>I agree with the relief sought, except that the additional wording added to (a) may be more appropriately referring to approval by 'the relevant roading authority' rather than 'NZTA/ Waka Kotahi'. This wording is relevant to the Appleby 88 site, but the policy will be relevant to all deferred land included in Schedule 17.14A, including those accessed off roads controlled by Council.</p> <p>As a general principle, I see this policy as applicable to resource consent applications, and as seeking to ensure that appropriate infrastructure is provided to service urban development of land, and it need not be overly concerned with the detail of this infrastructure, including whether or not it is consistent with what the Schedule 17.14A table specifies.</p> <p>Mr Percy suggests that any change to this policy to make it more broadly apply to non-Scheduled land in Māpua should be directive in preventing urban development of this land in advance of a plan change. I disagree with this as this is effectively a down-zoning of the Māpua deferred sites, which is not the intent of the plan change and is out of scope.</p>

<p>Add a new Policy:</p> <p><u>The urban development anticipated by a deferred zoning that is not referred to in Rule 17.14.2.2 is avoided unless:</u></p> <ul style="list-style-type: none"> (a) <u>any necessary intersections, connections and upgrades of road to an appropriate standard have been delivered, or the site otherwise has road access approved by NZTA/Waka Kotahi ; and</u> (b) <u>servicing infrastructure (including wastewater, water supply and stormwater) to an appropriate standard is provided; and</u> (c) <u>where relevant, development is sequenced with Council strategic planning, and infrastructure delivery as shown in the relevant Long Term Plan.</u> 	<p>I agree with the addition of this policy. I consider it useful to ensure that there is clear policy support for the various development pathways anticipated for deferred-zoned land. This includes development of land that is Scheduled (6.3.3.4D) and non-Scheduled (this proposed policy); and development that may proceed in advance of provision of infrastructure that enables the ‘trigger mechanism’, or after the provision of this infrastructure.</p> <p>As with 6.3.3.4D above, this policy, too, simply seeks to ensure that appropriate infrastructure is provided to support urban development. This could be achieved either through a single broad policy, or several more specific policies such as this and 6.3.3.4D above.</p> <p>It would be useful, during caucusing, to look comprehensively at the Chapter 6 and 7 provisions to ensure they integrate efficiently in relation to these various development pathways, to the extent this is possible under the scope of the plan change.</p>
<p>Rule 16.3.2.5 (subdivision)</p> <p>In all zones, where subdivision is a controlled, restricted discretionary, or discretionary activity, and in addition to the applicable requirements of Schedule 16.3C, where land is <u>subject to Deferred Zone Rules (as set out in Section 17.14)</u> listed in <u>Schedule 17.14A</u>, services are provided in accordance with:</p> <p>EITHER</p> <p>(a) Mandatory standards of the Nelson Tasman Land Development Manual 2020.</p> <p>OR</p> <p>(b) The services meet the requirements of the deferred zone rules as set out in Rule 17.14.2.2 and Schedule 17.14A for the whole or any part of that land.</p> <p>Subdivision that does not comply with (a) or (b) is a discretionary activity.</p> <p>Note: Other consents may be required besides subdivision consent where services are to be provided as part of the subdivision, for example, discharge permit, land disturbance consent</p>	<p>I agree with the relief sought in respect of this rule. I note that Council indicated at the hearing that they would like to make this rule applicable to both Scheduled and non-Scheduled sites. I can support this in principle, provided changes are also made to Rule 17.14.2.1 as detailed below. Essentially, this is acknowledging that non-Scheduled sites may seek subdivision consent under the provisions applying to their original (ie rural) zoning, where this would likely be a non-complying activity. Rule 16.3.2.5, as worded here, would not apply in this situation, but the policy framework for deferred zone sites would support appropriate subdivision of the land.</p> <p>Mr Percy suggests changes to this rule to require delivered infrastructure to meet NTLDM standards <u>and</u> the servicing requirements of Schedule 17.14A. I disagree with this, and consider it unnecessarily penalises alternative infrastructure solutions that may be acceptable to Council.</p>

<p>17.14.1 Scope of Section</p> <p>...</p> <p>Deferred zones are used to enable the efficient and streamlined transition of undeveloped land with insufficient servicing to developable land.</p> <p>For the purposes of this section the “original zone” is the zone that applied to the land before the land was rezoned to a deferred zone. The “end use” is the provision or zone framework that applies to the anticipated future use of the land, once a specific requirement is satisfied. In the above example, the original zone is Rural 1 and the end use zone is Light Industrial.</p> <p>Deferred zones identified in Schedule 17.14A are used when the infrastructure requirements are able to be clearly defined and planned to be delivered within 10 years as shown in the relevant Council Long Term Plan <u>or 15 years in respect of transportation requirements for RW5</u>.</p>	<p>I do not consider that this change is necessary. This section of 17.14.1 addresses the circumstances under which land will be considered appropriate to be included in the Schedule – this relief relates more to the ‘sunset’ operation, at which point land may be removed from the schedule if infrastructure has not been provided. The latter is addressed through the relief sought to 17.14.2.2 below.</p> <p>However, it may be relevant for this clause to reference ‘<i>within 10 years as shown in the relevant Council Long Term Plan, or any timeframe detailed in a Development Agreement.</i>’, for the reasons detailed in my will-say statement.</p>
<p>17.14.2.1 Deferred land not listed in Schedule 17.14A</p> <p>For any deferred site that is not listed in Schedule 17.14A, the plan provisions that applied to the original zone and the plan provisions that apply to deferred zoned sites continue to apply regardless of provision 17.14.2.2.</p>	<p>I agree with the relief sought in respect of this rule. The Rule needs to acknowledge the resource consent pathway available to developers of non-Scheduled deferred land. Council have been clear that the plan change does not seek to alter the status quo in this regard, and I agree that this is appropriate. This relates also to the integration of Chapter 6 and 7 provisions as noted above.</p> <p>Mr Percy seeks to narrow this provision to prevent it supporting the existing pathway for development of non-Scheduled sites via resource consent. I do not support this for the reasons detailed above.</p>
<p>17.14.2.2</p> <p>...</p> <p>c) In the event that 10 years elapses from the operative date of the plan change that originally established the deferred zone <u>added a site to Schedule 17.14A</u> to the delivery of the necessary infrastructure, or 15 years in respect of transportation requirements for RW5, then provision 17.14.2.2.(b) must not be applied and the provisions in Column C of Schedule 17.14A will continue to apply thereafter.</p>	<p>I agree with the relief sought here.</p> <p>Firstly, I agree that any sunset clause for any existing deferred zone sites included in the schedule should apply from the operative date of PC79. Any new land added to the schedule after PC79 becomes operative should have a sunset date that relates to the plan change that added it to the schedule.</p>

	<p>Secondly, I agree that privately delivered infrastructure is not bound by Long Term Plan timeframes, so this rule should not strictly adhere to this timeframe.</p> <p>Mr Percy seeks changes to this provision to limit the definition of 'delivered' infrastructure. I disagree with this, but consider that refinements to the definition could be made to provide greater clarity, as addressed in my will-say statement.</p>
<p>17.14.20 Principal Reasons for Rules</p> <p>...</p> <p>Comprehensive planning, including a full Schedule 1 (RMA) assessment and a plan change process is undertaken, including an assessment of the necessary infrastructure, to rezone undeveloped land to add a deferred zone listed into Schedule 17.14A.</p> <p>...</p> <p>Some deferred zone locations shown on the planning maps (located in Motueka and Māpua) are not included in Schedule 17.14A because they <u>are being addressed through other planning processes</u>. Therefore some provisions apply specifically to <u>deferred sites listed in Schedule 17.14A and some provisions apply to all deferred sites</u>. require further assessment for zoning and servicing. No trigger provision is available for these sites <u>at this stage</u> as a further plan change is necessary prior to servicing or development".</p>	<p>I support these changes, as they more accurately reflect the way the plan provisions are intended to work for Scheduled and non-Scheduled sites, and the process for adding sites to the Schedule.</p> <p>I do not agree with the relief sought by Mr Percy in relation this provision, in respect of changes that seek to remove the resource consent pathway for non-Scheduled deferred zone land, and those which seek to narrow the definition of 'delivered' infrastructure.</p>

Schedule 17.14A

Delete Columns H and J.

Amend Column I title to:

Number and Operative Date of plan change that adds a site location to Schedule 17.14A rezones site location to a deferred zone

Re-insert Schedule 17.14A entry for 166 Māpua Drive, Māpua.

Amend Schedule entry for RW5 as follows.

McShane Road	RW5	Chapter 5, Site Amenity Effects <u>Chapter 6, Urban Environment Effects.</u> Chapters 7, Rural Environment Effects. Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules.	Wastewater: Provision for a new trunk pressure main along indicative road layout through development area; provision for new pressure trunk main connection to existing 525mm gravity main along decommissioned rail corridor to the south of RW5 (now NZTA and Great Taste Trail corridor). See AMP ID 96118 in LTP 2024.		Chapter 5, Site Amenity Effects. Chapter 6, Urban Environment Effects Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. Section 16.3.4, Subdivision -	[add date that PC79 is made operative]	
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I support the relief sought here in relation to the table in Schedule 17.14A.

Columns H and J are redundant, as any plan change that would involve populating these should just be updating the zoning of the land to the 'end use' and removing that land from the table altogether.

The change to the Column I title clarifies what I assume Council's intent was.

I consider it appropriate to reinsert 166 Māpua Drive into the table.

Inclusion of Chapter 6 provisions in Column C is appropriate, as there are relevant provisions (as detailed above) even in advance of the 'trigger mechanism' being applied.

I agree that it is inappropriate to insert additional stormwater and water supply requirements into Column D for RW5 at this stage in the plan change process, and without sufficient supporting information to justify this.

I consider that the insertion of the text at (b)(ii) relating to alternative access with NZTA approval is appropriate. This does not obligate NZTA to approve an alternative, just provides flexibility in the event that alternatives are deemed acceptable. This also does not impose a new third party approval requirement – as road controlling authority for the state highway, NZTA already have authority to approve or decline (and also revoke) permission for new vehicle access to the highway.

Mr Percy has suggested several other changes to the table:

1. Removal of Column E. I disagree with this, and consider that Column E is necessary, as it will enable documentation of land parcels within a zone where infrastructure has not

		<p>Section 16.3.5, Subdivision-Rural 1 Zone.</p> <p>Chapter 17.5, Rural 1 Zone Rules.</p>	<p>Water Supply: Construction of the bulk water supply network from the Richmond South Low Level Reservoir to the Richmond West Development Area.</p> <p>Provision of a new trunk watermain through the mixed business area along the indicative road layout, including connection to existing 200mm watermain under Borck Creek at southern end of Summersfield Boulevard. See AMP ID 86204 in LTP 2024.</p> <p>Transportation:</p> <p>a) Provision for a single mid-block intersection with SH60 that meets NZTA standards as part of the central access roadway through mixed business area as per indicative road layout on planning maps. To be provided by developer, plus some Council funding available. See AMP ID 46094 in LTP 2024. <u>or</u></p> <p>b) <u>Individual sites have:</u></p> <p>(i) <u>Designs that anticipate</u></p>	<p>Business and Industrial Zones</p> <p>Chapter 17.3, Mixed Business Zone Rules.</p>			<p>been provided, following delivery of infrastructure to other parts of the zone (the legal descriptions of which would then be removed from the table). The partial delivery of infrastructure within zones is appropriate, and anticipated by the Plan. However, I think that the heading of this column should read '<i>Legal Descriptions of land to which Column C planning provisions apply</i>'. This column will detail those land parcels that are yet to benefit from delivered infrastructure, therefore the Column C provisions are the correct ones.</p> <p>2. Removal of Column F. I disagree with this, and consider that this column is necessary to detail of infrastructure to be delivered as part of a Development Agreement between Council and a developer to deliver infrastructure.</p> <p>3. Changes to Column D to address issues of ambiguity, and to avoid interpretation or decision making by a third party. I generally support this intent, and note that Council have proposed some changes to address these matters. This is a matter that would benefit from further refinement through caucusing. However, I don't fundamentally have an issue with there being a level of flexibility in Column D, or Council having discretion to determine if infrastructure provision is adequate. Ultimately, they will be the owners and operators of the infrastructure assets and need to be satisfied that the assets are sufficient and meet the requirements of the NTLDM. Provided there is a mechanism for Council to confirm transparently when the Column D requirements have been met to their satisfaction (which Council have confirmed will be via their website) then I see no issue with some level of flexibility and discretion.</p>
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			<p>the <u>indicative road layout on the planning maps; and</u></p> <p>(ii) <u>NZTA- approved accessways to Appleby Highway (SH6), to be rescinded upon the mid-block intersection and relevant parts of the indicative road in (a) being in place.</u></p> <p>Stormwater Construction of remaining portion of Bourk Creek bulk stormwater network within Richmond West Development Area adjacent to south east boundary of RWS to State Highway 60.</p>							
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