

PLAN CHANGE 79 SUBMISSION 23 June 2025 G J BATTEN

The staff report, Section 42a of 21 May 2025, recommended that my previous submission be declined as it was out of scope and does not relate to zoning.

It is not clear whether staff considered all the points in that submission and chose not to advise on them, but the panel has read it and presumably appreciated the points made.

The aspects of planning and safety need amplification.

PLANNING - LAND USE

It is submitted that my request for rezoning to Conservation, conditional on the Department of Conservation constructing direct access to Waimea West Road, has wider planning issues.

Land use zoning is about the best use of the land for the community. Draft Plan Change 81 notes that, under the Medium Density Residential zone to be implemented in Brightwater, there are important and wider issues to be considered and addressed.

- with more people living in urban areas, there is likely to be an increase in pressure on our reserves and green spaces
- there is a need to ensure reserves and green spaces are connected and accessible to all residents
- there is a need to develop flexible, multifunctional open spaces that can cater to various recreational and social needs and share their relevance as the community grows, as is planned
- these steps are to ensure that intensifying towns remain green, liveable and resilient.

Zoning changes are to meet the needs of communities and society. That includes the Conservation zone.

Notable Brightwater changes in recent years have been:

- residential land use with diminishing importance of Highly productive land
- recognition of flooding risk by ignoring flood events before 1987
- importance of heritage overtaken by Residential zoning needs, despite Draft plan change 81 working with the community to preserve heritage values (PODCAST Statement)

In that wider planning and zoning context, the need for direct access from Waimea West Road to his block of land, as set out in my submission, arises from historical planning decisions.

ACCESS

1 In 2019, this piece of Anglican Church land was rezoned from Rural 1 to Residential. Further use of that land, such as this Conservation zone, required subdivision from the remaining Church land.

2 Staff advised at a specific meeting and by correspondence that any such subdivision would be through the RMA to allow submissions by affected people.

3 As the subdivision was by way of gift to the Crown, it was not handled by Council through the RMA, so local people were unable to comment. The Department of Conservation did not offer that opportunity either, despite its legal requirement to do so.

4 Of particular note is that as part of the subdivision, staff approved the Church having legal access to the ROW servicing the Scenic Reserve without considering legal rights of adjoining landowners or the Brightwater community or providing the opportunity to comment.

5. That legitimisation of a claimed existing use right used adjoining landowners earlier agreeing to the Council's request for the Church to have ROW access to overcome the Council's concerns about roadside parking issues on Waimea West Road. Now, roadside parking to directly access the Scenic Reserve has increased in the last two years, as the public avoids the safety issues associated with ROW access. This will recreate the earlier problem that concerned the Council.

GREEN SPACE

It should be noted that staff previously recommended against rezoning the land from Rural 1 to Conservation in PC 68, as there was adequate green space in Brightwater, and the trees had no significant value. The community disagreed and raised \$ 233,000 through the Snowden Bush Trust to purchase the property from the Church. Part of the Trust's vision and objectives envisaged a direct entrance from Waimea West Road.

Council also disagreed with staff and committed \$170,000 of local Reserve funds to complete the purchase. That set the stage for the community to donate the land to the Crown and for this subsequent Conservation zoning proposal.

That now provides the opportunity for Council to recognise the wider planning issues and adopt the National Policy Statement on Urban Development requiring decisions to actively enable Urban Development in a way that maximises well-being now and in the future.

Those wider planning issues are also covered in detail in #11 of my December 2024 submission.

The community's gift and wishes can be recognised by maximising and particularly improving access to the enlarged Scenic Reserve directly from Waimea West Road.

SAFETY - TRMP RULES

As previously stated, the current ROW access to the Scenic Reserve does not comply with the TRMP construction and use Rules. The now-legalised increase in vehicle movements to over 400 a week magnifies the safety risk situation on a road 4.3m wide.

The Section 32 analysis failed to promote sustainable management of natural and physical resources by specifically recognising people's safety as required.

In particular, the specific safety issue at the entrance from Waimea West Road designed for horses, carts and carriages with its now history of accidents, near misses and poor vision that still has not been appropriately addressed after the recommendation from Plan Change 68 five years ago, has been further worsened by increased vehicle use.

This ROW also provides walking and cycling access for an increasing number of Brightwater and other users as the population grows and is planned to keep growing, particularly for children, parents with pushchairs, and dog walkers who have safety concerns due to the volume of vehicle use.

It should be noted that there is an existing poorly positioned entrance from Waimea West Road to this land. If staff can use an existing use right to justify church access to the ROW, it can similarly use an existing use to provide repositioned direct access to the Scenic Reserve from Waimea West Road. An earlier staff verbal comment that this one new entrance, as submitted, would provide unacceptable

traffic access to Waimea West Road can be compared with the potential six accesses as of right to houses built on the previously residentially zoned block of land.

Conservation zoning of this land does not align with the TRPS and TRMP statements, policies, and objectives, nor with those rules.

As stated in my previous submission, #13, 14, and 17, Council can direct DoC to establish a better entrance directly from Waimea West Road to this specific piece of land that the community has given to it in the expectation that Council, under its planning provisions, will ameliorate the safety risks and maximise its greenspace benefits for the future.

CONCLUSION

The Crown is bound under the RMA if it has significant adverse effects beyond the boundary of, in this case, the Scenic Reserve. It is submitted that the DoC decision to provide significantly increased access to the ROW by the Church as part of the subdivision of the Church property from the proposed conservation-zoned land does have those adverse effects on the wider community.

As stated in my earlier submission, the Council also has several opportunities under the Local Government Act to accept and act on this new direct access request.

If not a zoning matter, it can be concurrently implemented by the Council's operational departments rather than directly through the TRMP, as stated in the background material provided to the public for Plan Change 81.

The Council is requested to take a positive view of this submission to both enhance the use of this proposed zoned land and reduce the safety risk from a currently ignored ROW situation magnified by recent decisions. Legal planning, zoning and legislative responsibilities back that submission.

The Crown can show gratitude to the Brightwater community for this gift and enhance its responsibilities for the Conservation zone and Management Plan by improving access to this enlarged Scenic Reserve.

At no cost to the Council.