

# Tasman Resource Management Plan

## Plan Change 79 Deferred Zoning

Council Reply to Submitter Statements and Evidence

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# 1.0 Introduction

## 1.1 Purpose of the Report

This Council officer reply to evidence is written to assist the hearing commissioners with drafting reasons for its decision.

## 1.2 Reporting Officers

This report has been prepared by Mary Honey, Senior Policy Planner, and Jeremy Butler – Team Leader Urban and Rural Policy, Tasman District Council. Jeremy and I have worked on the preparation, consultation and notification stages of PC79. Narissa Armstrong, Council's Environment Policy Administration Officer and various Council technical specialists have assisted us.

Various Council staff have advised on various technical aspects of this reply. This includes: Dr. Alastair Clement: Team Leader – Natural Hazards and Geomorphology; Diana Worthy: Team Leader – Natural Resources; Michael Goldingham: Team Leader - Infrastructure Planning; Bill Rice: Senior Infrastructure Planning Advisor – Transportation. The qualification and experience profiles of these council staff are set out below

### **Dr. Alastair Clement: Team Leader – Natural Hazards and Geomorphology**

Alastair has a Bachelor of Business Studies (Information Systems), a Bachelor of Science (First Class Honours in Geography), and a PhD in Geography. Alastair previously worked as a Lecturer/Senior Lecturer in Physical Geography at Massey University for nearly 10 years, teaching coastal geomorphology and broader subjects in physical geography, and conducting research in coastal geomorphology, sea-level change, and a number of other physical geography topics. At Tasman District Council Alastair was formerly Senior Resource Scientist (Rivers and Coast) and functioning as team leader of the natural hazards team, before being redesignated as Team Leader in late 2024. Alastair is a long-time member of the New Zealand Coastal Society, New Zealand Geoscience Society, and Australian and New Zealand Geomorphology Group. Since late 2019 Alastair has been serving on the Special Environmental Advisory Committee (SEAC) for the Geomorphology certification of the Certified Environmental Practitioner Scheme (CEnvP) of the Environmental Institute of Australia and New Zealand (EIANZ). Alastair confirms that he has read the "Code of Conduct" for expert witnesses contained in the Environment Court Practice Note 2023 and that this report and his appearance at the hearing will be carried out in accordance with the Code of Conduct.

### **Diana Worthy: Team Leader – Natural Resources**

Diana has a Bachelor of Social Sciences with Honors (First Class Honors) and a Masters of Social Sciences (Second Class Honors). She has worked in local government in New Zealand and Scotland since 2003, primarily in the resource management policy planning field. She has held roles at Thames Coromandel District Council (strategic policy), Environment Canterbury, Nelson City Council and Tasman District Council. She also spent 7.5 years working for Loch Lomond and The Trossachs National Park Authority in Scotland, in consenting and policy planning roles. At Tasman District Council, Diana has held Planner/Senior Planner roles within the Natural Resources Policy team and is now the Team Leader. Diana was an Associate Member of the UK Royal Town Planning Institute for approximately 8 years and is an Associate Member of the NZ Planning Institute (since 2019). Diana has is not available for the hearing,

however Diana confirms she has read the “Code of Conduct” for expert witnesses contained in the Environment Court Practice Note 2023 and her advice provided to colleagues has been carried out in accordance with the Code of Conduct.

#### **Michael Goldingham: Team Leader - Infrastructure Planning**

Michael has an NZCE (Civil) and Diploma in Civil Engineering and have worked in the civil engineering field since 1994. Michael previously worked at Waitaki District Council in various roles over 20 years in the Water Services activity. They were as an Operations Engineer, Project Engineer, Asset Planning Engineer and Contract Engineer heading up many large projects and strategies for the Council. He started work in his current role at Tasman District Council in 2024. Michael is currently studying towards a Bachelor of Engineering Technology.

Michael confirms that he has read the “Code of Conduct” for expert witnesses contained in the Environment Court Practice Note 2023 and that this report and his appearance at the hearing will be carried out in accordance with the Code of Conduct.

#### **Bill Rice: Senior Infrastructure Planning Advisor – Transportation**

Bill holds hold a New Zealand Certificate in Engineering (civil) from the Technicians Certification Authority, a Diploma in Highway Engineering from the New Zealand Institute of Highway Technology, and a Master of Engineering – Transportation degree from Canterbury University. He is a Chartered Professional Engineer (CPEng), and has more than 30 years’ experience in transportation engineering and planning with both local authorities and consultants. He has previously prepared evidence and appeared for Councils as an expert witness at Council and Environment Court hearings.

Bill confirms that he has read the “Code of Conduct” for expert witnesses contained in the Environment Court Practice Note 2023 and that this report and his appearance at the hearing will be carried out in accordance with the Code of Conduct

Due to the nature of the submissions and matters to be considered, some of these staff will attend the hearing or parts of it.

## **1.3 Submitter Statements or Statements of Evidence Received**

The following submitters have provided hearing statements or statements of evidence.

<b>Submitter Name</b>	<b>Submitter Number</b>
S & A Field	4225
K Hanna and 187 Hanna Trustee Ltd	4226
AB & SL Family Trust	4222
Flowerlands Limited	4228
Wai West Horticulture Limited	1651
C & T Yelverton	4230
A & S Talley	2915
Transpower New Zealand Limited	174

## **1.5 Structure of Report**

This report addresses the issues raised in the submitter statements or evidence per submitter in the order set out in the table above.

## **2.0 K Hanna and 187 Hanna Trustee Ltd**

### **2.1 Introduction**

1. K Hanna and 187 Hanna Trustee, Submitter 4226, submission requests are addressed in S42A report in Section 8.0 – Richmond South (RS14, RS15, RS15A-C) (pages 78-81) under:
  - Plan Topic 8.2.1 - Update Zone Map 76-10; and
  - Plan Topic 8.2.2 - Update Area Map 76-02.

The Hanna parties have submitted a Hearing Statement to record their position.

#### **2.2.1 Update Zone Map 76-10 Richmond South (S42A report Plan Topic 8.2.1)**

2. **Reply to Hearing Statement**  
The Hanna parties accept the recommendations of the S42A report which allows the submitter request to rezone their land to Residential.  
Consequently, there are no further staff recommendations or plan amendments.
3. **Submission recommendations**  
There is no change to the S42A report submission recommendation for submission point 4226.1 (pg 79).

#### **2.2.2 Update Area Map 76-02 Richmond South (S42A report Plan Topic 8.2.2)**

4. **Council Reply to Hearing Statement**  
The Hannah parties maintain their opposition to the removal of the indicative road from the Field land which connects to Hill Street.  
  
The Council position has not changed in that submission requesting that the above indicative road be maintained are disallowed.  
  
The issue is addressed more fully under in the next section 3.0 of this report, S and A Field Statement of Evidence
5. **Submission recommendations**  
There is no change to the S42A report submission recommendation for submission point 4226.2 (pg 81).

## 3.0 S & A Field

### 3.1 Introduction

6. S & A Field, Submitter 4225, submission requests are addressed in S42A report in Section 8.0 – Richmond South (RS14, RS15, RS15A-C) (pages 78-81) under:
  - Plan Topic 8.2.1 - Update Zone Map 76-10; and
  - Plan Topic 8.2.2 - Update Area Map 76-02.
7. The Fields have submitted planning evidence in support of their requests (submission point 4225.1) to upzone their land to Residential from Rural 1 deferred Residential) and to maintain the indicative road on their land that adjoins Hill Street (submission point 4225.3).

#### 3.2.1 Update Zone Map 76-10 Richmond South (S42A report Plan Topic 8.2.1)

##### 8. Submitter Evidence

Submitter evidence refers to a date in the operative Schedule 17.14A, column 4, recording when the submitter land should be uplifted (para 3.7). This is a misreading of that table, the date refers to land that was uplifted as described in column 5.

The evidence also points to discrepancies in S32 information and questions exactly what water supply infrastructure is still required to service SR14, when RS15,15A-C are serviced for water as well as the correctness of references to the relevant AMP (paras 3.12-3.22).

##### Reply to Evidence

9. In response to submission point 4225.3, Council staff have further researched and investigated the current usage of existing water infrastructure, particularly the Sabine Drive booster pump station. The Sabine Drive booster pumpstation was planned to feed a larger area than it is now going to serve. This leaves spare capacity for it to service the RS14 area. This Sabine Drive Water Booster pumpstation will service RS14 until the permanent solution is built in year 4 of the LTP (2027/28).

The new low level reservoir and pipework currently being built on Council owned land at 520 Hill Street will service the lower area of what the Sabine Drive booster pumpstation was planned to service. These projects were brought forward from their original construction dates.
10. In terms of Councils 2024 Growth modelling, the planned remaining capacity of the Development Area 27 is:

Capacity	215.00
DevelopmentCapacity_Years1_3	40.00
DevelopmentCapacity_Years4_10	175.00
DevelopmentCapacity_Years11_20	0.00
DevelopmentCapacity_Years21_30	0.00

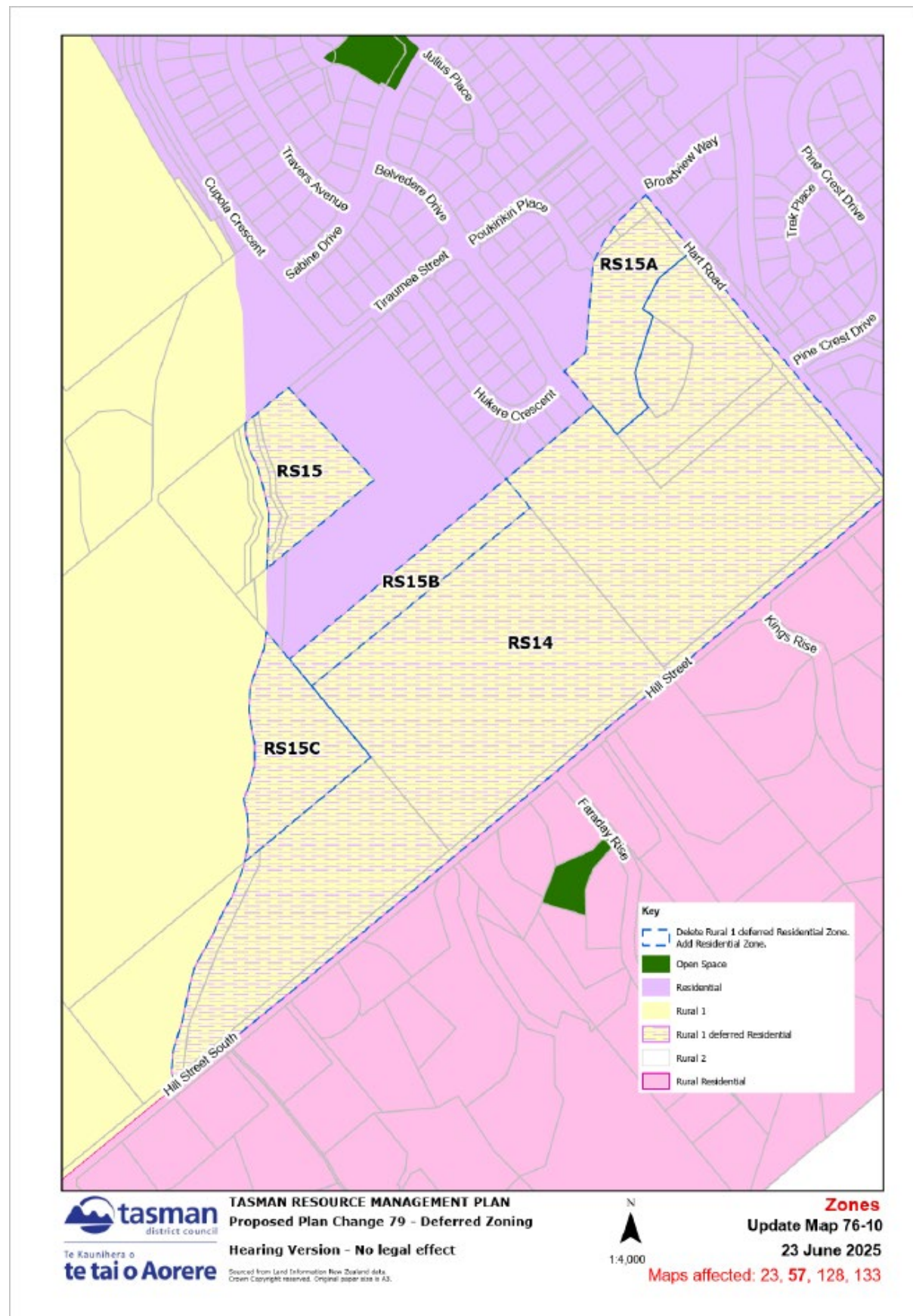
11. The 1-3 years of 40 properties was always planned to be serviced from this booster pumpstation, and the 4-10 years of growth will now also be serviced from this pumpstation.
12. The Sabine Drive Booster pumpstation was always designed to be a shorter term solution until larger infrastructure is built. The new Reservoir and associated pipework is part of the longer term solution along with a booster pumpstation (Funded to be built in year 4 of the 2024/34 LTP) at the reservoir site to service the RS14 area and beyond.
13. We acknowledge that there has been a changing of the planned infrastructure which may have caused confusion. This is a normal process as a result of further investigation of the originally proposed projects. The changes allow the RS14 zone to be uplifted earlier than originally proposed.
14. The land in RS14 was assessed for suitability for residential development in Plan Change 5 and its suitability is further confirmed through this PC79 process. The rezoning of the land to Residential is therefore appropriate, aligns with past assessments, and helps give effect to the NPS-UD by enabling timely housing development.
15. Staff Recommendations
  - 15.1 Allow all submission points that supported rezoning RS14, RS15 and RS15A–C from deferred Rural 1 to Residential, including those made by Oregon Land Ltd, K Hanna and 187 Hanna Trustee Ltd, and S and A Field.
  - 15.2 Disallow the further submission (2915-15) that opposed rezoning RS14, as its primary concern (lack of servicing) is now addressed.
16. Plan Amendments
  - 16.1 Amend notified Update Zone Map 76-10 to rezone the RS14 area (along with RS15, RS15A–C as previously proposed) from Rural 1 deferred Residential to Residential (Attachment 1).
  - 16.2 Amend notified Update Discharges Map 76-17 to delete Deferred Fire Ban Area and add Fire Ban Area to RS14 (Attachment 2).
  - 16.3 Amend notified TRMP Schedule 17.14A to delete the references to the Southwest Hart Road, location RS14 (Attachment 3).
17. Submission Recommendations

The s42A report submission recommendations, for topic 8.2.1, (pg. 79) as amended are tabled below.

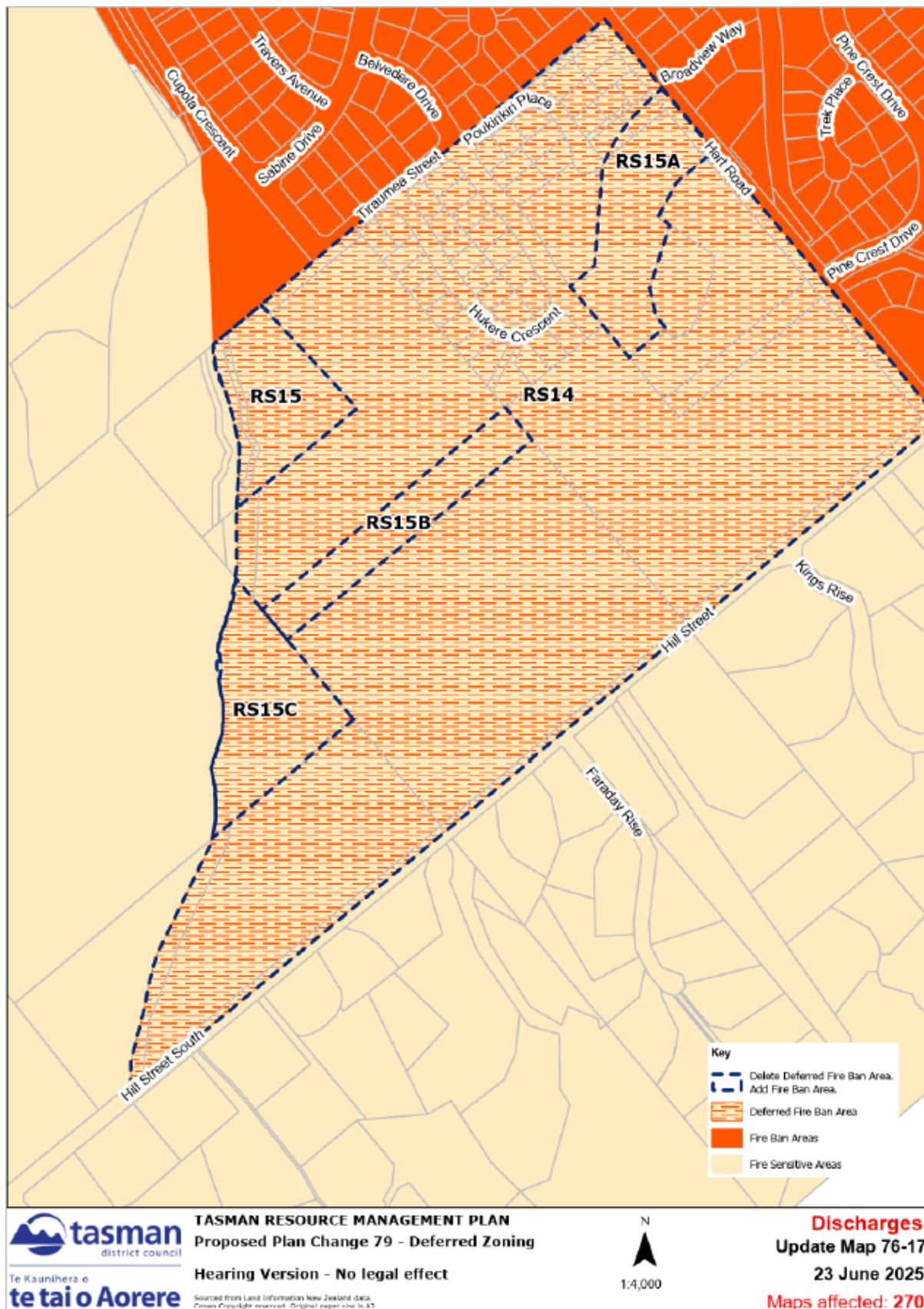
Submitter Name, Number and Point	Submitter Request	S42A report Staff Recommendation Allow/Disallow	Council Reply to Expert Evidence Recommendation
<b>Update Zone Map 76-10</b>			
Oregon Land Ltd 4221.1	Retain Update Zone Map 76-10 as notified.	Allow	Allow
K Hanna and 187 Hanna Trustee Ltd. 4226.1	Retain upzoning of Submitters land shown as RS15C. on Update Zone Map 76-10.	Allow	Allow
S and A Field. 4225.1	Retain upzoning of RS15 and RS15A-C as shown on Update Area Map76-10, but amend to upzone all of RS14, including Submitter's land.	<del>Allow in part</del>	Allow
S and A Field. 4225.2	Amend Update Discharges Map 76-17. Delete Deferred Fire Ban Area and replace with Fire Ban.	<del>Allow in part</del>	Allow
A & S Talley, 2915-15	Oppose zone changes requested by S and A Field, Submission No.4225.1 to upzone RS14 to Residential.	<del>Allow</del>	Disallow



Attachment 1: Amended Update Zone Map 76-10 - Hearing Version



## Attachment 2: Amended Update Discharges Map 76-17 - Hearing Version



**Attachment 3: Amended Hearing Version of TRMP Schedule 17.14A –showing deleted references to Southwest Hart Road, location RS14.**

Plan Change 79 – Deferred Zoning (PC79), Schedule of Amendments, Hearing Version

A	B	C	D	E	F	G	H	I	J
Deferred Site Location	Deferred Site location number	Plan provisions that apply before services are provided	Infrastructure or servicing that is required to be delivered (Rule 17.14.2.2 refers)	Legal descriptions of land to which Column G H-planning provisions apply	Where infrastructure or services proposed by developer, references to detailed performance requirements and engineering plans of services agreed with Council	Plan provisions that apply after services are delivered	Date when Column G provisions apply	Number and Operative Date of plan change that rezones site location to a deferred zone rezoning land-to-and use-zone	Number and date of plan update that updates Column I
South West Hart Road	RS14	Chapter 5, Site Amenity Effects.  Chapter 7, Rural Environment Effects.  Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules.  16.3.2.1-16.2.5, Section 16.3.5, Subdivision-Rural 1-Zone.  and Chapter 17.5, Rural 1-Zone Rules.	<b>Water Supply:</b> Provision of planned "Richmond High Level Reservoir" to service the Richmond South area, or equivalent measure proposed by Council or developers to provide adequate level of service for water supply. See AMP ID 86120 in LTP 2024. Provision of "Richmond South Low Level Reservoir" (AMP ID 86120) at 520 Hill Street South and construction of a Booster Pump Station (AMP ID 86178 programmed for years 4-5) or equivalent measure proposed by Council or developers to provide adequate level of service for water supply.			Chapter 5, Site Amenity Effects.  Chapter 5, 6, Urban Environment Effects.  Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules.  16.3.2.1-16.2.5, Section 16.3.3, Subdivision-Rural 1-Zone  and Chapter 17.1, Residential Zone Rules.			

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### 3.2.2 Update Area Map 76-02 Richmond South (S42A report Plan Topic 8.2.2)

#### 18. Submitter Evidence

The submitter does not support the s42A report reasons for declining their submission request (4225.3) to retain the indicative road connecting with Hill Street.

#### 19. The submitter questions what has changed between Plan Change 5 – Richmond South Development Area (operative 2010) which set out the indicative road, and this Plan Change (para 3.31).

#### 20. The submission states that the Section 42a Report:

- Notes that the Hill Street/Hart Street intersection will become too congested, and
- Argues that the increase in the use of Hill St would have an adverse effect on residential amenity (para 3.32).

#### 21. The submission suggests that Designation 247 constrains a road connecting to the Future Development Strategy areas (para 3.34).

#### 22. The submission also notes the steep topography of the area, and notes that gradients do not comply with maximum gradients required in the Nelson Tasman Land Development Manual. On this basis it concludes that “..it cannot be anticipated within the current roading layout, that the White Road Future Development Strategy areas would be connecting to Hill Street,” and that “that effect of anticipated traffic from the Indicative Road and the Richmond South Development Area would remain as considered by Council at the time of Plan Change 5.” (paras 3.35 & 3.36).

#### 23. Reply to Evidence

The major changes which the proposed roading layout is considering when compared to Plan Change 5 is the addition of further residential development through to White Road (as identified in the Future Development Strategy), and the intention to connect that further development to Hart Road, to provide an alternative to the Paton Road route.

#### 24. The indicative roads developed in Plan Change 5 were deliberately laid out to ensure that there was no connection between Hill Street and Hill Street South to avoid significant increases in traffic approaching the Hill Street, Hart Street intersection from Hill Street (see image below).



25. It is acknowledged that an increase in traffic on the southern Hill Street approach to the intersection would be likely to increase delays for traffic on that approach, and to have residential amenity impacts. However, Section 8.2.2 of the Section 42a report (pg s79-80) makes no mention of these impacts. Rather, the report identifies safety issues likely to result from a significant increase in traffic on the southern Hill Street approach to the intersection due to the cross roads layout of the intersection. These safety issues are exacerbated by the fact that the dominant traffic flow through the intersection turns between the northern Hill Street approach and Hart Road. The s42A report discusses a roundabout as a possible mitigation for these safety issues, but notes that the adverse crossfall on the Hart Street approach to a roundabout would introduce a rollover risk for high sided vehicles. Staff stand by that assessment.
26. Designation 247 does not preclude a road crossing the creek with a bridge or culvert. A road connection between the northern and southern sides of the creek, across the designation, is feasible.
27. It is agreed that the topography of this area is steep. It is therefore anticipated that significant earthworks will likely be necessary to develop the White Road Future Development Strategy area. Road access will also be necessary for development regardless of whether there is a connection between the two sides. The gradients noted in the submitter evidence appear to run on a line between the southern the end of Hill Street and Hill Street South. However, any connection to the White Road Future Development Strategy area is unlikely to follow this alignment. Rather, it would be aligned to climb the contours with a gentler and compliant gradient.
28. A connection to the White Road Future Development Strategy area is therefore considered viable, and the resulting traffic is likely to be significantly different to that considered by Council at the time of Plan Change 5.
29. **Staff Recommendations and Reasoning**  
There is no change to the s42A report recommendation to disallow submissions requesting that the indicative road connecting to Hill Steet be retained (pg. 80).
30. **Plan Amendments and Submission Recommendations**  
Consequently there are no plan amendments and no changes to the submission recommendations listed in the s42A report, pg.81 for plan topic number 8.2.2.

## 4.0 AB & SL Family Trust; Flowerlands Ltd; Wai West Horticulture Ltd; C & T Yelverton

### Introduction

31. Submitters AB & SL Family Trust; Flowerlands Ltd; Wai West Horticulture Ltd and C & T Yelverton have provided planning evidence in support of their submission points.
32. Hayden Taylor, a Resource Management Consultant and Director at Planscapes (NZ) Ltd, presented evidence regarding the submissions made by a group of landowners from the Lower Queen Street RW1 area. These landowners generally supported the proposed Plan Change but sought amendments for greater flexibility in land use rules, particularly concerning duration-limited consent and removable or relocatable buildings. Taylor argued that the existing policy regime is adequate for assessing and managing natural hazard risks on a case-by-case basis, and does not necessitate the prohibitions proposed by Council Officers.
33. Taylor reviewed the relevant National Direction and concluded that it does not require the stringent provisions proposed by Council Officers. He suggested that the current framework already provides sufficient mechanisms to address coastal hazard risks through resource consent applications. He highlighted the importance of enabling long-term consents and flexibility in rules to better accommodate landowners' needs while still managing risks effectively.
34. He examined the existing policies on natural hazard management and proposed alternative approaches to dealing with coastal hazard risks, such as site-specific assessments and mitigation measures. Taylor emphasized the need for a balanced approach that considers both development opportunities and hazard management without overly restrictive measures. He supported the relief sought by the landowner group and recommended changes to the TRMP provisions to address Council Officers' concerns while allowing more flexibility.
35. Taylor also discussed the proposed Schedule 17.4A area, which introduces rules for temporary, relocatable, or removable buildings. He argued that this should not be applied uniformly across the entire area, as the vulnerability to coastal hazards varies within the site. Instead, he proposed a more nuanced approach that takes into account site-specific conditions and expert assessments. He suggested that the prohibition on subdivision is overly cautious and does not reflect the range of vulnerabilities and mitigation options available.
36. In conclusion, Taylor recommended that the submissions by the Lower Queen Street landowners be allowed, with amendments to the TRMP provisions to provide the requested flexibility. He emphasized that a robust framework already exists for managing coastal hazard risks through resource consent processes, and thus, a prohibition on subdivision is unnecessary. He advocated for an evidence-based, proportionate approach to hazard management that supports sustainable land development.

## 4.2 Reply to Evidence

37. Mr Taylor and I approach this matter from fundamentally different starting positions. My planning assessment begins with the view that, over the long term, this land is not suitable for urban development. While it may function in the short to medium term, the site does not support long-term resilience due to its exposure to coastal hazards, sea level rise, and the disruption these will bring. Subdivision and development in this location would not only impose future costs and risks on landowners and Council but would also constrain adaptation pathways, increase pressure for hard protection measures, and interfere with the natural ability of the coastal margin to retreat over time. In the normal course of plan-making, land such as this, if zoned Rural, would not be considered for an urban zoning — even for industrial purposes. However, I acknowledge that landowners have legitimate expectations to use their land, and in the interim, some uses may be viable provided the risks are well understood and managed.
38. Mr Taylor, by contrast, begins from the position that the land is already zoned and should be enabled to its fullest extent, with hazards managed on a case-by-case basis through future consents. In my view, this reactive, ad hoc approach lacks strategic clarity and risks undermining the broader objectives of integrated and climate-resilient planning. It provides neither certainty for landowners nor consistency for Council and its infrastructure planning. A more deliberate, precautionary approach — as expressed through the proposed planning provisions — is appropriate given the identified risks and the long-term public interest in avoiding development in hazard-prone locations.
39. The interpretation of directive language in planning documents—particularly the term avoid—has been significantly shaped by the Supreme Court's decision in *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38. In that case, the Court made it clear that avoid means avoid—that is, to not allow or prevent the occurrence of—and rejected the use of an "overall broad judgment" approach where policies are directive. This ruling has been widely accepted as a watershed moment in New Zealand planning law, reinforcing the need for decision-makers to give effect to higher-order policy directions in a manner consistent with their plain meaning and specific intent. Subsequent Environment Court and High Court decisions have affirmed that such wording, particularly when found in instruments like the NZCPS or Regional Policy Statements, must be applied with precision and should not be diluted through balancing exercises unless expressly provided for.
40. It is also well-established through case law that where a lower-order planning document predates a higher-order instrument and has not been updated to give effect to it, the weight placed on the lower-order document may be diminished. In such cases, the assessment must be elevated to ensure appropriate regard is given directly to the higher-order policy.

## New Zealand Coastal Policy Statement 2010 (NZCPS)

41. Mr. Taylor identified the following Objectives and Policies of the NZCPS as relevant. I agree with his assessment of their relevance, but generally disagree with his assessment of the plan change against the provisions. For ease of reference I have retained Mr Taylor's wording, and included my assessment in a new column on the right hand side of the table.

Table 1: Relevant Provisions of the NZCPS		
Provision	Mr Taylor Assessment	Mr Butler Assessment
<p><b>Objective 5:</b></p> <p>To ensure that coastal hazard risks taking account of climate change, are managed by:</p> <ul style="list-style-type: none"> <li>• <b>locating new development away from areas prone to such risks;</b></li> <li>• considering responses, including managed retreat, for existing development in this situation; and</li> <li>• protecting or restoring natural defences to coastal hazards.</li> </ul> <p>(my emphasis)</p>	<p><i>Council's s42A report confirms that, having considered coastal hazard risks, this area is generally appropriate for development for light industrial purposes. I support this position.</i></p> <p><i>I disagree with Council Officers in relation to additional controls that may be necessary for new development in the plan change area in relation to natural hazards.</i></p>	<p>Mr Taylor misconstrues the core position set out in the S42A report. Generally, I do <u>not</u> consider that the area is suitable for light industrial purposes, but I recognise that it can be suitable for a period of time, and moreover, that following Plan Change 10 the expectation from landowners and land purchasers was that it would be LIZ.</p> <p>Mr Taylor has not challenged the area that is prone to risk, and the first bullet point in the objective is clear about locating development away from that area. The relevant DoC guidance states that the objective:</p> <p><i>"emphasises the importance of locating development away from risk-prone areas. It also underpins Policy 25(b), under which local authorities and other decision-makers are directed to avoid redevelopment or change in land use (including intensified development)</i></p>



		<p><i>that would increase the coastal hazard risk”<sup>1</sup></i></p> <p>Natural defences to coastal hazards will only be enabled by minimising the above and below ground infrastructure.</p>
<p><b>Objective 6:</b></p> <p>To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:</p> <ul style="list-style-type: none"> <li>the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;</li> </ul>	<p><i>The zoning of the land for light industrial purposes is required to meet the social and economic needs of the Richmond/ Tasman community in relation to the adequate provision of land suitable for light industrial land uses. This is confirmed in the Council’s s32 report.</i></p> <p><i>In my opinion a prohibition on subdivision is likely to make realisation of this more difficult, particularly for the larger landholdings within the plan change area.</i></p>	<p>Based on the Future Development Strategy 2022 and the Housing and Business Assessment (HBA) there is sufficient industrial capacity available. Council is also preparing Plan Change 81 which will enable further LIZ land within the urban area.</p> <p>Therefore, this land is not required for the broad Objective 6 outcomes, and long term development and subdivision would not be <i>in an appropriate place and form</i>.</p>
<p><b>Policy 3: Precautionary approach</b></p> <ol style="list-style-type: none"> <li>Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.</li> <li>In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that: <ol style="list-style-type: none"> <li>avoidable social and economic loss and</li> </ol> </li> </ol>	<p><i>A precautionary approach is required, however in my opinion introducing very restrictive controls such as prohibited subdivision is an overly cautious approach, that does not recognise the range of potential vulnerabilities to coastal hazards within the Schedule 17.4A area, or the responses available to address these.</i></p> <p><i>In my opinion Council Officers have appropriately applied a precautionary approach in relation to <u>identifying areas of potential hazards</u>, in accordance with current MfE guidance.</i></p> <p><i>A precautionary approach can also be applied at consenting stage, based on detailed and</i></p>	<p>Policy 3 clause 2 supports the approach taken in the PC as notified and as set out in the S42A report.</p> <p>The plan change sets the strategic direction (applying a precautionary approach), and the framework enables flexibility to apply for a resource consent. Through the consenting process a precautionary approach will still need to be applied in consideration of site specific factors.</p> <p>I consider that the economic loss and harm of industrial worksites, plant, and equipment becoming</p>

<sup>1</sup> NZCPS 2010 guidance note: Coastal Hazards – Objective 5 and Policies 24, 25, 26 & 27

<p>harm to communities does not occur;</p> <p>2. natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and</p> <p>3. the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.</p>	<p><i>site-specific expert assessment of risks and potential mitigation of these. In my opinion the concept of a precautionary approach should not be used to avoid the need to consider site-specific factors.</i></p>	<p>increasingly frequently inundated by storm and coastal water inundation can be avoided by not allowing it to occur in the first place.</p> <p>The approach set out in the plan change will provide for subclauses 2 and 3.</p>
<p><b>Policy 7: Strategic planning</b></p> <p>1. In preparing regional policy statements, and plans:</p> <p>a. consider where, how and when to provide for future residential, rural residential, settlement, urban development and other activities in the coastal environment at a regional and district level; and</p> <p>b. identify areas of the coastal environment where particular activities and forms of subdivision, use, and development:</p> <p>1. are inappropriate; and</p> <p>2. may be inappropriate without the consideration of effects through a resource</p>	<p><i>Council’s s42A report confirms that, having considered coastal hazard risks, this area is generally appropriate for development for light industrial purposes, which I support.</i></p> <p><i>Whilst the inclusion of provisions in the plan to manage significant risks is appropriate, insufficient technical assessment has been undertaken by Council to support the implementation of very restrictive provision (prohibited subdivision) to manage this risk, particularly over a large land area that has a range of vulnerabilities to coastal hazard risks.</i></p> <p><i>Policy 7 also refers to preparation of Regional Policy Statements. Policy 7 therefore should take some guidance from the Regional Policy Statement on strategic land development. I discuss this link below in relation to Policy 5.3 of the RPS.</i></p>	<p>Again, I disagree with Mr Taylors characterisation of the Council’s position. The s42A report considers this area is generally <u>appropriate for appropriate forms of development for light industrial purposes in the short to medium term</u>, not in the longer term.</p> <p>Generally, I disagree that this policy is relevant to this plan change, but it does raise important context: The strategic planning required by Policy 7 has not, to date, been completed nor implemented in the TRPS or TRMP. A natural hazards plan change is in preparation and the s35 report for Chapter 13 Natural Hazards identified the need to give full effect to the NZCPS. The TRMP is therefore not consistent with the more up-to-date natural hazards mapping and modelling information (particularly sea level rise).</p>

<p>consent application, notice of requirement for designation or Schedule 1 of the Resource Management Act process; and provide protection from inappropriate subdivision, use, and development in these areas through objectives, policies and rules.</p> <p>2. Identify in regional policy statements, and plans, coastal processes, resources or values that are under threat or at significant risk from adverse cumulative effects. Include provisions in plans to manage these effects. Where practicable, in plans, set thresholds (including zones, standards or targets), or specify acceptable limits to change, to assist in determining when activities causing adverse cumulative effects are to be avoided.</p>		
<p><b>Policy 24: Identification of coastal hazards</b></p> <p>1. Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunamis), giving priority to the identification of areas at high risk of being affected. Hazard risks, over at least 100 years, are to be assessed having regard to:</p>	<p><i>In my opinion, Council Officers have fulfilled this requirement in identifying areas of potential hazard within the plan change area. Adoption of the 2024 MfE guidance controls the ‘screening’ and ‘identification’ of coastal hazards pursuant to Policy 24 but is not a directive policy on whether land development should occur.</i></p>	

<ol style="list-style-type: none"> <li>1. physical drivers and processes that cause coastal change including sea level rise;</li> <li>2. short-term and long-term natural dynamic fluctuations of erosion and accretion;</li> <li>3. geomorphological character;</li> <li>4. the potential for inundation of the coastal environment, taking into account potential sources, inundation pathways and overland extent;</li> <li>5. cumulative effects of sea level rise, storm surge and wave height under storm conditions;</li> <li>6. influences that humans have had or are having on the coast;</li> <li>7. the extent and permanence of built development; and</li> <li>8. the effects of climate change on: <ol style="list-style-type: none"> <li>1. matters (a) to (g) above;</li> <li>2. storm frequency,</li> </ol> </li> </ol>		
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<p>intensity and surges; and</p> <p>3. coastal sediment dynamics;</p> <p>taking into account national guidance and the best available information on the likely effects of climate change on the region or district.</p>		
<p><b>Policy 25 Subdivision, use, and development in areas of coastal hazard risk</b></p> <p>In areas potentially affected by coastal hazards over at least the next 100 years:</p> <ol style="list-style-type: none"> <li>1. avoid increasing the risk of social, environmental and economic harm from coastal hazards;</li> <li>2. avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;</li> <li>3. encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;</li> <li>4. encourage the location of infrastructure away from areas of hazard risk where practicable;</li> </ol>	<p><i>These provisions do not require avoiding use or development of land potentially affected by coastal hazards over the next 100+ years, rather avoidance of increasing risk of harm associated with these activities.</i></p> <p><i>Council Officers have determined that the land is suitable for light industrial purposes, having undertaken a screening exercise for the identification of potential coastal hazards. Relevant to this is the inherently lower risks associated with light industrial activities compared to other land uses, such as residential.</i></p> <p><i>Risk is a function of the likelihood of something happening, and the consequences of it happening. Both of these factors need to be assessed to determine the risk associated with a particular activity. As will addressed further below, this is routinely done on a case by case basis as part of a resource consent application on the basis of expert assessment and taking into account mitigating factors.</i></p> <p><i>Policy 25 does not create a hierarchy between ‘subdivision’ and ‘land use’. The policy only refers to ‘redevelopment, or</i></p>	<p>Mr Taylor’s first paragraph is incorrect. Clause 2 states “avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards.” Any fair assessment of this clause will show that subdivision and development will increase the risk of adverse effects.</p> <p>The position in the s42A report has already taken a lenient approach for the reasons stated above.</p> <p>The DoC guidance states: “This clause reflects a risk management approach and the intention to avoid increasing the risk of adverse effects from coastal hazards. In particular, it recognises that some redevelopment or changes in land use can increase the consequences or harm from coastal hazards (and hence the risk), even if the coastal hazard itself remains unchanged. Examples of areas where such an increase has</p>

<p>5. discourage hard protection structures and promote the use of alternatives to them, including natural defences; and</p>	<p><i>change in land use’. In my opinion, if Council Officers accept that risk of adverse effects can be appropriately managed at consenting phase, then it does not follow that Policy 25 then justifies imposition of prohibition on subdivision activities. I have difficulty reconciling Council Officers position that risk from change in land use (to light industrial) can be adequately managed at the consenting phase, but there is no prospect of managing subdivision through the same process.</i></p> <p><i>If Council Officer’s are relying on Policy 25(1) to support prohibition on subdivision, then this should be supported by evidence quantifying ‘social, environmental, and economic harm’ associated with subdivision as opposed to land use.</i></p> <p><i>In my opinion it is not necessary to implement this policy through a prohibition on subdivision. This policy is already embedded in the RPS and TRMP (as detailed below) and can be relied upon in assessing resource consent applications on a case by case basis.</i></p>	<p><i>occurred include places where there has been:</i></p> <ul style="list-style-type: none"> <li><i>• intensified land use and increased asset values;</i></li> <li><i>• an increased vulnerability of assets (including infrastructure) to damage from coastal hazards;</i></li> <li><i>• a greater likelihood that assets (including infrastructure) will be damaged by coastal hazards; and/or</i></li> <li><i>• a greater likelihood that other social, cultural and environmental values will be adversely affected.”</i></li> </ul> <p><i>I conclude that all of these circumstances will be relevant in this case.</i></p> <p><i>In his fourth paragraph, Mr Taylor sees no difference between managing land use consenting and subdivision consenting. I consider that subdivision cannot be time-limited. Land use can have limited duration approval, whereas subdivision is permanent. The difference is critical.</i></p> <p><i>It is incorrect to say that the policy is embedded in the TRPS and the TRMP. Both need to be amended to recognise more up to date natural hazards information.</i></p>
<p><b>Policy 27: Strategies for protecting significant existing development from coastal hazard risk</b></p>	<p><i>This policy is relevant as the subject land does not actually adjoin the coast. It is separated from the coast by a hard engineering structure (Lower Queen Street road formation),</i></p>	<p>The proposed scheduled area is in the coastal environment as defined by Policy 1 (as its subject to long term SLR). Allowing subdivision or permanent</p>

<p>1. In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes:</p> <ol style="list-style-type: none"> <li>1. promoting and identifying long-term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk;</li> <li>2. identifying the consequences of potential strategic options relative to the option of “do-nothing”;</li> <li>3. recognising that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance, to sustain the potential of built physical resources to meet the reasonably foreseeable needs of future generations;</li> <li>4. recognising and considering the environmental and social costs of permitting hard protection structures to protect private property; and</li> <li>5. identifying and planning for transition mechanisms and timeframes for moving</li> </ol>	<p><i>and much of the seaward side of this is further separated from the coast by the Nelson Pine Industries (NPI) industrial plant, which is itself protected from the coast by a hard engineering structure. In fact, much of the coastline of this part of the Waimea Estuary is protected by hard engineering structures. These structures and activities constitute ‘significant existing development’. These limit the management options for Council/ the community, and make maintenance of hard protection measures a more realistic (and potentially more efficient) option moving forward, particularly compared to more natural coastal margins elsewhere.</i></p> <p><i>Council may decide to abandon part of LQS in the future. A prohibition on subdivision may well preclude the construction and vesting of alternative, more resilient roading within the plan change area that could better provide for, rather than inhibit, managed retreat, should this be necessary.</i></p> <p><i>Until more detailed technical assessment has been undertaken to justify very restrictive measures such as a prohibition on subdivision, a comprehensive review of risks and responses for the wider area or region should be undertaken, as detailed further below. In the interim, there are appropriate mechanisms in place to evaluate and manage risk.</i></p>	<p>buildings would immediately trigger clause 1, being a requirement to promote and identify sustainable risk reduction strategies.</p> <p>The approach in the proposed plan change is deliberately pragmatic and strategic to avoid triggering this requirement.</p> <p>Mr Taylor relies on speculation about future protection possibilities. Mr Rice has confirmed that abandonment and removal of Lower Queen Street is a plausible and likely strategy, and that SH60 is an adequate alternative transportation corridor.</p> <p>In relation to uncertain future protection possibilities, a precautionary approach is required (per Policy 3)</p> <p>With reference to Clause 2(1), not allowing permanent development and subdivision is an appropriate method for reducing the need for hard protection structures and engineering interventions in the future.</p>
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<p>to more sustainable approaches.</p> <p>2. In evaluating options under (1):</p> <ol style="list-style-type: none"> <li>1. focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions;</li> <li>2. take into account the nature of the coastal hazard risk and how it might change over at least a 100-year timeframe, including the expected effects of climate change; and</li> <li>3. evaluate the likely costs and benefits of any proposed coastal hazard risk reduction options.</li> </ol>		
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### **Tasman Regional Policy Statement**

42. Mr Taylor's characterization of the status of the TRPS is incorrect. The TRPS was promulgated prior to the NZCPS 2010 and therefore cannot be considered to give effect to the TRPS. We can assume that the TRPS gives effect to the Act and the NZCPS 1994. In matters where the TRPS must give effect to the NZCPS the correct approach is to consider the TRPS as deficient, and therefore the assessment must be elevated to the NZCPS itself.
43. Nevertheless, for completeness, Policy 5.2 identifies the default position as being to avoid locating new urban development in the subject area. The policy allows for exemptions, but I consider given the advice and direction from the NZCPS that this is not a situation where such an approach is appropriate over the longer term.



## Tasman Resource Management Plan

44. In 2019 Council's Environmental Policy team commenced a full review of the effectiveness and efficiency of the TRMP under s35 of the Act. This review highlighted that in many respects the TRMP does not give effect to the NZCPS and that this needed to be addressed. This was particularly true for providing more up to date natural hazards information and a planning response that implemented the NZCPS. As stated above, under these circumstances it is appropriate for lesser weight to be put on the TRMP and greater weight to be put on the NZCPS.
45. When the TRMP was developed in the 1990s the technical and mapping resources available to the Council were limited, and nationally there was low awareness of climate change. Today, climate change and coastal hazard risks have changed markedly, and Council's has access to more technical information and a far better understanding of the district's vulnerabilities to coastal hazard and sea level rise.
46. However, PC79 as notified, and with the prohibition on subdivision does give full effect to the NZCPS. A further comprehensive plan change is being prepared to fully implement the NZCPS in relation to natural hazards across the district. Additionally, strategic planning under policy 7 has also not yet been implemented.
47. Mr. Taylor identified the following objectives and policies of the TRMP as relevant. I agree with his assessment of their relevance but disagree with his assessment. Again, I have retained Mr Taylor's wording in *italics* and included my assessment in a new column on the right-hand side of the table.

**Table 3: Chapter 13 (Natural Hazards)**

Provision	Mr Taylor Assessment	Mr Butler Assessment
<b>Objective 13.1.2.1</b>  Management of areas subject to natural hazard, particularly flooding, instability, coastal and river erosion, inundation and earthquake hazard, to ensure that development is avoided or mitigated, depending on the degree of risk.	<i>This objective is enabling of various responses to managing hazards, including mitigation.</i>	The objective is for avoidance or mitigation, depending the degree of risk. With reference to the higher-order document (NZCPS) the correct approach here would be avoidance.
<b>Objective 13.1.2.2</b>  Land development, including supporting network infrastructure asset services, is resilient against natural hazards.	<i>This objective requires development to be resilient against natural hazards.</i>	Allowing opportunities for permanent development and subdivision in a area that is subject to coastal erosion and inundation hazards is not resilient. It decreases the resilience of the Tasman urban area overall.

<p><b>Policy 13.1.3.1</b></p> <p>To avoid the effects of natural hazards on land use activities in areas or on sites that have a significant risk of instability, earthquake shaking, fault rupture, flooding, erosion or inundation, or in areas with high groundwater levels.</p>	<p><i>This policy seeks that the effects of natural hazards on land susceptible to the hazards be avoided, rather than avoiding use of the land.</i></p>	<p>The effects can be avoided as Mr Taylor suggests in the short to medium term, but avoiding permanent development or subdivision of the area is the appropriate avoidance as the hazards worsen over time.</p>
<p><b>Policy 13.1.3.2</b></p> <p>When determining appropriate subdivision, use or development in the coastal environment to assess the likely need for coastal protection works and, where practicable, avoid those sites for which coastal protection works are likely to be required.</p>	<p><i>This policy requires an assessment of whether or not subdivision, use or development is appropriate – it may or may not be, depending on the site and proposal.</i></p>	<p>Any long term use of this land will require coastal protection works and complex and expensive solutions. Avoiding the long term development of this land is the appropriate response.</p>
<p><b>Policy 13.1.3.3</b></p> <p>To avoid developments or other activities that are likely to interfere with natural coastal processes including erosion, accretion, inundation, except as provided for in Policy 13.1.3.10.</p>	<p><i>This policy directs avoidance of activities that are likely to interfere with Coastal processes. Where they do, consent may be refused.</i></p>	<p>Allowing for the natural retreat of the coastline is an important consideration. Permanent development and subdivision into smaller lots, thereby increasing the value will compromise that process.</p>
<p><b>Policy 13.1.3.4</b></p> <p>To avoid or mitigate adverse effects of the interactions between natural hazards and the subdivision, use and development of land.</p>	<p><i>This policy enables a range of responses to hazard risks, which can be assessed on a case by case basis.</i></p>	<p>An ad-hoc “case by case” basis is not an appropriate planning response in this case.</p>
<p><b>Policy 13.1.3.10</b></p> <p>To maintain or consider the need for protection works to mitigate natural hazard risk where:</p> <p>a. there are substantial capital works or infrastructure at risk; or</p>	<p><i>This policy gives circumstances where coastal protection works may be appropriate, to be assessed on a case by case basis.</i></p>	<p>I do not consider this policy to be directly relevant.</p>

<p>b. it is impracticable to relocate assets; or</p> <p>c. it is an inefficient use of resources to allow natural processes to take their course; or</p> <p>d. protection works will be effective and economic; or</p> <p>e. protection works will not generate further adverse effects on the environment, or transfer effects to another location.</p>		
<p><b>Policy 13.1.3.16</b></p> <p>To avoid new subdivision, use or development that would hinder the ability of natural systems and features (such as beaches, dunes, wetlands or barrier islands) to protect existing subdivision, use or development from natural hazards (such as erosion, inundation, storm surge, or sea level rise).</p>	<p><i>This policy is directive to avoid subdivision, use or development in particular circumstances. Particular consent proposals may be refused when considering this policy. However, the existing hard-engineered nature of the existing coastline near the plan change area is relevant to this policy.</i></p>	<p>Mr Taylor cannot rely on the existing hard engineering structures (e.g. Lower Queen Street formation).</p>

#### National Adaptation Plan 2022 (NAP)

48. In paragraph 31 of his evidence Mr Taylor states that the NAP is “a guidance document only”. This is incorrect. Under sections 61(2)(d), 66(2)(g), and 74(2)(e) of the Act, regional policy statements, regional plans, and district plans must have regard to the NAP when they are being prepared or changed. This statutory requirement means that councils must actively consider and engage with the content of the NAP during plan-making processes. While “have regard to” is a lower threshold than “give effect to,” it still imposes a legal duty to consider the NAP’s objectives and recommendations, and to demonstrate how they have influenced the resulting planning provisions.

49. In his paragraphs 29 and 30, Mr Taylor quotes two passages from the NAP which direct and states “*Local Government should act now to drive climate-resilient development in the right locations*”. But Mr Taylor goes on to say – possibly under the misunderstanding that the NAP is guidance only – that it is largely a plan for the future and it is not necessary or appropriate to take steps now. The NAP, like other high order documents and the TRMP itself, are clear about the importance of supporting climate-resilient development in the right places. Council has had “regard” to the above statement, and the proposed PC79 framework, with the addition of the rules around subdivision, demonstrate this.
50. In his paragraph 38, Mr Taylor describes Council’s planning response as “ad-hoc” in the sense that it is only applied to this Lower Queen Street location, and not the whole of the district. It is true that this location is being progressed ahead of a broader district-wide natural hazards plan change, which is currently underway. However, this sequencing is deliberate and necessary. The land in question is subject to a deferred zoning, and Plan Change 79 was initiated specifically to resolve the future use of this land. It was not tenable to leave landowners in a state of prolonged uncertainty, unable to develop or invest due to the deferred status. Addressing the zoning and associated hazards in this location ahead of a comprehensive district-wide response reflects the pragmatic need to unlock the land for appropriate use, while still responding to known hazard risks in a precautionary and forward-looking way. Far from being ad hoc, this approach represents targeted and timely planning in response to site-specific pressures and known constraints.
51. Moreover, it is my assessment that enabling a consenting pathway for subdivision in this location would in fact result in a more ad-hoc planning response. It would rely heavily on high-cost inputs from experts to assess site-specific hazard risks and develop mitigation strategies, followed by similarly resource-intensive consent processing by Council. This creates uncertainty for both landowners and Council as to what outcomes may or may not be acceptable, and risks generating inconsistent decisions across similar sites. Rather than providing clarity or fairness, such a process introduces variability, delays, and costs — all of which are hallmarks of an ad-hoc system. In contrast, clear plan provisions that set out what is and is not appropriate provide a more efficient, equitable, and strategic planning framework.
52. I do not agree with Mr Taylor’s view that applying restrictive planning controls such as prohibited subdivision is premature or inconsistent with the 2024 MfE Coastal Hazards and Climate Change Guidance. While it is true that Council has not yet completed the full 10-step adaptive planning process, the Guidance explicitly recognises the need for interim decision-making using precautionary sea-level rise projections. Table 8 of the Guidance provides recommended relative sea-level rise (RSLR) allowances to inform plan revisions and land use decisions prior to the development of a full adaptive planning strategy under the Dynamic Adaptive Policy Pathways (DAPP) approach. These interim allowances are not optional; they are provided precisely to support precautionary spatial planning decisions in the absence of a full adaptation plan. Furthermore, the NZCPS remains in full effect and requires councils to avoid increasing the risk of social, environmental and economic harm from coastal hazards over at least the next 100 years (Policy 25). In that context, applying more restrictive planning provisions — including prohibited subdivision in high-risk areas — is entirely consistent with both the MfE Guidance and the NZCPS. It is a necessary and appropriate response to known hazard risks, not an overreach.

53. I do not agree with Mr Taylor’s assessment in paragraphs 63 to 74 of his evidence regarding subdivision. His view is premised on an assumption that subdivision in the Schedule 17.4A area should be enabled, and that natural hazard risks can be managed through individual resource consent processes. In my view, this approach is overly optimistic and contrary to the strategic and precautionary intent of the NZCPS — particularly Policy 25, which requires avoidance of increased risk from coastal hazards over a 100-year timeframe. Subdivision fundamentally changes the planning baseline by creating enduring property rights and expectations. Once land is subdivided, it becomes increasingly difficult — politically, legally, and practically — to implement long-term adaptation responses such as managed retreat. It also increases the number of affected landowners, raising the potential for future conflict and cost.
54. While the TRMP and RMA do provide mechanisms to consider hazard risk (such as s106), these tools are reactive and not designed to provide long-term strategic direction at a district-wide level. The blanket application of a precautionary prohibition in this context is not blunt — it is proportionate, justified by the risk, and consistent with the principle of not locking in inappropriate land use. In contrast, Mr Taylor’s case-by-case approach lacks the certainty needed by Council and communities to plan effectively for climate change.
55. Referring back to the NAP: “... *council’s need to avoid locking in inappropriate land use or closing off adaptation pathways* ...”. In my assessment this guidance is clear that opening the door, however slight, to enable existing landowners to develop land, sell to new landowners, develop more infrastructure, reduce the flexibility for adaptation and natural retreat of the shoreline is contrary to Section 6(h) RMA, the NZCPS, the NAP and the TRMP.
56. Mr Taylor refers to the subdivision at Artillery Place as a preferable example of how to manage natural hazard risk, but in my view this comparison is not appropriate. The Artillery Place site was already zoned Light Industrial in the operative TRMP, meaning the principle of development was established and the consent process was limited to assessing specific effects. The subdivision was essentially a pragmatic, applicant-led response to zoned land, supported by a detailed hazards assessment and consent notices that acknowledged the future need to vacate the land.
57. In contrast, the land subject to Plan Change 79 is currently deferred, unserved, and requires a rezoning decision before any development can occur. This is a fundamentally different planning context. A plan change must take a strategic, long-term view that gives effect to the objectives and policies of the NZCPS and the RMA, and has regard to the NAP. Allowing subdivision through a consenting pathway on deferred, hazard-prone land would set up a high-risk and uncertain process, and undermine the Council’s ability to take a consistent and precautionary approach. The use of prohibited activity status in this case is not out of step — it reflects the need to avoid locking in future risks before zoning is confirmed.

#### The Sea Level Rise trigger level

58. Mr Taylor, from paragraph 75 of his evidence, raises concern that the proposed planning provisions, particularly Policy 6.5.3.10A(b), would make it unduly difficult to obtain consent for land use activities on parts of the site that are more elevated and less

vulnerable to coastal hazards. He argues that the policy does not adequately reflect the variation in ground levels across the area and could lead to overly restrictive outcomes.

59. In response, I consider that this concern is overstated and does not take into account the full policy framework proposed. Policy 6.5.3.10B is specifically designed to address the variability in elevation and hazard exposure across the Schedule 17.4A area. It recognises that different land uses have different levels of vulnerability to coastal hazards and sea level rise, and it explicitly provides for activities to be assessed on a case-by-case basis. This policy introduces necessary nuance and flexibility to the planning framework, enabling appropriately located and designed land use activities to proceed where the risk can be adequately managed, while ensuring that more vulnerable uses or locations are not enabled by default. In my view, this represents a balanced and responsive approach that avoids blanket prohibitions on land use, while still upholding the precautionary and risk-based direction of the NZCPS and MfE guidance.

#### Application to Relief Sought

60. In response to the recommendations for relief set out in paragraph 87 and following of Mr Taylor's evidence, I do not support the changes sought by the landowner group to Chapters 6 or 13 of the Plan, nor to the subdivision provisions in section 16.3, nor to Chapters 17.4 or 19. In my view, the provisions as proposed are appropriately framed, justified by the evidence of hazard risk, and aligned with national policy direction including the NZCPS and 2024 MfE Coastal Hazards Guidance. The proposed framework takes a risk-based and precautionary approach that recognises the long-term vulnerability of this location while still enabling flexibility in how land use may proceed in the interim, where risk can be managed.
61. With regard to the proposed Schedule 17.4A mapping in updated Planning Map 76-12 (addressed from paragraph 107 of Mr Taylor's evidence), I note that the inland extent of the area has been determined entirely based on the modelled extent of future relative sea level rise (RSLR) hazard, not cadastral boundaries. I acknowledge that this results in irregular and sometimes awkwardly shaped areas that cross property boundaries, which can create planning and land use challenges. Subject to further advice from Council's natural hazards and planning teams, I consider there may be some room to rationalise or "square up" certain edges of the mapped area where that would improve practical implementation and does not compromise the underlying hazard rationale. However, I do not support the blanket approach suggested by Mr Taylor of only including properties entirely below the 5.1m contour. This would oversimplify the hazard modelling and could inadvertently exclude areas still subject to material risk. In my view, this is a matter that could be further considered and tested by the Hearing Panel with the benefit of full technical and spatial evidence.

## Conclusion

62. In summary, I consider that the proposed provisions in Plan Change 79 — including the Schedule 17.4A area, the prohibition on subdivision, and the tailored planning framework for land use activities — represent a well-founded and proportionate response to the known and modelled coastal hazard risks affecting this location. The approach gives effect to the New Zealand Coastal Policy Statement, has regard to the National Adaptation Plan and MfE guidance, and reflects the most current hazard information available to Council. It balances the need for flexibility in the short to medium term with a precautionary stance on long-term development, ensuring that adaptation pathways remain open and risk is not unnecessarily embedded through irreversible land use decisions.
63. Mr Taylor and I begin from fundamentally different planning perspectives. His evidence takes as its starting point that the land is zoned and should be enabled to its fullest extent, with hazard risk managed reactively through future consents. My view is that, while landowners should have the opportunity to use the land in the near term, the long-term risks make this location inappropriate for permanent urban development. Plan Change 79 reflects a deliberate and precautionary response to those risks — not an ad hoc one — and provides the clarity and certainty needed to support both climate-resilient land use and Council's wider strategic planning responsibilities.

## Submission Recommendations

64. In relation to the submission points in the Table below, I make further recommendation advice, as set out in red text.

Submitter Name, Number and Point	Submitter Request	Staff Recommendation Allow/Disallow
<b>Update Zone Map 76-12</b>		
AB and SL Family Trust <b>Subm. 4222-2</b> Flowerlands Ltd <b>Subm. 4228-2</b> Wai-West Horticulture Ltd <b>Subm. 1651-2</b> Coral and Tracy Yelverton <b>Subm. 4230-2</b>	Oppose extent of area identified as 'Subject to Schedule 17.4A' as notified.  Amend extent to reflect cadastral boundaries, with only land parcels that are entirely below 5.1m (NZVD 2016) included within the Schedule area;  and  Clarify data/information used to establish the Schedule 17.4A boundary.	Disallow  For the reasons as above, and for the reasons set out in response to Submission's 4222-3, 4228-3, 1651-3, and 4230-3. (see Section 4.2.3 above)  <b>There may be some room to square up boundaries, as long as the overall integrity of the hazard approach is maintained. However, any such amendments should be done on the basis of coastal hazard technical advice, first and foremost.</b>
A & S Talley <b>Further Sub. 2915-16</b>	Neutral but disallow	

## 5.0 A & S Talley

### 5.1 Introduction

65. A & S Talley, Submitter 2915, submission requests are addressed in S42A report in:

Section 2.0 Māpua and Motueka requests under:

- Plan Topic 2.2.1 - Rezoning - amendments to operative planning maps and proposed Schedule 17.14A
- Plan Topic: 2.2.2 - Provisions relating to the development of deferred land - 6.3 Urban Infrastructure Services
- Section 3.0 Deferred Zone Framework under several topics:
- Plan Topic 3.2.1: General
- Plan Topic 3.2.2: Section 6.3 – Urban Infrastructure Services
- Plan Topic 3.2.3: Section 16.3.2.5 - Subdivision in any Zone Subject to Deferred Zone Rules
- Plan Topic 3.2.4: Chapter 17.14 - Deferred Zone Rules - 15 years for transportation requirements for RW5
- Plan Topic 3.2.5: Chapter 17.14 - Deferred Zone Rules - except for Schedule 17.14A
- Plan Topic 3.2.6: Chapter 17.14 - Schedule 17.14A

A & S Talley have submitted Planning Evidence in support of most of requests.

The evidence is addressed per topic.

#### 5.2.1 Māpua and Motueka Zoning Requests: (s42A report Plan Topic 2.2.1)

##### Reply to Evidence

As the submitter evidence supports the S42A report recommendation to decline the requests relating to the rezoning of the Māpua and Motueka deferred sites, there are no changes to s42A report submission recommendations for plan topic 2.2.1(pg 13).

#### 5.2.2 Chapter 6.3 Urban Infrastructure Services: (s42A report Plan Topics 2.2.2 and 3.2 2)

66. Submitter Evidence

Objective 6.3.2.3

The submitter evidence suggests a rewording of the hearing version amendment to Objective 6.3.2.3 (paras 52-56).

67. Policies 6.3.3.4A-D

The submitter evidence notes that the updated drafting of policy 6.3.3.4D means that the policy will not apply to deferred locations not listed in Schedule 17.14A (para 32).



68. **Reply to Evidence**

Staff noted that the s42A report recommendation accepted the submitter request to include reference to “additional infrastructure” in Objective 6.3.2.3 and the wording requested by the submitter (submission no: 2915.7) so staff are surprised to receive a further request for the rewording of 6.3.2.3. Staff do not support the unnecessary repetition of the ‘additional infrastructure’ provision in Policy 6.3.3.4D.

69. It is intended that the hearing version drafting of policy 6.3.3.4D means that the policy will not apply to deferred locations not listed in Schedule 17.14A.
70. The private plan change and resource consent development pathway for Motueka and Māpua is supported by the retention of operative policies 6.3.3.4A and 6.3.3.4B (with some redrafting to clarify intention), together with other provisions listed in the s42A report Staff Recommendations and Reasoning (pg.16).
71. The further drafting changes suggested by the submitter evidence to Objective 6.3.2.3 and Policy 6.3.3.4A, limit this pathway by inclusion of references to Schedule 17.14A and Rule 17.14.2.2, which do not apply to the deferred locations in Māpua and Motueka.
72. **Staff Recommendations and Reasoning**  
Staff do not support the further drafting changes proposed by the submitter evidence for the reasons set out above. Staff support the Recommendations and Reasoning set out in the s42A report, pg.16 (for topic 2.2.2) and page 24 (for topic 3.2.2).
73. **Plan Amendments and Submission Recommendations**  
There are no further Plan Amendments and no changes to the Submission Recommendations listed in the s42A report, for topic 2.2.2 (pgs.16-17) or for topic 3.2.2 (pgs. 24-26).

**5.2.3 Section 16.3.2.5 - Subdivision in any Zone Subject to Deferred Zone Rules (s42A report Plan Topic 3.2.3)**

74. **Submitter Evidence**  
The submitter evidence suggests a rewording of the hearing version of Rule 16.3.2.5 to improve clarity and to reflect the PC79 approach to managing deferred land (paras 73-4, pg. 25).
75. **Reply to Evidence**  
The effect of the submitter evidence amendments to the hearing version of 16.3.2.5 is to extinguish reference to locations with a deferred zoning that are not included in Schedule 17.14A. (Māpua and Motueka deferred sites). PC79 does not intend to extinguish this pathway for the deferred sites not included in Schedule 17.14A and consequently does not support the amendment.
76. As 16.3.2.5 serves as a connector provision between two TRMP Chapters (6.3 Subdivision and 17.14 Deferred Zones), another way of addressing the issue is to refer to Rule 17.14.2, which provides for all deferred zone locations, both those listed in Schedule 17.14A (Rule 17.2.2) and those that are not (17.4.2.1), in other words, keep the provision generic.

## 77. Staff Recommendations

Staff propose the following amendments to the hearing version of rule 6.3.2.5 for the above reasons.

### Staff amendments to Hearing Version of Schedule of Plan Amendments

16.3.2.5 Subdivision in any Zone Subject to Deferred Zone Rules, <del>or Where Deferred Zoning Has Been Removed</del>	C51 1/15 Op 9/16 PC79
<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 <del>is, or was formerly</del>, subject to Deferred Zone Rules (as set out in Section 17.14), <del>and as set out in Schedule 17.14A</del>), services are provided in accordance with:</p> <p>EITHER</p> <p>(a) Mandatory standards of the Nelson Tasman Land Development Manual <del>2019</del> <b>2020</b>. C69 6/19 Op 6/20 PC79</p> <p>OR</p> <p>(b) The services <u>meet the requirements of the deferred zone rules as set out in Section Rule 17.14.2.2 and Schedule 17.14A</u> <del>and concept engineering plans that formed the basis for Council's resolution to remove the deferral of the urban zone</del> for the whole or any part of that land. C51 1/15 Op 9/16 PC79</p> <p>Subdivision that does not comply with (a) or (b) is a discretionary activity.</p> <p><b>Note:</b> 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>	

## 78. Submission Recommendations

If this draft of the rule is accepted - there are no changes to the s42A Submission Recommendations listed in the s42A report for plan topic 3.2.3, on pg. 27.

### 5.2.4 Chapter 17.14 -Deferred Zone Rules - except for Schedule 17.14A (s42A report Plan Topic 3.2.5, pgs. 31-35)

## 79. Submitter Evidence

The evidence (section 2.2, paras 19-25, pgs 8- 10 and section 2.6.1. 2 paras 62-69) criticises the deferred zone provisions for the following reasons:

- The trigger mechanism enables a change in activity status without a Schedule 1 plan change
- The definition of “delivered” remains unclear and uncertain
- The concept of “delivered” infrastructure is vague and discretionary, and potentially lacks due process or dispute resolution
- The trigger mechanism involves subjective decisions by Council
- Clear, certain, enforceable provisions capable of objective interpretation are required.

## Reply to Evidence

### 80. **Level of certainty regarding plan provisions that change activity status in Chapter 17.14**

Council staff acknowledge that plan provisions must be certain, enforceable, and capable of objective interpretation. We accept that changes in activity status must not be dependent on subjective or unfettered discretion.

81. Staff consider that the provisions in PC79 (hearing version) meet this threshold even though the provisions involve people and processes. The methodology is specified and is not open to undue interpretation. We consider that the deferred zoning provisions strike an appropriate balance between certainty and operational flexibility. The rule framework does not require discretionary assessments to determine activity status but rather relies on objective and verifiable infrastructure triggers. It is a lawful and robust mechanism and provides for transparent, well-sequenced urban development.

### 82. **Rule 17.14.2.2**

The “delivered” mechanism in Rule 17.14.2.2 does not rely on discretionary judgments or a policy-based decision to activate a change in activity status of plan provisions. Instead, it sets out clear, factual thresholds that are capable of being objectively verified — namely, whether the infrastructure specified in Schedule 17.14A has been physically constructed or is planned and funded in the next three years. These triggers are observable, measurable, and not reliant on the exercise of planning discretion.

83. Staff also note that the use of a public statement on Council’s website to confirm infrastructure delivery is not the legal trigger for the change in provisions. Rather, it is an administrative step to give notice of an event that has already occurred under the framework of Rule 17.14.2.2. The actual test is met when the infrastructure exists or is planned and funded, not when the Council chooses to acknowledge that occurrence. In that sense, the mechanism is consistent with legal expectations that users of the plan should be able to ascertain rule applicability without needing to rely on a discretionary decision.

84. We disagree with the Submitter’s assertion that this framework constitutes a quasi-plan change or introduces legal uncertainty. The mechanism does not amend the plan map or text and does not alter activity status through discretion. Instead, it functions as a factual trigger built into the plan structure — a method of sequencing development based on the presence of infrastructure. This is a common and accepted technique in RMA planning.

85. Staff also recognise the value of providing consistent and transparent administrative processes. While the Plan itself does not codify a formal request or dispute resolution process, Council, will develop an internal standard operating procedure (SOP) for infrastructure confirmation requests, including indicative timeframes and documentation requirements. This will enhance public confidence and transparency, without requiring additional plan provisions.

86. A placeholder schedule similar to Schedule 17.14A will be available on the Council website, with placeholder information updated at the time the information becomes available (Column H will be updated when the rule 17.14.2.2. trigger is met and Column G provisions apply.) The TRMP Schedule 17.14A will be updated by a Schedule 1 plan change which generally occurs on a regular basis.

87. Policy 6.6.3.4B and Schedule 17.14A-Column F clarify that either Council or a third party can provide the infrastructure. The Chapter 6.3 Urban Infrastructure Services provisions refer to deferred land and / or to the Chapter 17.14 provisions as required – so are applicable.
88. Staff do not support incorporating the definition of “delivered” in 17.14.2.2 into Chapter 2 (Meaning of Words), because its application is confined to Rule 17.14.2.2 and supporting policy 6.3.3.4D.
89. Should the Panel decide that the definition should be incorporated into Chapter 2 – then its limited application should be built into the definition.
90. **Submission context**  
In context of PC79, it is noted that Submitter No. 2915 is the only PC79 submitter opposing changes to the proposed deferred framework. In addition, submission point 2915.3 requested that Māpua and Motueka deferred zone locations revert to the original zone (request withdrawn in evidence statement) and submission point 2915.4 requests that all operative TRMP policies are amended to not enable “intensification development” within any deferred zoned land in Māpua or Motueka. Further submissions from Māpua landowner developers oppose these and other requests that challenge the notified deferred zone framework and any downzoning of their land.
91. Council notes that its RMA functions include “*ensuring that there is sufficient development capacity in relation to housing and business land to meet the expected demand of the region*” (RMA s30(1)(ba) and s31(1)(aa). And the NPS-UD, 2020, Objective 3 requires: “*Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply: the area is in or near a centre zone or other area with many employment opportunities the area is well-served by existing or planned public transport there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*”

The TRMP is required to give effect to the above provisions.

92. Council’s comparative assessment of twelve (12) other councils’ plan frameworks for transitioning rural zoned land to serviced urban zoned land shows that four of the twelve Councils use a framework similar to the TRMP ‘operative deferred zone framework.’

## **Submitter Evidence drafting amendments to Chapter 17.14 (hearing version), excluding Schedule 17.14A**

93. Rule 17.14.2 and Principal Reasons 17.14.20  
The hearing version of the rule has been amended in line with A & S Talley original submission requests: 2915.21 (Rule 17.14.2.1); 2915.23 (Rule 17.14.2.2(a)); 2915.24 (Rule 17.14.2.2(b)); 2915.25 (Rule 17.14.2.2(c)). Further amendments serve no purpose or (regarding 17.14.2.2(b) are not supported.
94. The hearing version of the Principal Reasons has been amended in line with A & S Talley original submission requests 2915.26 2915.27 and 2915.30. Further amendments serve no purpose or are not supported.
95. **Staff Recommendations and Reasoning**  
Staff do not support the further drafting changes proposed by the submitter evidence for the reasons set out above. Staff support the Recommendations and Reasoning set out in the s42A report, pgs.32-35 (for topic 3.2.5)
96. **Plan Amendments and Submission Recommendations**  
There are no further Plan Amendments and no changes to the Submission Recommendations listed in the s42A report, pgs.32-35 for topic 3.2.5

### **5.2.5 Schedule 17.14A (s42A report Plan Topic 3.2.6, pgs. 35-36)**

#### **Submitter Evidence**

97. Schedule 17.14A column deletion  
The Submitter requests the deletion of Tables E, F and J in Schedule 17.14 for various reasons (para 75-79, pgs.27 – 28) and the addition of place holder information in Column I. For readability, the submitter reasons for the requests will be addressed in the reply to the evidence.
98. Column D Trigger Descriptions  
The Submitter considers that some of the trigger descriptions are unclear or will require third party interpretation: RS14 - South West Hart Road; RW5 - McShane Road; WK20 – Bird Lane; and WK21 – Higgins Road.

#### **Reply to Evidence**

99. Staff note that the s42A report allowed A&S Talley submission requests 2915.31-2915.37 (at pg.35) so is surprised by the further amendments requested in the evidence.
100. **Schedule 17.14A column deletion**  
Column E  
The Submitter requests the deletion of Table E because it is redundant as the deferred zone mechanism only works when the specified infrastructure is provided for the whole deferred zone location, not for parcels within it (para75).
101. Council staff experience is that this is not necessarily so. Infrastructure may become available to a portion, not the whole of a deferred location. Columns A & B potentially could be amended (per Schedule 1 process) to reflect the part/s of a site that remains deferred. Column E provides the space to describe exactly what parcels Column G

provisions apply to. The PC79 rezoning proposals, as notified, for Richmond South provide an example of this - with a combination of factors that enabled the rezoning of different land parcels within the Richmond South Development Area. Generally, landowners request their land to be 'upzoned' to the end use zone as soon as possible and generally development happens in stages so updating of deferred locations on a parcel by parcel basis serves the development community well and supports the incremental nature of development. Consequently, staff do not support the deletion of Column E.

102. Column F

The Submitter considers that Column F is redundant as it can only be populated by a Schedule 1 plan change and may remain out of date for many years and that the information will not provide certainty for third parties (para 76).

103. Staff consider that column F is necessary. As stated in the section above (Chapter 17.14 provisions except for Schedule 17.14A,) Policy 6.6.3.4B and Schedule 17.14A-Column F clarify that either Council or a third party can provide the infrastructure. Column F is the place to record any agreement and key content.

104. Also, as mentioned above, a placeholder schedule containing the same information as Schedule 17.14A will be available on the Council website, with placeholder information updated as it becomes available. Schedule 1 plan changes occur on a regular basis so the information in Schedule 17.14A is unlikely to remain out of date for years. Also the information provides a record of the process and makes it easier to track plan change history. Consequently, staff do not support the deletion of Column F.

105. Column J

The submitter considers that Column J is redundant given that it is the purpose of Column I to record the date a plan change is made operative (para 77).

106. Staff consider that column J is necessary because if the number and date of the plan update that makes the plan change operative is known, it is quicker and easier to track plan change history. Consequently, staff do not support the deletion of Column J.

107. Column I

The submitter considers that Column I should contain a 'placeholder date' presumably indicating when the relevant plan change is expected to be made operative (para 79).

108. Staff consider this to be unnecessary. The date when a plan change becomes operative is not predictable or certain. As mentioned above, TRMP Schedule 1 plan changes occur on a regular basis so the information in Schedule 17.14A will be updated regularly. Also, as mentioned above, a placeholder schedule containing the same information as Schedule 17.14A will be available on the Council website, with placeholder information updated as it becomes available. Consequently, staff do not support the deletion of Column J.

109. **Column D Trigger Descriptions lack clarity**

RS14 - South West Hart Road,

This report recommends that RS14 is rezoned to its end use urban zone.

110. RW5 - McShane Road, WK20 – Bird Lane, and WK21 – Higgins Road

Staff consider that the infrastructure descriptions are sufficiently clear and that no further amendments are necessary.

**Staff Recommendations and Reasoning**

111. Staff do not support the further changes proposed by the submitter evidence for the reasons set out above. Staff support the Recommendations and Reasoning set out in the s42A report, pgs.35-36 (for topic 3.2.6)

**Plan Amendments and Submission Recommendations**

- 112 There are no further Plan Amendments and no changes to the Submission Recommendations listed in the s42A report, pg.36 for topic 3.2.6.

## **6.0 Transpower New Zealand Limited**

### **6.1 Introduction**

113. Transpower, Submitter 174, submission requests are addressed in S42A report in Section 7.0 – Richmond East (RE11) (pages 74-77) under:

- Plan Topic 7.2.1 - General; and
- Plan Topic 7.2.2 - Chapter 2- Meaning of Words - Richmond East Development Area.

Transpower has submitted a Hearing Statement to record its position.

#### **6.2.1 General and Chapter 2- Meaning of Words (S42A report plan topic 7.2.1 and 7.2.2.) Reply to Hearing Statement**

114. Transpower accepts the recommendations of the S42A report.  
Consequently there are no further staff recommendations or plan amendments.

115. Submission recommendations  
There are no changes to the S42A report submission recommendations (pgs 76-77).