

Tasman Resource Management Plan

Plan Change 79 Deferred Zoning

Report prepared to fulfill the requirements of Section 42A of the
Resource Management Act 1991.

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1.0 Introduction

1.1 Purpose of the Report

This officer report is prepared under Section 42A of the Resource Management Act 1991 (RMA) and discusses matters raised in submissions on Proposed Plan Change 79 –Deferred Zoning (PC79). It includes recommendations on these submissions for consideration at the hearing.

Section 32AA of the RMA requires further evaluation by the hearing commissioners of any changes made to PC79 following consideration of the matters raised in the submissions. To the extent that changes are recommended in this report, further evaluation has been undertaken to support completion of a report under Section 32AA by the hearing commissioners.

Under Clause 10 of the First Schedule of the RMA, Council is required to give reasons for its decisions on PC79. This report 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.

I have worked in the resource management planning field since 2005 at Tasman District Council. I have been a member of the New Zealand Planning Institute since 2015. Prior to immigrating to New Zealand in 2003, I was registered as an attorney (solicitor) with the relevant provincial law society of South Africa. I also hold a Higher Diploma in Planning for Developing Areas (University of the Witwatersrand, South Africa). I confirm that I have read the “Code of Conduct” for expert witnesses contained in the Environment Court Practice Note 2023 and that this report and my appearance at the hearing will be carried out in accordance with the Code of Conduct.

Jeremy has a Bachelor of Science (Geography) with first class honours, and a Master of Science (Geography). Jeremy has worked in the resource management planning field since 2003. He has had roles at Wellington City Council, West Coast Regional Council, and Tasman District Council. He has also spent approximately 6 years working in private practice for a resource management consultancy. At the Tasman District Council, Jeremy has held the position of Resource Consents team leader, Principal Resource Consents Advisor, Policy Planning Officer, and currently Team Leader – Urban and Rural Policy. Jeremy has been an associate member of the NZPI for most of his planning career. Jeremy 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.

Various Council staff have advised on various technical aspects of PC79. This includes: Alastair Clement: Team Leader – Natural Hazards and Geomorphology; Diana Worthy: Team Leader – Natural Resources; Dwayne Fletcher: Strategic Policy Manager; Michael Goldingham: Team Leader - Infrastructure Planning; Bill Rice: Senior Infrastructure Planning Advisor - Transportation; Kim Arnold: Senior Infrastructure Planning Advisor – Water & Wastewater;

Pauline Webby: Planning Advisor - Water & Wastewater; Richard Hilton: Team Leader Reserves Operations; Rosalind Squire: Contract Reserves Planner; Annie Reed: Team Leader – Subdivision Consents; Jenna Wolter – Senior Consents Planner – Subdivisions. Chris Milne: Team Leader – Development Engineering.

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 Scale and Significance

This report has been prepared with consideration of the scale and significance of the amendments requested to PC79.

The Section 32 Evaluation Report for PC79 was developed to a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from implementation of the proposal.

This Section 42A Report follows the same approach and covers each relevant submission point in a degree of detail appropriate to the scale and significance of the effects anticipated. This includes those effects on both the submitter themselves and the wider environmental, economic, social, and cultural effects as they are relevant to the particular proposed change and submission point.

1.4 Background to Plan Change 79

1.4.1 Purpose of PC79

The overall purpose of this Plan Change is:

- a) to amend the TRMP to introduce a new method that provides for a legally robust deferred zone framework; and
- b) to release existing deferred land, (land previously rezoned to a deferred zone through a Schedule 1 plan change) for development provided the services are available and the zoning remains appropriate.

To achieve this purpose, this Plan Change:

- a) Proposes to amend the TRMP by introducing a modified deferred zone framework that:
 - Operates in tandem with the two other relevant zone chapters and a trigger rule (which is linked to clearly defined infrastructure requirements). In effect, the zone chapters and trigger rule operate as a collective set of provisions for the land in question – and provide the deferred zone framework. Once the trigger rule is satisfied, the relevant land can rely on the existing TRMP provisions that provide for urban activities.
 - For existing deferred land to remain deferred, and for additional land to be deferred after PC79 is operative, funding for the infrastructure should be included in the Council's Long-Term Plan (LTP) within the next 1 to 10 years and

the infrastructure upgrades required to service the area identified in the TRMP and Council Long Term Plan's Activity Management Plans.

b) Rezones land that currently is subject to a deferred zone under the TRMP, on the basis that servicing is now available, and where it is appropriate. This is achieved by:

- Rezoning land from a deferred zone to a 'live-zoned' urban zone, where the initial reasons for the deferral are satisfied. Generally, land that is subject to a deferred zone is upzoned because three waters servicing has been delivered. For example, this plan change proposes to rezone land from Rural 1 deferred Light Industrial to Light Industrial.

This proposal includes, where relevant, the addition of new planning provisions for land that is subject to risks associated with climate change including sea level rise, coastal inundation and flooding.

- Rezoning land from an existing deferred zone that cannot be adequately serviced or is otherwise inappropriate to a more appropriate zone. For example, this plan change proposes to rezone land from Rural 1 deferred Residential to Rural 2.
- Downzoning land from a deferred zone that is considered inappropriate for urban use to its underlying (pre-deferral) zoning. For example, rezoning land from Rural 2 deferred Residential to Rural 2.

The scope of PC79 includes all the deferred zone locations in the Tasman district except for those in or adjacent to Māpua and Motueka. Currently other planning processes are occurring in these towns that will address the issue of zoning. The PC79 s32 report provides further detail about these processes.

1.4.2 Consultation

Consultation on PC79 has included two main phases:

- Pre-notification consultation, including the circulation of plan change draft material; and
- Schedule 1 consultation.

Pre-notification consultation on Draft PC79

This phase consisted of targeted engagement during the second quarter of 2024, with those identified as being affected by PC79, including landowners and adjacent landowners of deferred land included within the scope of the draft change, Te Taihū Iwi, and A & S Talley. The process included consulting with the Minister for the Environment, Waka Kotahi (NZTA), the Ministry for Education, Transpower and the relevant adjoining local authority - Nelson City Council. Consultation was carried out through letters and emails. Follow up correspondence and discussions were held with various parties including the circulation of draft PC79 text and mapping where this was relevant. Workshops were also held with Tasman District Councillors to discuss the changes proposed and receive feedback.

Section 3 of the s32 Evaluation Report, Part 1 outlines specific consultation actions in more detail.

Schedule 1 Consultation

Council has undertaken consultation under Schedule 1, Clauses 3 and 4A of the RMA. This includes consulting with the Minister for the Environment, adjoining local authorities and sending the draft PC76 material to the iwi of Te Taihū in May 2024. Also, landowners and adjacent landowners of all deferred land in the Tasman District were notified.

No advice was received from iwi or the Minister for the Environment in relation to the matters within PC79.

1.5 Notified Plan Change Process

Council decision to notify PC79

On 3 October 2024, the Council Strategy and Policy Committee, on receiving the staff report (RSPC24-10-4) and plan change documentation, agreed that PC79 be notified, but without the “subdivision provisions of the overlay on the Lower Queen Street light industrial area,” that staff had recommended.

The staff report (RSPC24-10-4) and minute of the meeting (SPC_20241003_MIN_4566) are appended to this report (Appendices 1A and 1B).

Submitters to the notified change have requested ‘the prevention of subdivision’ on land located in the Lower Queen Street, Schedule 17.4A area. Staff’s professional advice has not changed since the 3 October 2024 Strategy and Policy Committee meeting. Consequently, in this S42A report, staff recommend that subdivision for land located in the Schedule 17.4A area is a prohibited activity. This issue is addressed in section 4 of the report - Lower Queen Street (LQS), RW1&2 and Sea Level Rise.

Public Notification

On 1 November 2024, PC79 was publicly notified with submissions closing on 13 December 2024. Twenty Four (24) submissions were received. Table 1 below lists the Submitters.

The summary of submissions was publicly notified on 31 January 2025 with the further submission period closing on 18 February 2025. Six (6) Further Submissions were received. Table 2 below lists the names of the Further Submitters. These were made publicly available on about 14 March 2025.

Copies of the Submissions and Further Submissions with submission points numbered are available on the Council website and appended to this report (Appendices 2.A and 2.B).

Late submission

Council received one late Further Submission (PC79.4219.1 from M Toll) after 5.00 pm on 18 February 2025. The lateness has caused no prejudice.

Staff recommend that the Further Submission PC79.4219.1 from M Toll is accepted.

Table 1: Submitters

| Submitter Name | Submitter Number |
|---|------------------|
| J Easton | 4216 |
| Transpower New Zealand Limited | 174 |
| BAG Development Company Limited | 4217 |
| B & C Johnson | 4218 |
| Richmond West Development Company Limited | 4200 |
| Director-General of Conservation | 1445 |
| M Toll | 4219 |
| S Orrah | 4220 |
| Oregon Land Limited | 4221 |
| Ministry of Education Te Tāhuhu o Te Mātauranga | 1063 |
| Mt Hope Holdings Limited | 3720 |
| AB & SL Family Trust | 4222 |
| J & K Thompsett | 4223 |
| Nelson Tasman Climate Forum | 4224 |
| S & A Field | 4225 |
| K Hanna and 187 Hanna Trustee Ltd | 4226 |
| Appleby 88 Limited | 4227 |
| Flowerlands Limited | 4228 |
| A & S Talley | 2915 |
| Wai West Horticulture Limited | 1651 |
| C & T Yelverton | 4230 |
| D Huelsmeyer | 4229 |
| Kāinga Ora – Homes and Communities | 4215 |
| Garrick Batten | 336 |

Table 2: Further Submitters

| Further Submitter Name | Further Submitter No. |
|-------------------------------|-----------------------|
| A & S Talley | PC79.2915.1 |
| S Orrah | PC79.4220.1 |
| Mt Hope Holdings Limited | PC79.3720.1 |
| Appleby 88 Limited | PC79.4227.1 |
| AB & SL Family Trust | PC79.4222.1 |
| Wai West Horticulture Limited | PC79.1651.1 |
| C & T Yelverton | PC79.4230.1 |
| Flowerlands Limited | PC79.4228.1 |
| M Toll | PC79. 4219.1 |

1.6 Structure of Report

This report groups the issues raised in the submissions and further submissions into the topic sections set out below. Each topic sets out the submissions and further submissions addressed under that section and the proposed plan provisions affected. The issues raised are evaluated and recommendations made supported by reasons. Following the recommendations, the topic section sets out recommendations for whether the submissions / further submission should be allowed / allowed in part or disallowed.

- Section 2: Māpua and Motueka Requests
- Section 3: Deferred Zone Framework
- Section 4: Lower Queen Street (LQS), RW1&2 and Seal Level Rise (SLR)
- Section 5: Richmond West 3 (RW3)
- Section 6: Richmond West 5 (RW5)
- Section 7: Richmond East 11 (RE11)
- Section 8: Richmond South RS 14, 15. 15A-C (RS14, RS15. RS15A-C)
- Section 9: Brightwater (BW16)
- Section 10: General

2.0 Māpua and Motueka Requests

2.1 Introduction

Notified PC79 includes all the deferred zone locations in the Tasman district except for those within or adjacent to Māpua and Motueka.

Māpua

As stated in PC79 s32 report (pgs. 13-16) the Māpua / Ruby Bay location is excluded because currently the Council, in collaboration with the community, is developing a master plan for Māpua. The master plan will supersede the 2010 Mapua Structure Plan. One of the main purposes of the master plan is to roll all Māpua related projects and programmes into one process. The master plan and consequential plan change, which is scheduled to be notified in the third quarter of this year, will address the rezoning of deferred zone locations in and adjacent to Māpua.

Motueka

Except for the land recently rezoned by Plan Change 80, Motueka West Compact Density Residential Area, Motueka deferred land is excluded from proposed PC79 as servicing is not yet available and is not programmed to be available within the next 10 years.

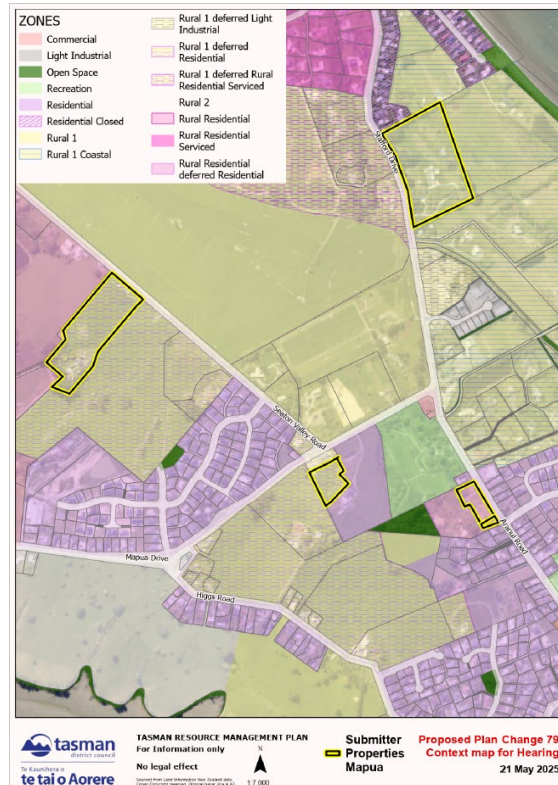
As stated in PC79 s32 report, pages 13 -16, since land in Motueka West was deferred for development by Plan Change 43, in 2015, Council and the community have received new information relating to challenges associated with flat low-lying terrain near the coast and the natural hazard risks of flooding and coastal inundation. Due to natural hazard risks, Council is initiating an integrated strategic planning process with the Motueka community to consider options for the future. The existing deferred land may need to be used for different urban purposes or down zoned.

The submitters and further submitters on this topic are all owners of land within the Māpua or Motueka area.

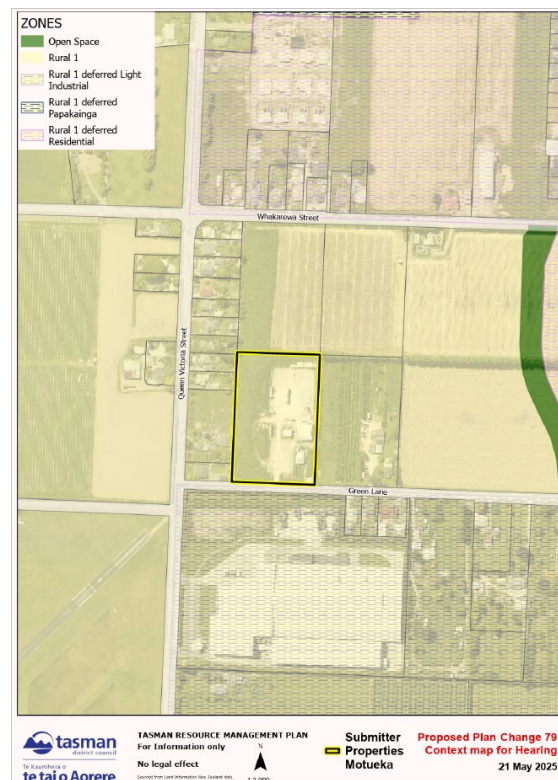
The maps below show the location of land owned by the submitters in the Māpua and Motueka areas.

All of the Māpua landowner submitters are also further submitters.

Māpua



Motueka



2.2 Affected Plan Provisions

2.2.1 Plan Topic: Rezoning - amendments to operative planning maps and proposed Schedule 17.14A

Submissions

Māpua deferred locations

Submitter S Orrah supports PC79 and does not request further relief (Submission No. 4220.1). The submission notes that the support is contingent upon the timely progression of the Māpua Masterplan and subsequent plan change that will enable the upzoning of his land.

Submitters Mt Hope Holdings Ltd and M Toll oppose the exclusion of Māpua deferred locations from PC79 and request that their land is upzoned to the end use zones (by amendment to the planning maps) because services are available (Submission Nos. 3720.1 and 4219.1 respectively). In addition, Mt Hope requests that its property is included within Schedule 17.14A if to remain deferred.

A & S Talley Further Subs. No: 2915-19 and No: 2915-18 oppose The Mt Hope Holdings Ltd and M. Toll Submission Nos. 3720.1 and 4219.1 for the reason that ‘any ‘deferred zone uplift’ or changes to deferred zones should be subject to a comprehensive plan change process and the area hasn’t been comprehensively assessed and, because the requests are out of scope.

Motueka deferred locations

Submitter D Huelsmeyer, requests that PC79 rezones his land from Rural 1 to Rural 1 Deferred Residential or Light Industrial (Submission No. 4229.1).

A & S Talley Further Sub. No: 2915-11 opposes Submission No. 4229.1 for the reason that: ‘any ‘deferred zone uplift’ or changes to deferred zones should be subject to a comprehensive plan change process and the area hasn’t been comprehensively assessed.

Motueka and Māpua deferred locations

By way of context, Submitter A&S Talley generally consider that the PC79 provisions as a whole are ‘ultra vires,’ and request that PC79 is withdrawn or alternatively amended to address their requests (Submission No. 2915.1). A&S Talley also request that the clarity and consistency of the PC79 provisions is improved (Submission No. 2915.2).

Submission No. 2915.1 is addressed in Topic 3 (Deferred Zone Framework). Submission No. 2915.2 is part addressed in this Topic 2, (Māpua and Motueka requests) and part addressed in Topic 3.

A & S Talley support the exclusion of Māpua and Motueka deferred locations from PC79 and request that the Operative planning maps that show deferred land within or adjacent to Māpua and Motueka are amended and replaced with the original zone (Submission Nos. 2915.3 and 2915.22).

Further Submitters S. Orrah, Further Sub. No: 4220-1; M. Toll, Further Sub. No: 4219-1; and Mt Hope Further Sub. No: 3720-1; 3720-3 and 3720-4 oppose the above Talley requests for the reasons that the requests:

- The requests effectively downzone their land, which has been determined to be suitable for residential or rural residential development (subject to provision of servicing infrastructure) through a previous Schedule 1 plan change process.
- The relief sought is beyond the scope of PC79 and has not been the subject of a S32 assessment.
- The requests fundamentally changes the nature of the zoning for these sites to (generally) a rural zoning that is not supported by the sites' characteristics and are generally inappropriate.
- The requested "de-zoning" is contrary to the NPSUD and has significant implications for application of the NPSHPL and NPSFM that would need to be considered.

Evaluation

Staff consider that rezoning of Māpua and Motueka deferred locations to either the original or destination zones is out of scope of this PC79 for the reasons that:

- PC79 is only addressing deferred zoning.
- The scope of PC79 and the s32 assessment explicitly excluded Māpua and Motueka from the scope of the plan change. Consequently PC79 has not assessed the current suitability of these locations for the requested rezonings.
- Other parallel planning processes are strategically reviewing and developing master plans and plan changes to address urban growth and related issues in the towns and will address the rezoning of the deferred zone locations.
- The deferred zoned locations as shown on the operative planning maps are the result of previous Schedule 1 plan changes and were assessed as suitable for urban development by those plan changes, at the time, subject to servicing.

Staff Recommendations and Reasoning

1. Staff recommend that submitter requests to rezone Māpua and Motueka deferred locations to either the original or destination zones are declined for the reasons that:
 - (i) The scope of PC79 and the s32 assessment explicitly excluded Māpua and Motueka from the scope of the plan change. Consequently PC79 has not assessed these locations for the requested rezonings.
 - (ii) The deferred zoned locations as shown on the operative planning maps are the result of previous Schedule 1 plan changes and were assessed as suitable for urban development by those plan changes, subject to servicing.
 - (iii) Other parallel planning processes are strategically reviewing and developing master plans and plan changes to address urban growth and related issues in those towns and are expected to address the rezoning of the deferred locations.

Plan Amendments

No Plan or map amendments.

Submission recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|---|---|-------------------------------------|
| Rezoning and amendments to the planning maps (Operative Planning Maps for Māpua and Motueka) and Schedule 17.14A | | |
| S Orrah. 4220.1 | Retain PC79 as notified. | Allow in part |
| M. Toll 4219.1 | Amend (Māpua) Operative Planning Map 87 to remove 'Rural Residential deferred Residential' zoning from 109 and 119 Aranui Road land and add 'Residential' zoning. | Disallow |
| A & S Talley Further Sub. No: 2915-18 | Oppose | Allow |
| Mt. Hope Holdings Ltd. 3720.1 | <p>Oppose exclusion of (Māpua) Operative Planning Map 87 from maps to be changed under PC79. Amend Planning Map 87 to remove remaining 'Rural 1 deferred Residential' zoning from Submitter's land and add 'Residential' zoning.</p> <p>Alternatively: Oppose exclusion of deferred part of the Mt Hope land from Schedule 17.14A: Deferred Zone Locations - detailing works required to activate trigger rule.</p> <p>Amend Schedule 17.14A to include text in:</p> <ul style="list-style-type: none"> I. Column A identifying the deferred part of Mt Hope Holdings Ltd land located at 166 Māpua Drive'; II. Column C reading 'Chapters 7, 16.3.2.1-16.2.5 16.3.5 and 17.5'; III. Columns I and J Column D reading 'Stormwater: connection to reticulated stormwater network within Māpua Drive', and; IV. Column G reading 'Chapters 5, 6, 16.3.2.1-16.2.5, 16.3.3 and 17.1'. | Disallow |
| A & S Talley, Further Sub. No: 2915-19 | Oppose | Allow |
| D.Huelsmeyer. 4229.1 | Change the operative zoning of Lot 12 DP1512 (54 Green Lane Motueka) from Rural 1 to either "deferred light industrial" or "deferred residential" and include in Schedule 17.14A. | Disallow |
| A & S Talley, Further Sub. No: 2915-11 | Oppose | Allow |
| A&S Talley. 2915.3 | Amend all operative TRMP references to "deferred zoning" in the maps for Māpua and Motueka and replace with references to the original zone. | Disallow |

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|--|--|---|
| Rezoning and amendments to the planning maps (Operative Planning Maps for Māpua and Motueka) and Schedule 17.14A - <i>continued</i> | | |
| M. Toll. Further Sub. No: 4219-1 S. Orrah. Further Sub. No: 4220-1 Mt. Hope. Further Sub. No: 3720-1 | Oppose | Allow |
| A&S Talley. 2915.22 | Amend all Operative TRMP maps for Motueka and Māpua by replacing references to deferred zones with references to the original zones. | Disallow |
| M. Toll. Further Sub. No: 4219-1 S. Orrah. Further Sub. No: 4220-1 Mt. Hope. Further Sub. No: 3720-1 | Oppose | Allow |

2.2.2 Plan Topic: Provisions relating to the development of deferred land - 6.3 Urban Infrastructure Services

Submissions

As noted in the topic above, A&S Talley also request that the clarity and consistency of the PC79 provisions is improved (Submission No. 2915.2).

A & S Talley also request that the plan objectives and policies relating to the development of deferred land are amended to clarify that the provisions do not apply to deferred land that is not in plan scope or included in the notified Schedule 17.14A. The following provisions are specifically referred to:

- Policy 6.3.3.4A; Policy 6.3.3.4A(b); Policy 6.3.3.4B; Policy 6.3.3.4D; Regulatory Method 6.3.20.1(aa).

A&S Talley Submission Nos. 2915.4; 2915.8-11 respectively, and 2915.15 refer.

Appleby 88 Ltd. Submission No. 4227.4 requests that the amendments to Method 6.3.20.1 (aa) are retained as notified.

With reference to Policy 6.3.3.4D, A&S Talley also request that the word “delivered” is used consistently across the whole plan change and that that policy be more specific and certain in what is required of development proposals. Submissions Nos. 2915.12 and 2915.14 respectively refer,

Further Submitters S. Orrah, Further Sub. No: 4220-1; M. Toll, Further Sub. No: 4219-1; and Mt Hope Further Sub. No: 3720-1, Sub. No: 3720-5, and 3720-6 oppose the above Talley requests (except for Submission No. 2915.2 requesting clarity) for the reasons that:

- There is no suggestion in the s32 report that indicates anything other than retention of the status quo for the Māpua and Motueka deferred zones is intended, on account of this land being subject to other planning processes.
- These status quo provisions provide for a consenting pathway that does not involve zoning deferment uplift.
- The deferred zoning has been applied to the land because it was assessed as generally suitable for urban development subject to servicing.

The following Further Submitters also oppose the A&S Talley requests (subject to detailed drafting) because it is not clear whether the Talley requests oppose the rezoning of the Further Submitters land: AB&SL Family Trust, Further Sub. No: 4222-4; Wai West Horticulture. Further Sub. No: 1651-4; C & T Yelverton, Further Sub. No: 4230-4 and Flowerlands, Further Sub. No: 4228-4.

The Appleby 88 Ltd Submission No. 4227.5 requests that “Provided Appleby 88’s requests relating to Chapter 17.14 are accepted, then retain the notified amendments to Principal Reasons 6.3.30, as between *“Deferred zoned lands may be programmed [...] existing uses on the land will be able to continue.”*”

A&S Talley Further Sub. Nos. 2915-2 opposes the Appleby 88 Ltd. Submission No. 4227.5 on the basis the changes sought are inconsistent with the changes sought in the original Talley submission.

Evaluation

The outcome of A & S Talley’s requests – that the objective and policy support for development of deferred zone locations only applies to deferred locations included within the notified Schedule 17.14A – is that Māpua and Motueka deferred locations, as shown on the operative planning maps, would be excluded from the currently operative objective and policy provisions that support intensifying development on land covered with a deferred zone.

Staff acknowledge that the exclusion of the Māpua and Motueka deferred locations from Schedule 17.14A affects the development pathway of these locations but note that Schedule 1 plan changes are expected to follow the Māpua and Motueka master plan processes that will address the rezoning of land in these towns, including land covered with a deferred zone. Unless the land is re-assessed as no longer suitable for the anticipated end use, the deferred land is expected to be upzoned to that end use. Alternatively, if services are still not available, but planned to be available within 10 years, the deferred location will be listed in Schedule 17.14A. In the case of Māpua, Plan Change 86 which is likely to rezone all currently deferred sites, is scheduled for notification – commencing the Schedule 1 process – In August 2025.

PC79 does not and does not intend to ‘extinguish’ all RMA or TRMP development pathways for locations covered with a deferred zone in Māpua or Motueka (as shown on the operative planning maps). The resource consent and private plan change pathways remain available to these deferred locations as evidenced by the recent grant of consent for a 33 lot residential subdivision on land zoned “Rural 1 deferred Residential” in Seaton Valley Road Māpua (Resource Consent: 240148). Further, the legal uncertainty surrounding the existing deferred

mechanism means that these sites are effectively down zoned anyway (i.e. the deferral cannot currently be uplifted). Therefore, there is no prejudice to the landowners.

Staff acknowledge that the operative provisions, as amended and new provisions as notified, do not always make clear whether the provisions apply to all deferred zone locations (as shown on the operative planning maps) or only those listed in notified Schedule 17.14A. Staff support the A&S Talley request to improve the clarity and certainty of the PC79 provisions (Submission No. 2915.2).

To achieve certainty and consistency across the plan change, staff recommend that Policy 6.3.3.4D is only used with reference to the deferred land listed in Schedule 17.14A.

Consequently, Staff recommend that: (i) the word “delivered” is only used in policies that apply to deferred land referred to in 17.14.2 .2 (which defines the meaning of the word in context of PC79) and with reference to deferred locations listed in Schedule 17.14A, and (ii) the specific reference to the word Long Term Plan, replaces the more general phrase ‘land release programmes’.

Staff Recommendations and Reasoning

1. Staff recommend that plan provisions relating to the development of deferred land, including policies and objectives, are amended, where necessary, to clarify that:
 - (i) The following provisions support further development of all deferred land, including deferred land that is not listed in the notified Schedule 17.14A: Policy 6.3.3.4A; Policy 6.3.3.4B; Principal Reasons 6.3.30; together with notified provisions 17.14.1 and 17.14.2.1; and 17.14.20 and the operative planning maps;
 - (ii) The following provisions, which refer to the new trigger method, apply only to deferred land listed in the notified Schedule 17.14A: Policy 6.3.3.4D, Regulatory Method 6.3.20.1(aa) Rule 17.14.2.2. and consistently use the word ‘delivered’ which is defined in Rule 17.14.2.2.

The reasons are:

- (i) Notified PC79 does not and does not intend to ‘extinguish’ all RMA or TRMP development pathways for locations covered with a deferred zone in Māpua or Motueka (as shown on the operative planning maps). The resource consent and private plan change pathways remain available to these deferred locations.
 - (ii) PC79 notes that other parallel planning processes are scheduled to address the rezoning of deferred land in Māpua and Motueka.
 - (iii) The above operative deferred zone locations were identified for urban development through previous Schedule 1 plan changes and were assessed as suitable for urban development at that time.
2. Staff recommendations on the individual submission requests are in line with the above recommendations and detailed in the Submission Recommendations below.

Plan Amendments

Refer to Hearing Version Schedule of Plan Amendments at:

6.3 - Urban Infrastructure Services:

Policy: 6.3.3.4A; Policy 6.3.3.4D; Regulatory Method 6.3.20.1(aa); 6.3.30 Principal Reasons and Explanation, paragraph 6.

Further amendments relating to the deferred zone framework are addressed under Topic 3 of this report, below.

Submission recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|---|---|-------------------------------------|
| 6.3 Urban Infrastructure Services – Policies and Provisions relating to the development of deferred land | | |
| A&S Talley. 2915.2 | Amend plan change to improve clarity and certainty of provisions introduced or amended. | Allow in part |
| AB&SL Family Trust. Further Sub. No: 4222-4 Wai West Horticulture. Further Sub. No: 1651-4 C & T Yelverton. Further Sub. No: 4230-4 Flowerlands. Further Sub. No: 4228-4 | <u>Opposed</u> subject to detail drafting | Allow in part |
| A&S Talley. 2915.4 | Amend operative TRMP objectives and policies to not enable intensification development within any deferred zone land in Māpua and Motueka. | Disallow |
| M. Toll. Further Sub. No: 4219-1 S. Orrah. Further Sub. No: 4220-1 Mt. Hope. Further Sub. No: 3720-1 | <u>Oppose</u> | Allow |
| A&S Talley. 2915.8 | Amend so it is clear that Policy 6.3.3.4A does not apply in those areas which are not included in the plan change scope, i.e. Māpua or Motueka, as follows: <i>‘Where rural land is identified as being subject to a deferred zone in Schedule 17. 14A for any...’</i> | Disallow |

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|---|--|--|
| 6.3 Urban Infrastructure Services – Policies and Provisions relating to the development of deferred land - <i>continued</i> | | |
| M. Toll. Further Sub. No: 4219-1 S. Orrah. Further Sub. No: 4220-1 Mt. Hope. Further Sub. No: 3720-1 | Oppose | Allow |
| AB&SL Family Trust. Further Sub. No: 4222-4 Wai West Horticulture. Further Sub. No: 1651-4 C & T Yelverton. Further Sub. No: 4230-4 Flowerlands. Further Sub. No: 4228-4 | Opposed subject to detail drafting | Allow in part |
| A&S Talley. 2915.9 | Amend to make purpose of Policy 6.3.3.4A(b) clearer. | Allow |
| M. Toll. Further Sub. No: 4219-1 S. Orrah. Further Sub. No: 4220-1 Mt. Hope. Further Sub. No: 3720-1 | Oppose | Allow in part |
| AB&SL Family Trust. Further Sub. No: 4222-4 Wai West Horticulture. Further Sub. No: 1651-4 C & T Yelverton. Further Sub. No: 4230-4 Flowerlands. Further Sub. No: 4228-4 | Opposed subject to detail drafting | Allow in part |

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|---|---|---|
| 6.3 Urban Infrastructure Services – Policies and Provisions relating to the development of deferred land - continued | | |
| A&S Talley. 2915.10 | Amend so it is clear that Policy 6.3.3.4B does not apply in those areas which are not included in the plan change scope, i.e. Māpua or Motueka, as follows: <i>“Where any rural land is identified in <u>Schedule 17.14A</u> as deferred for any urban zoned purpose...”</i> | Disallow |
| M. Toll. Further Sub. No: 4219-1 S. Orrah. Further Sub. No: 4220-1 Mt. Hope. Further Sub. No: 3720-1 | Oppose | Allow |
| AB&SL Family Trust. Further Sub. No: 4222-4 Wai West Horticulture. Further Sub. No: 1651-4 C & T Yelverton. Further Sub. No: 4230-4 Flowerlands. Further Sub. No: 4228-4 | Opposed subject to detail drafting | Allow in part |
| A&S Talley. 2915.11 | Amend so it is clear that Policy 6.3.3.4D does not apply in those areas which are not included in the plan change scope, i.e. Māpua or Motueka, as follows: <i>“The urban development anticipated by a deferred zoning in <u>Schedule 17.14A</u> is avoided unless...”</i> | Allow |
| M. Toll. Further Sub. No: 4219-1 S. Orrah. Further Sub. No: 4220-1 Mt. Hope. Further Sub. No: 3720-1 | Oppose | Disallow |

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|---|---|---|
| 6.3 Urban Infrastructure Services – Policies and Provisions relating to the development of deferred land - continued | | |
| AB&SL Family Trust. Further Sub. No: 4222-4 Wai West Horticulture. Further Sub. No: 1651-4 C & T Yelverton. Further Sub. No: 4230-4 Flowerlands. Further Sub. No: 4228-4 | Opposed subject to detail drafting | Disallow |
| A&S Talley. 2915.12 | Update Policy 6.3.3.4D to ensure a certain and consistent meaning of word 'delivered' across whole plan change, including Rule 17.14.2. | Allow |
| M. Toll. Further Sub. No: 4219-1 S. Orrah. Further Sub. No: 4220-1 Mt. Hope. Further Sub. No: 3720-1 | Oppose | Allow in part |
| AB&SL Family Trust. Further Sub. No: 4222-4 Wai West Horticulture. Further Sub. No: 1651-4 C & T Yelverton. Further Sub. No: 4230-4 Flowerlands. Further Sub. No: 4228-4 | Opposed subject to detail drafting | Allow in part |
| A&S Talley. 2915.14 | Amend Policy 6.3.3.4D(c) to be more specific and certain in what is required of development proposals. This should include requiring consistency with approved master plans and structure plans and delete reference to " <i>land release programmes.</i> " | Allow in part |
| M. Toll. Further Sub. No: 4219-1 S. Orrah. Further Sub. No: 4220-1 Mt. Hope. Further Sub. No: 3720-1 | Oppose | Disallow |

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|---|---|---|
| 6.3 Urban Infrastructure Services – Policies and Provisions relating to the development of deferred land - continued | | |
| AB&SL Family Trust. Further Sub. No: 4222-4 Wai West Horticulture. Further Sub. No: 1651-4 C & T Yelverton. Further Sub. No: 4230-4 Flowerlands. Further Sub. No: 4228-4 | Opposed subject to detail drafting | Disallow |
| Appleby 88 Ltd. 4227.4 | Retain the amendments to Method 6.3.20.1 (aa) as notified. | Allow in part |
| A&S Talley. 2915.15 | Amend Regulatory Method 6.3.20.1(aa) so it is clear that the mechanism only applies to deferred zones listed in Schedule 17.14A. and not to deferred zones in Māpua or Motueka. | Allow |
| M. Toll. Further Sub. No: 4219-1 S. Orrah. Further Sub. No: 4220-1 Mt. Hope. Further Sub. No: 3720-1 | Oppose | Disallow |
| AB&SL Family Trust. Further Sub. No: 4222-4 Wai West Horticulture. Further Sub. No: 1651-4 C & T Yelverton. Further Sub. No: 4230-4 Flowerlands. Further Sub. No: 4228-4 | Opposed subject to detail drafting | Disallow |
| Appleby 88 Ltd. Submission No. 4227.5 | Provided Appleby 88's requests in relation to Section 17.14.1, Rule 17.14.2.2 and Schedule 17.4A in this submission are accepted, then retain the notified amendments to Principal Reasons 6.3.30, as between " <i>Deferred zoned lands may be programmed [...] existing uses on the land will be able to continue.</i> " | Allow in part |
| Staff - Consequential | Amend 6.3.30 Principal Reasons and Explanation to clarify that paragraph 6 applies to all deferred land, not just deferred land listed in Schedule 17.14A. | Allow |

3.0 Deferred Zone Framework

3.1 Introduction

There are both general and specific submitter and further submitter requests relating to the deferred zone framework which spans several sections of the TRMP, namely:

- Section 6.3.3 – Urban Infrastructure Services (objectives, policies and related provisions);
- Section 16.3.2.5 – Subdivision in any zone subject to Deferred Zone Rules or where Deferred Zoning has been removed; and
- Chapter 17.14 Deferred Zone Rules

Some of the submission requests that relate to this topic, but also to Māpua or Motueka deferred zone locations, have been addressed in Topic 2 above (e.g. Submission No. 2915.2 is part addressed in this Topic 2 and part addressed under this Topic 3).

3.2 Affected Plan Provisions

3.2.1 Plan Topic: General

Submissions

Submitter A&S Talley considers that the PC79 provisions as a whole are ‘ultra vires,’ and requests that PC79 is withdrawn or alternatively the PC79 is amended to address their requests (Submission No. 2915.1). A&S Talley also request that the clarity and consistency of the PC79 provisions is improved, and that generally, any changes in zoning are subject to a Schedule 1 process (Submission Nos. 2915.2 and 2915.5).

The further submitters listed below oppose the A&S Talley requests (subject to detailed drafting) because the requests challenge the deferred zone framework and because it is not clear whether the Talley requests oppose the rezoning of the Further Submitters land:

- AB&SL Family Trust, Further Sub. No: 4222-4; Wai West Horticulture. Further Sub. No: 1651-4; C & T Yelverton, Further Sub. No: 4230-4 and Flowerlands, Further Sub. No: 4228-4.

Submission No. 2915.1 is also challenged by S. Orrah, Further Sub. No: 4220-1; M. Toll, Further Sub. No: 4219-1; and Mt Hope Further Sub. No: 3720-1 because the request challenges the status of their land as well as the deferred zone framework.

Evaluation

Several, but not all of A&S Talley requests to improve the clarity and consistency of provisions are allowed because they achieve that purpose. The requests are addressed individually below.

Also, generally the A&S Talley request that any changes in zoning are subject to a Schedule 1 process is supported because the request is in line with RMA requirements.

Staff note that the new trigger method for deferred zones proposed in Chapter 17.14 enables the development of deferred land to proceed once trigger conditions are met without a change in zoning. Consequently, staff do not consider that the notified PC79 provisions relating to the deferred zone framework are ultra vires.

Staff also note that notified PC79 comprehensively assesses all the deferred zone locations where a change to the operative zone is proposed.

Staff Recommendation and Reasoning

1. Allow in part A&S Talley general request to improve the clarity and consistency of provisions because some but not all of the requests achieve the above purpose.
2. Allow A&S Talley request that any changes in zoning are subject to a Schedule 1 process, because the request is in line with RMA requirements.

Plan Amendments

Report sections 3.2.2 – 3.2.5 below refer.

Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|---|---|-------------------------------------|
| General | | |
| A&S Talley. 2915.1 | Withdraw plan change in its entirety. Alternatively, Amend plan change to address issues raised by Submitters as set out in the submission. | Allow alternative in part |
| M. Toll. Further Sub. No: 4219-1 S. Orrah. Further Sub. No: 4220-1 Mt Hope. Further Sub. No: 3720-1 Appleby 88. Further Sub. No: 4227-2 | Opposed | Allow in part |
| AB&SL Family Trust. Further Sub. No: 4222-4 Wai West Horticulture. Further Sub. No: 1651-4 C & T Yelverton. Further Sub. No: 4230-4 Flowerlands. Further Sub. No: 4228-4 | Opposed subject to detailed drafting | Allow in part |

3.2.2 Plan Topic: 6.3 – Urban Infrastructure Services

Submission

‘Additional infrastructure’

Both the Ministry of Education (Submission No.1063.1) and A&S Talley (Submission No. 2915.7) request that a provision is added to Objective 6.3.2.3. which acknowledges the National Policy Statement – Urban Development (NPS-UD) Policy 10 requirement that urban development is able to access ‘additional infrastructure’.

A&S Talley also requests that such a provision is added to Policy 6.3.3.4D (Submission No. 2915.13).

By Further Sub. No: 2915-20, A&S Talley opposes the Ministries request for the reason that the wording of the provision is too vague.

The following further submitters also oppose the A&S Talley requests (subject to detailed drafting) because requests challenge the deferred zone framework and because it is not clear whether the requests oppose the rezoning of their land: AB&SL Family Trust, Further Sub. No: 4222-4; Wai West Horticulture, Further Sub. No: 1651-4; C & T Yelverton, Further Sub. No: 4230-4 and Flowerlands, Further Sub. No: 4228-4.

Evaluation

In principle the requests to include an additional provision relating to access to “additional infrastructure” is supported as an addition to Objective 6.3.2.3 and with wording that describes the intent of the provision per A&S Talley, Submission No. 2915.7 for the reasons that: ‘Additional infrastructure’ is a component of well-functioning urban environments and is provided for in the NPS-UD (Policy 10). Also, it is appropriate that the provision applies at ‘objective level’ to all deferred land, rather than only deferred land listed in Schedule 17.14A as would be the case if added to Policy 6.3.3.4D (as amended).

Staff Recommendation and Reasoning

1. Allow submission requests to include an additional provision relating to access to ‘additional infrastructure’ by adding the provision to the existing operative objective 6.3.2.3 for the reasons:
 - (i) ‘Additional infrastructure’ is a component of well-functioning urban environments and is provided for in the NPS-UD (Policy 10).
 - (ii) At ‘objective’ level the provision applies to all deferred land, not only deferred land listed in Schedule 17.14A.

Plan Amendments

Refer to Hearing Version of Schedule of Plan Amendments at:

6.3 – Urban Infrastructure Services:

Objective 6.3.2.3.

Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|--|---|-------------------------------------|
| 6.3 - Urban Infrastructure Services: | | |
| Ministry of Education Te Tāhuhu o Te Mātauranga. 1063.1 | Amend Objective 6.3.2.3 as follows: “Objective 6.3.2.3 - Development within deferred zones is appropriately sequenced so that it provides: (a) a safe, well-connected and legible transport network that integrates with the surrounding transport network and local facilities, and enables active and public modes of transport | Allow in part |

| 6.3 - Urban Infrastructure Services: - continued | | |
|---|---|---------------|
| | <i>enables active and public modes of transport and a shift to renewable energy sources; and (b) necessary servicing infrastructure (water, wastewater stormwater, power and internet) that is delivered so that it integrates with adjoining land and surrounding networks and minimises adverse effects on the natural and built environment; and (c) where relevant, appropriate consideration of additional infrastructure where there is an operational need."</i> | |
| 6.3 - Urban Infrastructure Services: - continued | | |
| A&S Talley. Further Sub. No. 2915-20 | Oppose | Allow in part |
| A&S Talley. 2915.7 | Amend Objective 6.3.2.3 so that it includes a requirement for the urban development to be able to readily access 'additional infrastructure', including public open space, community infrastructure and social infrastructure (schools and health facilities) that is necessary for a well-functioning urban environment. | Allow |
| AB&SL Family Trust. Further Sub. No: 4222-4 Wai West Horticulture. Further Sub. No: 1651-4 C & T Yelverton. Further Sub. No: 4230-4 Flowerlands. Further Sub. No: 4228-4 | Oppose subject to detail drafting | Disallow |
| A&S Talley. 2915.13 | Amend Policy 6.3.3.4D so that the provisions include a requirement for the urban development to be able to readily access 'additional infrastructure', including public open space, community infrastructure and social infrastructure (schools and health facilities) that is necessary for a well-functioning urban environment. | Disallow |
| Mt. Hope. Further Sub. No: 3720-1 | Oppose | Allow |

| 6.3 - Urban Infrastructure Services: - <i>continued</i> | | |
|---|-----------------------------------|----------|
| AB&SL Family Trust. Further Sub. No: 4222-4 | Oppose subject to detail drafting | Disallow |
| Wai West Horticulture. Further Sub. No: 1651-4 | | |
| C & T Yelverton. Further Sub. No: 4230-4 | | |
| Flowerlands. Further Sub. No: 4228-4 | | |

3.2.3 Plan Topic: 16.3.2.5 - Subdivision in any Zone Subject to Deferred Zone Rules

Submissions

Submitter Appleby 88 Ltd requests that the amendments to Rule 16.3.2.5 are retained as notified, together with the Operative TRMP text that (a) and (b) are “OR” options, (Submission No.4227.6).

Submitter A&S Talley (Submission Nos. 4227.16 and 4227.17) requests that the operative rule is reviewed and its title is amended so that:

- (i) it is more certain as to what land it applies to;
 - (ii) the provisions are consistent with the new, proposed approach to deferred zoning; and
 - (iii) 16.3.5.(b) is more precise and refers to compliance with specific rules.
- Consequently, A&S Talley oppose the Appleby 88 Ltd request (Further Sub. No: 2915-6).

The further submitters listed below oppose the A&S Talley requests (subject to detailed drafting) because the requests challenge the deferred zone framework and because it is not clear whether the Talley requests oppose the rezoning of the further submitters' land:

- AB&SL Family Trust, Further Sub. No: 4222-4; Wai West Horticulture. Further Sub. No: 1651-4; C & T Yelverton, Further Sub. No: 4230-4 and Flowerlands, Further Sub. No: 4228-4.

The A&S Talley requests are also challenged by S. Orrah, Further Sub. No: 4220-1; M. Toll, Further Sub. No: 4219-1; and Mt Hope Further Sub. No: 3720-1 because the request challenges the status of their land as well as the deferred zone framework.

Evaluation

Staff note that 16.3.2.5 serves as a connector provision between the TRMP Subdivision chapter 16.3 and the Deferred Zone chapter 17.14.

Generally, staff support the A&S Talley request to review and amend the provision further so that it aligns with the new notified deferred zone framework.

The amendments recommended by staff clarify whether the provisions apply to all operative deferred zone locations (as shown on the operative planning maps) or only those to which Rule 17.14.2.2 applies, being those listed in the notified Schedule 17.14A.

Staff Recommendation and Reasoning

1. Allow in part the request to amend provision for the purpose of:
 - (i) Clarifying what land it applies to; and
 - (ii) Aligning the provision with the new, notified approach to deferred zones.

Plan Amendments

Refer to Hearing Version of Schedule of Plan Amendments at:

16.3 – Subdivision

16.3.2.5 - Subdivision in any Zone Subject to Deferred Zone Rules or Where Deferred Zoning has been Removed

Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|--|---|-------------------------------------|
| 16.3.2.5 - Subdivision in any Zone Subject to Deferred Zone Rules or Where Deferred Zoning has been Removed | | |
| Appleby 88 Ltd. 4227.6 | Retain the amendments to 16.3.2.5 and retain the Operative TRMP text that (a) and (b) are “OR” options, as notified. | Allow in Part |
| A&S Talley. Further Sub. No. 2915-6 | Oppose | Allow in part |
| A&S Talley. 2915.16 | Amend the operative rule and its title so that it is more certain as to what land it would apply to and is consistent with the proposed approach. | Allow in part |
| M. Toll. Further Sub. No: 4219-1 S. Orrah. Further Sub. No: 4220-1 Mt Hope. Further Sub. No: 3720-1 Appleby 88. Further Sub. No: 4227-2 | Opposed | Allow in part |

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|---|--|---|
| 16.3.2.5 - Subdivision in any Zone Subject to Deferred Zone Rules or Where Deferred Zoning has been Removed | | |
| AB&SL Family Trust. Further Sub. No: 4222-4 Wai West Horticulture. Further Sub. No: 1651-4 C & T Yelverton. Further Sub. No: 4230-4 Flowerlands. Further Sub. No: 4228-4 | Opposed subject to detailed drafting | Allow in part |
| A&S Talley. 2915.17 | Restructure the rule so that clause (b) is the first condition of the rule, and operative clause (a) must also be achieved, i.e. the two conditions must both apply, Alternatively, Review whether operative clause (a) is necessary and might already be achieved through other provisions in the plan. | Allow in part |
| 16.3.2.5 - Subdivision in any Zone Subject to Deferred Zone Rules or Where Deferred Zoning has been Removed - <i>continued</i> | | |
| M. Toll. Further Sub. No: 4219-1 S. Orrah. Further Sub. No: 4220-1 Mt Hope. Further Sub. No: 3720-1 Appleby 88. Further Sub. No: 4227-2 | Opposed | Allow in part |
| AB&SL Family Trust. Further Sub. No: 4222-4 Wai West Horticulture. Further Sub. No: 1651-4 C & T Yelverton. Further Sub. No: 4230-4 Flowerlands. Further Sub. No: 4228-4 | Opposed subject to detailed drafting | Allow in part |

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|---|---|-------------------------------------|
| 16.3.2.5 - Subdivision in any Zone Subject to Deferred Zone Rules or Where Deferred Zoning has been Removed | | |
| A&S Talley. 2915.18 | Amend the following clause: <i>“meet the requirements of the deferred zone rules as set out in section 17.14.2 and Schedule 17.14A...”</i> so that it is more precise and refers to compliance with specific rules, including Rule 17.14.2.1. | Allow in part |
| M. Toll. Further Sub. No: 4219-1 S. Orrah. Further Sub. No: 4220-1 Mt Hope. Further Sub. No: 3720-1 Appleby 88. Further Sub. No: 4227-2 | Opposed | Allow in part |
| AB&SL Family Trust. Further Sub. No: 4222-4 Wai West Horticulture. Further Sub. No: 1651-4 C & T Yelverton. Further Sub. No: 4230-4 Flowerlands. Further Sub. No: 4228-4 | Opposed subject to detailed drafting | Allow in part |

3.2.4 Plan Topic: Chapter 17.14 - Deferred Zone Rules - 15 years for transportation requirements for RW5

Submissions

Appleby 88 Ltd Submission Nos: 4277.8 and 4227.9 request that the chapter 17.14 provisions (17.14.1-Scope and Rule 17.14.2.2) that refer to infrastructure requirements being “*clearly defined and planned to be delivered within 10 years*”, are amended to allow 15 years in respect of transportation requirements for site location Richmond West 5 (RW5).

A&S Talley oppose the Appleby 88 submissions because: (i) If longer-term infrastructure is required for the development of land, the zoning of that land should be updated, if appropriate at the time, once infrastructure delivery is certain or in place; and (ii) broader spatial planning documents are more appropriate mechanisms for signalling longer term growth (Further Sub. Nos: 2915-9 and 2915-10).

Evaluation

For the new, notified deferred zone framework to be legally robust, land can only be 'zoned deferred' when it is certain that the infrastructure required is to be delivered.

Funding for infrastructure beyond the 10 years of the current LTP is generally considered uncertain.

Staff Recommendations and Reasoning

1. Disallow the requests for a 15 year timeframe for delivery of transport infrastructure for RW5 for the reasons that:
 - (i) Funding for infrastructure beyond 10 years of the LTP is generally considered uncertain.
 - (ii) It is important that the new, notified deferred zone framework is legally robust. These requests weaken the robustness of the framework.

Plan Amendments

No plan amendments

Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|--|---|-------------------------------------|
| Chapter 17.14 – Deferred Zone Rules –15 years for Transportation Requirements for RW5 | | |
| Appleby 88 Ltd. 4227.8 | Amend the notified Scope of Section 17.14.1 as follows: <i>"... Deferred zones are used to enable the efficient and streamlined transition of undeveloped land with insufficient servicing to developable land. Deferred zones are used when the infrastructure requirements are able to be clearly defined and planned to be delivered within 10 years, or 15 years in respect of transportation requirements for RW5."</i> | Disallow |
| A&S Talley. Further Sub. No: 2915-9 | Opposed | Allow |
| Appleby 88 Ltd. 4227.9 | Amend the notified Rule 17.14.2.2 as follows: <i>"(c) In the event that 10 years elapses from the operative date of the plan change that originally established the deferred zone to the delivery of the necessary infrastructure, or 15 years in respect of transportation requirements for RW5, then provision 17.14.2.2.(b) must not be applied and the provisions in Column C of Schedule 17.14A will continue to apply thereafter."</i> | Disallow |
| A&S Talley. Further Sub. No: 2915-10 | Opposed | Allow |

3.2.5 Plan Topic: Chapter 17.14 - Deferred Zone Rules - except for Schedule 17.14A

Submissions

A&S Talley Submission Nos. 2915.20; 2915.21; 2915.23-2915.30 request various amendments to improve the structure of the chapter 17.14 provisions as well as to clarify intention and meaning.

The submissions include requests that the trigger method provided for in Rule 17.14.2.2 applies only to deferred zone locations listed in Schedule 17.14A, and not to all of the deferred locations shown on the operative planning maps (thus excluding the Mapua and Motueka deferred locations).

Changes to provision 17.14.1 - Scope and to 17.14.20 Principal Reasons also request clarification that a Schedule 1 plan change is required to change the zone of any land, including land with a deferred zoning.

Further submitters oppose some of the above A&S Talley requests as follows.

A&S Talley Submission Nos. 2915.20 and 2915.21 are opposed by the further submitters listed below (subject to detailed drafting) because the requests challenge the deferred zone framework and because it is not clear whether the requests oppose the rezoning of the further submitters' land:

- AB&SL Family Trust, Further Sub. No: 4222-4; Wai West Horticulture. Further Sub. No: 1651-4; C & T Yelverton, Further Sub. No: 4230-4 and Flowerlands, Further Sub. No: 4228-4.

A&S Talley Submission No. 2915.23 is opposed by the further submitters listed below because the request challenges the status of their land as well as the deferred zone framework:

- S. Orrah, Further Sub. No: 4220-1; M. Toll, Further Sub. No: 4219-1; and Mt Hope Further Sub. No: 3720-1.

A&S Talley Submission Nos 2915.24; 4227-25; and 4227-26 are opposed by Appleby 88, Further Subs. No: 4227-4; 4227-5; and 4227-6, for the reasons that:

- (i) the trigger points (described for RW5) are sufficiently identifiable and certain; and
- (ii) the intent of Schedule 17.14A is that the areas listed have satisfied a Schedule 1 assessment but for the physical provision of adequate services which are planned and expected to be delivered.

Evaluation

Largely, the A&S Talley requests referred to above are supported or supported in part.

Substantively, the changes align chapter 17.14 Deferred Zone Rules with the policy provisions for deferred zones - Policies 6.3.3.4A to 4D (as amended in response to submission requests).

Rule 17.14.2.1 is intended, and as amended, clearly applies to all deferred locations shown on the operative planning maps, if not listed in Schedule 14A (thus including Mapua and Motueka deferred locations).

Rule 17.14.2.2, as amended, clearly applies only to deferred zone locations listed in Schedule 17.14A. It does not apply to all deferred locations shown on the operative planning maps (i.e. Mapua and Motueka deferred locations are excluded). Rule 17.14.2.2. enables the application of the anticipated end use zone plan provisions (and thus enables development to occur) when the trigger conditions are met, without a change of zone.

Changes to provision 17.14.1 - Scope and 17.14.20 Principal Reasons clarify that a Schedule 1 plan change is required to change the zone of any land, including land with a deferred zoning.

Regarding A&S Talley Submission No.2915.20, staff note that Activity Management Plans form part of the Long Term Plan. Definitions of short, medium and long term in context of the urban environment and the LTP are defined in the TRMP Chapter 6.2 tables.

Staff Recommendations and Reasoning

1. Allow or allow in part, the A&S Talley requests to amend chapter 17.14 provisions for the purpose of:
 - (i) Clarifying the intent of the provisions, particularly:
 - (a) which provisions apply to all deferred land as shown on the operative planning maps, if not listed in Schedule 14A (thus including the Mapua and Motueka deferred locations); and
 - (b) which provisions apply only to the deferred locations in the notified Schedule 17.14A (which exclude the Mapua and Motueka deferred locations).
 - (ii) Aligning chapter 17.14 Deferred Zone Rules with the policy provisions for deferred zones - Policies 6.3.3.4A to 4D.

Plan Amendments

Refer to Hearing Version of Schedule of Plan Amendments at:

- **Chapter 17.14**
 - 17.14.1 Scope of Section
 - 17.14.2 All Deferred Zones – 17.14.2.1 and 17.14.2.2
 - 17.14.20 Principal Reasons for Rules: paragraph 2

Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|---|--|-------------------------------------|
| Chapter 17.14 provisions (excluding Schedule 17.14A) | | |
| A&S Talley. 2915.20 | Amend the 17.4.1 Scope of Section reference to infrastructure requirements being “ <i>able to be clearly defined and planned to be delivered within 10 years</i> ” so that the text refers to the infrastructure and associated funding being identified in the TRMP, LTP, AMPs as described in section 2.3 of the s32 report. | Allow in part |
| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
| Chapter 17.14 provisions (excluding Schedule 17.14A) | | |

| | | |
|---|---|------------------|
| AB&SL Family Trust. Further Sub. No: 4222-4 Wai West Horticulture. Further Sub. No: 1651-4 C & T Yelverton. Further Sub. No: 4230-4 Flowerlands. Further Sub. No: 4228-4 | Opposed subject to detailed drafting. | Allow in part |
| A&S Talley. 2915.21 | (i) Retain Rule 17.14.2.1 but restructure the rule so it is clearer that it is a standalone rule. (ii) Amend Rule 17.14.1 to provide greater clarity that sites not in Schedule 17.14A cannot benefit from the trigger mechanism. | Allow |
| AB&SL Family Trust. Further Sub. No: 4222-4 Wai West Horticulture. Further Sub. No: 1651-4 C & T Yelverton. Further Sub. No: 4230-4 Flowerlands. Further Sub. No: 4228-4 | Opposed subject to detailed drafting. | Disallow |
| Mt Hope. Further Sub. No: 3720-1 | Opposed | Disallow in part |
| Chapter 17.14 provisions (excluding Schedule 17.14A) - Continued | | |
| A&S Talley. 2915.23 | Amend Rule 17.14.2.2(a) as follows: (i) Ensure the rule expressly states that it only applies to the deferred zones/areas listed in Schedule 17.14A. (ii) It is clear that the rule only applies until clause (b) is satisfied. (ii) Delete the words “that is occurring or is proposed to occur.” (iii) Delete the words “subject to” and redraft the clause to state that provisions in Column C ‘apply’. | Allow |

| Chapter 17.14 provisions (excluding Schedule 17.14A) - Continued | | |
|--|---|-------------------------|
| M. Toll. Further Sub. No: 4219-1 S. Orrah. Further Sub. No: 4220-1 Mt Hope. Further Sub. No: 3720-1 | Oppose | Disallow |
| A&S Talley. 2915.24 | Amend Rule 17.14.2.2(b) as follows: (i) to remove the discretion provided to the Council's Group Manager. (ii) so that rule is more specific as to when <i>"planned and funded to be constructed within the next three years"</i> would be satisfied. (iii) define the terms 'delivered/delivery' to improve the certainty and consistency of how the concept of is used throughout the plan provisions. Alternatively In the event that amendments cannot be drafted to provide a lawful (intra vires) trigger mechanism, then delete the deferred zoning provisions from the plan. A Schedule 1 plan change would then be required to change zoning. | Allow (primary request) |
| Appleby 88 Ltd. Further Sub. No: 3720-4 | Oppose | Disallow |
| A&S Talley. 2915.25 | Amend Rule 17.14.2.2(c) as follows: (i) Amend clause <i>'operative date of the plan change that originally established the deferred zone'</i> so that it cross references specific dates for each area in Schedule 17.14A and amend the schedule to include the relevant date for each area. (ii) Amend rule to provide certainty as to what <i>'delivery'</i> means in the context of this rule. | Allow |
| Chapter 17.14 provisions (excluding Schedule 17.14A) - Continued | | |
| Appleby 88 Ltd. Further Sub. No: 4227-5 | Oppose | Disallow |
| A&S Talley. 2915.26 | Amend the Principal Reasons 17.14.20 (relating to the process for making land subject to a deferred zone at paragraph 2) as follows: <i>"Comprehensive planning including a full Schedule 1 (RMA) assessment and plan change process is undertaken, including an assessment of the necessary infrastructure, to rezone undeveloped land to a deferred zone and include it in the list of deferred land in schedule 17.14"</i> . | Allow in part |

| Chapter 17.14 provisions (excluding Schedule 17.14A) - Continued | | |
|--|--|---------------|
| Appleby 88 Ltd. Further Sub. No: 4227-6 | Oppose | Allow in part |
| A&S Talley. 2915.27 | Amend the Principal Reasons 17.14.20 (relating to the process for rezoning land to its end use zone) to clarify that a Schedule 1 plan change process will be used to change a zone to the end use zone, once the infrastructure has been delivered and a 'deferred zone' is no longer required. | Allow |
| A&S Talley. 2915.28 | Oppose in part, but: Support Principal Reasons 17.14.20 explaining the 10 year sunset clause (at paragraph 3). | Allow |
| A&S Talley. 2915.29 | Support Principal Reasons 17.14.20 for the exclusion of deferred zone locations in Motueka and Māpua from Schedule 17.14A (at paragraph 4). | Allow |
| M. Toll. Further Sub. No: 4219-1 S. Orrah. Further Sub. No: 4220-1 Mt Hope. Further Sub. No: 3720-1 | Oppose | Disallow |
| A&S Talley. 2915.30 | Amend the Principal Reasons 17.14.20 table (paragraph 6) to clarify its purpose and consider whether the information should be provided in an alternative format. | Allow |

3.2.6 Plan Topic: Chapter 17.14 - Schedule 17.14A

Submissions

A&S Talley, Submission Nos. 2915.31- 2915.37 request:

- (i) correction of errors (2915.32; 2915.33; and 2915.37);
- (ii) clearer, more direct descriptions of infrastructure required (in Column D) and plan provisions that apply (in Columns C and G) (2915.34 and 2915.36); and
- (iii) limiting third party (NZTA) discretion regarding compliance with intersection standards (2915.35).

Further submitter Appleby 88 Ltd supports or part supports most of the corrections to the Schedule 17.14A (Further Subs. No: 4227-7 and 4227-9). Appleby 88 Ltd opposes limiting NZTA's discretion regarding compliance with access standards (Further Sub. No: 4227-8).

Evaluation

Staff support or support in part the A&S Talley requests to correct errors and to provide clearer, more direct descriptions of infrastructure required (in Column D) and plan provisions that apply

(in Columns C and G) for the reasons that the amendments clarify meaning and improve plan change content and robustness.

Staff Recommendations and Reasoning

1. Staff recommend that the A&S Talley requests are allowed or allowed in part because the requests clarify the intention, meaning and robustness of the Schedule.

Plan Amendments

Refer to Hearing Version of Schedule of Plan Amendments at:

Chapter 17.14

Schedule 17.14A

Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|--|--|-------------------------------------|
| Chapter 17.14 - Schedule 17.14A | | |
| A&S Talley. 2915.31 | Oppose in part, but: Support deletion of existing table. | Allow in part |
| A&S Talley. 2915.32 | Amend the titles of Columns I and J in Schedule 17.14A to clarify what information they are intended to provide. | Allow |
| A&S Talley. 2915.33 | Amend Schedule 17.14A to include the date from which the sunset clause in 17.4.2.2 applies. | Allow |
| Appleby 88 Ltd. Further Sub. No: 4227-7 | Support in part | Allow in part |
| A&S Talley. 2915.34 | Amend Schedule 17.14A to delete references to constructing 'Strategies' (e.g. " <i>Waimea Wastewater Strategy</i> ") and instead list the infrastructure that is required to be delivered. | Allow |
| A&S Talley. 2915.35 | Amend the wording of Schedule 17.14A entry for RW5 (McShane Road) so that compliance with this provision is not at the discretion of a third party, i.e. NZTA. | Allow in part |
| Chapter 17.14 - Schedule 17.14A | | |
| Appleby 88 Ltd. Further Sub. No: 4227-8 | Opposed | Allow in part |
| A&S Talley. 2915.36 | Amend Schedule 17.14A, Columns C and G to clarify which provisions apply under each deferred scenario, including provisions in other sections of the plan that continue to apply. | Allow in part |
| A&S Talley. 2915.37 | Amend the title of Column E in Schedule 17.14A, to refer to Column G. | Allow |
| Appleby 88 Ltd. Further Sub. No: 4227-9 | Opposed | Allow |

4.0 Lower Queen Street (LQS), RW1&2 and Sea Level Rise (SLR)

4.1 Introduction

This section addresses the zone change from Rural 1 deferred Light Industrial Zone to Light Industrial Zone at Lower Queen Street and the inclusion of a new Schedule 17.4A in the plan to place additional restrictions on the use of land within the part of the area that is going to be subject to long term sea level rise and inundation.

There are both general and specific submitter and further submitter requests relating to these changes. These submitter requests cover several chapters, namely:

- Chapter 6 - Urban Environment Effects
 - The policies in Section 6.5.3 – Land for Industrial Uses
 - The policies in Section 6.8 – Richmond
 - Methods, reasons and explanations
- Chapter 13 – Natural Hazards
 - Section 13.1.3
 - Reasons and explanations
- Chapter 16 – General Rules
 - The rules in Section 16.3 (subdivision)
- Chapter 17 – Zone Rules
 - The rules in Section 17.4 (Industrial Zones)
 - Schedule 17.4A
- Chapter 19 – Information Requirements

The rezoning itself has not been contested, but it is the response to the coastal hazard and inundation risk which mainly features in the submissions.

There are four submitters who have submitted as a bloc, and who are all landowners within the proposed Schedule 17.4A area. The four submitters are:

- Submitter 4222: AB and SL Family Trust
- Submitter 4228: Flowerlands Ltd
- Submitter 1651: Wai-West Horticulture Ltd
- Submitter 4230: Coral and Tracy Yelverton

Here after they are referred to as the four landowning submitters.

4.2 Affected Plan Provisions

4.2.1 Plan Topic Number: General

Submissions

Nelson Tasman Climate Forum submission point 4224-7 requests to amend the plan to include contingency planning for flooding caused by extreme weather events affecting the Lower Queen and Patons Rocks areas before the trigger is activated by sea level rise.

The four landowning submitters have provided further submissions points 4222-1, 1651-1, 4230-1 and 4228-1 opposing the above submission point.

AB and SL Family Trust submission point 4222-28 requests that the plan change includes reference to acceptance of a subdivision layout attached to application for resource consent to subdivide 563 Lower Queen Street, lodged on 22 August 2022.

A & S Talley further submission point 2915-1 opposes the above submission point.

Evaluation

Contingency planning is outside the scope of PC79. Any development of sites in the Lower Queen Street area will have to address flood hazard as part of consenting requirements. However, this will not be to the degree of an extreme weather event (such as Cyclone Gabrielle) as this is not required by current legislation or guidance.

Patons Rock is outside of scope of Schedule 17.4A which proposes the sea level rise trigger, as the location is Lower Queen Street in Richmond.

Acceptance of a subdivision plan is beyond the scope of PC79. Any subdivision will need to be assessed through the resource consent process.

Recommendation

It is recommended that the submission points are disallowed for the reasons provided above.

Plan Amendments

No plan amendments

Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|---|--|-------------------------------------|
| General | | |
| Nelson Tasman Climate Forum Subm. 4224-7 | Amend plan to include contingency planning for flooding caused by extreme weather events affecting the Lower Queen and Patons Rocks areas before the trigger is activated by sea level rise. | Disallow |
| AB and SL Family Trust Further subm 4222-1 Flowerlands Ltd Further subm 4228-1 Wai-West Horticulture Ltd Further subm 1651-1 Coral and Tracy Yelverton Further subm 4230-1 | Oppose, subject to detailed drafting | Allow |

| General - continued | | |
|---|---|----------|
| AB and SL Family Trust Subm 4222-28 | Request that plan change includes reference to acceptance of a subdivision layout attached to application for resource consent to subdivide 563 Lower Queen Street, lodged on 22 August 2022. | Disallow |

4.2.2 Plan Topic Number: Policy 6.5.3.10

Submissions

Nelson Tasman Climate Form in submission point 4224-2 seeks amendment of policy 6.5.3.10 to reduce risks of seepage and long-term contamination from toxic materials stored on sites, include provisions to specify types of business that can use this land and provide more specificity about the time for relocation and management of residues and wastes.

The four landowning submitters have in submission points 4222-1, 1651-1, 4230-1 and 4228-1 opposed the submission point, subject to detailed drafting.

Further submitter A&S Talley supports the submission point in part.

Evaluation

Discharge and Land use provisions provide the framework for regulating these activities and effects. Land is already industrial zone so subject to appropriate rules. The TRMP contains specific land use rules for the establishment of hazardous facilities and storage of hazardous substances. Additional controls would be perverse as would imply that other rules are ineffective.

Also, significant hazardous facilities are disincentivised by building relocatability requirements.

Recommendation

It is recommended that the submission point is disallowed for the reasons provided above.

Plan Amendments

No plan amendments

Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|---|--|-------------------------------------|
| Policy 6.5.3.10 | | |
| Nelson Tasman Climate Forum Subm. 4224-2 | Additional controls and specification of businesses to avoid use of toxic materials or other potentials for seepage contamination. | Disallow |
| AB and SL Family Trust Further subm 4222-1 Flowerlands Ltd Further subm 4228-1 | Oppose, subject to detailed drafting | |

| Policy 6.5.3.10 - continued | | |
|--|--|--|
| Wai-West Horticulture Ltd Further subm 1651-1 Coral and Tracy Yelverton Further subm 4230-1 | <i>as above</i> | |
| A & S Talley Further subm 2915-21 | Supported in part Responding to sea level rise requires consideration of all aspects of development, including legacy activities such as site contamination | |

4.2.3 Plan Topic Number: Chapters 6 and 13:

Policy 6.5.3.10A

Policy 6.5.3.10AA

Policy 6.5.3.10B

Policy 6.5.3.10C

Method of Implementation 6.5.20.1(e)

Reasons and Explanation 6.5.30

Policy 6.8.3.11

Policy 6.8.3.23A

Reasons and Explanation 6.8.30

Policy 13.1.3.7A

Reasons and Explanation 13.1.30

Submissions

The four landowning submitters have made submissions that primarily seek amendments to the provisions of Chapters 6 and 13. The assessment of these submissions is made collectively due to the consistency of the submissions and the issues raised.

To avoid repetition, each submission point (and the relevant further submissions) are provided in the Submission Recommendations table below, alongside the reporting officer's recommendations for each.

Schedule 17.4A provides an innovative and bespoke framework to enable the use of the Lower Queen Street area in the short- to medium-term while, recognising that as sea levels continue to rise and coastal and rainfall hazards increase, it will become necessary for buildings and activities to retreat from this location. The purpose and functioning of Schedule 17.4A is supported by a careful set of policies and supporting reasons and explanation in Chapter 6 (Urban Environments) and 13 (Natural Hazards).

The submitters have proposed the introduction of a new policy – Policy 6.5.3.10AA – and consequential amendments throughout the plan change framework to incorporate the concept

of an ‘exemption pathway’ to enable permanent industrial buildings in locations that may in the future be deemed appropriate through site-by-site assessment.

The approach proposed by the four landowning submitters is to introduce a greater “effects-based” element to the policy provisions to provide “wiggle room” for different solutions and different outcomes.

Further submissions opposing this approach have been submitted by A&S Talley.

A further issue that has been raised by the four landowning submitters and by A&S Talley is reference to “short-”, “medium-” and “long-term, with the point being that these are not adequately defined.

Evaluation

Resource management plans provide strategic direction at a district or local scale to indicate where new development and/or land uses are appropriate (through the planning framework, zones and/or overlays).

Schedule 17.4A provides an innovative and bespoke framework to enable the use of the Lower Queen Street area in the short- to medium-term while, recognising that as sea levels continue to rise and coastal and rainfall hazards increase, it will become necessary for buildings and activities to retreat from this location. The framework enables industrial activities and buildings that are temporary, relocatable or readily removable as a controlled activity (subject to conditions) and assesses proposed activities on a case-by-case basis. The framework provides for limited-duration resource consents that are based around a trigger (decision point), being a nominated amount of relative sea-level rise. When that trigger is reached, existing resource consents will expire after a 12-month period. This timeframe will enable landowners/occupiers enough time to implement response options for their circumstances, for example relocate to another location and remediate their site or apply for a new resource consent (as a discretionary activity) to remain on site for a further limited duration. A key point is that when the trigger level is reached, it does not necessarily require the land use to cease, rather a specific ‘exit plan’ may be developed and implemented through the resource consent process for the particular land use. This can take into account the specific circumstances of the locality, the resilience of the particular land use being undertaken, and the ability to manage coastal and stormwater hazards on the site. This framework is consistent with the following NZCPS policies:

Policy 25: (1) avoid increasing the risk of social, environmental and economic harm from coastal hazards; and (2) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards

Policy 27(1.1): promoting and identifying long-term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk.

The submitter has proposed the introduction of a new Policy 6.5.3.10AA, and consequential amendments throughout the plan change to policies and rules, to incorporate an ‘exemption pathway’ to enable permanent industrial buildings in locations deemed appropriate through expert assessment. However, the plan change as notified already enables flexibility on a case-by-case basis (which will require expert assessment), whilst providing strategic direction and

recognising the need for a long-term sustainable risk reduction approach within the scheduled location.

This area is very low-lying and immediately adjoins the Waimea Inlet and requires careful management of natural hazards because the inundation hazard will increase through time due to the effects of climate change. This increase in inundation hazard over time reflects the effects of sea-level rise, storms, rising groundwater levels, and fluvial and pluvial inundation.

National direction does not allow for an approach that increases the exposure to future coastal hazards, and the submitters' approach proposes an exemption pathway that may lead to that outcome. This plan change recognises the current zoning of the land and the investment that many landowners have made in their land – in some cases for the purpose of developing industrial buildings and activities – and provides an appropriately pragmatic planning regime that will allow the use of the land for a significant period of time, but will ultimately ensure that the land prone to long term inundation is not occupied.

Staff agree with Further Submission Point 2915-3, and that the requested changes do not reflect best practice for managing natural hazard risk.

On the issue of the definition of “short-“, “medium-“ and “long-term”, these terms are context dependent and it is not appropriate nor realistic to provide definitions in the TRMP which could satisfy all different contexts. For example, in Section 6.2 of the TRMP the terms are used in relation to the provision of housing under the National Policy Statement – Urban Development (NPS-UD). In the sea level rise context, the timeframes are obviously very different. Because the rules (which give effect to the policies) are based on a trigger level rather than a timeframe, the words are relative. Nevertheless, staff consider that the relevant policies in Chapters 6 and 13 which include these terms are sufficiently clear from their context.

Recommendation

It is recommended that the submission points are largely disallowed for the reasons provided above. However, there are some minor wording improvements which have been suggested and which are recommended to be allowed. These are set out in the two sections below.

Plan Amendments

Refer to Hearing Version of Schedule of Amendments at:
Reasons and Explanation 6.5.30

Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|---|---|-------------------------------------|
| Policy 6.5.3.10A | | |
| AB and SL Family Trust Subm. 4222-3 Flowerlands Ltd Subm. 4228-3 | Amend Policy 6.5.3.10A to enable exemption pathway, as follows: <i>“In the Light Industrial Zone location that is subject to Schedule 17.4A:</i> | Disallow |

| | | |
|---|--|---|
| Wai-West Horticulture Ltd Subm. 1651-3 Coral and Tracy Yelverton Subm. 4230-3 | <p>(a) to enable industrial activities and buildings that are temporary, relocatable or readily removable in the short to medium term.</p> <p>(b) to avoid industrial buildings that are not temporary, relocatable or readily removable, <u>unless otherwise remedied or mitigated in accordance with Policy 6.5.3.10AA;</u></p> <p>(c) To ensure that industrial activities and buildings are able to be removed from the land that is subject to Schedule 17.4A (as identified on the planning maps) when inundation risks and coastal hazards are unacceptable <u>not otherwise remedied or mitigated.</u></p> <p>(d) to only grant resource consent for industrial activities and buildings where the applicant has a plan that satisfactorily addresses how the activities and structures are able, both physically and financially, to be removed from the site.</p> <p>For the purpose of this policy, “readily removable”, means that the building is designed to be deconstructed with minimal destructive demolition. For example, it is made with panels which are bolted together and can be unbolted.”</p> | |
| Opposed by A & S Talley, Further Sub. No: 2915-3 | Disallow The requested changes do not reflect best practice for managing natural hazard risk. | |
| Policy 6.5.3.10AA | | |
| AB and SL Family Trust Subm. 4222-4 Flowerlands Ltd Subm. 4228-4 Wai-West Horticulture Ltd Subm. 1651-4 Coral and Tracy Yelverton Subm. 4230-4 | Insert new Policy 6.5.3.10AA as follows: <u>‘In the Light Industrial Zone location that is subject to Schedule 17.4A, to avoid industrial buildings that are not relocatable or readily removable, unless risk of inundation, coastal hazards and sea level rise are demonstrated to be appropriate through expert assessment.’</u> | Disallow |
| Policy 6.5.3.10B | | |
| AB and SL Family Trust Subm. 4222-5 Flowerlands Ltd Subm. 4228-5 Wai-West Horticulture Ltd Subm. 1651-5 | Amend Policy 6.5.3.10B to enable exemption pathway, as follows: <u>“In the Light Industrial Zone location that is subject to Schedule 17.4A, to recognise that different land uses, and different sites within the Schedule area, have different vulnerabilities to inundation and coastal hazards due to sea level rise, and to</u> | Disallow. Reason: Purpose of this policy is to recognize the different vulnerabilities of land uses and that |

| | | |
|---|--|---|
| <p>Coral and Tracy Yelverton Subm. 4230-5</p> | <p><i>assess proposed activities on a case-by-case basis.”</i></p> | <p>case-by-case assessment is appropriate.</p> <p>The proposed amendment confuses the purpose of the policy.</p> |
| <p>Policy 6.5.3.10C</p> | | |
| <p>AB and SL Family Trust Subm. 4222-6 Flowerlands Ltd Subm. 4228-6 Wai-West Horticulture Ltd Subm. 1651-6 Coral and Tracy Yelverton Subm. 4230-6</p> | <p>Amend Policy 6.5.3.10C to enable exemption pathway, as follows: <i>“To require the relocation or removal of industrial activities and buildings in the Light Industrial Zone location that is subject to Schedule 17.4A as part of a long-term sustainable risk reduction approach, to avoid their exposure to long-term significant adverse effects from inundation and coastal hazards due to sea level rise, except where provided for by Policy 6.5.3.10AA.”</i></p> | <p>Disallow</p> <p>Policy 6.5.3.10C as notified doesn’t preclude what the submitter is suggesting (“after all mitigating solutions have been explored and implemented”). The policy promotes a “long-term sustainable risk reduction approach” and the examples that the submitter provides (such as restoring flood gates on drainage pipes, raising the level of Lower Queen Street) may be options considered as part of any risk reduction approach. The proposed wording does not add any benefit to the intent of the policy.</p> |

Policy 6.5.3.10C - continued

| | | |
|--|---|---|
| Jeff and Katrina Thompset Subm. 4223-1 | Oppose in part. Amend Policy 6.5.3.10C to require the relocation of industrial activities and buildings in the Light Industrial zone subject to 17.4A after all mitigating solutions have been explored and implemented. | Disallow Reason: The policy promotes a “long-term sustainable risk reduction approach” and the examples that the submitter provides (such as restoring flood gates on drainage pipes, raising the level of Lower Queen Street) may be options considered as part of any risk reduction approach. The proposed wording does not add any benefit to the intent of the policy. |
| AB and SL Family Trust Further subm 4222-3 Flowerlands Ltd Further subm 4228-3 Wai-West Horticulture Ltd Further subm 1651-3 Coral and Tracy Yelverton Further subm 4230-3 | Support subject to detailed drafting | |

| Method 6.5.20.1(e) | | |
|---|--|--|
| AB and SL Family Trust Subm. 4222-7 Flowerlands Ltd Subm. 4228-7 Wai-West Horticulture Ltd Subm. 1651-7 Coral and Tracy Yelverton Subm. 4230-7 | Support in part. Amend Regulatory Method 6.5.20.1(e) to enable exemption pathway, as follows: “..... <i>(e) Rules that require time-limited resource consents for industrial activities and buildings where they are established in the Light Industrial Zone location that is subject to Schedule 17.4A, <u>except where in accordance with Policy 6.5.3.10AA.</u></i> ” | Disallow |
| Reasons and Explanation 6.5.30 | | |
| AB and SL Family Trust Subm. 4222-8 Flowerlands Ltd Subm. 4228-8 Wai-West Horticulture Ltd Subm. 1651-8 Coral and Tracy Yelverton Subm. 4230-8 | Support in part. Amend Principal Reasons 6.5.30 to enable exemption pathway, as follows: “... However, some areas of land zoned Light Industrial are subject <u>vulnerable</u> to future sea level rise. These areas are unlikely to <u>may not be</u> suitable for industrial activities and buildings, and associated servicing, in the long term. Appropriate activities are able to be undertaken in the short to medium term until such time as they become inappropriate due to their exposure to <u>significant adverse effects from</u> inundation, coastal hazards and sea level rise, <u>or where otherwise provided for by Policy 6.5.3.10AA.</u> ” | Disallow Except allow replacement of “subject” with “vulnerable.” |
| Neutral by A & S Talley, Further Subm: 2915-4 | Disallow | |
| Policy 6.8.3.11 | | |
| Nelson Tasman Climate Forum Subm. 4224-3 | Support. Retain Policy 6.8.3.11 as notified. | Noted |
| AB and SL Family Trust Subm. 4222-10 Flowerlands Ltd Subm. 4228-10 Wai-West Horticulture Ltd Subm. 1651-10 Coral and Tracy Yelverton Subm. 4230-10 | Support in part. Amend Policy 6.8.3.11 to enable exemption pathway, as follows: “... <i>This light industrial <u>zone park</u> is limited in extent and will <u>likely</u> need to retreat from lower lying land over time in response to its exposure to <u>significant adverse effects from</u> inundation, coastal hazards and sea level rise, <u>except where provided for by Policy 6.5.3.10AA.</u></i> ” | Disallow |

| Policy 6.8.3.23A | | |
|---|---|----------|
| AB and SL Family Trust Subm. 4222-9 Flowerlands Ltd Subm. 4228-9 Wai-West Horticulture Ltd Subm. 1651-9 Coral and Tracy Yelverton Subm. 4230-9 | Support in part. Amend Policy 6.8.3.23A to enable exemption pathway and to avoid ambiguity, as follows: <i>“To avoid the long-term industrial use of land that is at risk of exposure to over time periods that are likely to result in significant adverse effects from inundation, coastal hazards and sea level rise in the long term.”</i> | Disallow |
| Reasons and Explanation 6.8.30 | | |
| AB and SL Family Trust Subm. 4222-12 Flowerlands Ltd Subm. 4228-12 Wai-West Horticulture Ltd Subm. 1651-12 Coral and Tracy Yelverton Subm. 4230-12 | Support in part. Amend Principal Reasons 6.8.30 to enable exemption pathway, as follows: <i>“Appropriate activities are able to be undertaken in the short to medium term until such time as they become inappropriate due to their exposure to <u>significant adverse effects from inundation, coastal hazards and sea level rise. Activities and bBuildings in this Schedule 17.4A</u> area will be required to obtain a resource consent and will be required to be removed or relocated once the Schedule 17.4A sea level rise trigger is reached <u>except where provided for by Policy 6.5.3.10AA.</u>”</i> | Disallow |
| Policy 13.1.3.7A | | |
| Nelson Tasman Climate Forum Subm. 4224-4 | Support. Retain Policy 13.1.3.7A as notified. | Noted |
| AB and SL Family Trust Subm. 4222-11 Flowerlands Ltd Subm. 4228-11 Wai-West Horticulture Ltd Subm. 1651-11 Coral and Tracy Yelverton Subm. 4230-11 | Support in part. Amend Policy 13.1.3.7A to enable exemption pathway and avoid ambiguity, as follows: <i>“To avoid the long-term industrial use of the land that is subject to Schedule 17.4A, and to require the relocation or removal of industrial activities and buildings from this area to avoid their exposure to over time periods that are likely to result in significant adverse effects from inundation, coastal hazards and sea level rise.”</i> | Disallow |

| Reasons and Explanation 13.1.30 | | |
|---|--|---|
| AB and SL Family Trust Subm. 4222-13 Flowerlands Ltd Subm. 4228-13 Wai-West Horticulture Ltd Subm. 1651-13 Coral and Tracy Yelverton Subm. 4230-13 | Support in part. Amend Principal Reasons 13.1.30 to enable exemption pathway, as follows: <i>“Appropriate activities are able to be undertaken in the short to medium term until such time as they become inappropriate due to their exposure to <u>significant adverse effects from inundation, coastal hazards and sea level rise. Buildings in this area will be required to obtain a resource consent and will be required to be removed or relocated once the Schedule 17.4A sea level rise trigger is reached except where provided for by Policy 6.5.3.10AA.</u>”</i> | Disallow But allow rewording for clarification by inserting “Activities” and reference to the land that is subject to Schedule 17.4A |

4.2.4 Plan Topic Number: Section 16.3 (Subdivision)

Submissions

Submissions from Jenny Easton (4216-2) and from the Nelson Tasman Climate Forum (4224-5) have sought restrictions on the subdivision of land within the Schedule 17.4A area.

Jenny Easton’s submission point 2 states:

“Single vs multiple landowners

There are many good reasons not to have residential dwellings permitted in RW 1 & 2, and one of them is that multiple landowners are difficult to obtain agreement from when responding to land use change and it would be beneficial to have only one landowner to respond to the trigger in Schedule 17.4A. Could this be a condition of PC 79 for RW1 & 2?”

While no mechanism is identified by the submitter, the context of the point is that subdivision should be limited to reduce the numbers of landowners to be more enabling of future retreat of activities and structures.

Nelson Tasman Climate Forum’s submission point 5 states:

“Policy 16.3 Subdivision

We strongly support limitation or prevention of subdivision on properties at risk of inundation, such as the land in Lower Queen St., Richmond. Subdivision will increase risk exposure with more buildings and equipment and more public health risks with increased possibility of use of toxic materials which become widely spread in inundation. It increases difficulties of implementation of adaptive response with more stakeholders owning more infrastructure.”

These submissions have been opposed, subject to detailed drafting, by the four landowning submitters

Submissions were also received (4222-14, 4228-14, 1651-14 and 4230-14) which sought the retention of Section 16.3 as notified.

Coral and Tracy Yelverton made an additional submission point (4230-14.1) seeking to insert new subdivision rule to ensure that the subdivision of the existing residential dwelling on Lot 2 DP 9797 and Pt Lot 1 DP 7236 (RTNL5B/490) is a controlled activity.

Evaluation

The notified plan change's Schedule 17.4A introduced a new framework for land use, but did not propose new subdivision requirements. Therefore, the TRMP's existing subdivision rules for light industrial would apply. Therefore, subdivision would fall to be considered as a controlled activity, subject to conditions, and could not be declined.

Submission point 4224-5 proposes that restrictions or prohibition should be imposed on the subdivision of properties that are at risk of inundation. Submission point 4216-2 shares the intent of the Nelson Tasman Climate Forum point by proposing that it is preferable to have single rather than multiple landowners for land subject to Schedule 17.4A (e.g. no further subdivision) and therefore address this through the subdivision rules.

As set out in the Strategy and Policy Committee report (RSPC24-10-4) – seeking notification of PC79 – Council staff's professional advice and recommendation was that subdivision should be a prohibited activity for land included in Schedule 17.4A, based on the following national direction and guidance:

- New Zealand Coastal Policy Statement 2010 (NZCPS) – Objective 5, Policies 3 and 24-27.
- National Adaptation Plan 2022 (NAP) & Coastal Hazards and Climate Change Guidance 2024 (MfE Guidance)

The Strategy and Policy Committee's resolution included receiving the report and Plan Change documentation, and *"agrees to remove the subdivision provisions of the overlay on the Lower Queen Street light industrial area"*.

Council staff's professional advice has not changed since the October 2024 Strategy and Policy Committee meeting. If a subdivision consenting pathway is allowed for land in Schedule 17.4A, this will enable the creation of more property titles, affording property rights and privileges to more landowners. This would result in enabling future landowners to become 'locked in' with land holdings (known as 'stranded assets') that are vulnerable to rising sea levels (based on the climate change scenarios in the NAP/MfE Guidance), in addition to coastal and rainfall hazards. This is not in accordance with current national guidance (as detailed above). It is also noted that in this situation, there may also be future liabilities for Council given their decision would not be in accordance with current national guidance.

Most of the existing land parcels are of a size that are likely to enable onsite inundation mitigation measures more readily and easily. Contrast this with if the parcels were to be subdivided into smaller lots. Small land parcels inherently limit the range of mitigation options available due to technical feasibility and the requirement to avoid off-site effects (such as flooding) onto neighbouring properties. Smaller land parcels preclude the relocation (i.e. retreat) of activities and structures within the site to extend the useful life of the sites before full inundation occurs.

Furthermore, subdivision typically involves the installation of infrastructure such as roads or rights-of-way, and reticulation pipes for three waters. While relocation of landowners and

private structures could be enforced, it is highly likely that the relocation of such infrastructure would fall to the Council and therefore funded by ratepayers.

The national direction documents identified above suggest that development in locations such as this should be avoided (i.e. not be allowed). Therefore, an allowance for temporary activities for a number of decades should be viewed as an allowance or a concession. On that basis, it is not considered appropriate to allow landowners to act as developers by subdividing and thereby enabling more landowners into the area.

Recommendation

For the reasons set out above, it is recommended that the above submission points seeking the restriction of subdivision be allowed. This should be achieved by including subdivision rules to apply within Schedule 17.4A which set the activity as prohibited.

Also, for the reasons set out above, it is recommended that the remaining submission points seeking the retention of the existing section 6.3 wording, and the request to make subdivision of the dwelling on the Yelverton property a controlled activity, be disallowed.

Plan Amendments

Refer to Hearing Version of Schedule of Amendments at:

Section 6.5.3: Insert new Policy 6.5.3.10D

Section 6.5.30: Insert new Principal Reasons and Explanation text

Section 6.8.30: Insert new Principal Reasons and Explanation text

Section 13.1.3: Insert new Policy 13.1.3.7B

Section 13.1.30: Insert new Principal Reasons and Explanation text

Section 16.3.4: Insert new condition into Rule 16.3.4.1

Section 16.3.4: Insert new condition into Rule 16.3.4.4

Schedule 17.4A: Insert text to introductory wording

Schedule 17.4A: Insert new Section 17.4A.1 containing two new rules

Schedule 17.4A: Insert new Principal Reasons for Rules text

Schedule 17.4A: Consequential renumbering changes

Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|--|--|---------------------------------------|
| Section 16.3 | | |
| Jenny Easton Subm. 3216-2 | Support for single rather than multiple landowners for land subject to Schedule 17.4A. | Allow For reasons stated above |
| Nelson Tasman Climate Forum Subm. 4224-5 | Support limitation or prevention of subdivision on properties at risk of inundation such as land in Lower Queen Street Richmond. | Allow For reasons stated above |

| Section 16.3 | | |
|---|---|--|
| AB and SL Family Trust Further Sub. 4222-2 Flowerlands Ltd Further Sub. 4228-2 Wai-West Horticulture Ltd Further Sub. 1651-2 Coral and Tracy Yelverton Further Sub. 4230-2 | Oppose submissions 3216-2 and 4224-5. Retain drafting as notified. | Disallow For reasons stated above |
| AB and SL Family Trust Subm. 4222-14 Flowerlands Ltd Subm. 4228-14 Wai-West Horticulture Ltd Subm. 1651-14 Coral and Tracy Yelverton Subm. 4230-14 | Retain drafting as notified. | Disallow For reasons stated above |
| Coral and Tracy Yelverton Subm. 4230-14.1 | Insert new subdivision rule to ensure subdivision of existing residential dwelling on Lot 2 DP 9797 and Pt Lot 1 DP 7236 (RTNL5B/490) is a Controlled activity. | Disallow For reasons stated above |
| A&S Talley Further Sub. 2915-5 | Oppose submissions 4230-14.1 | Allow For reasons stated above |

4.2.5 Plan Topic Number: Section 17.4 Submissions

A submission point from A & S Talley (2915-19) has opposed the proposed amendments to Section 17.4 applying to the Light Industrial Zone at the Lower Queen Street location.

Part of the submitter's reason states:

"The impacts of the managed retreat regime proposed by the amendments to 17.4 are unclear and untested."

These submissions have been opposed, subject to detailed drafting, by the four landowning submitters

Evaluation

The reasons and explanation for the changes to the TRMP as they relate to the Lower Queen Street Industrial Zone are set out in the notified plan change documentation (particularly the Section 32 report).

It is acknowledged that the managed retreat regime is emerging practice in New Zealand. However with a changing climate and sea level rise it is anticipated that flexible planning responses and retreat options will be required. This is supported by the NZCPS (Policy 27) which promotes relocation or removal of existing development as part of long-term sustainable risk reduction approaches.

Recommendation

That no changes are made to the Schedule of Amendments as a result of this submission.

Plan Amendments

No amendments are recommended.

Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|---|--|--|
| Section 17.4 | | |
| A & S Talley Subm. 2915-19 | Oppose proposed changes to Chapter 17.4 (specifically 17.4.2.1A Controlled Activities (Scheduled Location); 17.4.3 Building Construction or Alteration; and Schedule 17.4A). Amend PC79 to delete notified changes to Chapter 17.4 Industrial Zone rules. | Disallow For reasons stated above |
| AB and SL Family Trust Further Sub. 4222-4 Flowerlands Ltd Further Sub. 4228-4 Wai-West Horticulture Ltd Further Sub. 1651-4 Coral and Tracy Yelverton Further Sub. 4230-4 | Oppose submission 2915-19, subject to detailed drafting. | |

4.2.6 Plan Topic Number:

Schedule 17.4A

Section 2.2 (Meaning of Words)

Submissions

Submissions from Jenny Easton (4216-1) and from the Nelson Tasman Climate Forum (4224-1 and 4224-6) support the inclusion of Schedule 17.4A.

The Nelson Tasman Climate Forum (4224-1) submission seeks that the trigger definition in Section 2.2 be amended to take account of risk of severe flooding due to capacity of storm-water systems to drain in extreme weather in combination with known impacts of rising water tables.

These submissions have been opposed, subject to detailed drafting, by the four landowning submitters:

The four landowning submitters have provided submission points (Submissions 4222-20, 4228-20, 1651-20 and 4230-20) which identify an error in the Schedule 17.4A introductory text. They seek the deletion of the reference to “subdivision”.

The four land-owning submitters have provided submission points (Submissions 4222-23, 4228-23, 1651-23 and 4230-23) seeking alternative sea level rise reference(s) in the proposed definition depending on the evidence available.

Finally, A & S Talley have submitted (2915-6) that the definition of “*Schedule 17.4A sea level rise trigger*” *should be amended* to provide further certainty and detail.

Evaluation

With reference to submission 4224-1, any development proposal in the Schedule 17.4A area will need to address fluvial/pluvial flooding and stormwater management in conjunction with coastal flooding. It is therefore considered that no further amendments are needed.

With reference to the four landowners’ submission points about the error in the introductory text of Schedule 17.4A, the submitters are correct that this is an error, but with the recommendation (above) to now include subdivision in the schedule, the wording of the introductory text becomes correct. Therefore, the recommendation is to disallow this submission point. However, if the Commissioners decide that subdivision rules should not be included in the schedule, then the submission point should be allowed and the reference to subdivision should be deleted.

Appendix 4 of the S32 report details the sea level rise trigger methodology, and the submitter has offered no alternative methodology or definition for consideration. Further, it is not clear what additional ‘sea-level rise references’ may be available for this definition that have not already been used in defining the Schedule 17.4A trigger (i.e., the Port Nelson tide gauge and the Little Kaiteriteri tide gauge).

Expert advice is that the definition provided in Meaning of Words for the “Schedule 17.4A sea level rise trigger” is sufficiently certain and that realistically nothing could be added to provide additional detail. The submitter has not offered any indication of what information they think needs to be added or changed in order to amend the definition of the trigger to provide further certainty and detail.

Recommendation

No amendments are recommended.

Plan Amendments

No Plan amendments

Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|---|--|---|
| Section 17.4A | | |
| Jenny Easton Subm. 4216-1 | Support Section 32 report, Part 3, Richmond West 1 and 2 - Assessment B, Option A. Retain Schedule 17.4A. | Noted / Allow |
| Nelson Tasman Climate Forum Subm 4224-1 Subm 4224-6 | Support Schedule 17.4A sea level rise trigger definition in part. Amend trigger to take account of risk of severe flooding due to capacity of storm-water systems to drain in extreme weather in combination with known impacts of rising water tables. | Noted / Allow Disallow in relation to amendment of trigger, due to reasons provided above. |
| AB and SL Family Trust Further Sub. 4222-4 Flowerlands Ltd Further Sub. 4228-4 Wai-West Horticulture Ltd Further Sub. 1651-4 Coral and Tracy Yelverton Further Sub. 4230-4 | Oppose submissions 4216-1, 4224-1 and 4224-6, subject to detailed drafting. | |
| Section 2.2 (Meaning of Words) | | |
| AB and SL Family Trust Subm. 4222-20 Flowerlands Ltd Subm. 4228-20 Wai-West Horticulture Ltd Subm. 1651-20 Coral and Tracy Yelverton Subm. 4230-20 | Support in part. Amend to correct error in Schedule 17.4A Heading, as follows: “Schedule 17.4A: Subdivision and b <u>Building</u> on low-lying light industrial land, Lower Queen Street, Richmond” | Disallow |
| A & S Talley Further Sub. 2915-7 | Neutral but disallow | |

| Section 17.4A | | |
|---|---|----------|
| AB and SL Family Trust Subm. 4222-23 Flowerlands Ltd Subm. 4228-23 Wai-West Horticulture Ltd Subm. 1651-23 Coral and Tracy Yelverton Subm. 4230-23 | Neutral. May seek alternative sea level rise reference(s) in definition depending on evidence available. <i>"... the point at which sea level in the Lower Queen Street area has risen by approximately 0.33 [TBA] metres. If the Port Nelson tide gauge is used the trigger is 0.26 m [TBA] (averaged over 10 years) of relative sea-level rise above average mean sea level for the period 2013-2022. If the Little Kaiteriteri tide gauge is used the trigger is 0.30 m [TBA] (averaged over 10 years) of relative sea-level rise above average mean sea level for the period 2013-2022."</i> | Disallow |
| A & S Talley Subm 2915-6 | Oppose. Amend the definition of "Schedule 17.4A sea level rise trigger" to provide further certainty and detail. | Disallow |

4.2.7 Plan Topic Number: Chapters 17.4 and 19

Section 17.4A (Scheduled area)

Section 17.4.2 (Land Use rules)

Section 17.4.3 (Building Construction or Alteration rules)

Section 19.2.1 (Information requirements)

NB: in the revised Schedule of Amendments provided for the Commissioners, Section 17.4A.1 has now been renumbered as 17.4A.2 following the recommended inclusion of subdivision provisions in the schedule. Original numbering has been retained, with new numbering provided in brackets.

Submissions

The four landowning submitters have provided submission points (Submissions 4222-21, 4228-21, 1651-21 and 4230-21) which seek amendments to Rule 17.4A.1.2 (now 17.4A.2.2).

Specifically, they seek amendment of condition (c) of the rule to achieve consistency with other provisions which allow 12 months for the removal of buildings and structures once the sea level rise trigger is reached.

The submitters also seek further changes which would focus more on the effects of future inundation rather than on the requirements of the rule to relocate buildings and structures once the trigger level has been reached. These changes are made to both Rules 17.4A.1.2 (now 17.4A.2.2) and 17.4A.1.4 (now 17.4A.2.4).

The four landowning submitters seek that activities that are allowed under the existing Rural 1 rules remain allowed under the proposed Light Industrial Zone rules. Furthermore, they seek that rules be included which explicitly permit Rural 1 zone activities in the areas that are not covered by Schedule 17.4A.

Evaluation

The amendment to 17.4A2.2(c) that would enable landowners to have 12 months once the sea level rise trigger is reached is accepted.

However, all of the other changes sought by the submission points are not supported as they are consistent with the “exemptions pathway package” that was previously described. In other words, the amendments proposed to this rule, tie in with the amendments that were sought to the TRMP policies that seek to provide a pathway for reassessment and mitigation of effects once the sea level rise trigger is reached. For the same reasons as previously described, this approach is not supported.

With the requirement for buildings to be relocated from the scheduled area, it is appropriate that a requirement remains that with any resource consent, a plan is provided to demonstrate how the buildings are both physically and financially able to be removed from the site (Condition (d)).

Further, the proposed amendments to Matter of Control (2) will subvert the purpose and effect of that matter.

Submission points that seek additional rules which explicitly permit land use activities that are enabled in the Rural 1 Zone are not supported. Firstly, because within the scheduled area, the plan change as notified already contains a change to Rule 17.4.2.1 to permit activities that are permitted in the Rural 1 Zone. This means that even if existing use rights are lost, Rural 1 activities remain permitted in this area of Light Industrial Zone. This is important so as to enable ongoing activities in lieu of the limited light industrial activities that are available to the landowners.

Having said that, some changes to the drafting of the notified plan change are recommended to make Rule 17.4.2.1 clearer. A new permitted activity rule has been included (Rule 17.4.2.1A) which is a dedicated permitted activity rule to permit activities which are also permitted by the Rural 1 Zone rules. This means that Rural 1 activities are always available to the landowners.

Secondly, specifically enabling Rural 1 activities outside of the scheduled area is not necessary nor appropriate. The land will be Light Industrial Zone just like any other LIZ locations. The existing permitted activity rule already allows any Rural 1 activities, because they are not disallowed by the conditions of the rule.

Recommendation

It is recommended that the submitters’ amendments for condition (c) of Rule 17.4A.1.2 (now 17.4A.2.2) are allowed.

It is recommended that all other amendments sought are disallowed.

Plan Amendments

Refer to Hearing Version of Schedule of Amendments at:

Section 17.4.2: additional wording in Rule 17.4.2.1

Schedule 17.4A: Amendments to Rule 17.4A.1.2 (now 17.4A.2.2)

Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|--|---|--|
| Rule 17.4A.1.2 (now 17.4A.2.2) | | |
| <p>AB and SL Family Trust Subm. 4222-21 Flowerlands Ltd Subm. 4228-21 Wai-West Horticulture Ltd Subm. 1651-21 Coral and Tracy Yelverton Subm. 4230-21</p> | <p>Support in part.</p> <p>Amend Rule 17.4A.1.2 to create consistency with timing specified in other rules, as follows:</p> <p><i>“Construction or alteration of a building is a controlled activity, if it complies with the following conditions: ...</i></p> <p><i>(c) A condition is placed on any resource consent to the effect that the building must be relocated or removed from the site when within 12 month following Mean Sea Level reaching or exceedsing the Schedule 17.4A sea level rise trigger.</i></p> <p><i>(d) With any resource consent application, the applicant provides a plan that satisfactorily addresses how the buildings are able, both physically and financially, to be removed from the site.</i></p> <p><i>A resource consent is required and may include conditions on the following matters over which the Council has reserved control:</i></p> <p><i>... (2) Measures to manage The-risk of significant adverse effects on the building and property resulting from inundation, coastal hazards and sea level rise. coastal erosion and flooding and adverse effects on the building and property from present and potential future coastal erosion and flooding hazards.</i> rule 17.4A.1.2 to create consistency with timing specified in other rules, as follows:</p> <p><i>(3) The effects of the proposed activity, including the effects of eventual building relocation and site remediation, on natural character and the coastal environment.”</i></p> | <p>Allow amendments to Condition (c)</p> <p>Disallow all other amendments.</p> |

| Rule 17.4A.1.4 (now 17.4A.2.4) | | |
|---|---|--|
| AB and SL Family Trust Subm. 4222-22 Flowerlands Ltd Subm. 4228-22 Wai-West Horticulture Ltd Subm. 1651-22 Coral and Tracy Yelverton Subm. 4230-22 | Support in part. Amend Rule 17.4A.1.4 to clarify requested exemption pathway and expected information requirement, as follows: <i>“Construction or alteration of a building that does not comply with the conditions of Rule 17.4A.1.3 is a discretionary activity.”</i> <i>‘Any application seeking consent under this rule to breach Condition 17.4A.1.2(c) in relation to removal of buildings shall be accompanied by a report by a suitably qualified engineer assessing risks associated with coastal hazards for the site over the duration of the consent sought.’</i> | Disallow |
| Rule 17.4.2.1A | | |
| AB and SL Family Trust Subm. 4222-17 Flowerlands Ltd Subm. 4228-17 Wai-West Horticulture Ltd Subm. 1651-17 Coral and Tracy Yelverton Subm. 4230-17 | Support. Retain Rule 17.4.2.1A as notified. | Noted |
| Rule 17.4.2.1 | | |
| AB and SL Family Trust Subm. 4222-16 Flowerlands Ltd Subm. 4228-16 Wai-West Horticulture Ltd Subm. 1651-16 Coral and Tracy Yelverton | Include a new rule to preserve any existing activities that have been lawfully established as a permitted activity. Further, the specific identification of the residential dwelling on the Yelverton property is sought. | Disallow Rule 17.4.2.1 Condition (a) allows for any activities which are permitted in the Rural 1 Zone. This was provided to enable continuation or commencement of such activities. However, condition (a) has now been. |

| Rule 17.4.2.1 - continued | | |
|---|---|--|
| Subm. 4230-16 | as above | relocated to a new permitted activity rule (Rule 17.4.2.1A) to ensure clarity. Further, RMA Section provides existing use rights. Assuming the dwelling was legally established, this Section of the Act applies. |
| AB and SL Family Trust Subm. 4222-15 Flowerlands Ltd Subm. 4228-15 Wai-West Horticulture Ltd Subm. 1651-15 Coral and Tracy Yelverton Subm. 4230-15 | Support in part. Amend Rule 17.4.2.1 (a) – (ab): <ol style="list-style-type: none">I. to ensure Rural 1 rules are available to entire RW1 area, not just the Schedule 17.4A area, whilst retaining the trigger for requiring consent, andII. to avoid applicability of Schedule 17.4A provisions where land is within the schedule area but with a ground level exceeding 5.1m. Amend Rule as follows: “(a) If the location of the activity is within the area that is subject to Schedule 17.4A (as shown on the planning maps) and has a proposed ground level of less than 5.1m (NZVD 2016), the activity is permitted by Rule 17.5.2.1 or 17.5.4.1.’ (aa) <u>If the location of the activity is within the area that is bounded by Swamp Road, Lower Queen Street and McShane Road, but is not subject to Schedule 17.4A (as shown on the planning maps) and/ or has a proposed ground level of at least 5.1m (NZVD 2016) the activity is either:</u> <ol style="list-style-type: none">(i) <u>permitted by Rule 17.5.2.1 or 17.5.4.1,</u><u>or;</u>(ii) <u>(ii) meets the other conditions of this Rule.</u> (ab) <u>The activity is not one of the following:...”</u> | Disallow For reasons stated above. |
| A & S Talley Further Sub. 2915-8 | Neutral but disallow | |

| Rule 17.4.2.3 | | |
|---|---|--|
| AB and SL Family Trust Subm. 4222-18 Flowerlands Ltd Subm. 4228-18 Wai-West Horticulture Ltd Subm. 1651-18 Coral and Tracy Yelverton Subm. 4230-18 | Support in part. Amend Rule 17.4.2.3 to include changes proposed to clarify exemption pathway (see New Policy 6.5.3.10AA and expected information requirement, as follows: <i>“Any land use that does not comply with the conditions of rules 17.4.2.1, 17.4.2.1A and 17.4.2.2 is a discretionary activity, if it complies with the following conditions:</i> <i>(a) The activity is not a residential activity other than a caretaker’s residence on the same site as the caretaker works.</i> <i>(b) The activity is not motor vehicle repairs or dismantling or sheet-metal work, on sites adjoining or across a road from a Residential Zone.</i> <i>(c) The activity is not a community activity.</i> <i>(d) Any application seeking consent to breach Condition 17.4.2.1A(c) in relation to consent expiry is accompanied by a report by a suitable qualified engineer assessing risks associated with coastal hazards for the site over the duration of the consent sought.”</i> | Disallow Disallow the concept of the requested exemption pathway for reasons as above for response to Submission’s 4222-3, 4228-3, 1651-3, and 4230-3 (see Section 4.2.3 above). As a discretionary activity rule, the proposed amendments to the rule are also not necessary and are confusing. |
| Rule 17.4.3.3 | | |
| AB and SL Family Trust Subm. 4222-19 Flowerlands Ltd Subm. 4228-19 Wai-West Horticulture Ltd Subm. 1651-19 Coral and Tracy Yelverton Subm. 4230-19 | Support in part. Amend Rule 17.4.3.3 to clarify cascade of rules, as follows: <i>“Construction or alteration of a building that does not comply with the conditions of rules 17.4.3.1, 17.4.3.2(a) or 17.4.3.3A is a restricted discretionary activity. However, this rule shall not apply to the construction or alternation of a building in a location that is subject to Schedule 17.4A. <u>Buildings within the Schedule 17.4A area are addressed at 17.4A.1 Building Construction or Alteration.</u>”</i> | Disallow Change is not necessary for rule. Will be clear from planning maps that Schedule 17.4A applies. |

Information Requirement 19.2.1.18A

| | | |
|---------------------------|--|--|
| AB and SL Family Trust | Amend requirement 19.2.1.18A as follows: | Disallow |
| Subm. 4222-24 | <i>"Land use application under Schedule 17.4A</i> | Disallow the concept of the requested exemption pathway for reasons as above for response to |
| Flowerlands Ltd | | Submission's 4222-3, |
| Subm. 4228-24 | <i>19.2.1.18A Any application seeking consent to breach Condition 17.4A.1.2(c) in relation to removal of buildings or Condition 17.4.2.1A(c) in relation to consent expiry shall be accompanied by a report by a suitably qualified engineer assessing risks associated with coastal hazards for the site over the duration of the consent sought.</i> | 4228-3, 1651-3, and 4230-3 (see Section 4.2.3 above) |
| Wai-West Horticulture Ltd | | |
| Subm. 1651-24 | | |
| Coral and Tracy Yelverton | | |
| Subm. 4230-24 | <i>"19.2.1.18A For any land use application under Rule 17.4A.2.2, a plan which demonstrates how buildings are able, both physically and financially, to be removed from the site."</i> | |

4.2.8 Plan Topic Number: Update Zone Map 76-12

Submissions

The four landowning submitters have submitted in support of the rezoning of the land from Rural 1 deferred Light Industrial.

The four landowning submitters have submitted that the boundaries of the Schedule 17.4A area should be "snapped" to cadastral boundaries, and include only those properties that are wholly below the ground contour of 5.1 metres.

Finally the submitters have sought clarification of the data/information that was used to establish the boundary of the scheduled area.

Evaluation

Appendix 4 of the S32 report details the sea level rise trigger methodology, and the submitter has offered no alternative methodology or definition for consideration.

Staff agree with the comments provided by further submission 2915-16, being *"enabling new development to establish and persist until sea level rise effects become significant is inappropriate and will generate significant costs to other individuals, the community and the environment"*.

Part III of the S32 report provides a site-by-site assessment of each of the deferred zone locations. The relevant explanation provided for the inland extent of the Schedule 17.4A area is on page 13 and states:

"This land was zoned Rural 1 Deferred Light Industrial in 2007 and was considered against MfE's sea level guidance applicable at that time. The MfE guidance has since been updated and currently coastal subdivision, greenfield developments and major new infrastructure requires an allowance for 2.06 metres of relative sea-level rise. This comprises 1.66 metres from changes to sea level and 0.40 metres for vertical land movement, downwards approximately

0.40 metres per 100 years at this locality (1.66 + 0.40 = 2.06 metres above current sea levels). Adding this amount of relative sea-level rise onto present-day MHWS, plus the 1% AEP storm extreme static water level (0.85-0.95 metres above MHWS), and a factor of safety of 0.5 metres (to allow for the uncertainty inherent in such projections and to account for other influences, such as wave runup) means that land below an elevation of 5.13 metres (NZVD2016) is considered subject to coastal hazards (out to the 2130 planning horizon).”

The boundary is based on an approximation of the 5 metre NZVD2016 contour based on a LiDAR-derived digital elevation model. From the image below it can be seen that the contour is highly variable and that, with gradually sloping land, it is necessary to provide a simplified line. Small differences in land height will be immaterial.



Because the Schedule 17.4A line reflects a physical contour level and is derived from best practice according to the NZCPS, the NAP, and MfE Guidance, it is not appropriate that they be snapped to cadastral boundaries.

Recommendation

That the submission points seeking changes to the Schedule 17.4A boundary be disallowed

Plan Amendments

No plan amendments

Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|---|--|---|
| Update Zone Map 76-12 | | |
| AB and SL Family Trust Subm. 4222-1 Flowerlands Ltd Subm. 4228-1 Wai-West Horticulture Ltd Subm. 1651-1 Coral and Tracy Yelverton Subm. 4230-1 | Support rezoning of RW1 area as Light Industrial. Retain rezoning provisions as notified. | Noted |
| AB and SL Family Trust Subm. 4222-2 Flowerlands Ltd Subm. 4228-2 Wai-West Horticulture Ltd Subm. 1651-2 Coral and Tracy Yelverton Subm. 4230-2 | 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) |
| A & S Talley Further Sub. 2915-16 | Neutral but disallow | |

5.0 Richmond West 3 (RW3)

5.1 Introduction

RW3 contains two properties: 35 McShane Road (RW3 (south)) and 25 McShane Road (RW3 (north)). PC79, as notified, proposes a split rezoning for the site, i.e. rezone from Rural 1 deferred Light Industrial to:

- Mixed Business for RW3 (south); and
- Light Industrial for RW3 (north).

Update zone map 76-12 refers.

Kāinga Ora Homes and Communities, Submitter 4215, is the only submitter on this topic.

A and S Talley, Submitters 2915 have made a further submission opposing the Kāinga Ora request.

5.2 Affected Plan Provisions

5.2.1 Plan Topic Number: Update Zone Map 76-12

Submission

Kāinga Ora submission nos. 4215.1 and 4215.2 request that TRMP update zone map 76-12 is amended so that their property at 35 McShane Road (RW3 (south)) is rezoned Residential rather than Mixed Business, together with any consequential amendments necessary to give effect to the request. Their request supports the existing and possible future use of the site for residential purposes.

Evaluation

Background

Kāinga Ora (Housing New Zealand Corporation) has owned the property since 2003. Prior to 2003, it occupied the property for several years.

Initially the property was zoned Rural 1. Plan Change 10 (operative 2012) rezoned the property and wider location to Rural 1 deferred Light Industrial due to its proximity to established and proposed industrial activity.

Several years later, in 2018, the Housing Accords and Special Housing Area Act (HASHAA) legislative process led to designation of the wider area as a Special Housing Area (SHA). This led to consented residential use for most of area between Borck Creek and McShane Road. Also, the owner of 25 McShane Road purchased a small portion of SHA land (consented for residential use) from Richmond West Development Company and amalgamated the titles (RW3 (north)). During the tidy up Rezoning of Special Housing Areas via Plan Change 74, (operative 2023) the owner of 25 McShane Road (RW3 (northern)) requested, and the decision confirmed deferred Light Industrial zoning for the 'newly purchased portion of land'. Consequently, Plan Change 74, in line with PC10, zoned RW3 Rural 1 deferred Light Industrial. Kāinga Ora did not submit on either of the plan changes at the time.

The zoning background is set out in the s32 report for PC79, Part 111, page 23-26.

Evaluation of Kāinga Ora submitter 4215 requests

Staff do not support residential zoning for RW3 (south) due to its proximity to established and developing industrial activity and the potential for cross boundary and reverse sensitivity effects.

PC79 supports the proposed Mixed Business rather than Light Industrial zoning for RW3 (south) due to its adjacency to the area recently zoned and developed Residential through the SHA process. The Mixed Business zone is specifically designed as a buffer zone to separate industrial and residential activities. While RMA section 10 protects existing uses, looking forward, the site will be appropriately zoned for the locality.

Evaluation of further submission no: 2915-17

A and S Talley further submission no: 2915-17 opposes the proposed rezoning of RW3 (south) to Residential as requested by Kāinga Ora Submission No: 4215.1 because the area has not been comprehensively assessed for this use through a Schedule 1 Plan Change process.

While allowing this further request, staff note that the rezoning of RW3 (south) to Mixed Business rather than Residential or Light Industrial has been comprehensively assessed by PC79 (S32 report, Part III, pages 6-10 and 22-26 refer).

Staff Recommendations and Reasoning

1. Disallow Kāinga Ora requests for the following reasons:
 - (i) The proposed split zoning as notified, supports the amenity of the business locality and reduces the risk of cross boundary effects between incompatible activities, because:
 - RW3 (north) --25 McShane Road - proposed for Light Industrial zoning - is close to existing and new industrial activities
 - RW3 (south) - 35 McShane Road - proposed for Mixed Business zoning - is adjacent to recently developed residential activity.
 - Mixed Business zone is specifically designed as a buffer zone to separate industrial and residential activities.
 - While RMA Section 10 protects existing uses, looking forward, the site will be appropriately zoned for the locality.
2. Allow A & S Talley further submission but for a different reason: the proposed zonings for RW3 (north) and RW3 (south) have been assessed as appropriate by PC79.

Plan Amendments

No plan amendments.

Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|---|--|-------------------------------------|
| Kāinga Ora Homes and Communities 4215.1 | Oppose proposed zone change to RW3 (South) from Rural 1 deferred to Light Industrial to Mixed Business. Amend zoning on the Submitter's property as follows: Delete Rural 1 deferred Light Industrial Zone and add Residential Zone. | Disallow |
| Kāinga Ora Homes and Communities 4215.2 | Amend plan change to include consequential changes that may be necessary to give effect to the Submitter's request. | Disallow |
| A & S Talley, 2915-20 | Oppose proposed zone change requested by Kāinga Ora Homes and Communities, Submission No. 4215.1 to rezone 35 McShane Road Residential. | Allow |

6.0 Richmond West 5 (RW5)

6.1 Introduction

PC79, as notified, proposes retaining the current zoning of this site RW5 as Rural 1 deferred Mixed Business but proposes changes relating to indicative roading, indicative walkways and indicative reserves within and adjacent to (along the north east boundary) RW5, as shown on Update Area Map 76-03.

The submitters on this topic are landowner developers who own land within or adjacent to RW5 i.e.: Richmond West Development Co Ltd (Submitter 4200); BAG Development Co Ltd (Submitter 4217); and Appleby 88 Ltd (Submitter 4277).

Appleby 88 Ltd is also a further submitter on the topic.

6.2 Affected Plan Provisions:

6.2.1 Plan Topic Number: Update Area Map 76-03

Submissions

The Richmond West Development Company Ltd (RWDCL) Submitter 4200

RWDCL Submission No. 4200.1 supports the proposed deletion and addition of indicative roads as shown on the Update Area Map 76-03.

The remaining submission requests (Submission Nos. 4200.2 – 4200.12, in summary, relate to map and text amendments relating to the proposed indicative walkway along the route of the ‘proposed to be deleted indicative road previously known as Chesterfield Avenue’ separating RW5 from the Residential zone along its north-east boundary.

The submissions request that the indicative walkways symbol is deleted and replaced by text and map symbology describing a 7m wide indicative reserve, within which runs a 3m wide active transport corridor, together with an updated description of the amenity plantings aligning the corridor.

Evaluation

Council and RWDC have worked together to achieve the following:

“Applications made under the Housing Accords and Special Housing Area 2013 legislation consented much of the Richmond West Development Area for Residential instead of Mixed Business and Light Industrial uses. This change has meant that Chesterfield Avenue is no longer required to be a collector road that provides a transport corridor for mixed business and light industrial use. Instead, the collector road/ transport corridor for the mixed business zone will be shifted south, and is proposed to be located closer to the centre of the mixed business zone indicated as RW5 on Map 76-03. The change in location will mitigate safety concerns around the original consented design, i.e. the use of heavy vehicles in The Meadows residential area, and around its connection with McShane Road. ...The plan change proposes that Chesterfield Avenue will be redesigned from an indicative road to a walkway. RWDCL supports

this change in part but seeks to amend the word “walkway” in the Map key to “active transport corridor” and seeks that the Map Key reflects that the active transport corridor is within an indicative reserve. RWDCL intends to build a shared-use active transport corridor within a 7 metre indicative reserve that links to McShane Road and will provide for walking, cycling and rolling. The proposed indicative reserve and active transport corridor will enhance functional and amenity values in the area and link walkers and cyclists directly with existing active transport corridors and the surrounding urban area. The indicative reserve will also provide a physical separation between the deferred mixed business zone and the residential zone.”
(RWDCL submission, page 2):

In addition, PC79 s32 report, Part III, pgs. 33-35 refers.

During the process of PC79, the RWDCL resource consent providing for the residential development of the area, including Chesterfield Avenue, was amended to approve the 7m wide indicative reserve, within which runs a 3m wide active transport corridor with associated amenity plantings being street trees planted at appropriate intervals within grass berms aligning the corridor. (SH180019V5: Change/Cancellation of Conditions of Resource Consent 19 December 2024). By end of June, construction of the active transport corridor is likely to be in process.

Staff support the principals underlying the RWDCL requests, i.e.: that the TRMP accurately describes what is intended. Unfortunately, operative TRMP planning map symbology is at capacity and does not provide for an ‘indicative active transport corridor’. Also, including such symbology on the planning maps requires broader changes to the TRMP text (e.g. consideration of setbacks for buildings and construction from an indicative active transport corridor).

Staff consider that the following changes will meet the concerns of the submitter without requiring broader changes to the TRMP:

- showing the 7m wide indicative reserve on the planning maps, and
- referring to the 7m wide indicative reserve which contains an active transport corridor in the TRMP text
- Adding to the TRMP Chapter 2 (Meaning of Words the definition of ‘Active Transport Corridor’ that is set out in the National Policy Statement on Urban Development, 2020.

[Evaluation of Appleby 88 Ltd further submission 74227-1 relating to RDWCL Submitter 4200 submissions](#)

Further submission 74227-1 provisionally supports RWDCL Submitter 4200’s proposal to incorporate an active transport / walkway reserve within the Meadows Development, provided the proposed 7m reserve is entirely within Submitter 4200’s landholdings.

The reserve containing the active transport corridor replaced a planned road on land which is owned by RWDCL Submitter 4200.

Submission

BAG Development Company Ltd, Submitter 4217

Submission No: 4217.1 requests that the location of indicative road entering 76 Appleby Highway (property owned by the submitter) is moved from the notified location (along boundary with 60 Appleby Highway) to be centred to run up the middle of the submitter's property for the purpose of improving cost feasibility to the developer.

Evaluation

The location of the indicative road is 'indicative' and can be shifted, within the locality, to suit practicalities and the order in which developments occur. From the Council's perspective, locating the road along the boundary of two properties doubles the chance of development proceeding within the indicative location. It gives two rather than one landowner bites 'at the cherry'. In practice such issues are usually determined by 'who develops first.'

Staff Recommendations and Reasoning

RWDCL Submission Nos. 4200.2 – 4200.12:

1. Allow in Part - amendments to Update Area Map 76-03 to show the 7m wide indicative reserve on the planning maps, as shown on the Hearing Version of the map below.
2. Allow or Allow in Part – amendments to relevant TRMP proposed text provisions to refer to the 7m wide indicative reserve which contains an active transport corridor in the TRMP.
3. Consequentially amend TRMP Chapter 2.2 to add the definition of 'Active Transport Corridor' that is set out in the National Policy Statement on Urban Development, 2020.

The changes are allowed or part allowed because they clarify what is intended to be provided (a 7m wide indicative reserve which contains an active transport corridor) and are in keeping with the approved resource consent.

Bag Development Company Ltd, Submission No: 4217.1:

4. Disallow - No change to the location of the indicative road entering 76 Appleby Highway.

The reason is that the location of the proposed indicative road is 'indicative' and can be shifted, within the locality, to suit practicalities, depending on who develops first.

Plan Amendments

1. Amend Update Area Map 76-03 as shown below in Hearing Version of map.
2. Refer to Hearing Version of Schedule of Amendments at:
Chapter 2 – Meaning of Words
-Letter A.
Residential Subdivision Rules:
16.3.3.1(n)(iii)(a); 16.3.3.1(n)(iii)(b) 16.3.3.1(t)(ii); 16.3.3.2A(d)(ii); 16.3.3.3(a)(iv)(a);
16.3.3.3(a)(iv)(b);

Mixed Business Subdivision Rules:

(Consequential) Rule 16.3.4.1(w)(va) and Rule 16.3.4.1(x).

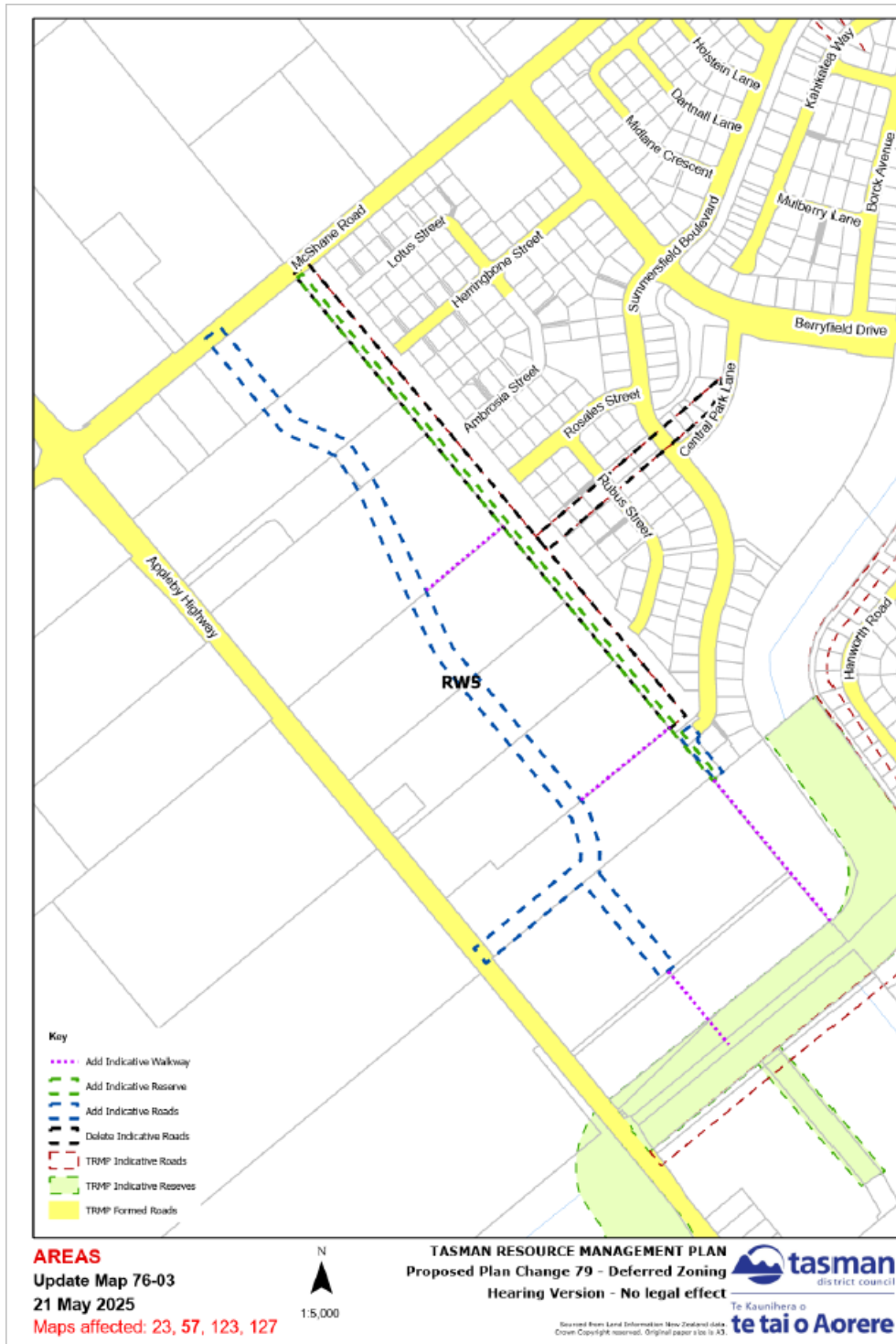
Subdivision Rules:

Schedule 16.3B(e)

Residential Zone Rules:

Rule 17.1.3.1(zc)(c); Matter 17.1.3.4(40A) and Principal Reasons 17.1.20

Hearing Version of Update Area Map 76-03 - showing recommended amendments



Submission recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|---|---|-------------------------------------|
| Update Area Map 76-03 | | |
| RWDCL 4200.1 | Retain the following provisions shown in Update Area Map 76-03: <ul style="list-style-type: none"> • No change to zone. • Retain Rural 1 deferred Mixed Business. • Delete current indicative roads. • Add new indicative roads to Area Planning Maps | Allow |
| RWDCL 4200.2 | Add indicative reserve and active transport corridor to Update Area Map 76-03: | Allow in part |
| Appleby 88 Ltd. Further Sub. No: 74227-1 | Appleby 88 supports Submitter 4200's proposal to incorporate an active transport / walkway reserve within the Meadows Development, provided the proposed 7m reserve is entirely within Submitter 4200's landholdings. | Allow |
| BAG Development Company Ltd, 4217.1 | Amend location of indicative road entering 76 Appleby Highway from notified location (along boundary) (as shown on Update Area Map 76-03) to be centred to run up the middle of the property. | Disallow |
| Residential Zone Subdivision - 16.3.3 | | |
| Richmond West Development Company Ltd. (RWDCL) 4200.3 | Amend Rule 16.3.3.1(n)(iii)(a) as follows: "A 7 metre wide indicative reserve separating the Mixed Business Zone from the Residential Zone west of Borck Creek which will vest in the Council as Local Purpose Reserve (walkway) (active transport corridor) without compensation or credit against Reserve Financial Contributions." | Allow |
| RWDCL 4200.4 | Amend Rule 16.3.3.1(n)(iii)(b) as follows: "Except for the 10 7 metre wide indicative reserve separating the Mixed Business Zone from the Residential Zone west of Borck Creek, indicative reserve areas are to be vested in the Council as Local Purpose Reserve (walkway/recreation) and Local Purpose Reserve (drainage) and the part of the area vested as Local Purpose Reserve (walkway/recreation) will form part of the financial contribution for reserves and community services in accordance with rule 16.5.2.4." | Allow |
| RWDCL 4200.5 | Amend Rule 16.3.3.1(t)(ii) as follows: "Adjoining the Indicative Collector Road and indicative walkway active transport corridor that separates the Residential Zone from the Mixed Business Zone, west of Borck Creek, amenity plantings are 2.5 metres wide street trees at appropriate spacings." | Allow in part |

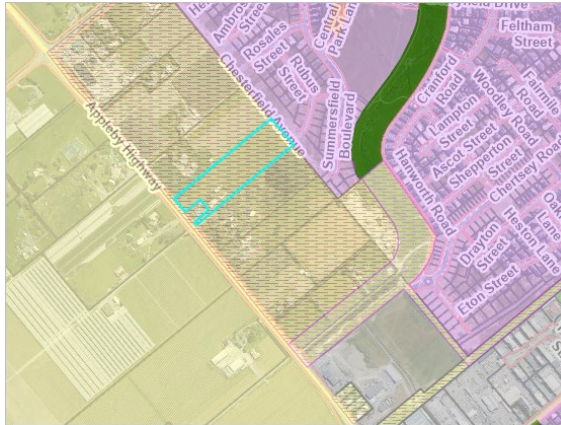
| Residential Zone Subdivision - 16.3.3 - continued | | |
|---|--|--|
| RWDCL 4200.6 | Amend Rule 16.3.3.2A(d)(ii) as follows: “Adjoining the Indicative Collector Road and indicative walkway active transport corridor that separates the Residential Zone from the Mixed Business Zone, west of Borck Creek amenity plantings are 2.5 metres wide street trees at appropriate spacings.” | Allow in part |
| RWDCL 4200.7 | Amend Rule 16.3.3.3(a)(iv)(a) as follows: “10 7 metre wide indicative reserve separating the Mixed Business Zone from the Residential Zone west of Borck Creek which will vest in the Council as Local Purpose Reserve (walkway active transport corridor) without compensation or credit against Reserve Financial Contributions.” | Allow |
| RWDCL 4200.8 | Amend Rule 16.3.3.3(a)(iv)(b) as follows: “Except for the 10 7 metre wide indicative reserve separating the Mixed Business Zone from the Residential Zone west of Borck Creek, indicative reserve areas are to be vested in the Council as Local Purpose Reserve (walkway/recreation) and Local Purpose Reserve (drainage) and the part of the area vested as Local Purpose Reserve (walkway/recreation) will form part of the financial contribution for reserves and community services in accordance with rule 16.5.2.4.” | Allow |
| Mixed Business Zone Subdivision - 16.3.4 | | |
| Consequential amendments | Delete notified new sub-Rule 16.3.4.1(w)(va): “(va) — 10 metre wide reserve separating the Mixed Zone from the Residential Zone west of Borck Creek which will vest in the Council as Local Purpose Reserve (walkway) without compensation or credit against Reserve Financial Contributions.” | Notified new Rule is no longer required as 7m wide Indicative Reserve containing an active transport corridor is located within the Residential zone. |
| | Delete notified amendment to Rule 16.3.4.1(x): “Except for the 10 metre wide reserve separating the Mixed Business Zone from the Residential Zone west of Borck Creek, S subject to but not limited by rule 16.4.2.1, indicative reserve areas are to be vested in the Council as Local Purpose Reserve walkway/recreation) and Local Purpose Reserve (drainage) and the part of the area vested as Local Purpose Reserve (walkway/recreation) will form part of the financial contribution for reserves and community services in accordance with rule 16.5.2.4.” | Notified amendment to Rule is no longer required as 7m wide Indicative Reserve containing an active transport corridor is located within the Residential zone. |

| Subdivision - 16.3 | | |
|-------------------------------|--|---------------|
| RWDCL 4200.9 | Retain Schedule 16.3B(e) as notified. | Allow |
| Residential Zone Rules - 17.1 | | |
| RWDCL 4200.10 | Amend Rule 17.1.3.1(zc)(c) as follows: <i>"In the Richmond West Development Area, on the indicative walkway active transport corridor or walkway active transport corridor separating the Mixed Business Zone from the Residential Zone west of Borck Creek any fence fronting onto the walkway active transport corridor reserve (or residential lanes or rights-of-way running parallel to the reserve) does not exceed 1.2 metres in height."</i> | Allow in part |
| RWDCL 4200.11 | Amend Matter 17.1.3.4(40A) as follows: <i>"The extent to which the increased height of fences located along the indicative walkway active transport corridor or walkway active transport corridor separating the Mixed Business Zone from the Residential Zone west of Borck Creek may detract from public safety and visual amenity"</i> | Allow in part |
| RWDCL 4200.12 | Amend Principal Reasons 17.1.20 for reduced fence heights as follows: <i>"Reduced fence heights are required along principal or collector roads within the Richmond East Development Area and in the Richmond West Development Area on the indicative walkway active transport corridor or walkway active transport corridor separating the Mixed Zone from the Residential Zone west of Borck Creek for the purposes of promoting public safety and visual amenity."</i> | Allow in part |

6.2.2 Plan Topic Number: Rezone Record of Title 856882 from Rural deferred Mixed Business to Mixed Business

Submissions

Appleby 88 Ltd Submission Nos: 4227.1; 4227.2 and 4227.10 request that land owned by the submitter within RW5 (RT 856882 – 0 Appleby Highway) is upzoned from Rural 1 deferred Mixed Business to Mixed Business because the property is serviceable. The location of the site within RW5 is shown below.



Evaluation

The Submitter land cannot be re-zoned to Mixed Business because the infrastructure required to support the urban use of the property is not in place.

Roading and access

The NZTA access approvals are for limited rural uses. NZTA have indicated that the Crossing Point to the south of the former number 88 Appleby Highway is limited to only serving the existing storage sheds, and the Crossing Point to the north of the site is limited to only serving a low scale plant nursery. The limitations on these 'approved' access make them unsuitable to serve a wider mixed business zone on the site.

Wastewater

A connection from the existing wastewater (Residential) system has insufficient capacity to provide for a connection.

Water Supply

A water main adjoining NL2A/1147 could provide a water supply connection as the main is 200mm, but only if this is first provided to NL2A/1147 with a connection to other lots.

Staff Recommendation and Reasoning

1. Disallow Appleby 88 Submission Nos: 4227.1; 4227.2 and 4227.10 to rezone (RT 856882 – 0 Appleby Highway) to Mixed Business for the reason that the infrastructure required to support the urban use of the property is not in place.

Plan Amendments

No plan amendments.

Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow | | | | | | | | | |
|--|--|---|---|---|---------------|----------------------|---|--|-----|--|----------|
| Operative Zone Map | | | | | | | | | | | |
| Appleby 88 Ltd. 4227.1 | Rezone Submitters property, Record of Title 856882, to Mixed Business from Rural 1 deferred Mixed Business. | Disallow | | | | | | | | | |
| RWDCL 4200.1 | Retain the following provisions shown in Update Area Map 76-03: <ul style="list-style-type: none"> • No change to zone. • Retain Rural 1 deferred Mixed Business. • Delete current indicative roads. • Add new indicative roads to Area Planning Maps | Allow | | | | | | | | | |
| Schedule 17.14A | | | | | | | | | | | |
| Appleby 88 Ltd. 4227.2 | Amend the listing of “McShane Road / RW5” in Schedule 17.4A to enable Appleby 88’s Property to be upzoned as follows: <table border="1" data-bbox="432 857 1005 1066"> <thead> <tr> <th>A</th><th>B</th><th>C</th></tr> </thead> <tbody> <tr> <td>Site location</td><td>Site location number</td><td>Plan provisions that apply before services are provided</td></tr> <tr> <td>McShane Road, <u>excluding RT 856882</u></td><td>RW5</td><td>Chapters 7, 16.3.2.1 - 16.2.5 16.3.5 and 17.5</td></tr> </tbody> </table> | A | B | C | Site location | Site location number | Plan provisions that apply before services are provided | McShane Road, <u>excluding RT 856882</u> | RW5 | Chapters 7, 16.3.2.1 - 16.2.5 16.3.5 and 17.5 | Disallow |
| A | B | C | | | | | | | | | |
| Site location | Site location number | Plan provisions that apply before services are provided | | | | | | | | | |
| McShane Road, <u>excluding RT 856882</u> | RW5 | Chapters 7, 16.3.2.1 - 16.2.5 16.3.5 and 17.5 | | | | | | | | | |
| Appleby 88 Ltd. 4227.10 | Amend Schedule 17.14A in respect of RW5 in a way that resolves Appleby 88’s request to enable development to proceed on sites where services are available without undue delay. | Disallow | | | | | | | | | |

7.0 Richmond East 11 (RE11)

7.1 Introduction

PC79 proposes rezoning site RE11 from Rural 2 deferred Rural Residential Serviced to Rural Residential Serviced (update zone map 76-09 refers). Consequentially, for this site, PC79 also proposes amending the relevant discharge map (update map 76-16) from Deferred Fire Ban to Fire Ban Area.

Transpower, Submitter 174, is the only submitter on this topic. There are no further submitters.

7.2 Affected Plan Provisions

7.2.1 Plan Topic Number: General

Submissions

Transpower submission point 174.6 requests that TRMP is amended to give effect to the NPSET (including any future changes to the NPSET and NESETA). This includes explicit recognition of NPSET Policies 10 and 11 and the revised National Grid Corridor rules.

Evaluation

Refer to staff recommendation below.

Staff Recommendation and Reasoning

1. Staff recommend that the request is disallowed for the following reasons:
 - (i) Request is beyond the scope of PC79.
 - (ii) Anticipated changes to national guidance are not yet available.
 - (iii) Existing TRMP provisions enable NPSET Policies 10 and 11, notably operative Policy 6.8.3.28. in addition to the operative, subdivision and land use and disturbance rules that apply to the Richmond East Development Area.

7.2.2 Plan Topic Number: Chapter 2 – Meaning of Words - ‘Richmond East Development Area’

Submissions


Submission Nos.174.1 to 174.5 request confirmation that that the site will continue to be identified as the Richmond East Development Area when rezoned, because the identifier brings into play:

- (i) TRMP policy provisions that give effect to NPSET; and
- (ii) TRMP rules relating to subdivision (16.3.8.1(j) and 16.3.8.3); building construction and alteration (17.8.3.1(g)(vii), 17.8.3.2(c) and 17.8.3.3) and land disturbance (18.5.2.1(j), 18.5.2.5) that “more or less” give effect to Transpower’s current model provisions for managing activity within proximity of the National Grid.

It is noted that Plan Change 22 - Richmond East Development Area, (operative August 2012) incorporated the above provisions into the TRMP at the request of Transpower at the time.

Evaluation

TRMP Chapter 2.2 defines the Richmond East Development Area as: “the area to the east of Richmond as shown on the planning maps”. Site Location RE11 is part of the broader REDA.

TRMP plan map notation  is a tool used to spatially identify an area subject to a plan change that usually is subject to various plan provisions associated with the change (e.g. amenity planting and noise provisions relevant to Richmond West Development Area). Consequently, the TRMP notation remains regardless of the rezoning of locations to the ‘end use’ or any other zone. To date, none of the TRMP development area notations associated with various plan changes have been removed and it would require an RMA Schedule 1 Plan Change to do so.

Staff Recommendation and Reasoning

1. Allow requests for the reasons that:
 - (i) Staff are able to confirm that the TRMP planning map notation will continue to identify the Richmond Area Development Area, including RE11, after the land is rezoned.
 - (ii) An RMA Schedule 1 plan change would be required to remove the REDA from the planning maps.

Plan Amendments

No plan amendments.

Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|----------------------------------|--|-------------------------------------|
| Transpower, NZ Ltd. 174.1 | Transpower is neutral on the rezoning - on the basis the operative TMRP provisions relating to subdivision, land use and earthworks within proximity of existing electricity transmission assets (i.e. National Grid) continue to apply to the site | Allow |
| Transpower, NZ Ltd. 174.2 | Clearly identify if the rezoned site will continue to be identified as Richmond East Development Area. Should the rezoned land not be identified as Richmond East Development Area following the plan change, appropriate rules will be required to manage subdivision, use and development (including earthworks) within proximity of the National Grid assets. | Allow |
| Transpower, NZ Ltd. 174.3 | Confirm the operative subdivision Rule 16.3.8.1(j) will continue to apply to the land to be rezoned. Should the land not be identified as Richmond East Development Area following the plan change, appropriate rules will be required to manage subdivision within proximity of the National Grid assets. | Allow |
| Transpower, NZ Ltd. 174.3.1 | Confirm the operative subdivision Rule 16.3.8.3 will continue to apply to the land to be rezoned. Should the land not be identified as Richmond East Development Area following the plan change, appropriate rules will be required to manage subdivision within proximity of the National Grid assets. | Allow |
| Transpower, NZ Ltd. 174.4 | Confirm the operative land use Rule 17.8.3.1(g)(vii) will continue to apply to the land to be rezoned. Should the land not be identified as Richmond East Development Area following the plan change, appropriate rules will be required to manage land use within proximity of the National Grid assets. | Allow |

| Submitter Name, Number and Point | Submitter Request - <i>continued</i> | Staff Recommendation Allow/Disallow |
|----------------------------------|--|-------------------------------------|
| Transpower, NZ Ltd. 174.4.1 | <p>Confirm the operative land use Rule 17.8.3.2(c) will continue to apply to the land to be rezoned.</p> <p>Should the land not be identified as Richmond East Development Area following the plan change, appropriate rules will be required to manage land use within proximity of the National Grid assets.</p> | Allow |
| Transpower, NZ Ltd. 174.4.2 | <p>Confirm the operative land use Rule 17.8.3.3 will continue to apply to the land to be rezoned.</p> <p>Should the land not be identified as Richmond East Development Area following the plan change, appropriate rules will be required to manage land use within proximity of the National Grid assets.</p> | Allow |
| Transpower, NZ Ltd. 174.5 | <p>Confirm the operative earthworks Rule 18.5.2.1(j) will continue to apply to the land to be rezoned. Should the land not be identified as Richmond East Development Area following the plan change, appropriate rules will be required to manage earthworks within proximity of the National Grid assets.</p> | Allow |
| Transpower, NZ Ltd. 174.5.1 | <p>Confirm the operative earthworks Rule 18.5.2.5 will continue to apply to the land to be rezoned. Should the land not be identified as Richmond East Development Area following the plan change, appropriate rules will be required to manage earthworks within proximity of the National Grid assets.</p> | Allow |
| Transpower, NZ Ltd. 174.6 | <p>Amend the provisions within the TRMP to give effect to the NPSET (including any future changes to the NPSET and NESETA). This includes explicit policy recognition to give effect to the NPSET Policies 10 and 11 and revised National Grid Corridor rules.</p> | Disallow |

8.0 Richmond South 14, 15, 15A-C, (RS14, RS15, RS15A-C)

8.1 Introduction

PC79, as notified, proposes:

- rezoning sites RS15, RS15A, RS15B and RS15C from Rural 1 Deferred Residential to Residential (update zone map 76-10 refers). Consequentially, for these sites, PC79 also proposes amending the relevant discharge map (update map 76-17) from Deferred Fire Ban to Fire Ban Area.
- Deleting a portion of an indicative road connecting to Hill Street between Faraday and Kings Rises.

The submitters on this topic are affected landowners.

8.2 Affected Plan Provisions

8.2.1 Plan Topic Number: Update Zone Map 76-10

Submissions

Submissions from affected landowners Oregon Land Ltd (Submission No. 4221.1) and K Hanna and 187 Hanna Trustee Ltd (Submission No. 4226.1) support the rezoning of their land from Rural 1 deferred Residential to Residential.

The S and A Field Submission No. 4225.1 supports the rezoning of the RS15 sites, but in addition requests that their land located within RS14 is rezoned Residential. The reason for their request is that the reservoir currently being constructed on Council owned land at 520 Hill Street should provide the water supply needed for residential development.

A & S Talley, Further Submission No: 2915-15 opposes the zone changes requested by S and A Field, Submission No.4225.1 to upzone RS14 to Residential.

Evaluation

The Richmond South Low Level reservoir currently being constructed on Council owned land at 520 Hill Street South will provide water to land in the Richmond South Development Area that is already zoned Residential. A booster pump station is needed to supply water to the remaining land covered by a deferred zoning (marked RS14 on update zone map 76-10). The pump station which is expected to cost about \$1 million is NOT specifically provided for in LTP 2024 / Annual Plan 2025. AMP ID 86178 - provision for growth upgrades in years 4-5 will need to be utilised to provide for the booster pump station. There is a significant amount of uncertainty about this project at this time.

A & S Talley, Further Submission No: 2915-15 opposes the zone changes requested by S and A Field, Submission No.4225.1 to upzone RS14 to Residential for the reasons that:

“Any ‘deferred zone uplift’ or changes to deferred zones should be subject to a comprehensive plan change process. The area hasn’t been comprehensively assessed, including in relation to

up-to date natural hazard mapping. The changes sought in the submission are inconsistent with the relief sought in our original submission.”

Although staff do not support the rezoning of RS14 to Residential in this PC79, as the planned water supply service is not yet delivered, it is noted that the site was comprehensively assessed for residential development by a previous Schedule 1 plan change (PC5) and through this PC79. (S32 report Part III, pages 65-72 refer).

Staff Recommendation and Reasoning

1. Allow the submission requests that support the proposed rezoning of RS15, RS15A, RS15B and RS15C from Rural 1 Deferred Residential to Residential as notified.
2. Allow in part. Disallow the part of the Field Submission No 4225.1 requesting that RS14 be rezoned Residential as:
 - (i) The reticulated water supply needed to support residential development is not yet delivered; and
 - (ii) Due to the high cost of the booster pump there is uncertainty as to when a water supply will be delivered.

Plan Amendments

No plan amendments

Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|---|---|-------------------------------------|
| Update Zone Map 76-10 | | |
| Oregon Land Ltd 4221.1 | Retain Update Zone Map 76-10 as notified. | 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 |
| S and A Field. 4225.1 | Retain upzoning of RS15 and RS15A-C as shown on Update Area Map 76-10, but amend to upzone all of RS14, including Submitter's land. | Allow in part |
| S and A Field. 4225.2 | Amend Update Discharges Map 76-17. Delete Deferred Fire Ban Area and replace with Fire Ban. | Allow in part |
| A & S Talley, 2915-15 | Oppose zone changes requested by S and A Field, Submission No.4225.1 to upzone RS14 to Residential. | Allow |

8.2.2 Plan Topic Number: Update Area Map 76-02

Submissions

Submissions from Richmond South landowners Oregon Land Ltd (Submission No. 4221.2); K Hanna and 187 Hanna Trustee Ltd (Submission No. 4226.2) and S and A Field (Submission No. 4225.3) oppose the deletion of the portion of an indicative road connecting to Hill Street between Faraday and Kings Rises. The submitters request it be retained for the reasons that it

will support connectivity and a choice of routes (TRMP Policy 6.3.3.5), provide direct and short travel routes (TRMP Policy 11.1.3.1(b)) and provide an appropriate corridor for connection to other urban services (TRMP Policy 11.2.3.5).

Evaluation

The existing indicative road connecting to Hill Street between Faraday and Kings Rises. would be likely to result in a significant increase in traffic on Hill Street south west of the Hill Street / Hart Road intersection and accessing the intersection from that direction.

The Nelson Tasman Future Development Strategy, 2022 -2052, is proposing further residential development between the current residential and residential deferred zoning and White Road. It is likely that this southern development will connect to the residential areas to the north, leading to a much larger increase in traffic than from the current or deferred residential zoning.

The Hill Street / Hart Road intersection is not suitable for a significant increase in traffic from the south western Hill Street approach. It is a cross roads intersection. Cross roads intersections have a poor safety record as drivers can fail to understand the nature of the intersection and that they are required to give way. This is exacerbated at this intersection with the north western approach of Hart Road classified as a Primary Collector, and the north eastern approach of Hill Street as a Secondary Collector. This results in the dominant through traffic turning through the intersection.

These safety issues could possibly be addressed with the installation of a roundabout at the intersection. However, the gradient of Hart Road immediately adjacent to the intersection is about 10%. This would result in an 'adverse crossfall' of 10% for vehicles negotiating the north western quadrant of a roundabout, such as those turning right out of the uphill section of Hart Road or straight ahead from the south western section of Hill Street.

Adverse crossfall increases the likelihood of high sided vehicles (including heavy vehicles and campervans and caravans) overturning. The Austroads Guide to intersections recommends an absolute maximum adverse crossfall of 7%.

There is an indicative road shown on the operative planning maps (Zone Maps 57 and 128) connecting to Hart Road opposite Pine Crest Drive. This intersection is a more typical cross roads intersection with the Hart Road Primary Collector route running straight through the intersection. A roundabout is considered a suitable treatment for this intersection.

Staff Recommendations and Reasoning

1. Disallow the submissions requesting that the indicative road connecting to Hill Street between Faraday and Kings Rises be retained for the following reasons:
 - (i) The Hill Street Hart Road intersection is not suitable for a significant increase in traffic from the south western Hill Street approach for reasons associated with safety and detailed in the evaluation.
 - (ii) A more suitable indicative road connecting to Hart Road opposite Pine Crest Drive is shown on the operative planning maps.

Plan Amendments

No plan amendments.

Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|--|--|-------------------------------------|
| Update Area Map 76-02 | | |
| Oregon Land Ltd. 4221.2 | Oppose change to indicative road shown on Update Area Map76-02. Retain indicative road as shown in Operative TRMP Map 133 Richmond South. | Disallow |
| S and A Field. 4225.3 | Oppose change to indicative road shown on Update Area Map76-02. Retain Indicative Roads shown on the Submitters land, and on Operative Map 133 Richmond South. | Allow in part |
| K Hanna and 187 Hanna Trustee Ltd. 4226.2 | Oppose change to indicative road shown on Update Area Map76-02. Retain all Indicative Road positions under the Operative TRMP Map 133, Richmond South, including the two Indicative Roads adjacent to the Submitters land and the Indicative Road positions out onto Hill Street. | Allow in part |

9.0 Brightwater 16 (BW16)

9.1 Introduction

PC79, as notified, proposes rezoning site BW16 from Rural 1 Deferred Residential to Conservation Zone (update zone map 76-04 refers). Consequentially, for the site, PC79 also proposes amending the relevant discharge map (update map 76-13) to delete the Deferred Fire Sensitive Area.

The rezoning follows the gazetting of the site as a scenic reserve in 2022 and its vesting in DoC to form part of the Snowdens Bush Scenic Reserve

There are two submitters on this topic, the Department of Conservation, Submitter 1445, being the owner of the site and G Batten, Submitter 4215.

There are no further submissions.

9.2 Affected Plan Provisions

9.2.1 Plan Topic Number: Update Zone Map 76-04

Submission

Department of Conservation (DoC) requests that the proposed rezoning of the land to Conservation Zone is retained. DoC considers that the zoning is appropriate as the site was

previously purchased by the community and gifted to the Crown to be added to the Snowden's Bush Scenic Reserve. (Submission No. 1445.1).

G Batten requests Council to ensure that rezoning to Conservation Zone is conditional upon DoC establishing an acceptable direct access from Waimea West Road to Snowdens Bush Scenic Reserve (Submission No.336.1) so that public use of the existing right of way that currently provides vehicle access to the Reserve is reduced.

Evaluation

BW16, located at 72 Waimea West Road, fronts directly onto Waimea West Road, and the landowner has opportunity to create direct access to its property from that road. Staff consider that this is not a zoning issue and that the request is out of scope.

Staff Recommendation and Reasoning

1. Staff recommend that the G. Batten submission No. 4215.1 is out of scope as:
 - (i) the request does not relate to the zoning of the property;
 - (ii) BW16 fronts onto Waimea West Road.

Plan Amendments

No plan amendments.

Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|--|---|-------------------------------------|
| Director-General of Conservation. 1445.1 | Retain proposed rezoning of 72 Waimea (West) Road, Brightwater, as depicted on Update Zone map 76-04 from Rural 1 deferred Residential to Conservation Zone together with any further relief required to give effect to the change. | Allow |
| G Batten. 336.1 | Ensure rezoning to Conservation Zone is conditional upon Department of Conservation establishing an acceptable direct access from Waimea West Road to Snowdens Bush Scenic Reserve. | Disallow |

10 General

Three PC79 submissions request 'whole plan' relief".

Submission No.4218.1 from B and C Johnson who own land within Richmond South, Site location RS14, supports PC79 as notified. As staff are recommending amendments to PC79 as notified, albeit not to the Richmond South locations, the request is supported in part.

Submission No.4220.1 from S Orrah, who owns land in Māpua, supports PC79 in its entirety but the support is contingent on the timely progression of the Māpua Masterplan process and subsequent zone changes. For this reason, this submission has been addressed under Section 2 - Māpua and Motueka Requests.

Submission No.2915.1 from A&S Talley, who own land in Mapua, request that PC79 is withdrawn in its entirety on the basis that the plan change is fundamentally flawed. Alternatively, the Submitters request that PC79 is amended to address issues raised by the Submitters in their submission.

Staff do not support the view that PC79 is fundamentally flawed and have supported some of the submitter requests for amendment. For this reason, the submission requests have been addressed under the appropriate report sections, primarily, Section 2 - Māpua and Motueka Requests and Section 3 – Deferred Zone Framework.

10.2 Plan Amendments

No plan amendments.

10.3 Submission Recommendations

| Submitter Name, Number and Point | Submitter Request | Staff Recommendation Allow/Disallow |
|----------------------------------|---------------------------------------|-------------------------------------|
| B and C Johnson. 4218.1 | Support PC79. Retain in its entirety. | Allow in part |

Appendices

1. Hearing Version of Schedule of Plan Amendments
2. Original Submissions
3. Further Submissions
4. Staff Report (RSPC24-10-4) to Tasman District Council Strategy and Policy Committee, 3 October 2024.
5. Minute of Tasman District Council Strategy and Policy Committee meeting, 3 October 2024 (SPC_20241003_MIN_4566)