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**CONFIDENTIAL MINUTES**  
of the  
**STRATEGY AND POLICY COMMITTEE MEETING**  
**Komiti Rautaki me te Kaupapahere**  
held  
**9.30am, Thursday, 3 October 2024**  
at  
**Tasman Council Chamber, 189 Queen Street, Richmond**

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**Present:** Councillor C Butler (Deputy Chair) presiding, Mayor T King, Deputy Mayor S Bryant, Councillors B Dowler, J Ellis, M Greening, C Hill, M Kininmonth, C Mackenzie, B Maru, D Shallcrass and T Walker

**In Attendance:** Group Manager - Service and Strategy (J Ridd), Group Manager Environmental Assurance (K Drummond), Strategic Policy Manager (D Fletcher), Team Leader – Urban & Rural Policy (J Butler), Environmental Policy Manager (B Johnson) and Senior Policy Planner (M Honey) and Governance Manager (E Stephenson)

**8 CONFIDENTIAL SESSION**

## 8.2 Notification of Plan Change 79 to the Tasman Resource Management Plan

Team Leader – Urban & Rural Policy, Jeremy Butler, Environmental Policy Manager, Barry Johnson, and Senior Policy Planner, Mary Honey, presented the report.

Questions and discussion included:

- Sea level rise triggers and inconsistency with Nelson, differences in datum calculation methods
- Staff had used the latest guidance, ground subsidence was a factor which had to be taken into account
- Rules should be the same across the region. The Nelson City Council (NCC) Plan Change 29 did not include coastal locations and NCC had indicated that it wanted to work through the community adaptation framework prior to any subsequent plan change
- Non-statutory guidance to inform Resource Management Act processes (Inundation Practice Note) was currently being updated by staff and would be brought before both councils in the future
- It was suggested that the zone be changed to light industrial without putting the overlay controls on subdivision on, and the issue of whether subdivision was allowed be argued through the resource consent process
- Staff noted they were obliged to take account of national direction which said to avoid subdivision in locations subject to coastal hazards
- Managing land use consents in Estuary Place had been workshopped, most public were not aware of the coastal policy statement until consent time
- Staff considered allowing for subdivision created a future risk for Council
- Industrial and commercial use was fundamentally different to residential use
- Staff were asked to consider extending the submission period – if notified at the end October, the end of January would be a reasonable extension
- Staff had used relative mean sea level, land was moving at the same time as the sea surface and we needed to account for moving tide gauges as our reference frame
- Staff were requested to provide the rationale for the difference in 3.5m and 5m sea level contours
- An amendment was identified to paragraph 4 of the report, which should read to 'get direction' on PC79, rather than to 'decide'
- There was a possible scenario that you could end up with exactly the same activities, whether subdivision was allowed or not. Why not just allow the consenting process to decide that?
- There was a greater risk of allowing subdivision, larger sites allowed for the low part closer to the coast to be inundated, with the ability to move backwards. The ability to adapt and respond was affected by subdivision as the boundary prevented backward relocation
- Staff were taking a precautionary approach, the Council was the regulator, and in this case, staff advised regulation was appropriate
- Staff considered low-lying areas were not the place to allow subdivision that could cause potential future problems, an example being if five landowners developed industrial activity, this could lead to subdivision of 20/30 separate developments which could not be relocated as there was no space. When it got to the stage that every year water starts

to come in, this could become politically challenging

- Why cant we leave it to consent planners? The entire area around this had been developed, where was the consistency? What was the plan for all other places that had been allowed in the last two years?
- What were the consequences of going against national direction for this small piece of land?
- Plan changes should align with national direction, staff could not recommend against national direction, this would mean an increased opportunity for litigation against the Council
- How could the Council protect itself? There would need to be advice on LIMS, key things the Council could do to inform the public about the risks
- Building Act s73 notice, buildings prone to natural hazards tagged onto the property, this acknowledged that the person seeking consent was aware – both the insurance industry and banks were looking closely at properties with s73 notices
- Climate change litigation was an emerging area that the Council should be aware of
- There were other ways of owning land, for example, leasehold, do we allow subdivision or not allow any activity?
- It was important to note this significant plan change covered over 30 sites, staff had provided an alternative recommendation that would allow subdivision for the Lower Queen Street site, this could then be decided through the plan change process
- The statement that staff could not support that approach meant that when in a formal hearing process, there was a potential for staff who put in evidence to be a hostile witness.

The Mayor noted that he did not see the advantage of a non-complying status and his view was that the Council should uplift the zoning, as services had been provided.

An alternative motion was moved by the Mayor and seconded by Councillor Dowler.

It was noted that consequential changes would be required to the draft plan change documentation to make it clear what position the Council was taking.

**Confidential decision and report released 12 November 2024**

**Moved Mayor King/Councillor Dowler  
SPC24-10-1**

**That the Strategy and Policy Committee**

- 1. receives the Notification of Plan Change 79 to the Tasman Resource Management Plan RSPC24-10-4; and**
- 2. receives the Plan Change documentation, including attachments, for the Deferred Zone Plan Change; and**
- 3. agrees to remove the subdivision provisions of the overlay on the Lower Queen Street light industrial area; and**
- 4. delegates approval of any consequential minor amendments to the Plan Change documentation to the Chair of the Strategy and Policy Committee; and**
- 5. agrees that the report and decision be made publicly available when the proposed plan change is notified.**

**CARRIED**

Cr Greening called for a division.

<b>Bryant</b>	<b>For</b>
<b>Butler</b>	<b>For</b>
<b>Dowler</b>	<b>For</b>
<b>Ellis</b>	<b>For</b>
<b>Greening</b>	<b>Against</b>
<b>Hill</b>	<b>For</b>
<b>King</b>	<b>For</b>
<b>Kininmonth</b>	<b>For</b>
<b>Mackenzie</b>	<b>For</b>
<b>Shallcrass</b>	<b>For</b>
<b>Walker</b>	<b>For</b>

**CARRIED 10/1**

**RESUMPTION OF OPEN SESSION**

**Moved Councillor Dowler/Councillor Walker**  
**SPC24-10-2**

**That the open meeting be resumed.**

**CARRIED**

The meeting resumed in open session at 11.25pm.

The meeting concluded at Enter time

Confirmed as a correct record of proceedings by resolution on 14 November 2024.

**SPC24-11-3**

**That the confidential minutes of the Strategy and Policy Committee meeting held on Thursday, 3 October 2024, be confirmed as a true and correct record of the meeting.**