

RELEASE OF INFORMATION

The attached decision/information was previously included in a confidential agenda/minutes of the Strategy and Policy committee 03 October 2024

The reasons for withholding the information no longer apply, the information is therefore being made publicly available.

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

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.

Bryant	For
Butler	For
Dowler	For
Ellis	For
Greening	Against
Hill	For
King	For
Kininmonth	For
Mackenzie	For
Shallcross	For
Walker	For
CARRIED 10/1	

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8.2 NOTIFICATION OF PLAN CHANGE 79 TO THE TASMAN RESOURCE MANAGEMENT PLAN - CONFIDENTIAL

Decision Required

Report To:	Strategy and Policy Committee
Meeting Date:	3 October 2024
Report Author:	Jeremy Butler, Team Leader - Urban and Rural Policy
Report Authorisers:	Barry Johnson, Environmental Policy Manager; John Ridd, Group Manager - Service and Strategy
Report Number:	RSPC24-10-4

This report is confidential in accordance with the Local Government Official Information and Meetings Act 1987 (48(1)(d)) - To deliberate in private in a procedure where a right of appeal lies to a Court against the final decision.

1. Purpose of the Report / Te Take mō te Pūrongo

- 1.1 This report seeks approval for the notification of a Tasman Resource Management Plan (TRMP) Plan Change under Schedule 1 of the Resource Management Act 1991 (the RMA). The proposed Plan Change 79 (PC79) addresses the issue of deferred zones.
- 1.2 Two alternative recommendations have been provided due to a divergence between staff advice and councillor preference.

2. Summary / Te Tuhinga Whakarāpoto

- 2.1 Staff have prepared a plan change which addresses deferred zonings in Tasman. The plan change has to main functions:
 - 2.1.1 to fix the problem with the deferred zone mechanism in the TRMP so that it is more legally robust and introduce a ten year sunset clause for giving effect to deferred zone locations; and
 - 2.1.2 to rationalise existing deferred land to either remain deferred, be rezoned to its intended final zone, to be rezoned to a different more appropriate urban zone, or to rezone back to a rural zone if its previously anticipated urban use is no longer appropriate.
- 2.2 Staff have engaged with landowners, neighbouring landowners, iwi and stakeholders in drafting the plan change.
- 2.3 Two options for the final drafting are presented due to a divergence between staff advice and councillor direction on the issue of Lower Queen Street Light Industrial Zone. Staff recommend that the version making subdivision a prohibited activity be notified, but Councillors have previously indicated that they prefer that subdivision be a non-complying

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activity. Councillors will need to decide which version to notify. Two alternate recommendations are provided. In the attached Schedule of Changes document, **blue** highlighted text would implement Recommendation 3, while **green** highlighted text would implement Recommendation 4.

- 2.4 Recommendation 3 is recommended by staff and is for the version of the PC79 which features subdivision in the Scheduled 17.4A area (Lower Queen Street) as a prohibited activity. Recommendation 4 follows the directions given by Councillors at the workshop on 31 July 2024 that subdivision in the Scheduled 17.4A area should be a non-complying activity.
- 2.5 Staff advice on Patons Rock has changed, and now we recommend that the proposed plan change should rezone the deferred zone location at Patons Rock to Rural 2 zone, rather than Rural Residential Unserviced.

3. Recommendation/s / Ngā Tūtohunga**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. approves the notification of the Deferred Zone Plan Change 79 – featuring subdivision in scheduled area 17.4A as a prohibited activity – under Schedule 1 of the Resource Management Act 1991;
- OR**
4. approves the notification of the Deferred Zone Plan Change 79 – featuring subdivision in scheduled area 17.4A as a non-complying activity – under Schedule 1 of the Resource Management Act 1991; and
 5. agrees that the report and decision be made publicly available when the proposed plan change is notified.

4. Background / Horopaki**Deferred Zones**

- 4.1 All councils in New Zealand face a challenge in providing land for future growth in the medium to long term. Two steps are needed for land to be development ready. First the planning is needed to determine if it is appropriate to change the zone. Once the zone has been changed the infrastructure needed must be delivered (funded and built). Because this process usually happens over a period of 5-10 years there is considerable uncertainty and coupled with precedents set through case law the process requires two plan changes under the RMA.

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- 4.2 Typically, the provision of infrastructure can lag a considerable way behind the planning decision to upzone the land.
- 4.3 The method used in the TRMP to streamline the process is to use deferred zoning to identify land for future urban development. An initial comprehensive plan change is undertaken to rezone the land, but with servicing to be provided in the future. Once the servicing is provided then the deferral is “uplifted” and the final destination zone comes into force. This latter process is done through an Local Government Act (LGA) resolution, and without a further plan change.
- 4.4 Staff undertook an analysis of the deferred process and determined that it was not legally robust as it uses a process that is not provided for in the RMA and is likely to be subject to challenge. To avoid the Council making decisions that are knowingly ultra vires and to avoid any potential legal challenge, the Council made the decision to cease using the current deferred zone process. This has had an impact on some landowners' and developers' ability to develop land that is covered by a deferred zone. Not being able to uplift a deferred zone means gaining resource consent to develop land is harder, more complex and costly. There are several other landowners and developers who are aggrieved at the restriction and uncertainty that this has created.

Preparation of Plan Change 79

- 4.5 Staff have been working on a “fix” that will allow the Council to continue to use a version of the deferred zoning process that is legally defensible and will add a minimum of extra bureaucracy. The fix replaces the requirement for a council resolution to uplift a deferred zone with a trigger whereby, once infrastructure is available, the rules that apply to a site switch. For example, if a site is rural 1 – deferred residential then the rural 1 rules apply until infrastructure is available at which point the residential rules apply from then on. A plan change to amend the TRMP is required to implement the fix.
- 4.6 Deferred zoning has been in the TRMP since its inception and there are some locations that have been covered by a deferred zone for a long time that have never been developed. Staff took the opportunity to review every piece of deferred zoned land in Tasman to determine whether it should retain its deferred zoning, be zoned for its final intended purpose, or remove the deferred zone and revert the land back to its original designation, usually rural.
- 4.7 A substantive workshop to agree on the scope of PC79 was held on 19 October 2023.
- 4.8 Consultation in early 2024 with affected landowners and neighbours was undertaken, as well as statutory consultation required by Schedule 1 RMA. Following this consultation, staff came back to Councillors (workshop on 31 July 2024) to confirm direction on certain locations (Lower Queen Street, Patons Rock, McShane Road).
- 4.9 Staff have now finished preparation of the plan change documentation. A legal review has been undertaken by Simpson Grierson, and substantial changes to the documentation were subsequently made.

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- 5.1 Proposed PC79 has been drafted to respond to the challenge that has arisen regarding the deferred zones and deferred zone uplift mechanism. The plan change will have two functions:
- 5.1.1 to replace the existing mechanism with a new one which will mean that a zone change is not necessary; and
- 5.1.2 to rationalise existing deferred land to either remain deferred, be rezoned to its intended final zone, to be rezoned to a different more appropriate urban zone, or to rezone back to a rural zone if its previously anticipated urban use is no longer appropriate.
- 5.2 The mechanism requires that for any land to be retained as a deferred zone (and for new deferred zone locations in the future) the projects that provide the infrastructure upgrades required to service the area must be included in the Council's Long Term Plan (LTP) within the next 1-10 years, and the infrastructure upgrades required to service the area must be identified in the TRMP.
- 5.3 A new sunset clause is also introduced through this plan change which will require a site to be serviced within 10 years from the date that it is deferred, otherwise the deferral will lapse and will need to be confirmed through a new plan change.
- 5.4 All deferred zone land locations have been considered except for locations in Māpua and Motueka. Māpua is not included because it is currently undergoing a masterplan process to develop an integrated plan of future growth and development for the area. A TRMP plan change will follow rather than including Māpua in this plan change and getting ahead of decisions on the master plan. Motueka requires a similar masterplan process to address a number of complexities (including growth, infrastructure servicing, and natural hazards/sea level rise) and staff will discuss a proposed work programme with Councillors for approval early next year. See the item "Community Adaptation Planning / Motueka Master Plan" in the Strategic Policy and Environmental Policy Activity Report also being considered at this Committee meeting. No changes to deferred zones will be possible in those two towns without a further plan change.
- 5.5 The purpose of this report is to seek approval to notify the proposed PC79 under Schedule 1 of the RMA. Notification of the PC79 will include the following supporting documentation which is attached in Attachments 1-7:
- proposed PC79 Section 32 Evaluation Report and associated attachments – Attachments 1 and 2;
 - deferred zone infrastructure background report - Attachment 3
 - coastal inundation - Attachment 5
 - TRMP schedule of amendments – Attachment 6; and
 - TRMP proposed PC79 maps including indicative items – Attachment 7;

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- 5.6 The supporting documentation includes a detailed evaluation of the proposal under Section 32 of the RMA.

Amendments**Lower Queen Street Light Industrial Zone**

- 5.7 An area of approximately 40 hectares that is zoned Rural 1 deferred Light Industrial Zone has been mapped as being under the 5-metre contour and therefore subject to long term coastal flooding, inundation, and erosion.
- 5.8 At the workshop on 19 October 2023, staff recommended that the area become a scheduled site which will limit the activities to those which can be discontinued and relocated once a sea level rise trigger is reached and the impacts become more frequent and severe.
- 5.9 In early 2024 engagement with landowners indicated:
- 5.9.1 a general level of comfort with the land use and building provisions being proposed; but
- 5.9.2 opposition to the proposition of subdivision being a prohibited activity.
- 5.10 In response to landowner feedback, direction was sought from Councillors at the 31 July 2024 workshop as to whether subdivision in the Schedule 17.4A area should be a prohibited activity or a non-complying activity. The staff professional advice and recommendation were that subdivision is inappropriate and should be a prohibited activity, based on the following national direction and guidance:

5.10.1 New Zealand Coastal Policy Statement 2010 (NZCPS)

Councils are required to prepare or change their resource management plans in accordance with the NZCPS. Objective 5 seeks to ensure that coastal hazard risks, taking account of climate change, are managed including by locating new development away from areas prone to such risks. Key NZCPS policies regarding coastal hazards are:

- Policy 3 Precautionary Approach
- Policy 24 Identification of coastal hazards
- Policy 25 Subdivision, use, and development in areas of coastal hazard risk
- Policy 26 Natural defences against coastal hazards
- Policy 27 Strategies for protecting significant existing development from coastal hazard risk

Regarding subdivision, Policy 25 states that in areas potentially affected by coastal hazards over at least the next 100 years, (a) avoid increasing the risk of social, environmental and economic harm from coastal hazards; and (b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards (in addition to other clauses).

5.10.2 National Adaptation Plan 2022 (NAP) & Coastal Hazards and Climate Change Guidance (MfE Guidance)

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Councils are required to have regard to the NAP when preparing or changing their resource management plans, including several Government-led actions to drive climate-resilient development in the right locations. NZCPS Policy 24 includes a clause that requires councils to 'take into account national guidance' such as the MfE Guidance on coastal hazards and climate change. Both the NAP and MfE Guidance provides a suite of recommended climate change scenarios (as a minimum) to identify and assess risk from coastal hazards and the effects of climate change.

- 5.11 If Councillors choose to provide a resource consenting pathway for subdivision in this Lower Queen Street location (as a non-complying activity), this may enable the creation of more property titles, affording property rights and privileges to more landowners. This would result in Council knowingly 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. In this situation, there may be future liabilities for Council given their decision would not be in accordance with current national guidance.
- 5.12 Councillors' direction was to progress the plan change with a non-complying status for subdivision. Professional advice from staff (hazard scientists and planners) does not support the course of action that has been indicated by Councillors, so a separate resolution is proposed to record this path.
- 5.13 In the attached Schedule of Changes document two different wording options are provided. **Blue** highlighted text would implement Recommendation 3 (prohibited subdivision), while **green** highlighted text would implement Recommendation 4 (non-complying subdivision).
- 5.14 If the Council decides to go with its preferred approach, consideration will need to be given by staff as to how the Council will progress this policy position through the formal stages of the plan change when staff are unable to professionally support the position.

Patons Rock

- 5.15 At the 31 July 2024 workshop, Councillors supported staff recommendation to rezone a site at Patons Rock from "Rural 1 deferred Residential" zone to "Rural Residential (Unserviced)".
- 5.16 Since that direction was received, staff undertook further investigation and discussion with other staff in order to determine how this change should be implemented. As a result of this work staff have changed their recommendation.
- 5.17 The most important feedback was received from staff involved in the regulation and consenting of on-site wastewater systems. These systems would be required for all new dwellings (probably about 12) that could be developed in this area.
- 5.18 The advice was that:
 - 5.18.1 being most likely owned by holiday residents, the on-site wastewater systems would be vulnerable to failure, difficult to maintain, and potentially odourous;
 - 5.18.2 poor performance could result in the discharge of pathogens that could enter surface water;

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- 5.18.3 most of the location is drained by overland streams which flow down and through the existing Patons Rock settlement and therefore there is a high likelihood – virtually a certainty – that the public (particularly children and animals) would come into contact with the streams where they reach the beach. These risks, and the vulnerability of the situation generally, does not seem warranted in order to achieve approximately 12 dwellings.
- 5.19 Furthermore, with much of Patons Rock at a very low elevation above sea level, a long-term retreat location would be useful for this settlement. Should the subject area be developed as Rural Residential with (probably) 2 ha sites, then the potential for comprehensive redevelopment in the future would be removed.
- 5.20 Consideration was given to maintaining the deferred Residential zoning, but this is untenable because of the requirement that deferred sites must be programmed for infrastructure within 10 years. This is not the case for Patons Rock.
- 5.21 Therefore, the most prudent course of action is to down zone this site back to Rural 1 and then, at some point in the future, rezone the area for a long-term retreat location utilising either a deferred zone or a Future Urban Zone location.
- 5.22 It should also be noted that pursuing this course of action is unlikely to be opposed by any landowners or residents as (1) the landowner is not interested in progressing any subdivision development (the site forms part of a dairy farm), and (2) the residents of the bachs and homes at Patons Rock expressed concern and dismay at the proposed Rural Residential Zone.

6. Options / Kōwhiringa

- 6.1 An options assessment is provided for each of the three areas discussed: deferred zone mechanism, Lower Queen Street and Patons Rock.

Deferred Zone Mechanism

- 6.2 The options in relation to the deferred zone mechanism are outlined in the following table:

Option	Advantage	Disadvantage
1. Decline to notify proposed PC79	<ul style="list-style-type: none"> Avoids costs and plan change process 	<ul style="list-style-type: none"> Leaves deferred zoning system unresolved Increasing pressure from landowners to recommence deferred zone uplifts under current TRMP system Risks legal challenge either now or in the future as deferred zones continue to be utilised.

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Option		Advantage	Disadvantage
2.	Notify PC79 in its current form	<ul style="list-style-type: none"> • Should resolve deferred zone situation to enable more enduring process • Will resolve a number of long running zoning locations that have “stagnated” • Will release a substantial area of land for business and residential growth. 	<ul style="list-style-type: none"> • Costs and plan change processes • Potentially for appeal to Environment Court

6.3 Option 2 is recommended.

Lower Queen Street Light Industrial

6.4 The options in relation to Lower Queen Street are outlined in the following table:

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Option	Advantage	Disadvantage	
1.	<p>Notify the proposed Plan Change with subdivision as a <u>non-complying activity</u></p>	<ul style="list-style-type: none"> • Would still mean that subdivision is “not anticipated” by the TRMP. • May enable subdivision if unforeseen circumstances arise • May provide for additional industrial activities and land uses. Allows landowners to sell development blocks 	<ul style="list-style-type: none"> • Approach is not supported by planning best practice or national direction. There is a substantial risk of a successful challenge. • Likely to result in at least some additional lots and fragmentation of land that will need to be dealt with in the future. • May undermine the hazard response approach for the Natural Hazards Plan Change • Greater risk of PC79 being appealed, and Council not having a justifiable defence because not best practice and we hold evidence that area will become increasingly inundated. • Potentially greater liability for Council in decades to come, due to allowing pathway for subdivision and capital investment in conflict with regulations and professional advice.

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Option	Advantage	Disadvantage
<p>2.</p>	<p>Notify the proposed plan change with subdivision as a <u>prohibited activity</u> (except for boundary adjustments)</p>	<ul style="list-style-type: none"> • Consistent with national direction, and therefore more defensible. • Ultimately industrial landowners will need to retreat from this area. • In 25-30 years development on sections will be very difficult or impossible for new owners • Fewer landowners means: <ul style="list-style-type: none"> (a) reduced future financial and litigation risk to Council (b) larger sites which allow landowners to be more flexible and relocate on-site (c) reduced scale of damage during storms (e.g. Fehi) prior to reaching trigger sea level (d) reduced lobbying power and political pressure that may eventuate with more landowners (e) reduced demand to maintain infrastructure (f) more space for flood water and to manage sea level response
<ul style="list-style-type: none"> • Makes it more difficult for landowners to raise capital to develop their land • From a land availability point of view, reduces industrial land use viability. 		

6.5 Option 2 is recommended.

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Patons Rock

6.6 The options are outlined in the following table:

Option		Advantage	Disadvantage
1.	Notify with the existing deferred Residential area as Rural Residential Zone	<ul style="list-style-type: none"> Aligns with TRMP policy for coastal settlement (develop landward from existing settlement rather than spreading along coast) Not feasible for Council to provide waste and water supply servicing Retains some yield for Golden Bay, albeit less homes than Residential Zone 	<ul style="list-style-type: none"> May result in adverse effects and health risks in small streams running into Patons Rock and beach from on-site wastewater systems Will use up best located land for long term residential development Not supported by local community (despite longstanding 'deferred Residential' zoning).
2.	Notify with the existing deferred Residential area as Rural 2 Zone	<ul style="list-style-type: none"> Retains long-term retreat location Retains some rural productive space Achieves preference of some residents along Patons Rock 	<ul style="list-style-type: none"> Zero yield affects supply of homes for Golden Bay and affects FDS and HBA Removing zoning will necessitate upzoning "from scratch" in the future.

6.7 Option 2 is recommended.

7. Legal / Ngā ture

- 7.1 The plan change is proposed to be undertaken in accordance with Schedule 1 of the RMA 'Preparation, change, and review of policy statements and plans'. This is the standard process used for the notification of plan changes.
- 7.2 Proposed PC79 has been prepared in accordance with the requirements of Schedule 1 and all steps including pre-notification consultation have been completed.
- 7.3 Proposed PC79 has been reviewed by Simpson Grierson and their recommendations taken on board and documents reviewed accordingly.
- 7.4 The Schedule 1 RMA process involves public notification of the plan change which triggers the formal process of submissions, hearings and decision making.

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8. Iwi Engagement / Whakawhitiwhiti ā-Hapori Māori

8.1 In compliance with RMA Schedule 1, Clause 4A, the eight iwi of Te Taihū were consulted about this draft Plan Change during May and June 2024. Although three iwi (Ngāti Rārua, Ngāti Kuia and Ngāti Toa) acknowledged receipt of the draft plan change documentation, no comments on the draft were received.

9. Significance and Engagement / Hiranga me te Whakawhitiwhiti ā-Hapori Whānui

- 9.1 Overall, staff consider that the proposed changes are a medium level of significance.
- 9.2 The deferred zoning mechanism is an “under the hood” element of the TRMP, but very important for how deferred zone land is able to be released for development once the necessary servicing has been delivered. Consequently, it is very important that this mechanism is correct and works as expected.
- 9.3 Wider public interest in this aspect is expected to be low. However the decision may be of significant interest to developers and some landowners.
- 9.4 One interested party did provide input focusing on the legality of aspects of the draft plan change. Staff are confident that all of these legal aspects, where they had merit, have been addressed. The release of a draft plan change was very worthwhile in that respect.
- 9.5 There are a substantial number of sites, many of which will be upzoned to their final urban zoning. This may appear to be a change to many, but in most cases it is bringing forward the zoning that always applied (subject to infrastructure).
- 9.6 Feedback on the draft plan change that was put out for consultation has been mixed, but without significant issues being raised.

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Low-Medium	Not an issue or topic that attracts a high level of public interest. It is of particular interest to specific landowners and developers.
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	Low	Proposed plan change does not markedly change planning processes in practice. The zone changes are in line with what is expected for the locations
3.	Is there a significant impact arising from duration of the effects from the decision?	Medium	The new mechanism proposed, as well as the rezoning proposals, will be for the long-term management of land

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	Issue	Level of Significance	Explanation of Assessment
			development. However, it is not considered that the impact “on the ground” is significant A new sunset clause is also introduced through this plan change which will require a site to be serviced within 10 years from the date that it is deferred, otherwise the deferral will essentially lapse and will need to be confirmed through a new plan change.
4.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	
5.	Does the decision create a substantial change in the level of service provided by Council?	No	
6.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	No	
7.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	
8.	Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	No	
9.	Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	
10.	Does the proposal require particular consideration of the obligations of Te Mana O Te Wai (TMOTW) relating to freshwater or particular consideration of current legislation relating to water	No	

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	Issue	Level of Significance	Explanation of Assessment
	supply, wastewater and stormwater infrastructure and services?		

10. Communication / Whakawhitiwhiti Kōrero

- 10.1 Consultation has been undertaken with all landowners, and neighbouring landowners. The NZTA Waka Kotahi have also been involved. In addition, information on the draft plan change was provided on the Council's website.
- 10.2 Feedback on the draft plan change was received from about 30 respondents. Most of the respondents were owners or representatives of owners of land within or adjoining the deferred zone locations. This feedback was property-specific and largely in support of or in opposition to the proposed zone change.
- 10.3 One respondent commented that the proposed new deferred zone framework was likely still not legally robust.

11. Financial or Budgetary Implications / Ngā Ritenga ā-Pūtea

- 11.1 This plan change does not have significant budgetary implications.

12. Risks / Ngā Tūraru

- 12.1 A detailed process of community and stakeholder consultation and analysis has been undertaken to get proposed PC79 to the stage of notification.
- 12.2 In the notification of any plan change there is always the risk under the Schedule 1 RMA process of submissions and appeals. This risk has been addressed as much as we can through working with iwi and pre-consultation with stakeholders and landowners. The policy analysis (S32 report) is thorough and has been peer reviewed. The preparation of the plan change documentation has also been reviewed and checked.

Deferred Zone Mechanism

- 12.3 Even though the deferred zone mechanism that is being proposed through PC 79 has been thoroughly researched and reviewed through legal advice, it remains a novel solution and one which has not been tested in Court by any other Council (as far as staff are aware).
- 12.4 There remains a likelihood of submissions in opposition by one or more submitters who may oppose the change to a new deferred zone mechanism.
- 12.5 Any plan change that results in a rezoning of land needs to contain sufficient detail about servicing. Implementing the necessary servicing usually depends on funding via the LTP, and the certainty of this funding becomes lesser the further out it is programmed. It can be debated what length of time is acceptable. Staff have tried to build in as long a timeframe (10 years) as possible to maximise the flexibility and efficiency. However, Councillors

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should be aware that there are risks with going beyond (say) five years. The greater the gap between zoning the land and servicing the land, the larger the chance of successful challenge against the zoning may be. One of the arguments against longer timeframes is that LTP funding for projects beyond 3-5 years is increasingly uncertain.

Lower Queen Street

12.6 There are risks and potential legal implications for the Council if the decision is taken to enable subdivision as a non-complying activity for the Schedule 17.4A site. These risks are explained in Section 5 above.

13. Climate Change Considerations / Whakaaro Whakaaweawe Āhuarangi

- 13.1 Proposed PC79 has very low climate change implications. The plan change does “live zone” several locations, but these were already identified for future urban development.
- 13.2 There are some positive down zonings of some relatively remote locations such as Patons Rock and Marahau will reduce the potential for increased emissions from vehicle usage to these locations.
- 13.3 However, there are significant considerations in relation to the adaptation to climate change. These have been covered above.

14. Alignment with Policy and Strategic Plans / Te Hangai ki ngā aupapa Here me ngā Mahere Rautaki Tūraru

- 14.1 Proposed PC79 is strongly related to the Council’s LTP infrastructure plan. The plan change provides greater detail on the infrastructure requirements for each of the deferred zone sites. These infrastructure requirements link back to the current LTP.
- 14.2 Proposed PC79 is also consistent with the Nelson Tasman Future Development Strategy 2022-2052 which identifies sites for future residential and business growth, although it doesn’t directly implement the FDS.

15. Conclusion / Kupu Whakatepe

- 15.1 PC79 has been appropriately and carefully prepared, and is now ready to be publicly notified.
- 15.2 The necessary parties have been consulted and advice accommodated into this plan change where appropriate. Councillors’ direction has also guided the preparation of this plan change.
- 15.3 There is a key decision to be made concerning the final form of the rules and policies for the Schedule 17.4A site.
- 15.4 The supporting documents including the Section 32 report have been drafted and appropriately assess the plan change.

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16.1 If approved, proposed PC80 will be notified in accordance with the Schedule 1 RMA process. The submission period will run for four weeks, followed by the release of a summary of submissions and a second round of further submissions.

16.2 If submissions are received then a hearing will follow.

17. Attachments / Tuhinga tāpiri

1. Section 32 Evaluation Report Part I and II
2. Section 32 Evaluation Report Part III
3. Deferred Zone Infrastructure Background Report
4. Summary of Feedback on Draft Plan Change 79
5. Coastal Inundation
6. PC79 Schedule of TRMP Amendments
7. Planning Maps - Zone, Area and Discharge