

Tasman Resource Management Plan

Plan Change 79 – Deferred Zoning

Date Notified: 1 November 2024

All Original Submissions Received: December 2024

Submissions received from:

- 1 J Easton
- 2 Transpower New Zealand Limited
- 3 BAG Development Company Limited
- 4 B & C Johnson
- 5 Richmond West Development Company Limited
- 6 Director-General of Conservation
- 7 M Toll
- 8 S Orrah
- 9 Oregon Land Limited
- 10 Ministry of Education Te Tāhuhu o Te Mātauranga
- 11 Mt Hope Holdings Limited
- 12 AB & SL Family Trust
- 13 J & K Thompsett
- 14 Nelson Tasman Climate Forum
- 15 S & A Field
- 16 K Hanna and 187 Hanna Trustee Ltd
- 17 Appleby 88 Limited
- 18 Flowerlands Limited
- 19 A & S Talley
- 20 Wai West Horticulture Limited
- 21 C & T Yelverton
- 22 D Huelsmeyer
- 23 Kāinga Ora – Homes and Communities
- 24 Garrick Batten

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

1. This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
3. **Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e. Council makes a decision to refuse, amend or accept the changes). Please include specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.**

COVER SHEET

Return your submission by the advertised closing date to:
 Environmental Policy
 Tasman District Council
 Private Bag 4, Richmond 7050 OR
 189 Queen Street, Richmond OR
 Fax 03 543 9524 OR
 Email: tasmanrmp@tasman.govt.nz

OFFICE USE

Date received stamp:

Received
30 November 2024

Initials: tasmanrmp@tasman.govt.nz

Submitter No. Submitter # 4216

Submitter Name: Jenny Easton
(organisation/individual)

Representative/Contact:
(if different from above)

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 Email: Jennym.easton@gmail.com
 Date: 30.11.2024 and 3 pages submitted

Postal address for service of person making submission:
(if different from above)

Total number of pages submitted (including this page): _____

Signed: _____

Signature of submitter (or person authorised to sign on behalf of submitter). *NOTE: A signature is not required if you make your submission by electronic means.*

IMPORTANT – Please state:

This submission relates to Change No.:

Change Title/Subject:

- I/we wish to be heard in support of my/our submission.
 I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition?
 (tick one) Yes No

Submission for Plan Change 79 for RW1 and RW2 using Schedule 17.4A

I support Assessment B and Option A.

Reasons: I am delighted to be able to support the Council using a trigger of SLR to limit the amount of development on flood prone land. I have been following the proposed Dynamic Adaptive Pathways Planning (DAPP) process since 2017 and understand the wisdom of using a trigger process for land use change based on an event, rather than a time period. Until the central government provides the legislation for climate adaptation and managed retreat and it is clear who pays for what, when and how the decisions are made, this plan change is the best mechanism to prevent more development on flood prone land.

We can't predict the future SLR past 50 years because it depends on future global actions taken to reduce global warming, but the predictions are strong for 30cm in the next 40 years because it is "baked in" response to the greenhouse gases already polluting the atmosphere and warming the oceans, based on the laws of physics. The rate of land subsidence is unlikely to decrease, and may increase through liquefaction when the Alpine fault ruptures sending a M7 earthquake to this region. Using the two tide gauges (Nelson and Little Kaiteriteri) to calculate the trigger is a sound approach.

This proposal for Schedule 17.4A gives the landowners use of the land for light industrial until the SLR high tides and storm surges are going to start flooding the land and the increase in the ground water table will affect SW drainage.

Option A gives the possibility of a discretionary resource consent for perhaps a different activity to remain onsite. This allows for flexibility to respond to the type of light industry that is sited here, and a change in future demand. The SLR trigger gives the current landowners approximately 33 years based on current trends (Andrews 2023). This should be sufficient time to see what future climate disruption looks like.

Stormwater drainage from Industrial sites

My experience as a Resource Scientist in TDC 1995-2011 monitoring Hazardous Facilities and remediating Contaminated Sites has given me real concerns about old dumps and industrial development next to the coast.

Future flooding and associated raised groundwater level has serious consequences for SW drainage and it is important that the stormwater on these new industrial sites is properly treated on site before discharge, as per the Nelson-Tasman Land Development Manual. Contamination issues have arisen from the low-lying industrial properties on Beach Road eg timber treatment site, auto wreckers, coal storage, concrete manufacture, and it is important that new industrial activities are future proofed. This RW1 area could attract some of those old existing activities on Beach Road, as they could move to a better place, which is not too far from their supply chains etc.

This next comment is outside the scope of PC79, but it is relevant to the problems with development adjacent to the estuary.

There are other industries at the northern end of LQS including timber treatment, concrete, compost that will also experience SW drainage problems with SLR, storms, rising water table and tidal influence. They are so close to the coast there usually isn't time to stop any unintended discharge and they should be required to upgrade and future proof their SW systems. There are also big decisions to make for managed retreat for the big industries beside the estuary: the particle board and associated glue factories and Ravensdown.. I hope that the use of a SLR trigger for land use change can provide a template for retreat options for these industries.

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?

Councils Coastal Policy 2024

Clarification about the maintenance of LQS will be required when the trigger SLR is reached. I understand that TDC does not undertake coastal protection of private land, however a policy decision must be made as to whether they intend to increase the height of the road in the future. This will probably not be desirable for a number of reasons, and could be regarded as setting a precedent and raising expectations.

National guidance for Climate Adaptation

This PC 79 complies with the RMA sec 7, the NZ Coastal Policy Statement and the National Adaptation Plan 2022. The MfEs Coastal Hazard and Climate Change Guidance 2024 includes considering the vertical land movement and that is very relevant for this coast line, and requires making interim precautionary projections. The Climate Change Scenario applied is realistic SSP5-8.5+ and includes VLM.

The council staff can be commended for advocating for a change that is encouraged by central and local government "to stop building in dumb places".

I recommend that the Council support this Plan Change 79 for RW1 and RW2 using Schedule 17.4A.

Jenny Easton

30/11/24

Submission by Transpower New Zealand Limited on Proposed Plan Change 79: Deferred Zoning to the Tasman Resource Management Plan

5 December 2024

Keeping the energy flowing



Transpower New Zealand Limited

Contact Details

Rebecca Eng: Technical Lead – Environmental Policy
Environmental Policy and Planning Team
Address: PO Box 17215, Greenlane, Auckland

Email: Environment.Policy@transpower.co.nz

Phone (09) 590 7072

Submission on a Change to the Tasman Resource Management Plan (TRMP)

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Submitter Name: Transpower New Zealand Limited

(organisation/individual)

Rebecca Eng - Technical Lead - Environmental Policy

Representative/Contact:

(if different from above)

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Date: 5 December 2024

Postal address for service of person making submission:

(if different from above)

Total number of pages submitted *(including this page)*:

Signed:

Signature of submitter (or person authorised to sign on behalf of submitter). *NOTE: A signature is not required if you make your submission by electronic means.*

IMPORTANT – Please state:

This submission relates to Change No.: 79

Change Title/Subject: Deferred Zoning

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? *(tick one)* Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

05/19

Remember: Attach this Cover Sheet to as many Content Sheets as required.

Pg 1/2

COVER SHEET

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Private Bag 4, Richmond 7050 OR
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Date received stamp:

Initials: _____

Submitter No. _____

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

Sheet No.

of

OFFICE USE Submitter Number:

The **whole** Plan Change (Please tick as applicable)

- I **support** the Plan Change and seek that the Council **retains** it in its entirety.
- I **oppose** the Plan Change and seek that the Council **deletes** it in its entirety.
- I **support in part** specific aspects/provisions of the Plan Change **as indicated below**.
- I **oppose in part** specific aspects/provisions of the Plan Change **and seek amendments as indicated below**.

OFFICE USE:
Submission No.

Parts of the Plan Change (Please list each provision number of the TRMP you wish to submit on, together with its corresponding submission point, as indicated below)

Plan provision or map number(s): State each specific provision (topic) number as addressed in the Plan Change	The aspect of the provisions I support or oppose, together with reasons, are: State the nature of each submission point and indicate whether you: - support or oppose the provision or wish to have it amended; and	I seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows: For each submission point/provision number, state, specifically , what changes you would like to see.
- the reasons for your view		
Example:		
17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:
Refer attached comments and submission table		

Example:

17.5.3.1(ca)(iii)

I oppose the restriction of ... because ...

Delete and replace condition 17.5.3.1(ca)(iii) with:

Refer attached comments and submission table

15243 Hypbase Creative



Te Kaunihera o

te tai o Aorere

Tasman District Council
Email info@tasman.govt.nz
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Submission of Transpower New Zealand Limited on Proposed Plan Change 79: Deferred Zoning to the Tasman Resource Management Plan

Introduction to Transpower

Transpower is a State-Owned Enterprise that plans, builds, maintains and operates New Zealand's National Grid, the high voltage electricity transmission network for the country. The National Grid links electricity generators directly to major industrial users and distribution companies, feeding electricity to the local networks that distribute electricity to homes and businesses. The role of Transpower is shown in Figure 1 below.

The National Grid comprises towers, poles, lines, cables substations, a telecommunications network and other ancillary equipment stretching and connecting the length and breadth of the country from Kaikohe in the North Island down to Tiwai in the South Island, with two national control centres (in Hamilton and Wellington).

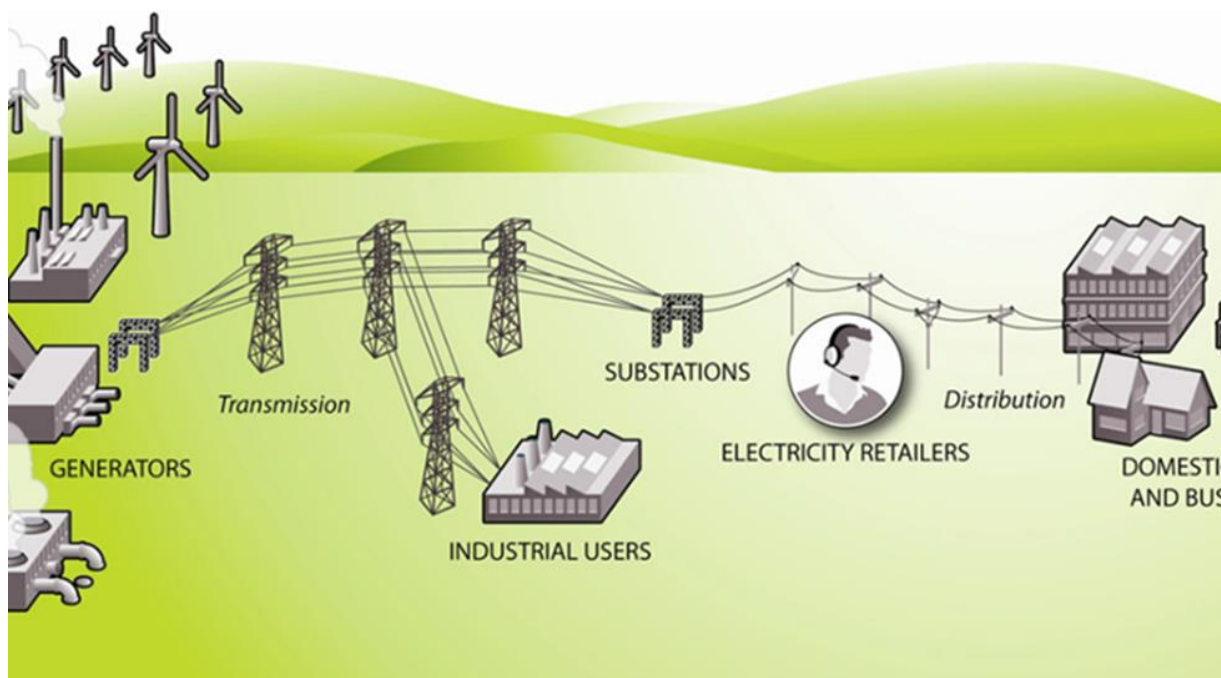


Figure 1. Role of Transpower in New Zealand's electricity industry. (Source: MBIE)

Transpower needs to efficiently maintain and develop the network to meet increasing demand, to connect new generation, and to ensure security of supply, thereby contributing to New Zealand's economic and social aspirations.

Development under and near high voltage transmission lines presents risks to the safe and efficient operation of the National Grid and needs to be managed carefully. It is critical that any development near the National Grid occurs in an appropriate and safe way. Transpower seeks to ensure that risks such as electrical shocks are minimised to the greatest extent possible, access for vital maintenance and upgrade work is not constrained, and reverse sensitivity and direct effects are managed, so that its nationally significant infrastructure can continue to operate in the long-term, keeping the lights on across New Zealand. This applies across New Zealand and is equally relevant in the Tasman District and to the area subject to Proposed Plan Change 79 ("PC79").

Statutory Framework

The National Policy Statement on Electricity Transmission (“**NPSET**”) was gazetted on 13 March 2008. The NPSET confirms the national significance of the National Grid and establishes national policy direction to ensure decision-makers under the Resource Management Act (“**RMA**”) duly recognise the benefits of transmission, manage the effects of the National Grid and appropriately manage the adverse effects of activities and development close to the National Grid. The NPSET only applies to the National Grid – the assets used, operated or owned by Transpower – and not to electricity generation or distribution networks. A copy of the NPSET is attached as **Appendix A**.

The one objective of the NPSET is as follows:

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- *Managing the adverse environmental effects of the network; and*
- *Managing the adverse effects of other activities on the network.*

The NPSET’s Objective is implemented by fourteen policies, as follows

- Policy 1: Recognising the benefits of the National Grid;
- Policy 2: Recognising and providing for the effective operation, maintenance, upgrading and development of the National Grid;
- Policies 3 to 5: Weighing the management of environmental effects against the operational constraints, site/route selection approach, and the requirements of existing assets;
- Policies 6 to 8: Reducing, minimising and avoiding adverse effects in differing contexts;
- Policy 9: Potential health effects;
- Policies 10 and 11: Managing adverse effects on the National Grid and providing for “buffer corridors”;
- Policy 12: Mapping the National Grid; and
- Policies 13 and 14: Long-term development and planning for transmission assets.

The NPSET confirms the national significance of the National Grid and addresses its effects. Importantly, it also addresses effects on the National Grid including the activities of others (and in particular reference is made to sensitive activities which includes residential activities) and requires that these do not compromise the operation, maintenance, upgrading and development of the National Grid. Of specific relevance to PCB, the NPSET mandates a corridor for this protection. Policies 10 and 11 of the NPSET set out clear directives concerning management of adverse effects of subdivision, land use and development activities on the transmission network, including informing how adverse effects on the National Grid are to be managed through planning provisions.

Policy 10 is as follows:

In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

Policy 11 relates to the development of buffer corridors and the management of sensitive activities near the National Grid, and is as follows:

Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).

Section 75(3) of the RMA requires that a district plan must 'give effect' to a National Policy Statement. Case law has established that the words "give effect to" means to implement, which is a strong directive, creating a firm obligation on the part of those subject to it. It is therefore a requirement that the Tasman Resource Management Plan (and all plan changes to it) gives effect to and thereby reflects national direction.

Potential Changes

Transpower is cognisant of potential changes to the NPSET and the National Environmental Standards for Electricity Transmission ("NESETA"). On that basis Transpower notes its position may well change through the plan change process, as may the application of operative TRMP provisions to give effect to any revised national instruments.

Transpower's assets in the Tasman District

Transpower's transmission line assets within or traversing the Tasman District comprise:

- Inangahua - Kikiwa A single circuit line on steel towers (110kV)
- Inangahua - Kikiwa B double circuit line on steel towers (110kV)
- Kikiwa - Stoke B single circuit on pi poles (110kV)
- Kikiwa - Stoke A double circuit line on steel towers (220kV)
- Islington - Kikiwa B double circuit line on steel towers (220kV)
- Islington - Kikiwa A single circuit line on steel towers (220kV)
- Blenheim - Kikiwa A single circuit on pi poles (110kV)
- Kikiwa and Murchison substations

Refer to **Appendix B** for a district wide map showing the location of the assets.

National Grid Assets in Context of Proposed Plan Change 79

As outlined on the Council website¹, Proposed Plan Change 79 ("PCC79") "*proposes to introduce a new deferred zone framework to replace the existing method in the Tasman Resource Management Plan. The new framework relies on a trigger rule mechanism, which is considered to be robust, minimally bureaucratic, efficient and effective. The Plan Change also proposes to formally rezone some existing deferred land on the basis that servicing is now available. The plan change includes all the deferred zone locations in the Tasman District except for those in or adjacent to Māpua and Motueka as other planning processes are underway to address the zoning issues in those areas.*"

¹ <https://www.tasman.govt.nz/my-council/key-documents/tasman-resource-management-plan/plan-changes/proposed-changes/change-79-deferred-zoning>

The plan change is relevant to the National Grid in that an area within Richmond East, that has existing National Grid assets, is proposed to be rezoned from *Rural 2 deferred Rural Residential Serviced Zone* to *Rural Residential Serviced Zone*. The areas within Richmond East to be rezoned are shown in the map below (refer Figure 2)

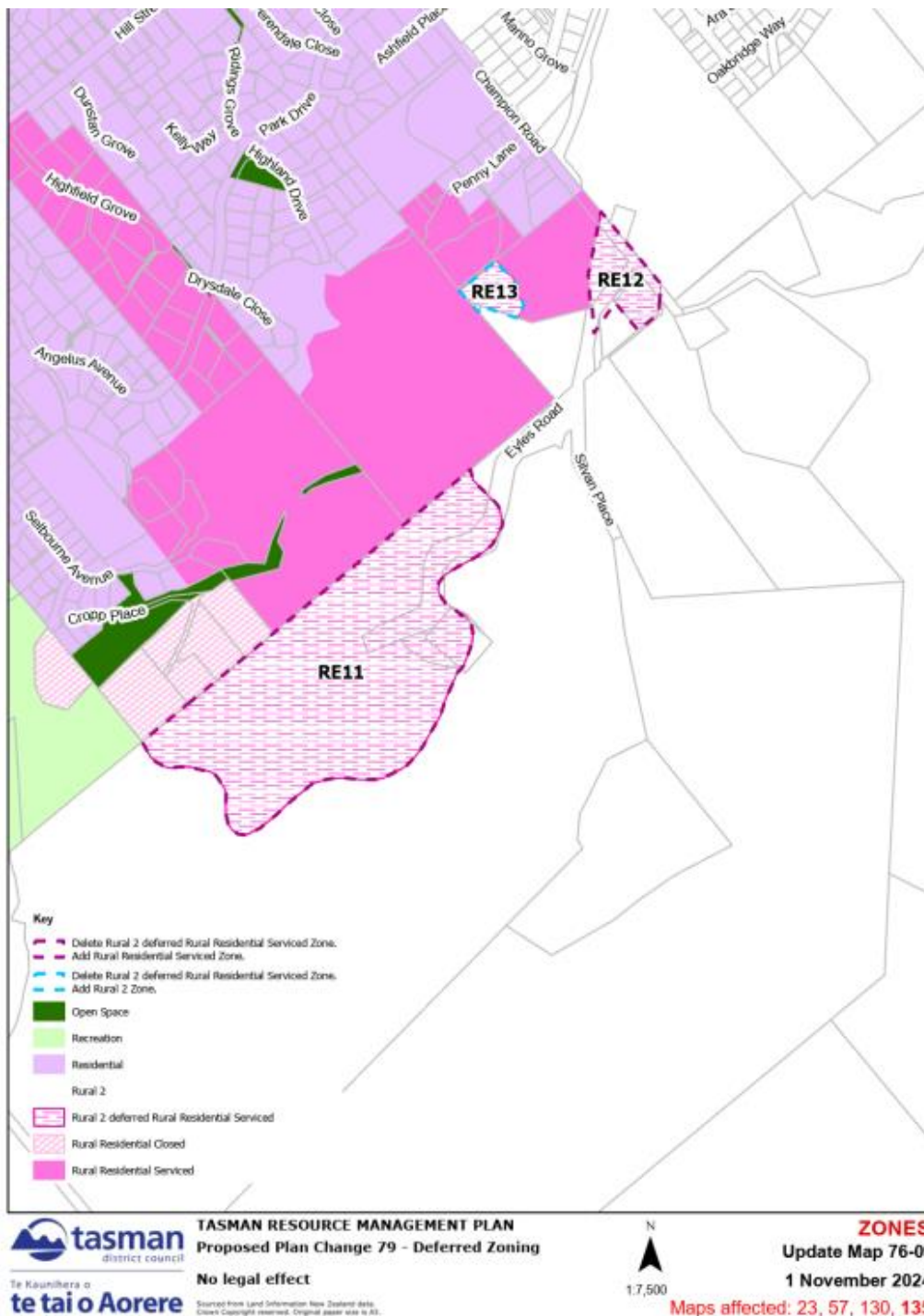


Figure 2. Richmond East rezoned areas

The area of specific relevance to Transpower is that area identified as RE11 (refer Figure 3 below). Figure 4 shows the subject area and existing electricity transmission lines.

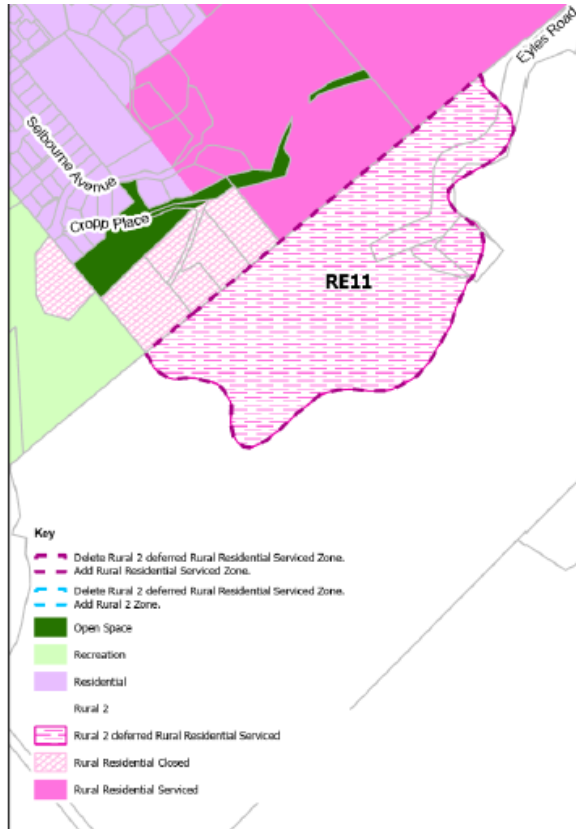


Figure 3. The area to be rezoned that is of specific relevance to Transpower is identified as RE11.

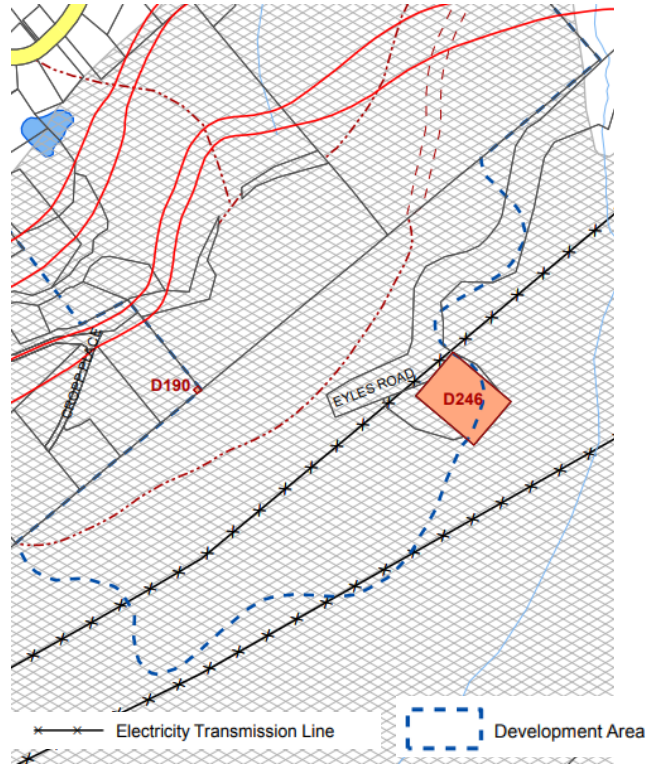


Figure 4. The area subject to this submission is shown as Development Area within the Operative Tasman RMP, with the existing electricity transmission lines shown

An aerial image of the land to be rezoned and existing National Grid assets is shown in Figure 5.



Figure 5. Aerial image of the area to be rezoned and existing National Grid assets. The 110kV Kikiwa - Stoke B line is shown in red, and the 220kV Kikiwa - Stoke B line is shown in orange.

Transpower's interest in PPC79

Transpower has no position on the rezoning, rather it seeks to ensure that an appropriate rule and policy framework is applied to the rezoned land to give effect to the NPSET (as outlined above). This provides protection for and from the electricity transmission assets.

The operative Tasman Resource Management Plan (“TRMP”) provides National Grid provisions specific to the Richmond West and Richmond East development areas (reflecting the operative zone and location of National Grid assets). There are a range of provisions that are specific to the Richmond East Development Area, including policy 6.8.3.28². As outlined in section 17.8.20 of the operative plan:

Two high voltage transmission lines owned by Transpower traverse the southern portion of the Richmond East Development Area. The lines cross land proposed to be rezoned from Rural 2 to Deferred Rural Residential Serviced (minimum lot size 2,000 square metres). The Kikiwa–Stoke Line A is a 220 kilovolt double circuit voltage line (six conductors) supported by towers. The Kikiwa–Stoke Line B is a 110 kilovolt single circuit voltage line (three conductors) supported by poles.

The Deferred Rural Residential Serviced Zone provides for a total buffer corridor of 32 metres either side of the transmission lines within which development is limited or subject to assessment, namely: (a) For buildings and earthwork activities, a ‘no-build’ corridor 12 metres either side of the transmission centrelines and an additional 20-metre corridor within which buildings are subject to Transpower assessment and approval.

(b) For subdivision activities, a 32-metre corridor either side of the transmission centrelines within which subdivision is subject to Transpower assessment and approval.

Specific rules are as follows:

- Rule 16.3.8.1 provides a controlled activity standard³ for subdivision within the Rural Residential Serviced zone, within 32m of the centreline. It is not clear if the rules apply to the subject *Rural 2 deferred Rural Residential Serviced site*, but it is assumed they do.
- Rule 17.8.3.1 requires any building in the Richmond East Development Area be set back 32m from the centreline of any electricity transmission line. Consent is required under Rule 17.8.3.2 for a restricted discretionary activity for any building between 12m and 32m. Consent is required for a non-complying activity under rule 17.8.3.3 for any building within 12m of the centreline.
- Earthworks are managed under Rule 18.5.2.1(j) with earthworks managed within 20 metres of the centreline. Consent is required under Rule 18.5.2.5 as a restricted discretionary activity where the standards are not met.

Transpower has the following concerns with the operative and proposed rule framework that will apply to the land identified above and subject to PPC79 that is traversed by National Grid assets:

- It is not clear if the land will continue to be identified as *Richmond East Development Area*.
- In context of the above in terms of whether the *Richmond East Development Area* layer continues to apply, it is not clear what National Grid specific provisions will apply to the newly zoned *Rural Residential Serviced zone site*.
- While Transpower supports in principle the operative TRMP framework for management of subdivision, earthworks and land use within proximity of the National Grid, the rules, and their

² In the Richmond West and Richmond East development areas, to ensure that the national grid for electricity transmission is taken into account in all resource management decision-making, and that any incompatible use or activity affecting the grid is avoided, remedied or mitigated.

³ (i) In the Richmond East Development Area, any land to be subdivided is located at least 32 metres from the centreline of any electricity transmission line as shown on the planning maps

spatial application differ from that now sought by Transpower as part of its model National Grid Corridor approach (which has been informed by engineering advice and in consultation with stakeholders). In particular under the model provisions, land use and earthworks are only managed within 12m either side of the centreline with no rules or controls beyond the 12m setback. Subdivision is managed within a defined setback depending on the line voltage and support structure type. Within the Tasman District context, the model subdivision setbacks are 16m, 32m and 37m as opposed to the operative TRMP 32m. Details on the specific rules are provided below:

- **Subdivision:** It is assumed the *Richmond East Development Area* subdivision rule 16.3.8.1 and the default rule 16.3.8.3 will apply. Notwithstanding their application, it is noted these rules do not reflect the current Transpower model approach for subdivision within the (defined) National Grid Subdivision Corridor in terms of their spatial application and the activity status. In particular, the TRMP rules provide for subdivision within 32m of the centreline of any electricity transmission line as a restricted discretionary activity (16.3.8.3). In contrast, Transpower's current model provisions approach is to manage subdivision within:

- 16 metres for 66 kV and 110 kV transmission lines on pi poles;
- 32 metres for 66 kV and 110 kV transmission lines on towers: and
- 37 metres for 220 kV transmission lines;

as a restricted discretionary activity where two standards are met (1. ensuring availability of vehicle access to existing National Grid support structures, and 2. ensuring a building platform for any principal building or new dwelling can be located outside the 12m National Grid Yard). Under Transpower's model provisions, where the standards are not complied with consent is required as a non-complying activity. As such the spatial application, nature of the operative rule, and activity status all differ from Transpower's model provisions approach.

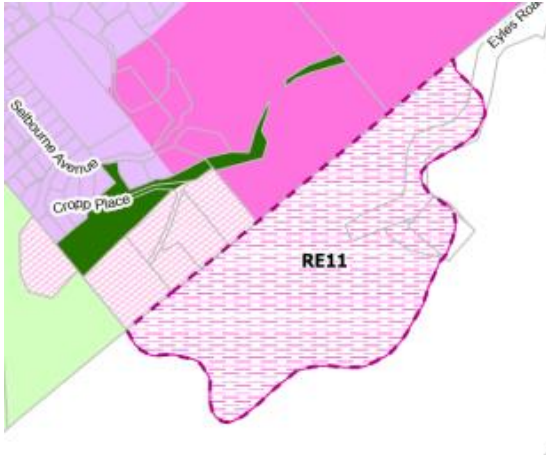
- **Buildings:** Rule 17.8.3.1 applies to 'construction, alternation, or use of a building' as a permitted activity provided the building is setback at least 32m from the centreline of an electricity transmission line in the Richmond East Development Area. Consent is required as a restricted discretionary activity under Rule 17.8.3.2(c) where the building is set back at least 12m from the centreline. Consent is required under rule 17.8.3.3 as a non-complying activity for any 'construction, alternation, or use of a building' within the 12m setback. It is assumed rules 17.8.3.1 to 17.8.3.3 will continue to apply to the rezoned site. It is noted these rules are more restrictive in some respects (and more lenient in others) than Transpower's model provisions to manage activities within proximity of the National Grid. For example, the model provisions do not impose restrictions on land use outside the 12m setback from the centreline, they allow certain buildings within the 12m where standards are met, and in addition to buildings, structures are also managed within the 12m setback.
- **Earthworks:** In relation to earthworks, it is assumed rules 18.5.2.1(j) and 18.5.2.5 will continue to apply. However, these rules are more restrictive than the current Transpower model provisions to manage earthworks outside the 12m setback (i.e the model provisions do not impose restrictions on earthworks outside the 12m setback from the centreline, whereas the TRMP manages earthworks within 20 metres of the centreline). Conversely the operative TRMP standards are more lenient in terms of the default activity status in that the model provisions default to non-complying where the standards are not met (whereas the TRMP defaults to restricted discretionary). Transpower's model provisions approach also includes a standard requiring vehicle access to the National Grid support structures remain available.

Relief sought

As outlined above, Transpower has no position on the rezoning. Rather it wishes to ensure provisions in the operative TMRP continue to apply to the site. Transpower is cognisant that the National Grid provisions in the operative TRMP are more restrictive in terms of the setback distances than Transpower would currently seek. Conversely, the activity status is less restrictive than that which Transpower would currently seek.

Transpower is aware of the scope of PPC79 and to amend the National Grid rule framework is potentially beyond scope. However, Transpower would be keen to explore within council the potential for a plan change to give effect to the NPSET, both in terms of provisions to manage the effects of activities on the National Grid, as well as provisions to manage the effects of development of the Grid. However, Transpower is cognisant of potential changes to the NPSET and the National Environmental Standards for Electricity Transmission ("NESETA"). On that basis Transpower notes its position may well change through the plan change process, as may the application of operative provisions.

Attached is a table summarising the above. For the avoidance of doubt, all submissions made below include any consequential amendments that may be required to give effect to the submission (even if these consequential amendments have not been specified in the submission), and the above content forms part of the submission.

Plan Provision or map number	Support Oppose Amend	Submission	Relief sought
<p>Rezoning of the land identified as RE11 on Map 76-09 from <i>Rural 2 deferred Rural Residential Serviced Zone</i> to <i>Rural Residential Serviced Zone</i>.</p> 	Neutral	<p>Transpower is neutral on the proposed rezoning on the basis operative TMRP provisions relating to subdivision, land use and earthworks within proximity of existing electricity transmission assets (i.e. the National Grid) continue to apply to the site.</p> <p>The NPSET applies to decision makers under the RMA, which includes plan changes. Policies 10 and 11 of the NPSET set out clear directives concerning management of adverse effects of subdivision, land use and development activities on the transmission network, including informing how adverse effects on the National Grid are to be managed through planning provisions.</p>	<p>On the basis the operative TMRP provisions relating to subdivision, land use and earthworks within proximity of existing Electricity transmission assets (i.e. the National Grid) continue to apply to the site, Transpower is neutral on the rezoning.</p>
<p>Identification of the site as '<i>Richmond East Development Area</i>'.</p>	Support in part – with amendment	<p>It is not clear if the land will continue to be identified as Richmond East Development Area. This has implications for the application of rules.</p>	<p>Clearly identify if the rezoned site will continue to be identified as Richmond East Development Area.</p> <p>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.</p>
<p>Rules 16.3.8.1(j) and 16.3.8.3</p>	Support in part – with amendment	<p>It is assumed the Richmond East Development Area subdivision rule 16.3.8.1(j) and the default rule 16.3.8.3 will continue to apply to the rezoned land (in terms of whether the land will continue to be identified as Richmond East Development Area.</p> <p>Notwithstanding their application, it is noted these rules do not reflect the current Transpower model provisions approach for subdivision within the (defined) National Grid Subdivision Corridor in terms of their spatial</p>	<p>Confirm the operative subdivision Rules 16.3.8.1(j) and 16.3.8.3 rules 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</p>

Plan Provision or map number	Support Oppose Amend	Submission	Relief sought
		<p>application and the activity status. In particular, the TRMP rules provide for subdivision within 32m of the centreline of any electricity transmission line as a restricted discretionary activity (16.3.8.3). In contrast, Transpower’s current model provisions approach is to manage subdivision within:</p> <ul style="list-style-type: none"> • 16 metres for 66 kV and 110 kV transmission lines on pi poles; • 32 metres for 66 kV and 110 kV transmission lines on towers: and • 37 metres for 220 kV transmission lines; <p>as a restricted discretionary activity where two standards are met (1. ensuring availability of vehicle access to existing National Grid support structures, and 2. ensuring a building platform for any principal building or new dwelling is located outside the 12m National Grid Yard). Under Transpower’s model provisions, where the standards are not complied with, consent is required as a non-complying activity. As such the spatial application, nature of the rule, and activity status all differ from Transpower’s model provisions approach.</p>	<p>required to manage subdivision within proximity of the National Grid assets.</p>
Rules 17.8.3.1(g)(vii), 17.8.3.2(c) and 17.8.3.3	Support in part – with amendment	<p>Rule 17.8.3.1(g)(vii) applies to ‘construction, alternation, or use of a building’ as a permitted activity provided the building is setback at least 32m from the centreline of an electricity transmission line in the Richmond East Development Area. Consent is required as a restricted discretionary activity under Rule 17.8.3.2(c) where the building is set back at least 12m from the centreline. Consent is required under Rule 17.8.3.3 as a non-complying activity for any ‘construction, alternation, or use of a building’ within the 12m setback. It is assumed Rules 17.8.3.1 to 17.8.3.3 will continue to apply to the rezoned site. It is noted these rules are more restrictive in some respects (and more lenient in others) than Transpower’s model provisions to manage activities within proximity of the National Grid. For example, the model provisions do not impose restrictions on land use outside the 12m setback from the centreline, they allow certain budlings within the 12m where standards are met, and in addition to buildings, structures are also managed within the 12m setback).</p>	<p>Confirm the operative land use rules 17.8.3.1(g)(vii), 17.8.3.2(c) and 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>

Plan Provision or map number	Support Oppose Amend	Submission	Relief sought
Rules 18.5.2.1(j) and 18.5.2.5	Support in part – with amendment	<p>Earthworks: In relation to earthworks, it is assumed rules 18.5.2.1(j) and 18.5.2.5 will continue to apply. However, these rules are more restrictive than the current Transpower model provisions to manage earthwork outside the 12m setback (i.e the model provisions do not impose restrictions on earthworks outside the 12m setback from the centreline, whereas the TRMP manages earthworks within 20 metres of the centreline). Conversely the operative TRMP standards are more lenient in terms of the default activity status in that the model provisions default to non-complying where the standards are not met (whereas the TRMP defaults to restricted discretionary). Transpower’s model provisions approach also includes a standard requiring vehicle access to the National Grid support structures remain available.</p>	<p>Confirm the operative earthworks rules 18.5.2.1(j) and 18.5.2.5 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 earthworks within proximity of the National Grid assets.</p>
Plan Wide	Amend	<p>Transpower is aware of the scope of PPC79. However, Transpower would be keen to explore with Council the potential for a plan change to give effect to the NPSET, both in terms of provisions to manage the effects of activities on the National Grid, as well as provisions to manage the effects of development of the Grid. This would include policies and rules.</p> <p>Transpower is cognisant of potential changes to the NPSET and the NESETA. On that basis Transpower notes its position may well change through the plan change process, as may the application of operative provisions.</p>	<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>

Appendix A – National Policy Statement on Electricity Transmission 2008

NATIONAL POLICY STATEMENT

on Electricity Transmission

Issued by notice in the Gazette on 13 March 2008

CONTENTS

Preamble

1. Title
2. Commencement
3. Interpretation
4. Matter of national significance
5. Objective
6. Recognition of the national benefits of transmission
7. Managing the environment effects of transmission
8. Managing the adverse effects of third parties on the transmission network
9. Maps
10. Long-term strategic planning for transmission assets

newzealand.govt.nz

Preamble

This national policy statement sets out the objective and policies to enable the management of the effects of the electricity transmission network under the Resource Management Act 1991.

In accordance with section 55(2A)(a) of the Act, and within four years of approval of this national policy statement, local authorities are to notify and process under the First Schedule to the Act a plan change or review to give effect as appropriate to the provisions of this national policy statement.

The efficient transmission of electricity on the national grid plays a vital role in the well-being of New Zealand, its people and the environment. Electricity transmission has special characteristics that create challenges for its management under the Act. These include:

- Transporting electricity efficiently over long distances requires support structures (towers or poles), conductors, wires and cables, and sub-stations and switching stations.
- These facilities can create environmental effects of a local, regional and national scale. Some of these effects can be significant.
- The transmission network is an extensive and linear system which makes it important that there are consistent policy and regulatory approaches by local authorities.
- Technical, operational and security requirements associated with the transmission network can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects.
- The operation, maintenance and future development of the transmission network can be significantly constrained by the adverse environmental impact of third party activities and development.
- The adverse environmental effects of the transmission network are often local – while the benefits may be in a different locality and/or extend beyond the local to the regional and national – making it important that those exercising powers and functions under the Act balance local, regional and national environmental effects (positive and negative).
- Ongoing investment in the transmission network and significant upgrades are expected to be required to meet the demand for electricity and to meet the Government's objective for a renewable energy future, therefore strategic planning to provide for transmission infrastructure is required.

The national policy statement is to be applied by decision-makers under the Act. The objective and policies are intended to guide decision-makers in drafting plan rules, in making decisions on the notification of the resource consents and in the determination of resource consent applications, and in considering notices of requirement for designations for transmission activities.

However, the national policy statement is not meant to be a substitute for, or prevail over, the Act's statutory purpose or the statutory tests already in existence. Further, the national policy statement is subject to Part 2 of the Act.

For decision-makers under the Act, the national policy statement is intended to be a relevant consideration to be weighed along with other considerations in achieving the sustainable management purpose of the Act.

This preamble may assist the interpretation of the national policy statement, where this is needed to resolve uncertainty.

1. Title

This national policy statement is the National Policy Statement on Electricity Transmission 2008.

2. Commencement

This national policy statement comes into force on the 28th day after the date on which it is notified in the *Gazette*.

3. Interpretation

In this national policy statement, unless the context otherwise requires:

Act means the Resource Management Act 1991.

Decision-makers means all persons exercising functions and powers under the Act.

Electricity transmission network, electricity transmission and transmission activities/assets/infrastructure/resources/system all mean part of the national grid of transmission lines and cables (aerial, underground and undersea, including the high-voltage direct current link), stations and sub-stations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand.

National environmental standard means a standard prescribed by regulations made under the Act.

National grid means the assets used or owned by Transpower NZ Limited.

Sensitive activities includes schools, residential buildings and hospitals.

4. Matter of national significance

The matter of national significance to which this national policy statement applies is the need to operate, maintain, develop and upgrade the electricity transmission network.

5. Objective

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- managing the adverse environmental effects of the network; and
- managing the adverse effects of other activities on the network.

6. Recognition of the national benefits of transmission

POLICY 1

In achieving the purpose of the Act, decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. The benefits relevant to any particular project or development of the electricity transmission network may include:

- i) maintained or improved security of supply of electricity; or
- ii) efficient transfer of energy through a reduction of transmission losses; or
- iii) the facilitation of the use and development of new electricity generation, including renewable generation which assists in the management of the effects of climate change; or
- iv) enhanced supply of electricity through the removal of points of congestion.

The above list of benefits is not intended to be exhaustive and a particular policy, plan, project or development may have or recognise other benefits.

7. Managing the environmental effects of transmission

POLICY 2

In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.

POLICY 3

When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network.

POLICY 4

When considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, decision-makers must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.

POLICY 5

When considering the environmental effects of transmission activities associated with transmission assets, decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets.

POLICY 6

Substantial upgrades of transmission infrastructure should be used as an opportunity to reduce existing adverse effects of transmission including such effects on sensitive activities where appropriate.

POLICY 7

Planning and development of the transmission system should minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreational value or amenity and existing sensitive activities.

POLICY 8

In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.

POLICY 9

Provisions dealing with electric and magnetic fields associated with the electricity transmission network must be based on the International Commission on Non-ionising Radiation Protection *Guidelines for limiting exposure to time varying electric magnetic fields (up to 300 GHz)* (Health Physics, 1998, 74(4): 494-522) and recommendations from the World Health Organisation monograph *Environment Health Criteria* (No 238, June 2007) or revisions thereof and any applicable New Zealand standards or national environmental standards.

8. Managing the adverse effects of third parties on the transmission network

POLICY 10

In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

POLICY 11

Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).

9. Maps

POLICY 12

Territorial authorities must identify the electricity transmission network on their relevant planning maps whether or not the network is designated.

10. Long-term strategic planning for transmission assets

POLICY 13

Decision-makers must recognise that the designation process can facilitate long-term planning for the development, operation and maintenance of electricity transmission infrastructure.

POLICY 14

Regional councils must include objectives, policies and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.

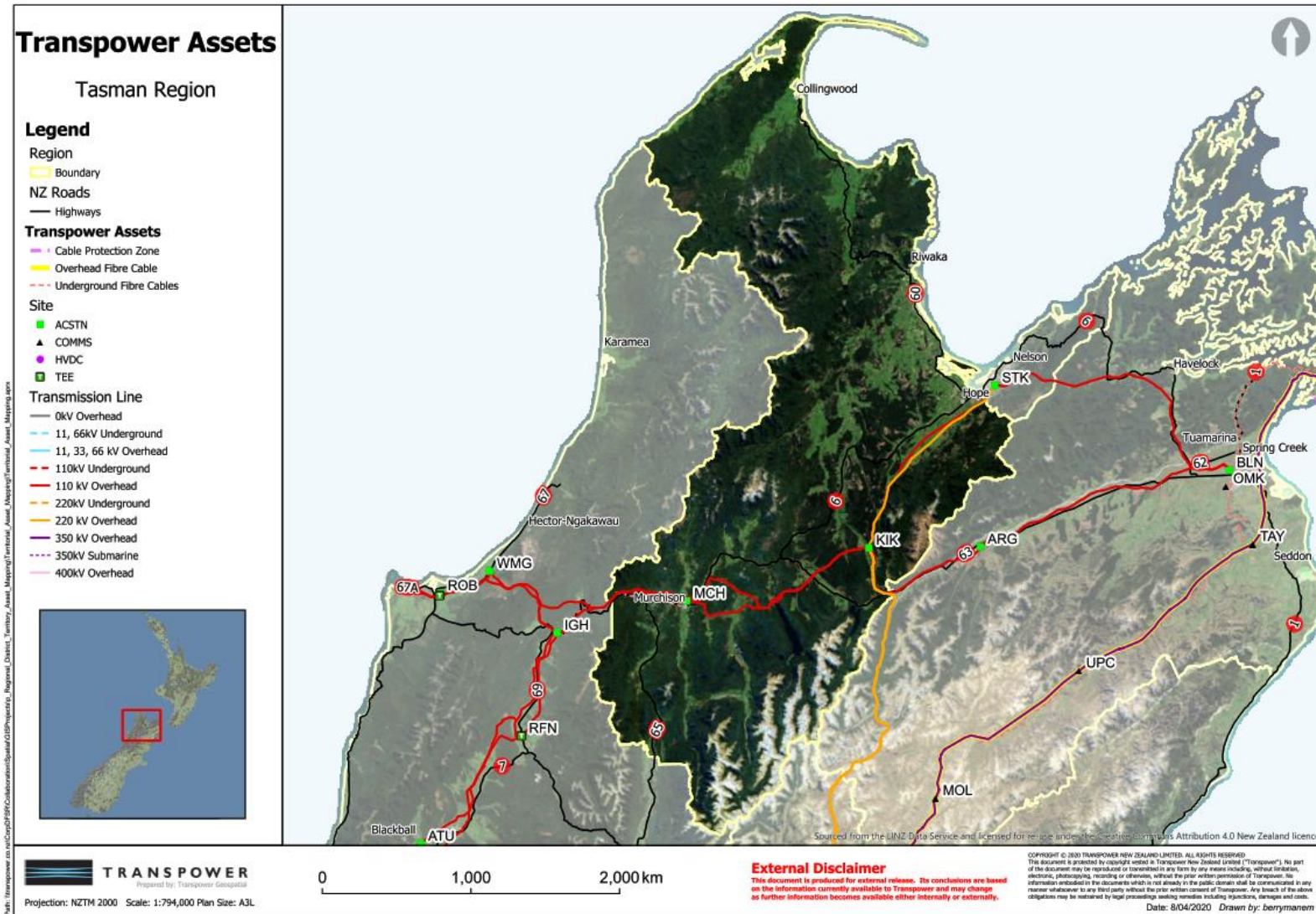
Explanatory note

This note is not part of the national policy statement but is intended to indicate its general effect

This national policy statement comes into force 28 days after the date of its notification in the *Gazette*. It provides that electricity transmission is a matter of national significance under the Resource Management Act 1991 and prescribes an objective and policies to guide the making of resource management decisions.

The national policy statement requires local authorities to give effect to its provisions in plans made under the Resource Management Act 1991 by initiating a plan change or review within four years of its approval.

Appendix B – National Grid assets within the Tasman District



Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

1. This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
3. Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e. Council makes a decision to refuse, amend or accept the changes). Please include specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.

COVER SHEET

Return your submission by the advertised closing date to:
 Environmental Policy
 Tasman District Council
 Private Bag 4, Richmond 7050 OR
 189 Queen Street, Richmond OR
 Fax 03 543 9524 OR
 Email: tasmanrmp@tasman.govt.nz

OFFICE USE

Date received stamp:

Received
5 December 2024

Initials: tasmanrmp@tasman.govt.nz

Submitter No. Submitter # 4217

Submitter Name: BAG Development Company Ltd
(organisation/individual)

Representative/Contact: Graham Vercoe
(if different from above)

Postal Address:

195 Queen Street
Richmond, 7020

Phone: 027 260 3457


Fax: _____

Email: graham_vercoe@outlook.co.nz

Date: 05-12-2024

Postal address for service of person making submission:
(if different from above)

Total number of pages submitted (including this page): 3

Signed: 

Signature of submitter (or person authorised to sign on behalf of submitter). *NOTE: A signature is not required if you make your submission by electronic means.*

IMPORTANT – Please state:

This submission relates to Change No.: 79

Change Title/Subject: _____

- I/we wish to be heard in support of my/our submission.
 I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition?
 (tick one) Yes No

Remember: Attach this Cover Sheet to as many Content Sheets as required.

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

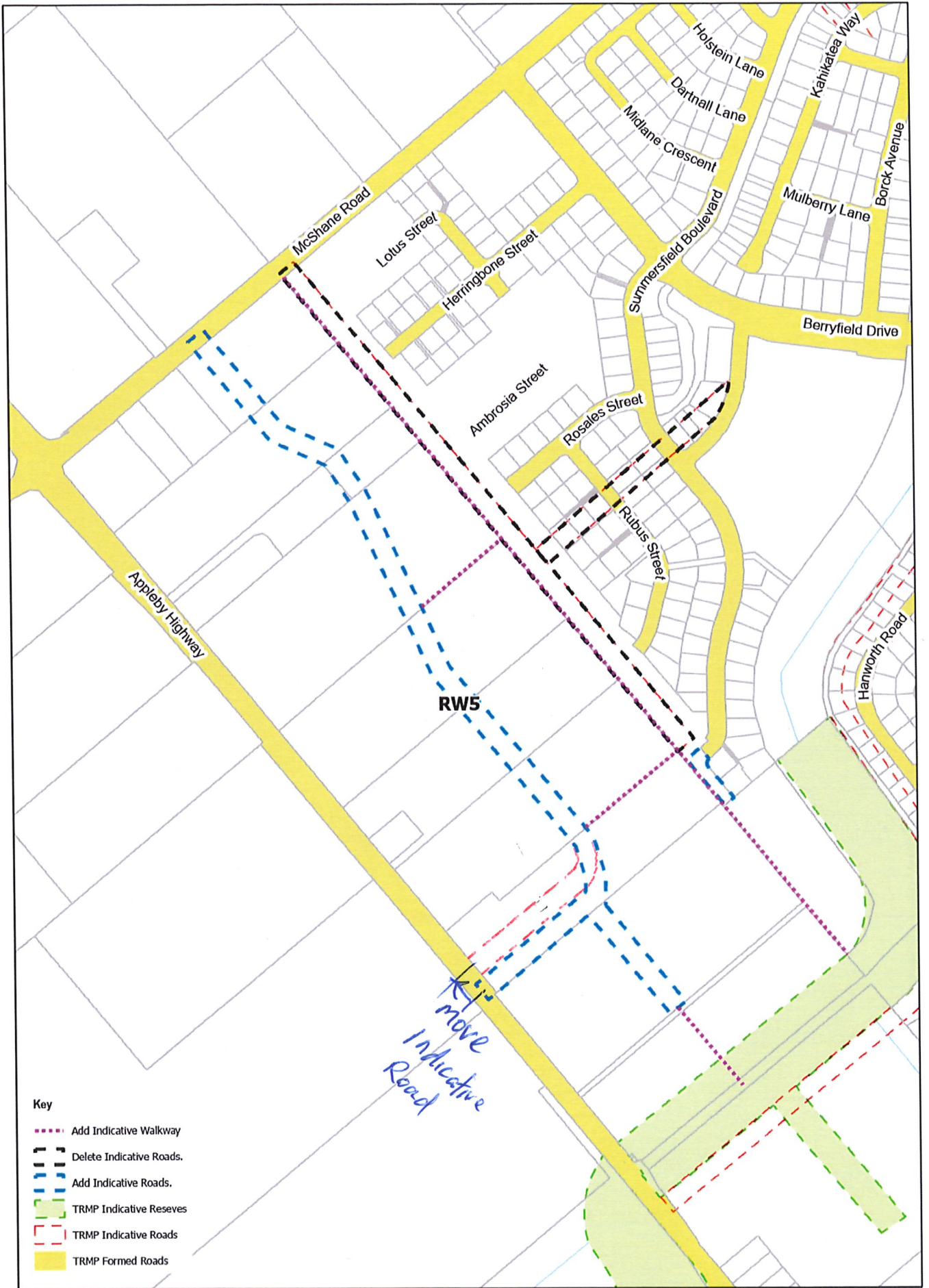
Sheet No.		of	
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OFFICE USE Submitter Number:

<p>The whole Plan Change (Please tick as applicable)</p> <p><input type="checkbox"/> I support the Plan Change and seek that the Council retains it in its entirety.</p> <p><input type="checkbox"/> I oppose the Plan Change and seek that the Council deletes it in its entirety.</p> <p><input type="checkbox"/> I support in part specific aspects/provisions of the Plan Change as indicated below.</p> <p><input checked="" type="checkbox"/> I oppose in part specific aspects/provisions of the Plan Change and seek amendments as indicated below.</p>			OFFICE USE: Submission No.		
<p>Parts of the Plan Change (Please list each provision number of the TRMP you wish to submit on, together with its corresponding submission point, as indicated below)</p>					
<p>Plan provision or map number(s): State each specific provision (topic) number as addressed in the Plan Change</p>	<p>The aspect of the provisions I support or oppose, together with reasons, are: State the nature of each submission point and indicate whether you: • support or oppose the provision or wish to have it amended; and • the reasons for your view</p>	<p>I seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows: For each submission point/provision number, state, specifically, what changes you would like to see.</p>			
<p>Example:</p> <table border="1"> <tr> <td>17.5.3.1(ca)(iii)</td> <td>I oppose the restriction of ... because ...</td> <td>Delete and replace condition 17.5.3.1(ca)(iii) with:</td> </tr> </table>				17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...
17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:			
<p>Map 76-03</p>	<p>I oppose the location of the indicative road entering 76 Appleby Highway in its current location, and request it be centred to run up the middle of the property.</p> <p><u>Reason</u> To support the cost of a road and services the development in future must have saleable titles bordering both sides of the road.</p>				



<p>Tasman District Council Email info@tasman.govt.nz Website www.tasman.govt.nz 24 hour assistance</p>	<p>Richmond 189 Queen Street Private Bag 4 Richmond 7050 New Zealand Phone 03 543 8400 Fax 03 543 9524</p>	<p>Murchison 92 Fairfax Street Murchison 7007 New Zealand Phone 03 523 1013 Fax 03 523 1012</p>	<p>Motueka 7 Hickmott Place PO Box 123 Motueka 7143 New Zealand Phone 03 528 2022 Fax 03 528 9751</p>	<p>Takaka 78 Commercial Street PO Box 74 Takaka 7142 New Zealand Phone 03 525 0020 Fax 03 525 9972</p>
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AREAS
 Update Map 76-03
 1 November 2024



TASMAN RESOURCE MANAGEMENT PLAN
 Proposed Plan Change 79 - Deferred Zoning



No legal effect Te Kaunihera o

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

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COVER SHEET

Return your submission by the advertised closing date to:
 Environmental Policy
 Tasman District Council
 Private Bag 4, Richmond 7050 OR
 189 Queen Street, Richmond OR
 Fax 03 543 9524 OR
 Email: tasmanrmp@tasman.govt.nz

OFFICE USE

Date received stamp:

Received
 6 December 2024

Initials: tasmanrmp@tasman.govt.nz

Submitter No. Submitter # 4218

Submitter Name: Brian & Carol Johnson
 (organisation/individual)

Representative/Contact:
 (if different from above)

Postal Address:
66 Hart Road
Richmond, 2
7020

Phone: 03 5448265

Fax:

Email: johnsbe62@gmail.com

Date: 06/12/24

Postal address for service of person making submission:
 (if different from above)

A

Total number of pages submitted (including this page):

Signed: B. Johnson
C. Johnson
 Signature of submitter (or person authorised to sign on behalf of submitter). NOTE: A signature is not required if you make your submission by electronic means.

IMPORTANT – Please state:

This submission relates to Change No.: Change 79

Change Title/Subject: Deferred Zoning

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

05/19

Remember: Attach this Cover Sheet to as many Content Sheets as required.

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET

Sheet No.		of	
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OFFICE USE Submitter Number:

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

The whole Plan Change (Please tick as applicable)		
<input checked="" type="checkbox"/> I support the Plan Change and seek that the Council retains it in its entirety. <input type="checkbox"/> I oppose the Plan Change and seek that the Council deletes it in its entirety. <input type="checkbox"/> I support in part specific aspects/provisions of the Plan Change as indicated below . <input type="checkbox"/> I oppose in part specific aspects/provisions of the Plan Change and seek amendments as indicated below .		
Parts of the Plan Change (Please list each provision number of the TRMP you wish to submit on, together with its corresponding submission point, as indicated below)		
Plan provision or map number(s): <i>State each specific provision (topic) number as addressed in the Plan Change</i>	The aspect of the provisions I support or oppose, together with reasons, are: <i>State the nature of each submission point and indicate whether you:</i> <ul style="list-style-type: none"> • support or oppose the provision or wish to have it amended; • and • the reasons for your view 	I seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows: <i>For each submission point/provision number, state, specifically, what changes you would like to see.</i>
Example:		
17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:

OFFICE USE: Submission No.

Submission on a Change to the Tasman Resource Management Plan (TRMP)

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Environmental Policy
Tasman District Council
Private Bag 4, Richmond 7050 OR
189 Queen Street, Richmond OR
Fax 03 543 9524 OR
Email: tasmanrmp@tasman.govt.nz

OFFICE USE

Date received stamp:

Received
9 December 2024

Note:

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Initials: tasmanrmp@tasman.govt.nz

Submitter No. Submitter # 4200

Submitter Name: Richmond West Development Company Limited

(organisation/individual)

Representative/Contact: Jo Taylor

(if different from above)

Postal Address:

PO Box 3083
Richmond 7020

Phone: 0274 824 177

Fax:

Email: jo@themeadows.nz

Date: 07/12/2024

Postal address for service of person making submission:

(if different from above)

Total number of pages submitted (including this page):

Signed: 

Signature of submitter (or person authorised to sign on behalf of submitter). NOTE: A signature is not required if you make your submission by electronic means.

IMPORTANT – Please state:

This submission relates to Change No.: 79

Change Title/Subject: Change 79: Deferred Zoning

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

Remember: Attach this Cover Sheet to as many Content Sheets as required.

05/19

Submission of Richmond West Development Company Limited on Plan Change 79 to the Tasman Resource Management Plan

Background

Richmond West Development Company Limited (RWDCL) is the owner, developer and marketer of The Meadows, a subdivision located on the western side of Richmond, Tasman. Changes to the design of the southern part of The Meadows subdivision are proposed as part of Plan Change 79. Richmond West Development Company Limited welcomes the opportunity to submit on the proposed changes. Richmond West Development Company Limited does not wish to speak to this submission.

Any omission to specifically respond to matters contained within the s 32 evaluation report and appendices should not be interpreted as agreement with such matters.

Richmond West Development Company Limited’s responses are set out below (added text underlined, deleted text ~~strike through~~).

Submission

RWDCL supports in part specific aspects/ provisions of Plan Change 79, as indicated in Table 1.

Table 1: Parts of Plan Change 79 Submitted On by RWDCL

Plan provision or Map Number	Support/ Oppose with reasons	Changes requested
Map 76-03	<p>Richmond West Development Company Limited (RWDCL) supports the provisions relating to Map76-03 of Proposed PC79. Specifically, the company supports:</p> <p>1 That no change to zone is proposed for land shown in the locality 'Corner McShane Road / State Highway 6, on Map 76-03. The land will retain its zoning as 'Rural 1 deferred Mixed Business'. Retaining this zoning will ensure there is sufficient business land for future supply that is located close to existing residential and business areas and the urban population of Richmond. Retaining this zoning will also give effect to the relevant objectives and policies of the National Policy Statement on Urban Development (NPS-UD), as outlined in the s 32 Evaluation Report.</p> <p>2 Deletion of the current indicative road shown on Map 76-03 which runs along the southern boundary of The Meadows subdivision, and is known as Chesterfield Avenue. Applications made under the</p>	<p>RWDCL seeks that Council retains the specific Plan Change provisions shown in Map 76-03 as follows:</p> <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 <p>RWDCL seeks that Council amend the specific Plan Change provisions shown in Map 76-03 as follows:</p> <ul style="list-style-type: none"> • Add <u>indicative reserve and walkway</u> active transport <u>corridor</u>

	<p>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.</p> <p>3 Deletion of the indicative road shown on Map 76-03 running off Chesterfield Avenue in a north-west direction and intersection Rubus Street as this street is no longer included in the design for the Meadows subdivision.</p> <p>4 Add new indicative roads to Area Planning Maps. A new indicative road in RW5 will provide for better separation between mixed business and residential uses. A new indicative road at the eastern end of Chesterfield Avenue will provide public access to Council-owned land.</p> <p>5 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 roller skating. 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</p>	
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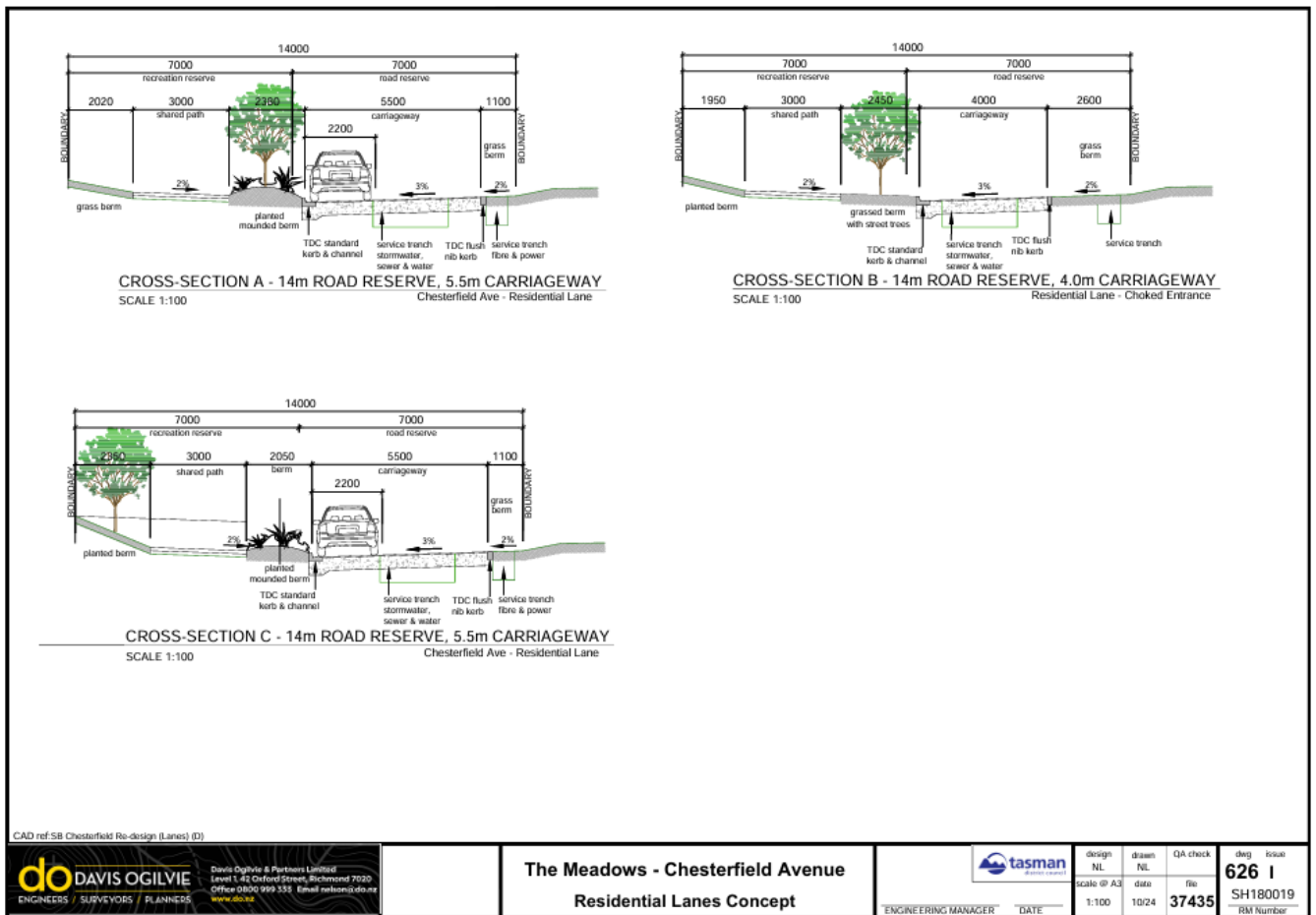
	<p>active transport corridors and the surrounding urban area. The indicative reserve will also provide a physical separation between the deferred mixed business zone and the residential zone. The proposed indicative reserve and active transport corridor aligns with Reserves and Open Space Objectives 14.1.2, Policy 14.1.3 3 and Policy 14.1.3.4 which relate to providing adequate open space and reserve areas that are convenient, accessible and create walking and cycling linkages.</p>	
<p>16.3.3.1(n)(iii)(a) Controlled Subdivision (Residential Zone – Standard Density Development)</p>	<p>Support in part Plan change 79 refers to a ten (10) metre wide reserve separating the Mixed Business Zone from the Residential Zone west of Borck Creek. However, RWDCCL proposes to construct a seven (7) metre wide indicative reserve separating the Mixed Business Zone from the Residential Zone west of Borck Creek. The indicative reserve width is limited to 7 metres to allow sufficient width for a vehicle carriageway, which will provide access to 20 Lots along Chesterfield Avenue, a service trench and a grass berm (total width seven (7) metres), as shown in Appendix 1 (Davis Ogilvie Drawing 626 10/24). The design for the 7 metre indicative reserve and the 7 metre road reserve (total 14 metres) was emailed to Council engineers who provided conditional approval in February 2024. A three (3) metre wide pathway within the reserve is better described as an active transport corridor than a walkway, as it will provide for cycling, walking and rolling.</p>	<p>Amend as follows: 10 <u>7</u> metre wide <u>indicative</u> 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) (<u>active transport corridor</u>) without compensation or credit against Reserve Financial Contributions.</p>
<p>16.3.3.1(n)(iii)(b) Controlled Subdivision (Residential Zone – Standard Density Development)</p>	<p>Support in part See above</p>	<p>Amend as follows: Except for the 10 <u>7</u> metre wide <u>indicative</u> 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)</p>

		will form part of the financial contribution for reserves and community services in accordance with rule 16.5.2.4.
16.3.3.1(t)(ii) Controlled Subdivision (Residential Zone – Standard Density Development)	<p>Support in part RWDCL proposes that the pathway within the indicative reserve that will separate the Residential Zone from the Mixed Business Zone, west of Borck Creek, will be an active transport corridor, rather than a walkway. A change to the plan provision is recommended to more accurately describe the intended shared use of the pathway.</p> <p>As the pathway design will provide for amenity and visual appeal, it has been designed to ‘meander’ along the southern side of Chesterfield Avenue (i.e. the pathway is not straight – see Appendix 2 (Davis Ogilvie Drawing 626 10/24)). Therefore, the amenity plantings will vary in width along the length of the pathway. The Council has confirmed (email January 2024) to RWDCL that it considers the active transport corridor to be part of the roading network and that the presentation of the corridor should be consistent with roading assets, i.e. street trees at appropriate spacings.</p>	<p>Amend as follows: Adjoining the Indicative Collector Road and indicative walkway <u>active transport corridor</u> 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.</p>
16.3.3.2A(d)(ii) Restricted Discretionary Subdivision (Residential Zone - Standard Density Development)	<p>Support in part As above</p>	<p>Amend as follows: Adjoining the Indicative Collector Road and indicative walkway <u>active transport corridor</u> 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.</p>
16.3.3.3(a)(iv)(a) Restricted Discretionary Subdivision (Residential Zone – Compact Density Specific Locations)	<p>Support in part As above</p>	<p>Amend as follows: 10 <u>7</u> 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 <u>active transport corridor</u>) without compensation or credit against Reserve Financial Contributions.</p>

<p>16.3.3.3(a)(iv)(b) Restricted Discretionary Subdivision (Residential Zone – Compact Density Specific Locations)</p>	<p>Support in part As above</p>	<p>Amend as follows: Except for the 10 <u>7</u> metre wide <u>indicative</u> 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.</p>
<p>Schedule 16.3B(e) Transport Conditions</p>	<p>Support</p>	<p>Retain as notified.</p>
<p>17.1.3(zc)(c) Permitted Activities (Building Construction or Alteration — Standard Density Development)</p>	<p>Support in part As above</p>	<p>Amend as follows: In the Richmond West Development Area, on the indicative walkway <u>walkway active transport corridor</u> or walkway <u>active transport corridor</u> separating the Mixed Business Zone from the Residential Zone west of Borck Creek any fence fronting onto the walkway <u>walkway active transport corridor</u> reserve (or residential lanes or rights-of-way running parallel to the reserve) does not exceed 1.2 metres in height.</p>
<p>17.1.3.4(40A) Restricted Discretionary Activities (Building Construction or Alteration — Standard Density Development (excluding the Development Areas))</p>	<p>Support in part As above</p>	<p>Amend as follows: The extent to which the increased height of fences located along the indicative walkway <u>walkway active transport corridor</u> or walkway <u>active transport corridor</u> separating the Mixed Business Zone from the Residential Zone west of Borck Creek may detract from public safety and visual amenity.</p>

<p>17.1.20 Principal Reasons for Rules – Fence Height</p>	<p>Support in part As above</p>	<p>Amend as follows: 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 <u>walkway active transport corridor</u> or walkway <u>walkway active transport corridor</u> separating the Mixed Zone from the Residential Zone west of Borck Creek for the purposes of promoting public safety and visual amenity.</p>
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Appendix 1: The Meadows - Chesterfield Avenue Residential Lanes Concept: Davis Ogilvie Drawing 626 (dated 10/24)



Appendix 1: The Meadows - Chesterfield Avenue Residential Lanes Concept: Davis Ogilvie Drawing 625 (dated 10/24)



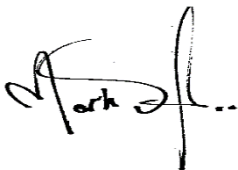
Form 5: Submission on notified proposal for policy statement or plan, change or variation

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991

To: Tasman District Council

Name of submitter: Director-General of Conservation

1. This is a submission on the Tasman Resource Management Plan Change 79: Deferred Zoning.
2. I could not gain an advantage in trade competition through this submission.
3. The specific aspect of the plan change to which my submission relates, and the detailed decisions sought are set out in **4** below.
4. I **seek** the following decision from the Council:
 - a. That the proposed rezoning of 72 Waimea Road, Brightwater (BW16) from Rural 1 deferred Residential Zone to Conservation Zone, as depicted on Map 76-04, is retained. The site was previously purchased by the community and gifted to the Crown to be added to the Snowden's Bush Scenic Reserve. The proposed Conservation Zone is therefore appropriate.
 - b. Further or alternative relief to like effect to that sought in 4. a. above.
5. The decisions sought in this submission are required to ensure that the Tasman Natural Resource Management Plan promotes the sustainable management of natural and physical resources; and are appropriate and sound resource management practice.
6. I do **not** wish to be heard in support of my submission.



Mark Townsend

Operations Manager

Motueka District

Department of Conservation

Acting pursuant to delegated authority on behalf of Penny Nelson, Director-General of Conservation

Date: 12/12/24

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

Address for service:

Attn: Jesse Gooding, Senior Resource Management Planner

jgooding@doc.govt.nz and cc to: RMA@doc.govt.nz

027 224 8714

Department of Conservation

COVER SHEET

Return your submission by the advertised closing date to:
 Environmental Policy
 Tasman District Council
 Private Bag 4, Richmond 7050 OR
 189 Queen Street, Richmond OR
 Fax 03 543 9524 OR
 Email: tasmanrmp@tasman.govt.nz

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10 December 2024

Initials: tasmanrmp@tasman.govt.nz

Submitter No. Submitter # 4219

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

1. This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
3. Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e. Council makes a decision to refuse, amend or accept the changes). Please include specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.

Submitter Name: MICHAEL TOLL
(organisation/individual)

Representative/Contact:
(if different from above)

Postal Address:

119 Aranui Road
 MAPUA
 TASMAN
 7005

Phone: 027 528 4020

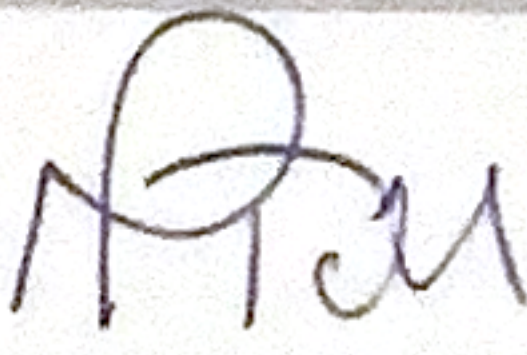
Fax:

Email: micktoll49@gmail.com

Date: 10/12/2024

Postal address for service of person making submission:
(if different from above)

Total number of pages submitted (including this page):

Signed: 
 Signature of submitter (or person authorised to sign on behalf of submitter). NOTE: A signature is not required if you make your submission by electronic means.

IMPORTANT – Please state:

This submission relates to Change No.: 79

Change Title/Subject: Deferred zoning

- I/we wish to be heard in support of my/our submission.
- I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

Remember: Attach this Cover Sheet to as many Content Sheets as required.

Ref 2739 Toll PC79

10 December 2024

Tasman District Council
Private Bag 4
RICHMOND 7050

Attn: Jeremy Butler

Dear Jeremy

RE: Proposed Plan Change 79 - Submission on behalf of Mick Toll

Introduction

1. This is a submission prepared by Planscapes (NZ) Ltd on behalf of Mick Toll on Plan Change 79: Deferred Zoning ('the Plan Change'). Mr Toll owns land at 109 and 119 Aranui Road, Māpua refer to Figure 1 below). The legal description of this land is Lot 1 DP 546114, comprised in RT928982 (119 Aranui Road) and Lot 2 DP 546114, comprised in RT928983 (109 Aranui Road).



Figure 1: Land owner by Submitter at 109 and 119 Aranui Road, Māpua

2. Mr Toll wishes to be heard in support of his submission and would be prepared to consider presenting his submission in a joint case with others making a similar submission at any hearings.
3. Mr Toll is not in a position to gain an advantage in trade competition through this submission.

Mr Toll **supports** the general intent of the Plan Change and **supports in part and opposes in part** specific aspects/ provisions of the Plan Change.

The relief Mr Toll seeks is that Council **approve** the Plan Change subject to the amendments to specific aspects/ provisions of the Plan Change as detailed below.

Overview

4. The plan change proposes to formally rezone some existing deferred land on the basis that the matters leading to the initial deferral have been satisfied or are no longer relevant. For that land, it will be made available for urban development if confirmed through decisions on the plan change.
5. Mr Toll's land is currently zoned Rural Residential deferred Residential (refer to Figure 2 below). The land and therefore it's reasons for zoning deferral are absent from the table included in the Operative TRMP at Schedule 17.14A. However, it is understood that the deferral was originally due to insufficient stormwater, wastewater and water supply servicing.

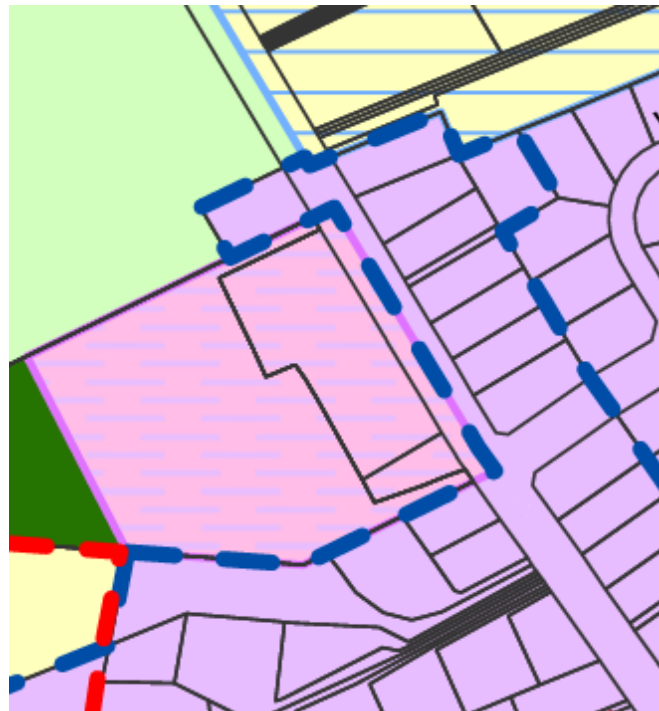


Figure 2: Operative TRMP zoning of site and surrounds, from Planning Map 87

6. Upgrades to Council water supply and wastewater services within Aranui Road have been undertaken in recent years, and upgraded stormwater infrastructure has been extended to Aranui Road opposite the subject land as part of the development of the Māpua Inlets subdivision on Iwa Road. Following these upgrades, it is understood that sufficient servicing capacity exists to enable uplift of the current zoning deferral.
7. Existing deferred zones in Māpua and Motueka have been excluded from the sites considered for either zoning deferral uplift or inclusion in new Table 17.14A, on the basis that they are being considered strategically in relation to other processes (in the case of Māpua, this is the Māpua Masterplan process).
8. Mr Toll's land is not currently included in the Māpua Masterplan maps (refer to Figure 3 below) showing proposed areas for rezoning, however it is included in the overall masterplan extent. The fact that Mr Toll's land is not covered in the masterplan distinguishes it from other land in and around Māpua that is intentionally excluded from PC79.

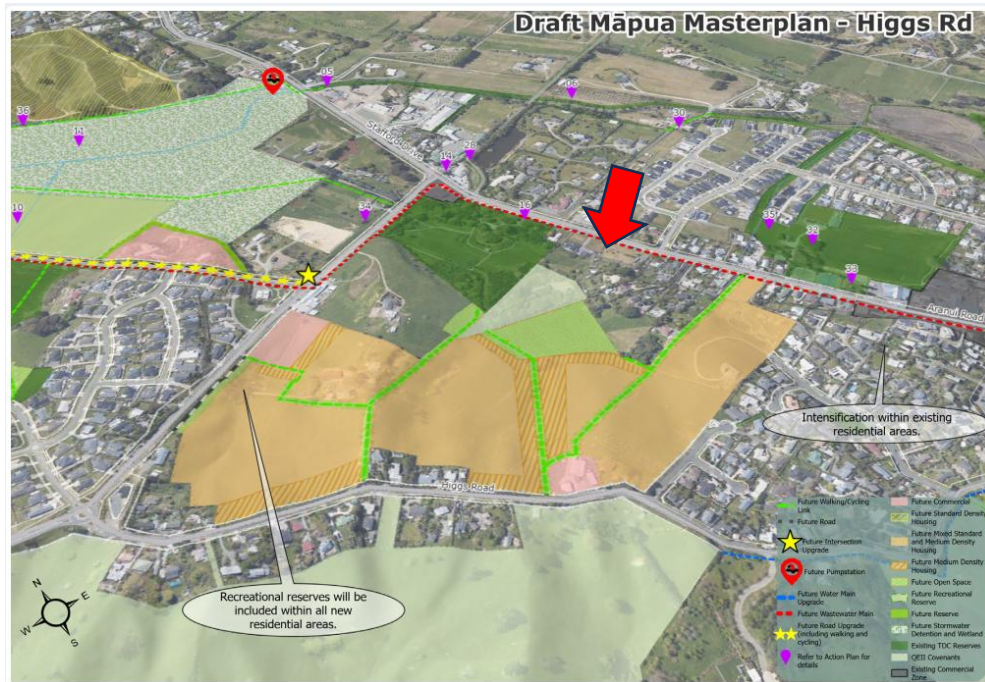


Figure 3: Draft Māpua Masterplan – Higgs Rd. Subject site indicated by red arrow

Relief sought

9. Mr Toll requests the inclusion of his land in the plan change. Whilst the plan change identifies that the scope of the change excludes existing deferred zoned land in and around Māpua, this is on the basis that the zoning of this land will be addressed through the Māpua Masterplan process and subsequent plan changes to give effect to this. As Mr Toll’s land is not currently addressed in the Masterplan, and the ability of Mr Toll to uplift the zoning deferment is being removed by the plan change, it is considered reasonable for Mr Toll to seek an alternative means of addressing the current zoning deferment through inclusion in the plan change.
10. The plan change in its current form would necessitate Mr Toll seeking consent under the TRMP provisions that apply to the Rural Residential zone. As the site is not addressed through the Māpua Masterplan, there is no short term prospect of this situation being remedied, other than by way of a private plan change.
11. Whilst Mr Toll intends to also submit on the Māpua Masterplan to seek inclusion of the subject land in this, there is no certainty of this occurring given the progress of this process relative to that of PC79.
12. The specific change that Mr Toll seeks be made to the plan change is to rezone his land as Residential Zone. This would necessitate a change to TRMP zone map 87, to delete the ‘Rural Residential deferred Residential’ notation and add ‘Residential’ notation.

Plan provision or map number(s):	The aspect of the provisions I support or oppose, together with reasons, are:	I seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Planning map 87	Oppose exclusion of change to Planning Map 87 in respect of zoning of Submitters land.	Amend Planning Map 87 to remove ‘Rural Residential deferred Residential’ zoning from 109 and 119 Aranui Road land, and add ‘Residential’ zoning.

13. Given that there are understood to be no current servicing restrictions that would preclude development of the land under the Residential Zone provisions, this course of action would be consistent with Council's approach for other deferred zone land in the region under PC79. Given that sufficient servicing is available, the zoning change is not dependent on the strategic planning proposed by the Māpua Masterplan.

Yours sincerely
PLANSCAPES (NZ) LTD



Hayden Taylor
Resource Management Consultant

P: (03)5390281

M: 021 071 2209

Hayden@planscapes.co.nz

[]

Submission on a Change to the Tasman Resource Management Plan (TRMP)

COVER SHEET

Return your submission by the
advertised closing date to:
Environmental Policy
Tasman District Council
Private Bag 4, Richmond 7050 OR
189 Queen Street, Richmond OR
Fax 03 543 9524 OR
Email: tasmanrmp@tasman.govt.nz

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Submitter No. Submitter # 4220

Note:

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2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
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Submitter Name: STEPHEN ORRAH
(organisation/individual)

Representative/Contact:
(if different from above)

Postal Address: 50 SEATON VALLEY ROAD
RDI UPPER MOUTERE
7173
Phone: 0274337940
Fax:
Email: Stephen.orrak@gmail.com
Date: 9/12/24

Postal address for service of person making submission:
(if different from above)

Total number of pages submitted (including this page):

Signed: SMOrrah

Signature of submitter (or person authorised to sign on behalf of submitter). NOTE: A signature is not required if you make your submission by electronic means.

IMPORTANT – Please state:

This submission relates to Change No.: 79

Change Title/Subject: Deferred zoning

- I/we wish to be heard in support of my/our submission.
 I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition?
(tick one) Yes No

Remember: Attach this Cover Sheet to as many Content Sheets as required.

05/19

Pg 1/2

Ref 2736 Orrah PC79

11 December 2024

Tasman District Council
Private Bag 4
RICHMOND 7050

Attn: Jeremy Butler

Dear Jeremy

RE: Proposed Plan Change 79 - Submission on behalf of Stephen Orrah

Overview

1. This is a submission prepared by Planscapes (NZ) Ltd on behalf of Stephen Orrah on Plan Change 79: Deferred Zoning ('the Plan Change'). Mr Orrah owns land at 59 Seaton Valley Road, Māpua as shown in Figure 1 below. The legal description of this land is Lot 1 DP 496479, comprised in RT864248,



Figure 1: Land owned by Submitter at Seaton Valley Road, Māpua.

2. Mr Orrah wishes to be heard in support of his submission and would be prepared to consider presenting his submission in a joint case with others making a similar submission at any hearings.
3. Mr Orrah is not in a position to gain an advantage in trade competition through this submission.

Mr Orrah **supports** the Plan Change in its entirety.

Discussion

4. Mr Orrah's land is zoned Rural 1 deferred Residential (serviced) under the operative Tasman Resource Management Plan (TRMP) provisions. The reasons for the zoning deferment, as shown in Schedule 17.14A: Deferred Zone Locations of the operative TRMP, is 'Reticulated water supply, wastewater and stormwater services required and deferred until 2031.'
5. This land, and other existing deferred land in Māpua and Motueka have been excluded from the sites considered for either zoning deferment uplift or inclusion in new Table 17.14A, on the basis that they are being considered strategically in relation to other processes (in the case of Māpua, this is the Māpua Masterplan process). This removes any mechanism available to Mr Orrah to uplift the zoning deferment for his land, until such a time as the Masterplan has been approved, and any subsequent plan change to rezone the land in accordance with the approved Masterplan has been completed
6. Mr Orrah understands the intent of the Masterplan is to provide a strategic approach to providing for growth in Māpua through rezoning land and providing for infrastructure upgrades. Mr Orrah supports this and will be submitting on the Māpua Masterplan.
7. Mr Orrah's support for PC79 is contingent upon the timely progression of the Māpua Masterplan and subsequent zoning plan changes that will enable the upzoning of his land and reinstatement of a pathway to development of the land.
8. If the Māpua Masterplan and subsequent zoning plan changes were not being progressed in parallel to PC79, Mr Orrah would seek amendments to PC79 to ensure a pathway to deferred zoning uplift were provided for in in Schedule 17.14A: Deferred Zone Locations.

Yours sincerely
PLANSCAPES (NZ) LTD



Hayden Taylor
Resource Management Consultant

P: (03)5390281

M: 021 071 2209

Hayden@planscapes.co.nz

COVER SHEET

Return your submission by the advertised closing date to:
 Environmental Policy
 Tasman District Council
 Private Bag 4, Richmond 7050 OR
 189 Queen Street, Richmond OR
 Fax 03 543 9524 OR
 Email: tasmanmp@tasman.govt.nz

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Initials: tasmanmp@tasman.govt.nz

Submitter No. Submitter # 4221

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

1. This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
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Submitter Name: OREGON LAND LTD
 (organisation/individual)

Representative/Contact: GORDON WILLIAM WEBB (DIRECTOR)
 (if different from above)

Postal Address:

OREGON LAND LTD
 c/o GORDON WEBB
 203 QUEEN STREET RICHMOND
 NELSON

Phone: 021540241

Fax: 035442900

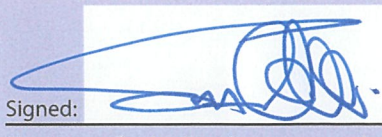
Email: GORDON.WEBB@SUMMIT.CO.NZ

Date: 11/12/24

Postal address for service of person making submission:
 (if different from above)

HAYDEN TAYLOR
 PLANSAPES (NZ) LTD
 P.O. Box 99
 NELSON

Total number of pages submitted (including this page): 1

Signed: 
 Signature of submitter (or person authorised to sign on behalf of submitter). NOTE: A signature is not required if you make your submission by electronic means.

IMPORTANT – Please state:

This submission relates to Change No.: 79

Change Title/Subject: Deferred zoning

- I/we wish to be heard in support of my/our submission.
 I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition?
 (tick one) Yes No

Remember: Attach this Cover Sheet to as many Content Sheets as required.

Ref 2512 Oregon Land Ltd PC79

11 December 2024



Tasman District Council
Private Bag 4
RICHMOND 7050

Attn: Jeremy Butler

Dear Jeremy

RE: Proposed Plan Change 79 - Submission on behalf of Oregon Land Ltd

Introduction

1. This is a submission prepared by Planscapes (NZ) Ltd on behalf of Oregon Land Ltd (Oregon) on Plan Change 79: Deferred Zoning ('the Plan Change'). Oregon owns land at Hart Road and Sabine Drive, Richmond as shown in Figure 1 below as 'Oregon Johnson Block' and 'Oregon Field Block'. The legal description of this land is Lot 1 DP 572986, comprised in RT1042011, and; Lot 4 DP 583537, comprised in RT1095203.

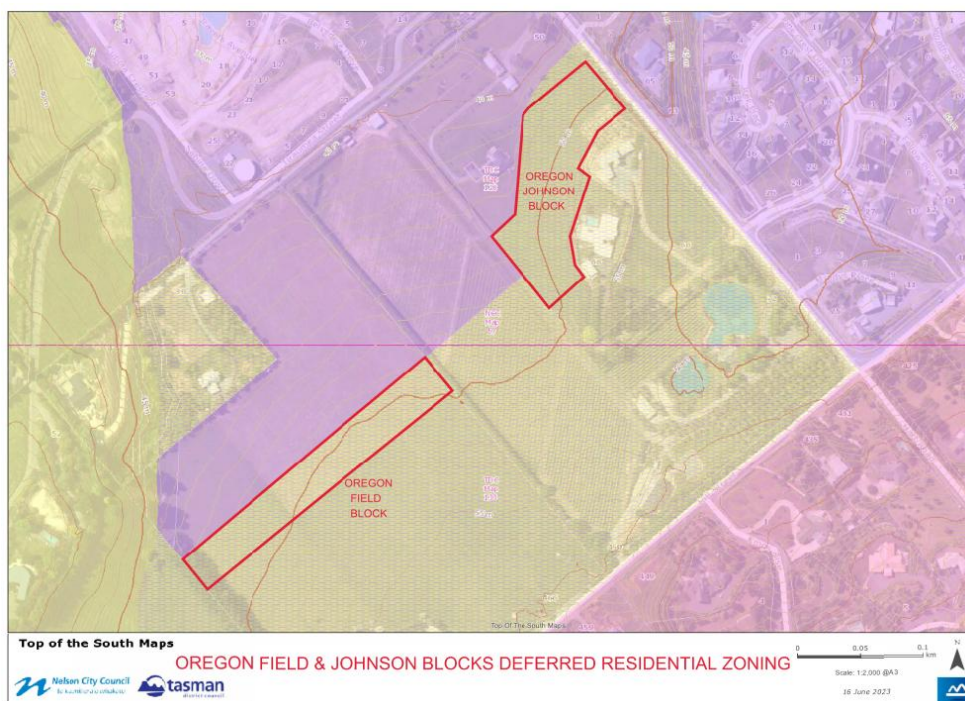


Figure 1: Land owned by Submitter at Hart Road and Sabine Drive, Richmond.

2. Oregon wish to be heard in support of their submission and would be prepared to consider presenting their submission in a joint case with others making a similar submission at any hearings.
3. Oregon is not in a position to gain an advantage in trade competition through this submission.

- Oregon **supports** the overall intent Plan Change and **supports in part** and **opposes in part** specific aspects/ provisions of the Plan Change. Oregon seek changes to specific aspects/ provisions of the Plan Change as detailed below.

Changes sought

- Oregon support the rezoning of the land identified in the plan change as RS15A and RS15B (refer to Figure 2 below) as Residential.

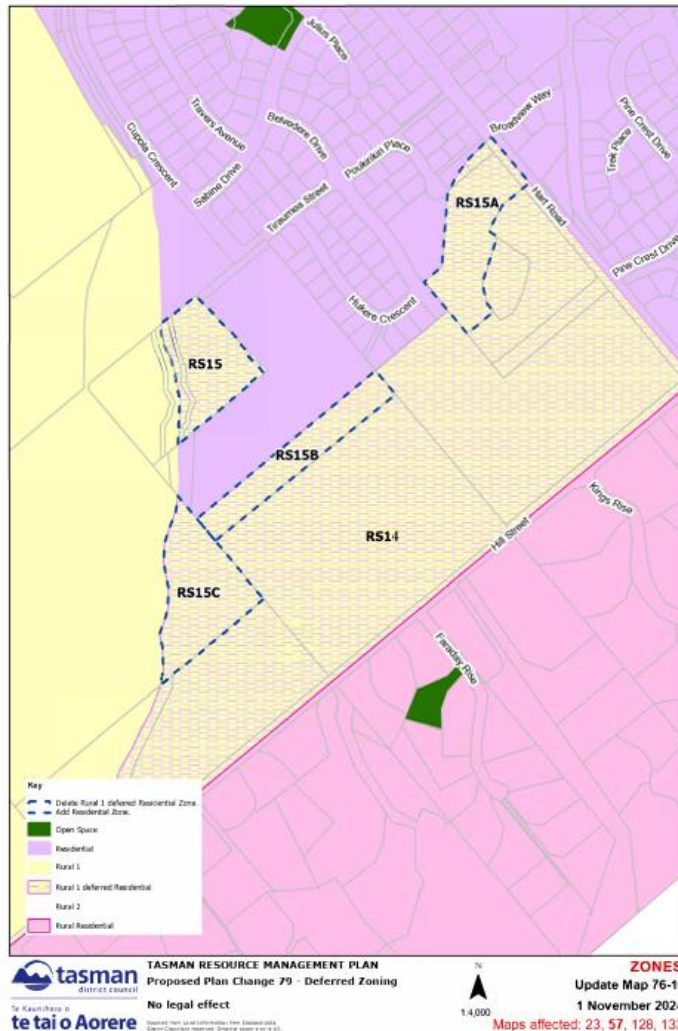


Figure 2: PC79 zone update map 76-10, showing proposed rezoning of land identified as RS15 and RS15A-C.

- Oregon oppose the removal of the indicative road identified as RS14 in the proposed Areas update map 76-02, as shown in Figure 3 below. Oregon request that the indicative road remain in the TRMP maps.

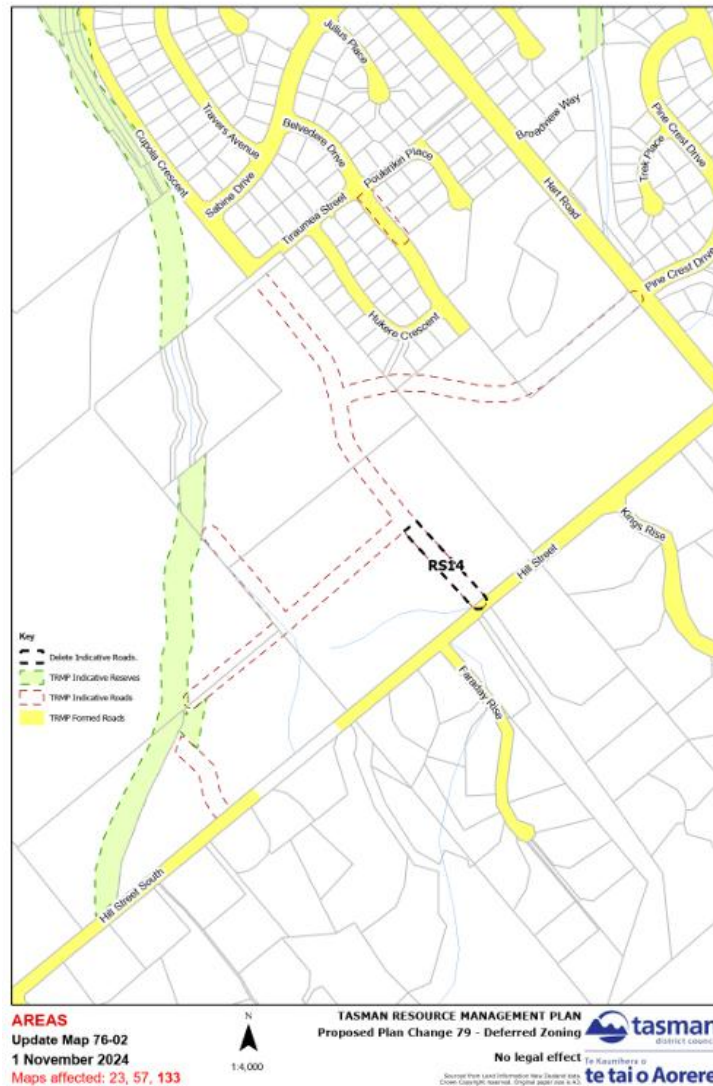


Figure 3: PC79 zone update map 76-02, showing proposed removal of indicative road identified as RS14.

7. The indicative road proposed for removal is not within land owned by Oregon, but would serve their land and provide for improved connectivity of the subdivision with surrounding roads, in particular Hill Street.
8. It is not clear from the plan change documentation (including the s32 report and Stantec Infrastructure report) why this indicative road is proposed for removal.
9. Retention of the indicative road is consistent with operative a provisions of the TRMP, including:
 - a. proposed new Objective 6.3.2.3 (a):

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 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.

C79 11/24

- b. Existing Policy 6.3.3.5:

6.3.3.5 To promote a pattern of roading in urban areas that maximises choice of route through a network, with recognition of the contributions of individual extensions to the network pattern and of the constraints of topography.

- c. The Urban Design Guide which applies to the Richmond South Development Area, which includes guidance on street connectedness:

Guideline C2 STREET CONNECTEDNESS <i>Refer to Figure C2a</i>
<p>Encourage maximum accessibility within the urban area by:</p> <ul style="list-style-type: none"> • Creating streets that are interconnected with other streets and with minimal dead ends or cul-de-sacs. • Making collector streets that provide for walking, cycling and easy navigability around a neighbourhood by direct routes. • Ensuring that cul de sacs (where they are rarely provided for) have walking and cycling links to adjacent streets and to provide for a potential vehicle connection in the future. • Providing cycleways on main routes to Richmond, Brightwater, <u>Wakefield</u>, Motueka and Mapua town centres and schools. • Creating regular street intersections and limited block lengths. <ul style="list-style-type: none"> • Providing clear and safe access to greenway networks from the street network with direct visual and walking links across that follow the street alignment. <p>It is important to have high levels of accessibility because it:</p> <ul style="list-style-type: none"> • assists reduced travel distances (walking or driving) between destinations • enhances walkability by providing reasonably direct routes between places • enhances the ease with which people can find their way around a place by providing minimal dead ends.

10. The relief sought by Oregon is detailed in the following table:

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Planning update map 76-10	Support rezoning of the identified land as Residential.	Retain map as notified
Planning update map 76-02	Oppose deletion of indicative road shown as RS14.	Retain indicative road as shown in Operative TRMP map 133 Richmond South.

Yours sincerely
PLANSCAPES (NZ) LTD

Hayden Taylor
 Resource Management Consultant

P: (03)5390281

M: 021 071 2209

Hayden@planscapes.co.nz

Submission on the Tasman District Council – Proposed Plan Change 79

To: Tasman District Council

Name of submitter: Ministry of Education Te Tāhuhu o Te Mātauranga ('the Ministry')

Address for service: C/- Beca Ltd
PO Box 13960
Christchurch 8141

Attention: Daly Williams

Phone: (03) 371 3664

Email: daly.williams@beca.com

This is a submission on the Proposed Tasman District Plan Change 79¹

Introduction/Background

The Ministry of Education (the Ministry) is the Government's lead advisor on the New Zealand education system, shaping direction for education agencies and providers and contributing to the Government's goals for education. The Ministry assesses population changes, school roll fluctuations and other trends and challenges impacting on education provision at all levels of the education network to identify changing needs within the network so the Ministry can respond effectively.

The Ministry has responsibility not only for all State schools owned by the Crown, but also those State schools that are not owned by the Crown, such as designated character schools and State-integrated schools. For the Crown-owned State school, this involves managing the existing property portfolio, upgrading and improving the portfolio, purchasing and constructing new property to meet increasing demand, identifying and disposing of surplus State school sector property and managing teacher and caretaker housing.

The Ministry is therefore a considerable stakeholder in terms of activities that may impact on existing and future educational facilities and assets in the Tasman district.

The Ministry's submission is:

The Ministry has reviewed Council's s32 report advising that the previous deferred zoning methodology may not be robust. It is understood Tasman District Council (TDC) now seek to amend the Tasman Resource Management Plan (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

The Ministry has a particular interest in the parts of the TRMP that, either directly or indirectly, have the potential to impact on the Ministry's interests, such as the management and operation of existing educational facilities or the establishment of new educational facilities. This includes the zoning of land that may give rise to increased intensification.

The specific amendment relates to Objective 6.3.2.3, as outlined below:

¹ Terms marked with an * above are terms used in relation to the proposed PC that are from the Operative Plan, but which are proposed through PC to be amended and are within scope of PC. Changes from the operative definition are shown using ~~strikethrough~~ or underlining.

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 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.

In regards to Objective 6.3.2.3, the Ministry generally supports the intent of the objective as it seeks to appropriate sequencing for development within the deferred zoning, having consideration to the transport network, 3-waters infrastructure, electricity and telecommunications. However, the objective has no regard for appropriate sequencing of developments, where relevant, with additional infrastructure and strategic planning. The Ministry seek the inclusion of (c) to include 'additional infrastructure'² as this includes educational facilities. It is important that, where relevant and where there is an operational need, additional infrastructure is factored into the sequencing of development to enable pro-active planning of these facilities.

For the reasons outlined above, the Ministry seeks the following relief, shown in red text and underscore:

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 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.

The Ministry does not wish to be heard in support of their submission.



Daly Williams
(Signature of person authorised to sign on behalf of the Ministry of Education)

Date: 12 December 2024

² additional infrastructure means:

- (a) public open space
- (b) community infrastructure as defined in section 197 of the Local Government Act 2002
- (c) land transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities
- (d) social infrastructure, such as schools and healthcare facilities
- (e) a network operated for the purpose of telecommunications (as defined in section 5 of the Telecommunications Act 2001)
- (f) a network operated for the purpose of transmitting or distributing electricity or gas

COVER SHEET

Return your submission by the advertised closing date to:
 Environmental Policy
 Tasman District Council
 Private Bag 4, Richmond 7050 OR
 189 Queen Street, Richmond OR
 Fax 03 543 9524 OR
 Email: tasmanrmp@tasman.govt.nz

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Date received stamp:

Received
 12 December 2024

Initials: tasmanrmp@tasman.govt.nz

Submitter No. Submitter # 3720

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

1. This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
3. Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e. Council makes a decision to refuse, amend or accept the changes). Please include specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.

x Submitter Name: MT Hope Holdings LTD,
 (organisation/individual)

Representative/Contact: Graeme Dick
 (if different from above)

x Postal Address: ✓ Phone: 0274322658

P O Box 716
Nelson

 Fax: _____
 Email: projectrendventures@graemedick.co.nz
 Date: 11/12/24

Postal address for service of person making submission:
 (if different from above)

Total number of pages submitted (including this page): _____

Signed: Graeme Dick
 Signature of submitter (or person authorised to sign on behalf of submitter). NOTE: A signature is not required if you make your submission by electronic means.

IMPORTANT – Please state:

This submission relates to Change No.: 79

Change Title/Subject: Deferred zoning

- I/we wish to be heard in support of my/our submission.
 I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

05/19

Remember: Attach this Cover Sheet to as many Content Sheets as required.

Ref 1248 Mt Hope PC79

11 December 2024

Tasman District Council
Private Bag 4
RICHMOND 7050

Attn: Jeremy Butler

Dear Jeremy

RE: Proposed Plan Change 79 - Submission on behalf of Mt Hope Holdings Ltd

Introduction

1. This is a submission prepared by Planscapes (NZ) Ltd on behalf of Mt Hope Holdings Ltd (Mt Hope) on Plan Change 79: Deferred Zoning ('the Plan Change'). Mt Hope owns land at 166 Māpua Drive, Māpua ('the subject land' refer to Figure 1 below). The legal description of this land is Lot 2 DP 479544, comprised in RT673259.



Figure 1: Land owned by Submitter at 166 Māpua Drive, Māpua

2. Mt Hope wish to be heard in support of their submission.
3. Mt Hope is not in a position to gain an advantage in trade competition through this submission.

Mt Hope **supports** the general intent of the Plan Change and **supports in part and opposes in part** specific aspects/ provisions of the Plan Change.

The relief Mt Hope seeks is that Council **approve** the Plan Change subject to the amendments to specific aspects/ provisions of the Plan Change as detailed below.

Background

4. The subject land benefits from a suite of resource consents that enable development of the site for residential purposes, including earthworks, subdivision and stormwater discharge. As part of granting these consents, Council also uplifted the zoning deferment that applied to most of the site (refer to Figure 2 below). As a result, the majority of the site is currently zoned Residential. A small area of land in the north-western corner of the site is identified in the existing consents as a Stage 2 development area, and the deferred zoning of this piece of land is still in effect. Servicing of this Stage 2 land was not detailed at subdivision stage, in particular due to plans for stormwater drainage of the land still being in development.
5. The current zoning of this stage 2 land is Rural 1 Deferred Residential. It's reasons for zoning deferment are absent from the table included in the Operative TRMP at Schedule 17.14A. However, it is understood that the deferment was originally due to insufficient stormwater, wastewater and water supply servicing.

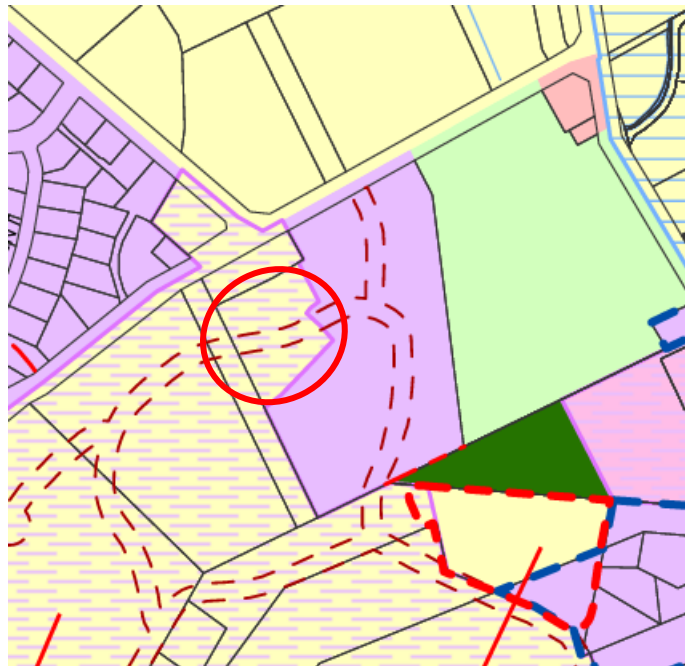


Figure 2: Operative TRMP zone map 87 showing 166 Māpua Drive as having residual deferred zoning circled red in the north-west corner.

6. Upgrades to Council water supply and wastewater services within Aranui Road have been undertaken in recent years, and upgrades have also been undertaken to the wastewater pump station on Māpua Drive, which the consented subdivision of the site will connect to. It is understood that sufficient servicing capacity exists to enable uplift of the current zoning deferment. Mt Hope were intending to drain stormwater from the Stage 2 area to the adjacent land at 120 Higgs Road, where a shared detention pond was proposed. This proposal has not progressed due to differing development timeframes for the two sites. Mt Hope have reached agreement with the adjoining landowner at 150 Māpua Drive to establish drainage through this land to enable connection to the reticulated stormwater and wastewater network within Māpua Drive for development of the Stage 2 area. It is anticipated that on-site stormwater

detention would be required for lots within this area, an approach also taken for a portion of the Stage 1 development site.

7. Plan Change 79 – Deferred Zoning proposes to introduce a new deferred zone framework to replace the existing method in the TRMP. The new deferred zone framework relies on a trigger rule mechanism and also proposes to formally rezone some existing deferred land on the basis that the matters leading to the initial deferral have been satisfied or are no longer relevant.
8. Existing deferred zones in Māpua and Motueka have been excluded from the sites considered for either zoning deferral uplift or inclusion in new Table 17.14A, on the basis that they are being considered strategically in relation to other processes (in the case of Māpua, this is the Māpua Masterplan process).
9. Mt Hope's land is not currently included in the Māpua Masterplan maps (refer to Figure 3 below) showing proposed areas for rezoning, however it is included in the overall masterplan extent. The fact that the Mt Hope land is not covered in the masterplan distinguishes it from other land in and around Māpua that is intentionally excluded from PC79.

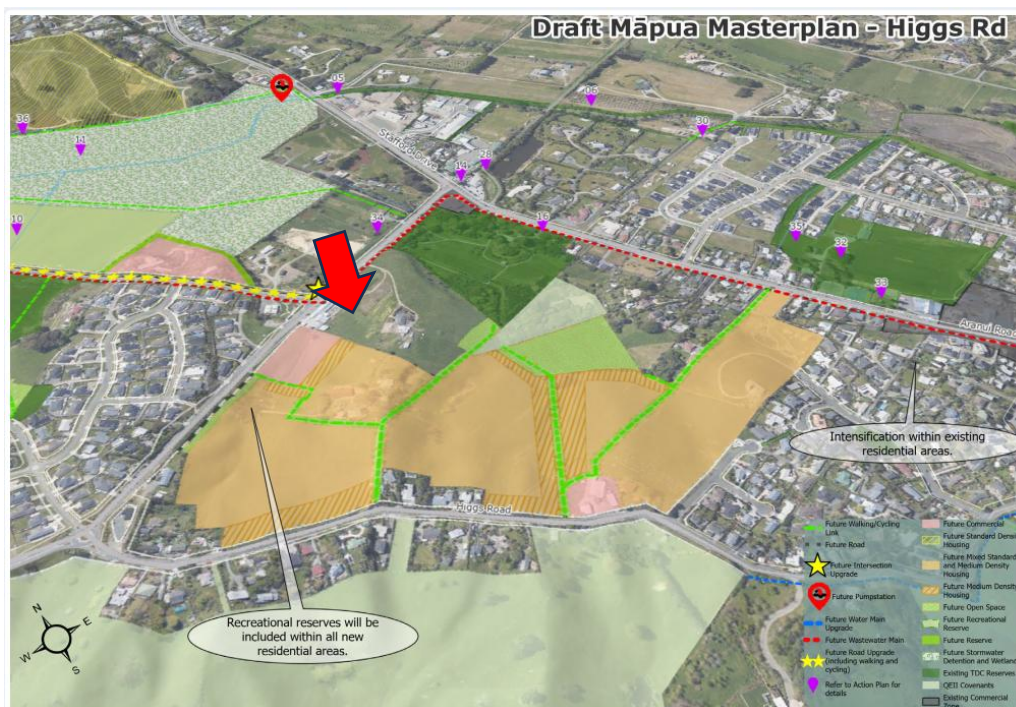


Figure 3: Draft Māpua Masterplan – Higgs Rd. Subject site indicated by red arrow

Relief sought

10. Mt Hope request the inclusion of the subject land in the plan change. Whilst the plan change identifies that the scope of the change excludes existing deferred zoned land in and around Māpua, this is on the basis that the zoning of this land will be addressed through the Māpua Masterplan process and subsequent plan changes to give effect to this. As the subject land is not currently addressed in the Masterplan, and the ability of Mt Hope to uplift the zoning deferral is being removed by the plan change, it is considered reasonable for Mt Hope to seek an alternative means of addressing the current zoning deferral through inclusion in the plan change.
11. Mt Hope intend to progress development of the Stage 2 part of their land in the short term. The plan change in its current form is detrimental to their ability to do this as it would necessitate them seeking consent under the TRMP provisions that apply to the Rural 1 zone. As the site is not addressed through the Māpua Masterplan, there is no

short term prospect of this situation being remedied, other than by way of a private plan change. Given the small area of land covered by the deferred zoning, seeking a private plan change to uplift the zoning would be cost prohibitive, and unreasonable.

12. Whilst Mt Hope intend to also submit on the Māpua Masterplan to seek inclusion of the subject land in this, there is no certainty of this occurring given the progress of this process relative to that of PC79. Additionally, as Mt Hope seek to develop the land over a short time frame, the timing of the masterplan and subsequent rezoning of land is less desirable. Given the small extent of land in the Stage 2 Mt Hope area and its readiness for development in terms of servicing, rezoning of the land as part of PC79 is the most practical and common sense approach to enable timely development of the land to achieve the growth outcomes sought for Māpua.
13. The specific changes that Mt Hope seek be made to the plan change are, in the first instance:

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Planning map 87	Oppose exclusion of Planning Map 87 from maps to be changed under PC79.	Amend Planning Map 87 to remove 'Rural 1 deferred Residential' zoning from Stage 2 part of the Mt Hope land, and add 'Residential' zoning.

14. Mt Hope's preference is for the land to be rezoned as above, and expects to be able to demonstrate feasibility of the necessary stormwater connection in evidence prior to a hearing on the plan change. In the alternative, the relief sought is:

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Schedule 17.14A: Deferred Zone Locations	Oppose exclusion of Stage 2 part of the Mt Hope land from the table detailing works required to activate trigger rule	Amend table at Schedule 17.14A to include text in Column C reading 'Chapters 7, 16.3.2.1-16.2.5 16.3.5 and 17.5'; at Column D reading 'Stormwater: Connection to reticulated stormwater network within Māpua Drive', and; at Column G reading 'Chapters 5, 6, 16.3.2.1-16.2.5, 16.3.3 and 17.1'.

Yours sincerely
PLANSCAPES (NZ) LTD



Hayden Taylor
 Resource Management Consultant
 P: (03)5390281
 M: 021 071 2209
Hayden@planscapes.co.nz

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

1. This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
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COVER SHEET

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 Tasman District Council
 Private Bag 4, Richmond 7050 OR
 189 Queen Street, Richmond OR
 Fax 03 543 9524 OR
 Email: tasmanrmp@tasman.govt.nz

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Received
12 December 2024

Initials: tasmanrmp@tasman.govt.nz

Submitter No. Submitter # 4222

Submitter Name: AB & SL Family Trust
(organisation/individual)

Representative/Contact: Graham Thomas Resource Management Consultants Ltd (Graham Thomas)
(if different from above)

Postal Address:
allan.mclean@asm.nz - 021 243 9833

Phone: 0274 915 882

Fax: _____

Email: graham@trm.net.nz

Date: 13/12/2024

Postal address for service of person making submission:
(if different from above)
PO BOX 3314
 RICHMOND 7050

Total number of pages submitted *(including this page)*: _____

Signed: _____
 Signature of submitter (or person authorised to sign on behalf of submitter). *NOTE: A signature is not required if you make your submission by electronic means.*

IMPORTANT – Please state:

This submission relates to Change No.: PC79

Change Title/Subject: DEFERRED ZONING

- I/we wish to be heard in support of my/our submission.
 I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? *(tick one)* Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition?
(tick one) Yes No

Submission on a Change to the Tasman Resource Management Plan (TRMP) - Plan Change 79: Deferred Zoning

Introduction

1. This is a submission by **AB & SL FAMILY TRUST** on Plan Change 79: Deferred Zoning ('the Plan Change'). We own and occupy land at **563 Lower Queen Street** (refer to details below). The legal description of this land is Pt Lot 2 DP 7236, comprised in RT3B/745 with an area of 4.0448ha.

See attached aerial plan

2. We wish to be heard in support of our submission and would be prepared to consider presenting his submission in a joint case with others making a similar submission at any hearings.

But, we wish to reserve the right to also make an independent presentation of our "**Addendum to this Main Submission**" to address information specific to our property.

3. We are not in a position to gain an advantage in trade competition through this submission.

We **support** the general intent of the Plan Change and **support in part and oppose in part** specific aspects/ provisions of the Plan Change.

The relief we seek is that Council **approve** the Plan Change subject to the amendments to specific aspects/ provisions of the Plan Change as detailed below.

Overview

4. The Plan Change proposes to introduce a new deferred zone framework to replace the existing method in the Tasman Resource Management Plan (TRMP). The new deferred zone framework relies on a trigger rule mechanism and also proposes to formally rezone some existing deferred land on the basis that the matters leading to the initial deferral have been satisfied or are no longer relevant.
5. Our property is located within the RW1 land that is proposed to be rezoned from Rural 1 deferred Light Industrial, to Light Industrial. We **support** this aspect of the Plan Change.
6. On the basis that it is proposed to uplift the deferred zoning on our land, the new deferred land framework will not affect us, therefore we are **neutral** on this aspect of the Plan Change.
7. The Plan Change seeks to introduce a Schedule 17.4A area that will apply to much of the RW1 area. This is reflected in the planning maps, and new objectives, policies and rules are proposed which relate to this schedule area. We **support** these changes, **subject to the changes detailed below**.
8. In essence, the changes sought seek to provide flexibility in relation to the requirement for industrial activities and buildings to be temporary, relocatable or readily removable. Whilst the need to manage risks associated with natural hazards appropriately is acknowledged, there may be circumstances where potential risk can be addressed through site-specific circumstances and/ or alternative management or mitigation measures. Subject to adequate expert assessment, it is submitted that an exemption pathway would be appropriate to enable greater certainty to landowners/ developers

through avoiding limited duration consents and/ or consent conditions requiring removal of buildings when a sea level rise trigger point is reached. It is envisaged that this exemption pathway would be provided for as a discretionary activity, enabling Council to assess any proposal seeking the pathway on its merits, and either grant or decline consent. These changes, and others, are detailed in the section below.

9. In addition to the specific relief set out below, we make the following general comments:
 - The Plan Change must deliver opportunities for viable development both within and outside the Schedule 17.4A area. It is incumbent on the Council to ensure there remains a pathway to encourage investment to fulfil the purpose of the upzoned land and that conditions imposed do not frustrate the activities applied for.
 - The Plan Change provisions must reflect robust inundation, coastal hazard and sea level rise predictions/ modelling.
 - The Plan Change provisions must acknowledge there are many and varied solutions to address coastal hazard risks and different sites will face varying vulnerabilities subject to topography and distance from the coast. Construction methods will evolve/ improve over time and the Plan Change needs to be responsive to innovative solutions.
 - Landowners must be afforded a choice in how they manage coastal hazard risk on their properties i.e. an exemption pathway is important to create flexibility and enable bespoke treatments where landowners are willing to invest in these, and alternate solutions are supported by expert assessment.
 - The Plan Change should deliver comparable treatment for land that has already had its deferred status lifted and landowners within the Schedule 17.4A area.
 - The Plan Change is important to enable Council to meet its obligations under the National Policy Statement for Urban Development.
 - There is sufficient information available for Council to advance the Plan Change. It would be inappropriate to delay action and await further national direction.
 - Construction of coastal hazard structures to defend the coastline is supported.

RELIEF SOUGHT

The Planning Maps:

10. The southern boundary of the Schedule 17.4A area cuts across multiple title boundaries and is understood to have been drawn to reflect the 5.1m (NZVD 2016) existing ground contour, although this is not especially clear in the notification documents. This submission seeks further clarification on the basis for delineating the Schedule 17.4A boundary. As different land use rules are proposed to apply to land within and outside of the Schedule 17.4A area, complexities may arise for development within parcels that are partially banded by the Schedule 17.4A notation.
11. It is requested that either the Schedule 17.4A area boundaries are drawn to:
 - a. reflect cadastral boundaries (where close to 5.1m), and/or;
 - b. to provide for situations where land within the Schedule area is raised as part of a development proposal to be above 5.1m, that the provisions that apply

outside of the Schedule area may be applied to the raised land within the Schedule area.

12. The former option requires a change to Update Zone Map 76-12 as identified in the table below; the latter requires changes to rules, as detailed later in this submission.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Update Zone Map 76-12	Support rezoning of RW1 area as Light Industrial	Retain provisions as drafted.
Update Zone Map 76-12	Oppose current extent of area identified as 'Subject to Schedule 17.4A'	Amended extent to reflect cadastral boundaries, with only land parcels that are entirely below 5.1m (NZVD 2016) included within the Schedule area. This submission also seeks clarification on the data/information for distinguishing the schedule 17.4A boundary. We seek to confirm appropriateness (or apply other methodology) to distinguish the schedule 17.4A area, provided this does not increase land area as notified.

Site Specific Relief:

13. As addressed above in the TABLE in Item 12

Objectives and Policies:

14. Changes are sought to some proposed policies to reflect the opportunity for an exemption pathway, as indicated above. It is expected that any exemption would need to be assessed against these policies, therefore flexibility needs to be built into them to provide a pathway for consent to being granted in appropriate circumstances.
15. Accordingly, changes are proposed to Policy 6.5.3.10A, and a new Policy 6.5.3.10AB is proposed. The reason for the changes is that the Schedule 17.4A area covers land with a wide range of elevations and variable distance from the coast. Land within the Schedule area is therefore subject to a range of vulnerabilities to coastal hazards . A requirement for all industrial activities and buildings to be temporary, relocatable or readily removable may be unnecessary for some land within the Schedule area, particularly where other mitigation (such as building up of land, or specific construction detail) may be feasible and appropriate.
16. The restrictions on building construction as notified may disincentivise investment in development of the zone for some light industrial activities, frustrating the purpose of the rezoning. We consider that, provided an applicant has provided comprehensive information (including expert assessment as required), then industrial buildings that are not necessarily 'temporary, relocatable, or removable' should be provided for, or at least a pathway enabled for consent to be obtained, on a case-by-case basis.

17. The amendments seek removal of Policy 6.5.3.10A(d) on the basis that these matters are adequately covered by Policy 6.5.3.10A(b) which already 'avoids' permanent buildings. Further, the relevant assessment matters (and section 108 of the Act) adequately provide scope to impose consent conditions on financial matters such as 'bonding' which can provide Council the necessary the 'financial' certainty that the buildings can be removed from a site in the future.
18. Consequential changes are sought to proposed Policies 6.5.3.10 B and 6.5.3.10C, to the Methods of Implementation at 6.5.20.1, and in the Principal Explanations and Reasons at 6.5.30.
19. Changes are also proposed to proposed Policies 6.8.3.23A and 13.1.3.7A, which use the word 'avoid', which has a strong imperative meaning, in conjunction with 'long-term industrial use', which is undefined and open to interpretation. Given the flexibility sought above in relation to land where coastal hazards can be appropriately avoided or managed, changes are sought to these policies to enable this, and to avoid ambiguity associated with undefined terms. Relatedly, changes are sought to the Principal Reasons and Explanation at 6.8.30 and 13.1.30.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows: Changed as follows (deletions struck through, insertions underlined):
Policy 6.5.3.10A	Support provision, with changes made to enable exemption pathway	<p><i>'In the Light Industrial Zone location that is subject to Schedule 17.4A:</i></p> <p><i>(a) to enable industrial activities and buildings that are temporary, relocatable or readily removable in the short to medium term.</i></p> <p><i>(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></i></p> <p><i>(c) To ensure that industrial activities and buildings are <u>able to be</u> removed from the land that is subject to Schedule 17.4A (as identified on the planning maps) when inundation risks and coastal hazards are <u>unacceptable not otherwise remedied or mitigated.</u></i></p> <p><i>(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.</i></p> <p><i>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.'</i></p>
New Policy 6.5.3.10AA	Insert new policy	<i>'<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</u></i>

		<u>assessment.</u> '
Policy 6.5.3.10 B	Support provision, with changes made to enable exemption pathway	<i>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 assess proposed activities on a case-by-case basis</i>
Policy 6.5.3.10 C	Support provision, with changes made to enable exemption pathway	<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 <u>significant adverse effects from inundation and coastal hazards due to sea level rise, except where provided for by Policy 6.5.3.10AA</u></i>
6.5.20.1 Regulatory	Support provision, with changes made to enable exemption pathway	<i>Regulatory...(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, except where in accordance with Policy 6.5.3.10AA.</i>
6.5.30 Principal Reasons and Explanation	Support provision, with changes made to enable exemption pathway	<i>... However, some areas of land zoned Light Industrial are <u>subject vulnerable</u> to future sea level rise. These areas are unlikely to <u>may not</u> be 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 inundation, coastal hazards and sea level rise, or where otherwise provided for by Policy 6.5.3.10AA.</u></i>
Policy 6.8.3.23A	Support provision, with changes made to enable exemption pathway and to avoid ambiguity of terms	<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>
Policy 6.8.3.11 Richmond West	Support provision, with changes made to enable exemption pathway	<i>... This light industrial zone park 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 inundation, coastal hazards and sea level rise, except where provided for by Policy 6.5.3.10AA.</u></i>
Policy 13.1.3.7A	Support provision, with changes made to enable exemption pathway and to avoid ambiguity of terms	<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>
Principal Reasons and Explanation at	Support provision, with changes made to enable	<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</i>

6.8.30	exemption pathway	<i>significant adverse effects from inundation, coastal hazards and sea level rise. <u>Activities and buildings in this Schedule 17.4A 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>
Principal Reasons and Explanation at 13.1.30	Support provision, with changes made to enable exemption pathway	<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>

Subdivision

20. We **support** the retention of the existing subdivision rule framework for the Light Industrial Zone, insofar as it relates to the Light Industrial Zone in the Richmond West Development Area.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Chapter 16.3 Subdivision	Support provisions	Retain provisions as drafted.

We also require reference within this Plan Change to the subdivision layout and servicing as previously submitted to Council Staff. This is addressed further in the attached **Addendum** to this **Main Submission**.

Land Use Rules for Light Industrial Zone – Activities:

21. Land use activities within the Light Industrial Zone are governed primarily by the rules at Section 17.4 of the TRMP. Rule 17.4.2.1 permits any land use provided various conditions are met, and the Plan Change seeks to add a new condition (a) which states:

‘If the location of the activity is within the area that is subject to Schedule 17.4A (as shown on the planning maps), the activity is permitted by Rule 17.5.2.1 or 17.5.4.1.’

22. As discussed above, to avoid a situation where a land parcel being developed is subject to two sets of provisions due to the Schedule 17.4A boundary cutting across a lot, and if Council do not accept the suggestion to redefine the schedule area to reflect cadastral boundaries, changes are requested to Rule 17.4.2.1 as detailed below.

23. Rules 17.5.2.1 and 17.5.4.1 are the permitted land use rules that apply to activities such as plantation forests, horticultural plantings, spray and shelter belts within the Rural 1 zone. The intent of this new provision is supported, in that it seeks to provide for the continued use of the land (including, subject to prescribed setbacks, the use of pesticides associated with horticultural land use) within the Schedule 17.4A area for soil-based production activities until such a time as the land is developed for light industrial purposes. However, it is unclear why the Schedule 17.4A area has been distinguished

in the rule, rather than these provisions applying to the entirety of the zone in this location. This should be provided for.

24. A new controlled activity rule, Rule 17.4.2.1A, is proposed to address land use activities within the Schedule 17.4A area that cannot comply with Rules 17.5.2.1 and 17.5.4.1. As land use activities (other than light industrial land use) in this area will not be permitted by Rule 17.4.2.1, Rule 17.4.2.1A provides for these as a controlled activity. In order to meet the controlled activity rule, the following must be met:

'(a) The activity complies with conditions (a) to (r) of rule 17.4.2.1.

(b) Mean Sea Level is lower than the Schedule 17.4A sea level rise trigger.

(c) Any resource consent issued will expire 12 months after Mean Sea Level reaches or exceeds the Schedule 17.4A sea level rise trigger.'

25. The certainty of this controlled activity pathway for establishing activities in the Schedule area is supported. Note that further comments on the proposed sea level rise trigger level are provided below.
26. Any activity that does not meet any of the conditions (a)-(c) of Rule 17.4.2.1A is a discretionary activity under Rule 17.4.2.3. We envisage that an applicant may wish to seek this discretionary activity pathway to either seek an alternative sea level rise trigger (or no trigger) and associated consent expiry date depending on the specifics of the site (such as ground levels and location relative to the coast) and the nature of activities proposed. It is expected that an application seeking this 'exemption pathway' would need to be supported by specialist engineering advice in relation to risks of coastal hazards, addressing the specifics of the site and proposed activities. It is requested that Rule 17.4.2.3 be amended to make this pathway more explicit, reflecting the amendments suggested to policies above. Associated information requirements should be addressed in Chapter 19, addressed further below.
27. Further, we have suggested a new permitted activity rule that preserves lawfully established activities to be protected as a permitted activity. This simplifies reliance on matters such as existing use rights that may not meet the permitted and controlled pathways provide for by Rule 17.4.2.1 and Rule 17.4.2.1A above.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Rule 17.4.2.1 (a) – (ab)	Support provision, with changes 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	<p>We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:</p> <p>Changed as follows (deletions struck through, insertions underlined):</p> <p><i>'(a) <u>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.'</u></i></p> <p><i>(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</u></i></p>

	for light industrial activities within the Schedule 17.4A area. Also to avoid applicability of Schedule 17.4A provisions where land is within the schedule area but with a ground level exceeding 5.1m.	<i>(NZVD 2016) the activity is either:</i> <i>(i) <u>permitted by Rule 17.5.2.1 or 17.5.4.1, or;</u></i> <i>(ii) <u>meets the other conditions of this Rule.</u></i> <i>(ab) The activity is not one of the following:...</i>
New Rule 17.4.2.1 (aaa)		The submission seeks to include a new rule preserve any existing activities that have been lawfully established as a permitted activity.
Rule 17.4.2.1A	Support provision	Retain as notified
Rule 17.4.2.3	Support provision, with changes proposed to clarify exemption pathway (see New Policy 6.5.3.10AA) and expected information requirement	<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><u>(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.</u></i>

Land Use Rules for Light Industrial Zone – Buildings

28. Existing Rule 17.4.3.1 permits buildings within the Light Industrial zone, subject to conditions, and new condition (aa) requires that the building not be on a site located within the Schedule 17.4A area. A similar exclusion relating to buildings within the Schedule area applies to restricted discretionary Rule 17.4.3.3. It is suggested that Rule 17.4.3.3 be amended to be clearer that buildings within the area subject to Schedule 17.4A are provided for within the Schedule 17.4A provisions.
29. Schedule 17.4A specifically addresses building construction within the Schedule area. There is an error in the title to this schedule, in that it refers to both buildings and subdivision, where rules relate solely to buildings.
30. Rule 17.4A.1.2 provides for buildings within the Schedule area as a controlled activity, subject to meeting conditions. It is noted that condition (c) requires that a condition be placed on any resource consent requiring removal of buildings when the sea level rise trigger is met, rather than 12 months following this as provided for in Rule 17.4.2.1A. As such, amendment is requested to Rule 17.4A.1.2.

31. Condition (d) of Rule 17.4A.1.2 provides that a consent application must include a plan that satisfactorily addresses how the buildings are able, both physically and financially, to be removed from the site. This condition is inefficient as circumstances change over time. As provided for in matter of control (5) financial contributions, including a bond, can be conditioned pursuant to s108 and s108A of the RMA – there is no utility in (d). It is submitted that a bond would only be appropriate in limited circumstances. Over time technology and construction efficiencies may result in costs to complete relocation/ removal at the date consent is granted exceeding costs at the point relocation or removal is required. If Council set a bond at the date of commencement may result in prejudicial outcomes to the applicants and disincentivise investment. Some of the listed matters of control are too broad, are inappropriate for a controlled activity and may give rise to conditions being imposed that have potential to frustrate the activities applied for.
32. In relation to the sea level rise trigger, clarification is sought from Council regarding who is responsible for advising when the sea level rise trigger has been reached, or where this information will be readily available. If Council is responsible for notifying consent holders, the 12 month expiry should be from the date the consent holder is notified of this by Council
33. Any application for a building that does not meet Rule 17.4A.1.2 in respect of removal of buildings when the sea level trigger is reached, or which seek an alternative trigger (or no trigger) would fall for consideration as a discretionary activity under Rule 17.4A.1.4.
34. The trigger level is based on 0.33m of sea level rise, the effects of which would clearly be varied across the range of existing ground levels within the schedule area. It is also possible that an applicant may seek to raise ground/ building platform levels as part of a development proposal, such as has been done at the Light Industrial zoned site at 597 Lower Queen Street where ground levels have been raised to approximately 5m. It is envisaged that an applicant may wish to seek consent for buildings as a discretionary activity, seeking a different trigger level or a set duration of consent. It could be expected that an application for such would need to be accompanied by specialist engineering advice as to what an appropriate trigger level or consent duration would be. For example, an applicant may wish to design a building for a standard design life under the building Act of 50 years. If the site characteristics and building design are adequate, as supported by expert assessment, to not be at risk of damage from coastal hazards over that timeframe (also to meet the requirements of the Building Code and to avoid imposition of a Hazard Notice over that timeframe) then there should be no reason why resource consent should not also be granted for a 50 year timeframe. The additional certainty provided by a set timeframe would provide confidence in investment.
35. As with the exemption pathway detailed above for land use activities, it is requested that changes be made to Rule 17.4A.1.4 to provide an exemption pathway for buildings more explicit. Similar information requirements as detailed above for activities would be expected to be provided to support this, including in relation to construction detail and ability to remove buildings in the future.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows: Changed as follows (deletions struck through, insertions underlined):
Rule 17.4.3.3	Support provision, with changes to clarify cascade of rules	<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 alteration 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>
Schedule 17.4A Heading	Support provision, with error corrected	<i>Schedule 17.4A: Subdivision and b <u>Building</u> on low-lying light industrial land, Lower Queen Street, Richmond</i>
Rule 17.4A.1.2	Support provision, with change to seek consistency with timing specified in other rules	<p><i>Construction or alteration of a building is a controlled activity, if it complies with the following conditions:</i></p> <p><i>...</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 <u>within 12 month following Mean Sea Level reaching or exceeding</u> 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>...</i></p> <p><i>(2) <u>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.</u></i></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>

Rule 17.4A.1.4	Support provision, with changes proposed to clarify exemption pathway and expected information requirement	<p>Construction or alteration of a building that does not comply with the conditions of Rule 17.4A.1.3 is a discretionary activity</p> <p><u>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.</u></p>
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The Sea Level Rise trigger point

36. The Schedule 17.4A sea level rise trigger is defined as

'... the point at which sea level in the Lower Queen Street area has risen by approximately 0.33 metres. If the Port Nelson tide gauge is used the trigger is 0.26 m (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 (averaged over 10 years) of relative sea-level rise above average mean sea level for the period 2013-2022.'

37. This trigger point is relevant to the proposed provisions detailed above in that it is proposed to trigger lapsing of consents for activities and activation of consent conditions that require removal of buildings from land within the Schedule area. This is relevant as too conservative a trigger point may discourage investment in development of land within the schedule area. It is acknowledged that reaching the trigger point may not necessitate retreat of activities and removal of buildings but would require new consents to be sought/ conditions to be varied to enable continued use of the land for activities and/ or buildings. As the trigger point would already have been reached at that point, any consent sought would be for a discretionary activity under the proposed rule framework – controlled activity provisions would not be available at that time. This, too, would create uncertainty that may discourage development. Therefore, the trigger level warrants careful consideration.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Chapter 2 Definitions: Schedule 17.4A sea level rise trigger	Neutral, but may seek alternative sea level rise reference(s) in definition depending on evidence available.	<p>Changed as follows (deletions struck through, insertions underlined):</p> <p><i>the point at which sea level in the Lower Queen Street area has risen by approximately 0.33 <u>[TBA]</u> metres. If the Port Nelson tide gauge is used the trigger is 0.26 m <u>[TBA]</u> (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 <u>[TBA]</u> (averaged over 10 years) of relative sea-level rise above average mean sea level for the period 2013-2022.</i></p>

Additional Information Requirements

38. Chapter 19 outlines the information required to accompany particular types of land use and subdivision consent applications. The Plan Change seeks to add a new rule, Rule 19.2.1.18A.
39. The location of this provision under the heading 'Productive Value Report' is confusing and is a minor matter that it is submitted Council consider amending.
40. As identified above, it is suggested that an additional information requirement be added which requires an engineering assessment of an appropriate trigger level for expiry of consents/ removal of buildings for any land use consent sought under discretionary activity Rule 17.4.2.3 and 17.4A.1.4.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Rule 19.2.1.18A	Replace existing provision	<p>Changed as follows (deletions struck through, insertions underlined):</p> <p>Land use application under Schedule 17.4A</p> <p><u>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.</u></p> <p>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.</p>

Other terms

41. This submission submits neutrally on the use of terms 'short', 'medium and 'long term' utilised throughout PC79. These are undefined terms and clarification is sought what is meant by these references. Further clarification, such as whether 'commencement' of the relevant 'term' is to be calculated from the date of this Plan Change becoming operative, or on the date of any consent application is also sought.

Consequential changes

42. Such other further or consequential relief as may be necessary to fully give effect to the matters raised in this submission.

Yours sincerely

AB & SL TRUST of 563 Lower Queen St

c/o graham@trm.net.nz

ADDENDUM TO MAIN SUBMISSION
BY
AB & SL FAMILY TRUST
563 LOWER QUEEN STREET

1. This addendum is to be read in conjunction with the Main Submission with particular reference Item 20 – Subdivision.
2. We have been working with Council Staff since mid-2020 on development of our property with the intention of uplifting the deferment to enable the property to be developed by way of subdivision and subsequent construction of buildings for “Light Industrial” use.
3. A formal application for Deferment Uplifting was made on 22nd August 2022. A set of plans of the intended subdivision into 5 lots was lodged with that application along with servicing solutions.
4. A copy of that proposed subdivision is attached as a part of this submission – AMK Plans.
5. Those plans are comprehensive and include reference to a report by AMK that addressed the issue of overland flows from upstream, the potential for inundation from sea level rise plus the discharge of stormwater runoff. That information is already on Council files.
6. The proposed subdivision layout has been specifically designed to comply with the restrictions from the existing overhead electricity transmission lines that traverse the site plus provide “larger” lots that met the market demand of that time.
7. It is noted though that Subdivision Rules provide for lots to be created with the minimum area of 750m² as a Controlled Activity hence there is potential for several more lots.
8. We seek that Council include reference to acceptance of this proposed subdivision layout within this Plan Change.

All dimensions are in millimeters and all reduced levels are in meters, unless otherwise stated. Dimensions and levels to be verified on site prior to the commencement of work. Use only figured dimensions, do not scale from drawings. All construction to comply with NZS3604:2011, the New Zealand Building Code and the Tasman District Council bylaws.



2 plan for '5 LOTS'
1:750
COLOUR DRAWING

EX UNDERGROUND SERVICES
EX POWERLINE (DOUBLE POLE)

AMDT 2	28/07/22	FOR RESOURCE CONSENT
AMDT 1	17/06/22	PRELIMINARY
AMENDMENT #	DATE	DESCRIPTION

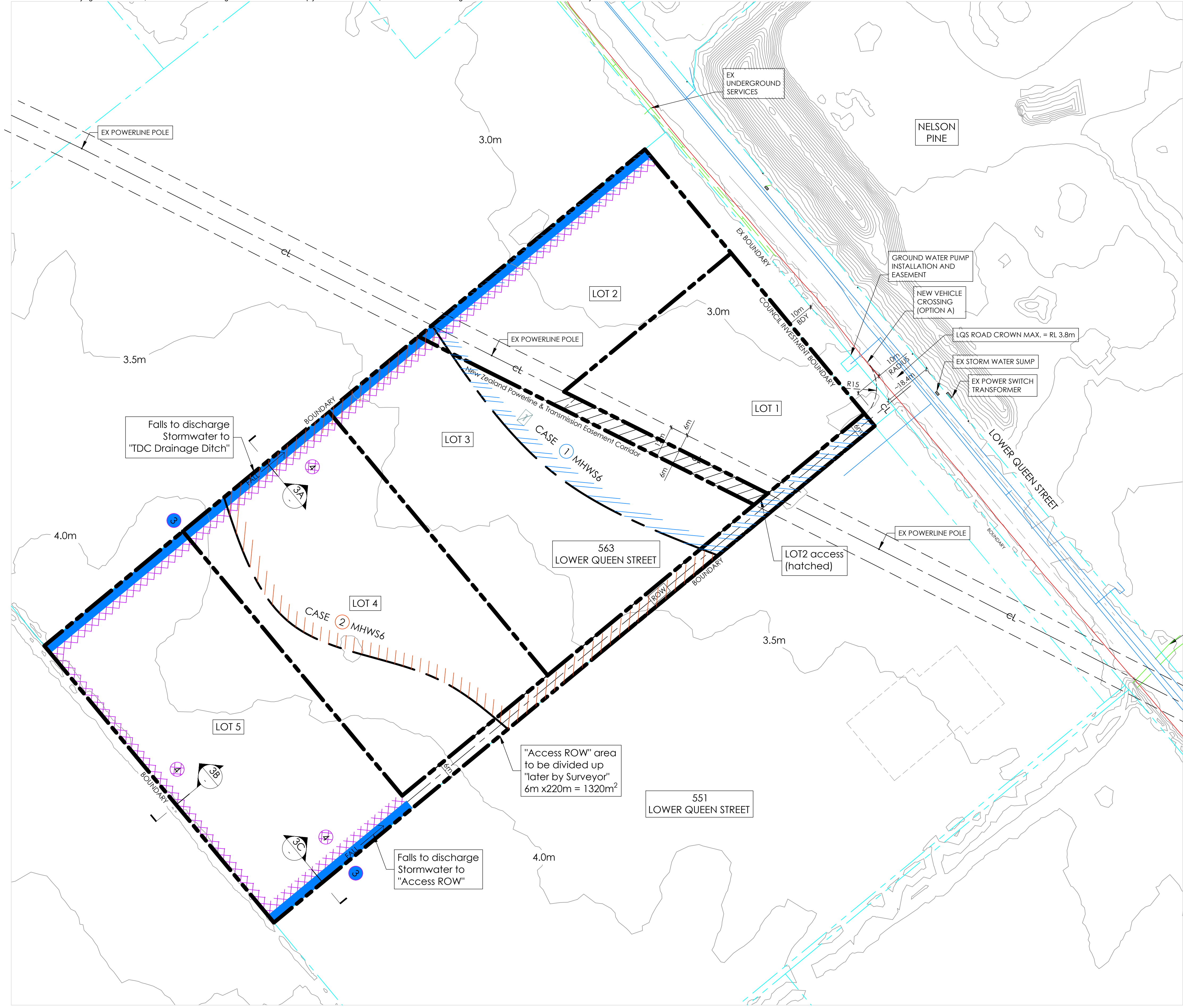
Land Development
FOR MCLEAN FAMILY TRUST
AT 563 Lower Queen St, Richmond

PLAN FOR '5 LOTS'

AMK LTD ANDREW • MELVIN • KING-TURNER	CIVIL AND STRUCTURAL CONSULTING ENGINEERS	SCALES	DRAWN	
		1:750	LC	
		DATE	SIZE	
15.06.2022	A1	JOB NO.	SHEET	AMDT.
20696	C1.3	2		

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All dimensions are in millimeters and all reduced levels are in meters, unless otherwise stated. Dimensions and levels to be verified on site prior to the commencement of work. Use only figured dimensions, do not scale from drawings. All construction to comply with NZS3604:2011, the New Zealand Building Code and the Tasman District Council bylaws.



Notes:
Light Industrial Site Coverage = 75%

Minimum Building Platform Level = RL 4.6m

Lower Queen Street Road Crown = RL 3.8m (max.)

Flood Modeling:
T&T Report - Additional 551 Lower Queen Street model results provided in PDF slides 11/11/2020
CASE ① BLUE
MHWS6 + 1m sea Level Rise RL 3.21m
CASE ② RED
MHWS6 + 1m sea Level Rise + 0.2m Storm Surge + 0.2m Wave Run-up = RL 3.62m

Building LOT's to incorporate on site Stormwater Detention to detain Stormwater run-off for 1.0 hour each side of High Tide
③ stormwater in ditch
④ stormwater stopbank (earth bund)

③ plan for '5 LOTS' (overland water paths)
1:750

COLOUR DRAWING

AMDT 2	28/07/22	FOR RESOURCE CONSENT
AMDT 1	17/06/22	PRELIMINARY
AMENDMENT #	DATE	DESCRIPTION

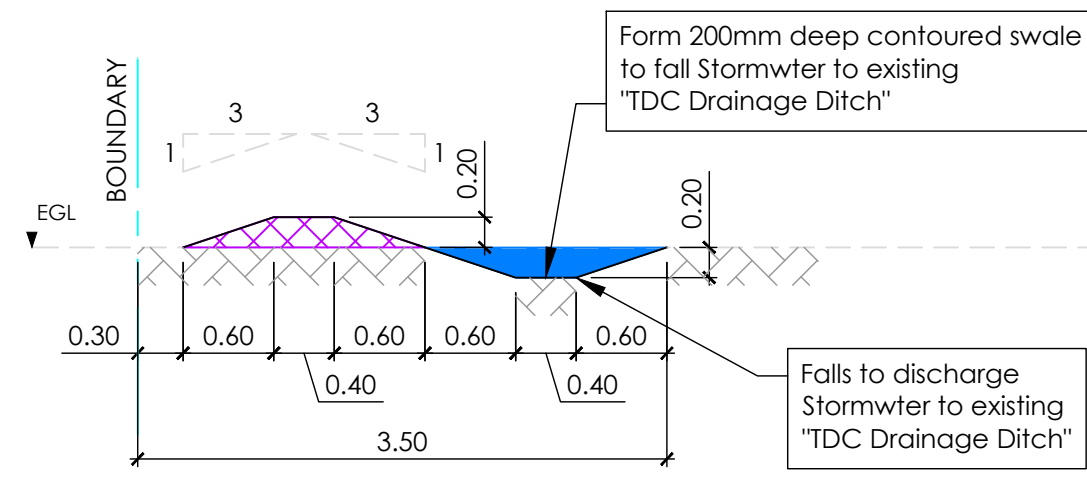
Land Development
FOR McLEAN FAMILY TRUST
AT 563 Lower Queen St, Richmond

PLAN FOR '5 LOTS'

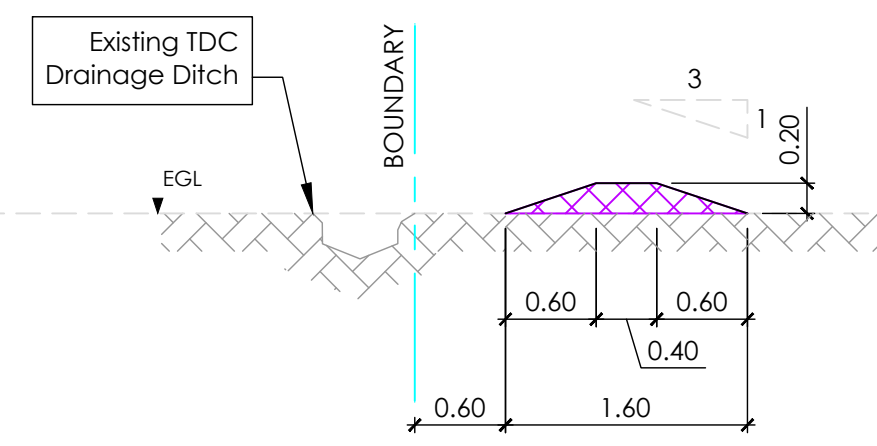
<p>ANDREW • MELVIN • KING-TURNER</p>	<p>CIVIL AND STRUCTURAL CONSULTING ENGINEERS</p>	SCALES	DRAWN	
		1:750	LC	
		DATE	SIZE	
15.06.2022	A1	JOB NO.	SHEET	AMDT.
20696	C1.4	2		

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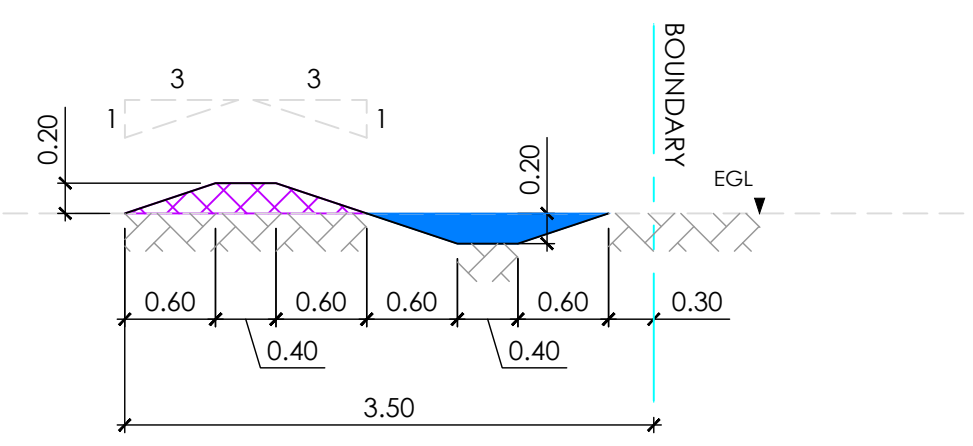
All dimensions are in millimeters and all reduced levels are in meters, unless otherwise stated. Dimensions and levels to be verified on site prior to the commencement of work. Use only figured dimensions, do not scale from drawings. All construction to comply with NZS3604:2011, the New Zealand Building Code and the Tasman District Council bylaws.



3A CROSS SECTION A
1:50



3B CROSS SECTION B
1:50



3C CROSS SECTION C
1:50

AMDT #	DATE	DESCRIPTION
AMDT 1	28/07/22	FOR RESOURCE CONSENT

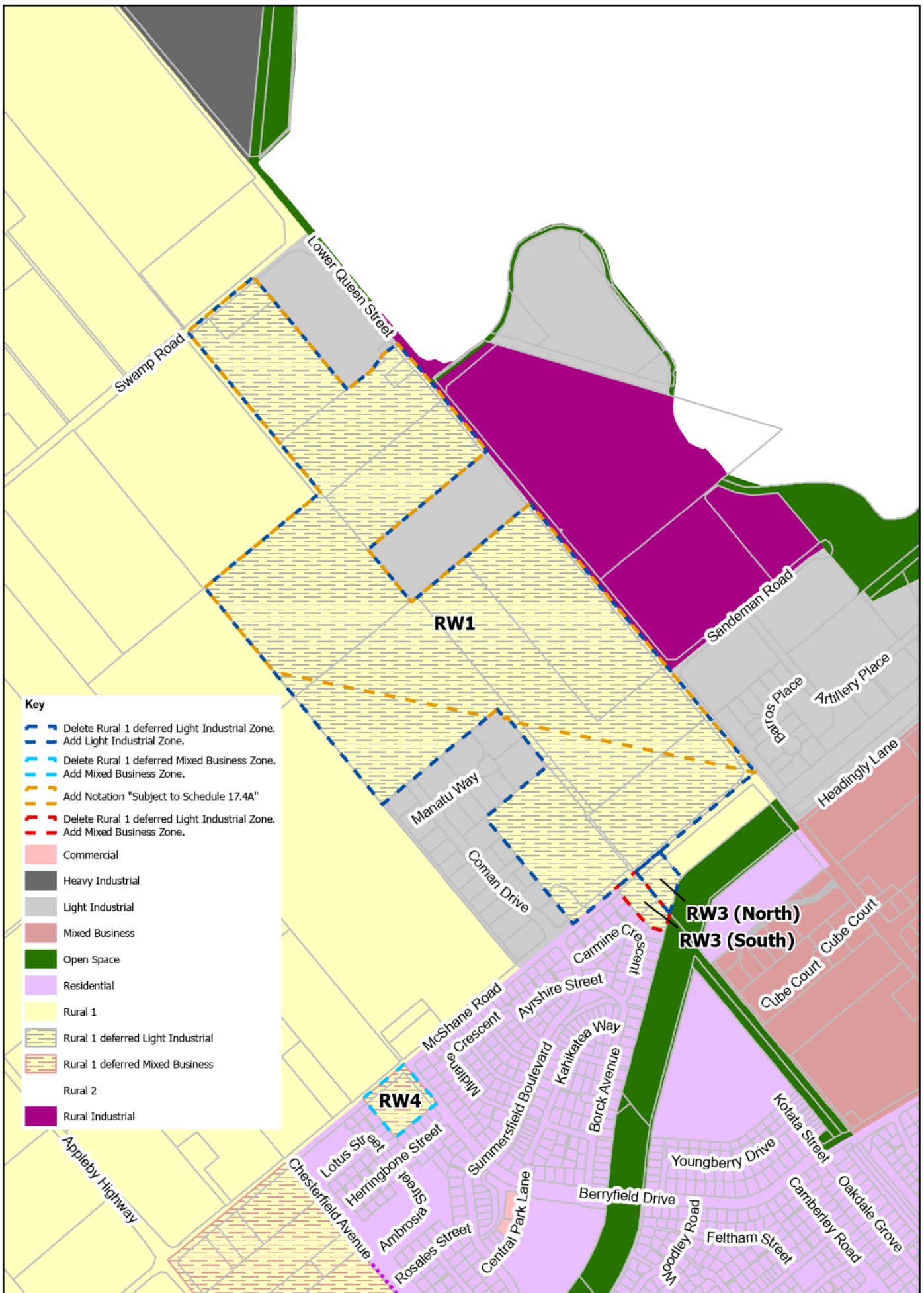
Land Development
FOR McLEAN FAMILY TRUST
AT 563 Lower Queen St, Richmond

STORMWATER DRAINAGE CROSS SECTIONS

 ANDREW • MELVIN • KING-TURNER	CIVIL AND STRUCTURAL CONSULTING ENGINEERS	SCALES	DRAWN	
		1:50	LC	
		DATE	SIZE	
28.07.2022	A1	JOB NO.	SHEET	AMDT.
20696	C2.0	1		

P. 03 546 4565 | F. 03 546 8575 | E. admin@amk.co.nz | 12 Paru Paru Road, PO Box 7036, Nelson 7042

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Key

- Delete Rural 1 deferred Light Industrial Zone.
- Add Light Industrial Zone.
- Delete Rural 1 deferred Mixed Business Zone.
- Add Mixed Business Zone.
- Add Notation "Subject to Schedule 17.4A"
- Delete Rural 1 deferred Light Industrial Zone.
- Add Mixed Business Zone.
- Commercial
- Heavy Industrial
- Light Industrial
- Mixed Business
- Open Space
- Residential
- Rural 1
- Rural 1 deferred Light Industrial
- Rural 1 deferred Mixed Business
- Rural 2
- Rural Industrial



The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Tasman District Council and Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty or representation of any kind is given as to the accuracy or completeness of the information represented. Top of the South Maps information is licensed under a Creative Commons Attribution 3.0 New Zealand License, and the use of any data or plan or any information downloaded must be in accordance with the terms of that licence. Cadastrial and NZTopo50 related data is sourced from Land Information New Zealand

PLANNING MAP - AERIAL



Scale: 1:5,000 @A4

02 August 2022



Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

1. This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
3. Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e. Council makes a decision to refuse, amend or accept the changes). Please include specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.

COVER SHEET

Return your submission by the advertised closing date to:
 Environmental Policy
 Tasman District Council
 Private Bag 4, Richmond 7050 OR
 189 Queen Street, Richmond OR
 Fax 03 543 9524 OR
 Email: tasmanrmp@tasman.govt.nz

OFFICE USE

Date received stamp:

Received
13 December 2024

Initials: tasmanrmp@tasman.govt.nz

Submitter No. Submitter # 4223

Submitter Name: Jeff & Katrina Thompson
(organisation/individual)

Representative/Contact:
(if different from above)

Postal Address:

17 Swamp Road
R01 Appleby
Richmond 7081

Phone: 027 782 9640 (Jeff)
027 361 9178 (Katrina)


Fax: —

Email: thompson@xta.co.nz

Date: 13/12/2024

Postal address for service of person making submission:
(if different from above)

Total number of pages submitted (including this page):


 Signed:
 Signature of submitter (or person authorised to sign on behalf of submitter). NOTE: A signature is not required if you make your submission by electronic means.

IMPORTANT – Please state:

This submission relates to Change No.: 79

Change Title/Subject: Deferred zoning

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

05/19

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET

Sheet No.		of	
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OFFICE USE Submitter Number:

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

<p>The whole Plan Change (Please tick as applicable)</p> <p><input type="checkbox"/> I support the Plan Change and seek that the Council retains it in its entirety.</p> <p><input type="checkbox"/> I oppose the Plan Change and seek that the Council deletes it in its entirety.</p> <p><input type="checkbox"/> I support in part specific aspects/provisions of the Plan Change as indicated below.</p> <p><input checked="" type="checkbox"/> I oppose in part specific aspects/provisions of the Plan Change and seek amendments as indicated below.</p>			OFFICE USE: Submission No.					
<p>Parts of the Plan Change (Please list each provision number of the TRMP you wish to submit on, together with its corresponding submission point, as indicated below)</p>								
<p>Plan provision or map number(s): State each specific provision (topic) number as addressed in the Plan Change</p>	<p>The aspect of the provisions I support or oppose, together with reasons, are: State the nature of each submission point and indicate whether you: • support or oppose the provision or wish to have it amended; and • the reasons for your view</p>	<p>I seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows: For each submission point/provision number, state, specifically, what changes you would like to see.</p>						
<p>Example:</p> <table border="1"> <tr> <td>17.5.3.1(ca)(iii)</td> <td>I oppose the restriction of ... because ...</td> <td>Delete and replace condition 17.5.3.1(ca)(iii) with:</td> </tr> <tr> <td>6.5.3.10c</td> <td>It doesn't include any solutions to mitigate the effect of sea level rise</td> <td>To require the relocation of industrial activities & buildings in light industrial zone location that is subject to 17.4A after <u>all</u> mitigating solutions have been explored & implemented, for example raising of affected land, restoring flood gates on drainage pipes in to the estuary & raising the level of road (Lower Queen St) that borders estuary. (Precedent has been set by allowing Stuart Drummond trucking to raise his land)</td> </tr> </table>				17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:	6.5.3.10c	It doesn't include any solutions to mitigate the effect of sea level rise
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Te Kaunihera o
te tai o Aorere

Tasman District Council
Email info@tasman.govt.nz
Website www.tasman.govt.nz
24 hour assistance

Richmond
189 Queen Street
Private Bag 4
Richmond 7050
New Zealand
Phone 03 543 8400
Fax 03 543 9524

Murchison
92 Fairfax Street
Murchison 7007
New Zealand
Phone 03 523 1013
Fax 03 523 1012

Motueka
7 Hickmott Place
PO Box 123
Motueka 7143
New Zealand
Phone 03 528 2022
Fax 03 528 9751

Takaka
78 Commercial Street
PO Box 74
Takaka 7142
New Zealand
Phone 03 525 0020
Fax 03 525 9972

Plan change 79



12th December, 2024.

This submission is made on behalf of the Submissions Group of Nelson Tasman Climate Forum. The contact person is Joanna Santa Barbara, of 58C Mytton Heights, RD1 Motueka, 7196, 'phone 022 459 0650. She is willing to make an oral presentation.

Plan Change 79, applied to properties RW1 and RW2, we support Assessment B, Option A.

We support several other aspects of PC 79, as detailed below.

Schedule 17.4A: **Sea level trigger.** We highly commend TDC planning staff for proposing this amendment. We hope this example will be followed throughout the country. It is aligned with the National Adaptation Plan (2022) which requires councils to consider climate change scenarios in order to reduce vulnerability and enhance adaptive capacity. This foresight in reducing climate risk exposure is also a step in implementing the Tasman Climate Response and Resilience Strategy and Action Plan (2022-2035).

The Sea Level Trigger is carefully defined and includes vertical land movement. However we have concerns about the additional strains on stormwater provisions under inundation.

Given the large number of piped and overland streams in the Lower Queen and McShane Road areas, we are concerned that the capacity of storm-water systems to drain in extreme weather will become increasingly problematic. Combined with the known impacts of rising water tables in coastal areas as a result of sea level rise, the risk of severe flooding in these areas is likely to rapidly increase over time. This issue needs to be taken into account in the proposed trigger mechanism.

It is important that the stormwater on these new industrial sites is properly treated on site before discharge, according to the Nelson-Tasman Land Development Manual. Contamination issues have arisen from the low-lying industrial properties on Beach Road eg timber treatment site, auto wreckers, coal storage, concrete manufacture, and it is important that new industrial activities are future-proofed.

Policy 6.5.3.10 amendment: **That industrial buildings are relocatable** in circumstances related to the Sea Level Trigger. This is obviously prudent, and will limit risks and costs to private owners as well as public risks and costs in the face of expected inundation risks of greater frequency and magnitude.

Council consents need to ensure that no toxic materials are stored on sites in the designated areas. The risks of seepage and long-term contamination are very high on such vulnerable sites because of the types of porous sandy soil there, the high water table and risks from storm surge and sea level rise

contamination. Council therefore needs to specify the types of businesses that can use this land - ie businesses which do not use toxic materials or other potentials for seepage contamination.

We suggest more specificity is provided in such circumstances about the time for relocation and dealing with residues and wastes.

Policies 6.8.3.11 and 13.1.3.7A We support the recognition of *retreat* as a necessary response to sea level rise and inundation risk. This is a difficult phenomenon to incorporate into planning, for financial and emotional reasons, but climate science informs us of its utter inevitability. Early recognition and planning for it will lessen eventual costs. The planning staff is to be commended for this.

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.

Applying these policies to Richmond West properties RW1 and RW2, we support Assessment B Option A. This prevents the risk inherent in subdivision, allows best use of the land up to the Sea Level trigger point, then allows some flexibility about exit from the land thereafter.

Further comments.

We note that currently there is no consideration in the plan for contingency planning in the specified locations for further major extreme weather events and consequent major flooding of those areas and hazard risks *before* the trigger is activated by sea-level rise. 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, needs to be part of this plan.

References

<https://www.sciencedirect.com/science/article/abs/pii/S0022169422011246#:~:text=In%20coastal%20watersheds%2C%20SLR%20has,of%20SLR%20on%20coastal%20flooding.>

Joanna Santa Barbara, MB.BS, FRANZCP, FRCP(C),).Ont..

Co-Chair, Nelson Tasman Climate Forum.

**TASMAN DISTRICT COUNCIL
RESOURCE MANAGEMENT ACT 1991**

SUBMISSION ON PLAN CHANGE 79 - DEFERRED ZONING

To: Environmental Policy
Tasman District Council
Private Bag 4
RICHMOND 7050
environmentplan@tasman.govt.nz

SUBMITTER DETAILS:

Submitter: Stephen Field and Abbie Field
Location: 468 - 472 Hill Street, Richmond
Legal Description: Lot 2 Deposited Plan 572986, RT 1042012
Contact Details: 472 Hill St, Richmond 7020
027 435 4422
abbie-field@hotmail.com

SUBMISSION:

Tasman Resource Management Plan: **Plan Change 79 – Deferred Zoning**
As it relates to Richmond South

- We wish to be heard in support of our submission.
- We would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission?

Closing date for Submissions: 13th of December 2024.

Dated this 12th day of December 2024



Signed by the Submitters Authorised Agent

Address for Service: Staig & Smith Ltd
PO Box 913
NELSON
Attn: Jane Bayley
Email: jane@staigsmith.co.nz
Phone: 03 548 4422

1.0 Background to the Submission

- 1.1 The Submitter owns a 4.7954ha property in Richmond South that has frontage and access from Hill Street.
- 1.2 The Submitter's property is within the Richmond South Development Area and is zoned Rural 1 - Deferred Residential. Figure 1 below illustrates the zoning.



Figure 1: Submitter's Zoning from TOTSM

[Zone Map 133 Dated 9 October 2010 does not reflect the Submitter's current land holding
Zone Map 57 Dated 2 June 2023 does reflect the Submitter's current land holding]

- 1.3 The Tasman Resource Management Plan (TRMP) Area Maps detail the position of the indicative roads which cross through the Submitter's property, providing connection to the wider Richmond South Development Area from Hill Street. Figure 2 below illustrates the position of the indicative road network.

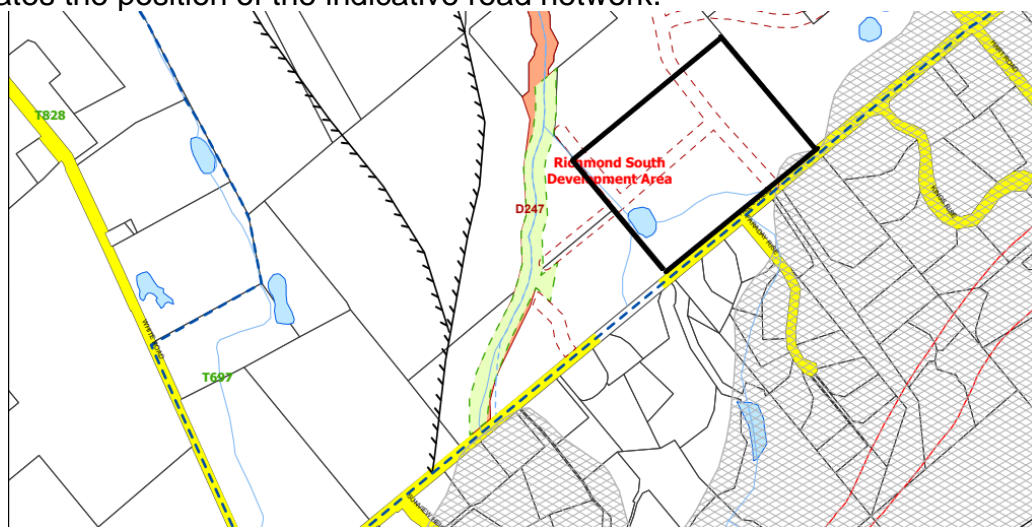


Figure 2: Area Map 133 showing the indicative road network on the Submitter's property

1.4 Mr Field has been unwell for an extended period of time and was unaware of Council's initial attempt to consult on the draft Plan Change in May-June this year. As such, the Submitter was unaware of the Plan Change and did not manage to make any comments on the uplifting of the Deferral to the Zoning or to the removal of part of the indicative road. Ms Field has only just been advised of the Plan Changes, and on behalf of her father seeks to register his interest in relation to the Plan Changes.

- 1.5 The Submitter's interest in Plan Change 79, relates to both:
- The inclusion of the Submitter's property to include in the uplifting of the Deferred Zone Status to Residential; and
 - The partial removal of indicative road network which would provide connectivity to the wider Richmond South Development Area to Hill Street.

2.0 Submission (a)

2.1 The Submitter supports in part the 'up zoning' of deferred land to Residential in Richmond South Development Area.

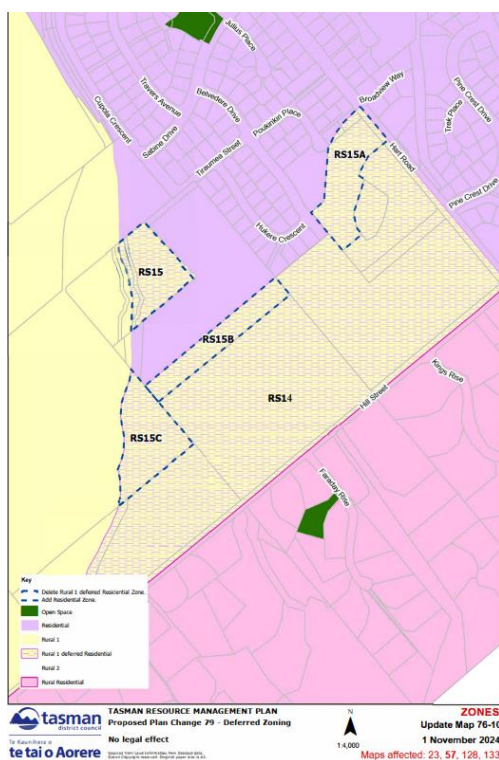


Figure 3: Zone Update Map 76-10

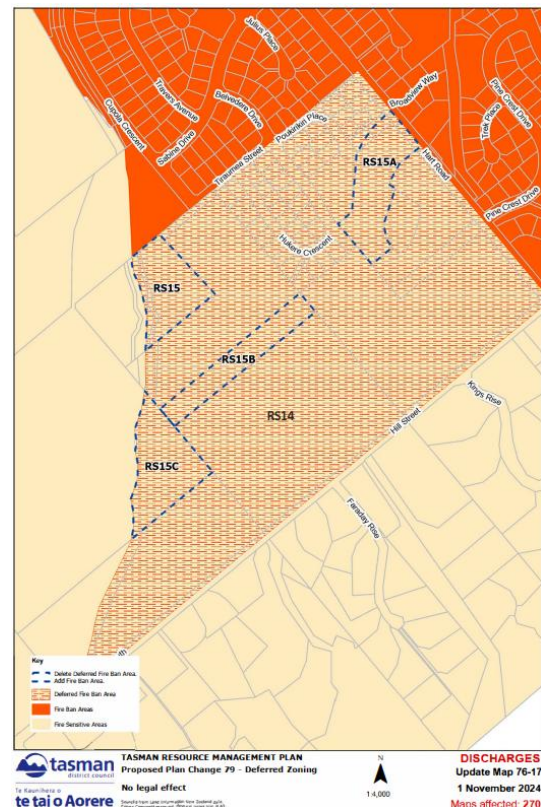


Figure 4: Discharges Update Map 76-17

2.2 Under Schedule 17.14A: Deferred Zone Locations; the area of Richmond South Development Area which was identified as South of Hart and Bateup Roads (included 50 Hart Road, 72 Hart Road and the submitters land at 472 Hill St), was to have its deferral uplifted in 2020, subject to Reticulated water supply service.

2.3 The uplifting of the deferred status has been recorded as waiting for an adequate level of service for water supply in the Stantec Deferred Zone Infrastructure Background Report dated 26 March 2024.

- 2.4 In particular, Stantec noted at 2.1.5 that *Richmond South is made up of three areas including RS14, RS15 and RS15A, of which the latter two are subsets of the primary RS14 Richmond South deferred zone area. Areas are currently zoned 'Rural 1 Deferred Residential'. Currently there is inadequate capacity in the network to provide pressurised water reticulation to service the entirety of this area. To provide full water reticulation to these areas, construction of the Richmond South Low-Level Reservoir (which is identified in the Long term Plan) is required to lift the deferral.*
- 2.5 Council purchased 520 Hill Street South for the purpose of water supply and stormwater detention.
- 2.6 On 16 August 2024, Council publicly notified a Notice of Requirement RM240327 that sought to establish a designation in the TRMP. The designation is for the provision of a new water supply reservoir for the for the purposes of providing reticulated water supply to existing and developing residential zones, including the deferred residential zones. The reservoir will have a total storage capacity of 2,500 m³.
- 2.7 On 07 November, Council's Operations Committee confirmed this Requirement for a Designation, subject conditions.
- 2.8 The Submitter notes that contrary to the Technical Report accompanying the Plan Change, Council in the tracked changes to Schedule 17.14A Deferred Zone Locations, RS14, requires the deferral limited to *Provision of planned "Richmond High Level Reservoir" to service the Richmond South area, or equivalent measure proposed by Council or developers to provide adequate level of service for water supply.*
- 2.9 This appears to be requiring additional service of water supply over and above what the Technical Report requires, and is deferring the uplift of this area by stealth, potentially in order to allow the FDS areas to precede the uplifting of the Deferred Areas that have been waiting since 2005 for their land to be *up zoned* to Residential by 2020.
- 2.10 Based on the Council's approval to the Notice of Requirement, the Submitter considers that the reason for not uplifting the Deferred Zoning on RS14 has been addressed, and that Council must include RS14 in the uplift under Plan Change 76.
- 2.11 The Submitter **supports in part** the zoning of Richmond South Development Area in relation to Area RS15 and RS15A-C, and **seeks** that the area RS14 on Zone Update Map 76-10, also be upzoned to Residential Zone.
- 2.12 As a consequence, the Submitter also **seeks** that Council delete Deferred Fire Ban Area over RS14 as shown on Discharges Update Map 76-17 affecting Map 270 and replace this with Fire Ban.

3.0 Submission (b)

3.1 The Submitter opposes the 'deleting' of deferred indicative road network which provides a future corridor into the Richmond South Development Area.

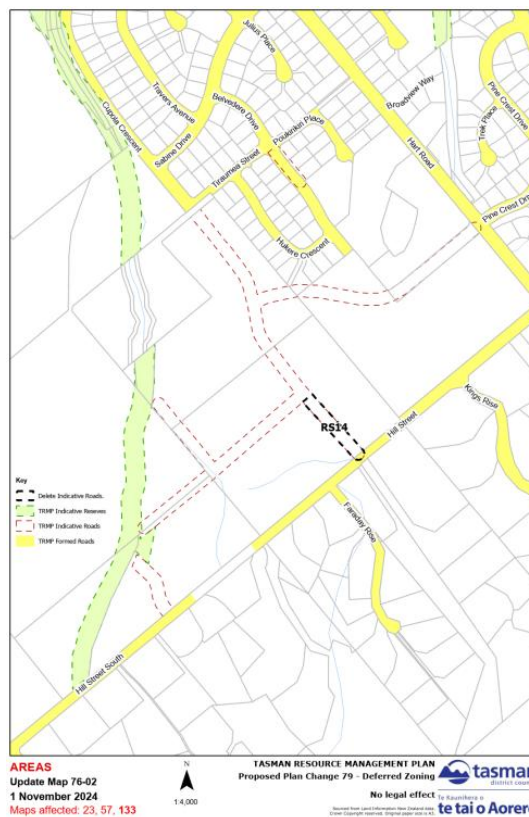


Figure 5: Areas Update Map 76-02

3.2 Mr Field was not involved in any meetings to discuss the removal of the indicative road from his property and was unaware of the Council's intention to delete the connection to Hill Street.

3.3 From the feedback from the Draft Plan Change, there does not appear to be any interested parties wanting the removal of the indicative road on the Submitter's land, and nor is there a specific assessment in the Plan Change information that has been notified.

3.4 The Section 32 Evaluation Report doesn't provide any planning reasons for the change to the indicative road other than to note that the amendment *specifically supports TRMP Policy 6.1.3.1(f) relating to designing local roads to ensure a safe low traffic speed environment on local streets and accessways.*

3.5 Policy 6.3.3.5 seeks to promote a *pattern of roading in urban areas that maximises choice of route through a network, with recognition of the contributions of individual extensions to the network pattern and of the constraints of topography.*

3.6 Removal of an exit will increase flows through the existing, slow speed, network, which at present can be split through the Richmond South Development Area. The proposal will therefore reduce the choice of routes. It also increases the trafficable distance to exit out onto Bateup Road.

- 3.7 Policy 11.1.3.1 *To promote the location and form of built development, particularly in urban areas, that: (b) provides direct and short travel routes by vehicle, cycling and pedestrian modes between living, working, service, and recreational areas;* while Policy 11.2.3.5 seeks to *protect future road alignments that ensure that roads can be connected where appropriate.*
- 3.8 Connectivity is not just in relation to traffic, but also other services which are located within the roading network. Having the ability to connect services through roading networks builds resilience into not only the roading network but also the three water, electricity and communication networks.
- 3.9 The Submitter therefore **opposes** the removal of the Indicative Road as shown as RS14 as shown on the Areas Update Map 76-2, and **seeks** that the Indicative Road remains.

4.0 Decision Sought

4.1 The Submitter seeks that:

- a. Council upzone all of RS14, including the Submitters land, along with RS15 and RS15A-C from Rural 1 Deferred Residential to Residential on Zone Update Map 76-10; and
Council delete Deferred Fire Ban Area over RS14 as shown on Discharges Update Map 76-17 affecting Map 270 and replace this with Fire Ban.
- b. That the Indicative Roads shown on the Submitters Land on Areas Update Map 76-2 be retained.

4.2 The Submitter seeks **to be heard** in respect of this submission.

**TASMAN DISTRICT COUNCIL
RESOURCE MANAGEMENT ACT 1991**

**SUBMISSION ON PLAN CHANGE 79
DEFERRED ZONING RICHMOND SOUTH**

To: Environmental Policy
Tasman District Council
Private Bag 4
RICHMOND 7050
environmentplan@tasman.govt.nz

Submitter: Kathryn June Hanna, 187 Hanna Trustee Ltd

Location: 52 & 54 Cupola Crescent, Richmond

Legal Description: Lot 1 DP 526762, RT846594

Tasman Resource Management Plan: Plan Change 79 – Deferred Zoning as it relates to Richmond South

Closing date for Submissions: 13th of December 2024.

Hearing: The Submitter seeks to be heard in respect of this Submission.

Dated this 13th day of December 2024



Signed by the Submitters Authorised Agent

Address for Service: Staig & Smith Ltd
PO Box 913
NELSON
Attn: Jackie McNae
Email: jackie@staigsmith.co.nz
Phone: 03 548 4422

Background to the Submission

- 1.1 The Submitter owns a 12.3263ha property in Richmond South that has frontage and access from Cupola Crescent.
- 1.2 The Submitters land is predominantly Rural 1, but there are two triangular areas of land with different zoning where the land is separated from the balance land holding by an existing waterway, though there is access over this waterway providing the current accessway.
- 1.3 One triangular area of land, located to the east of the waterway in the northern corner of the land holding is zoned Residential with the other triangular area to the southeast of the landholding, again separated by the waterway currently zoned Deferred Residential. Figure 1 below illustrates the zoning.



Figure 1: Zoning Map

- 1.4 The Tasman Resource Management Plan (TRMP) Area Maps detail the position of the indicative roads and the position of Designation 247 which is the Council's Richmond South greenway designation incorporating the existing waterway and land either side of the waterway. Figure 2 and 3 below illustrate the position of the Designated greenway.

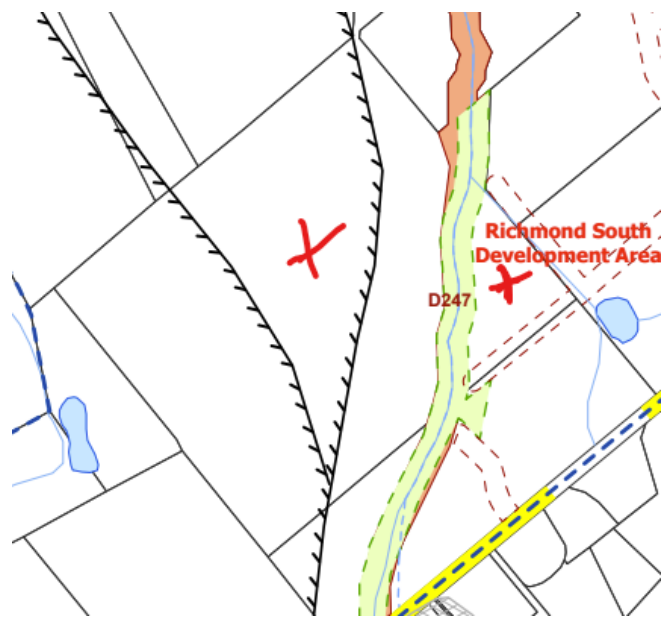


Figure 2: TRMP Area Map detailing the position of the Designated Greenway and Indicative Roads. The Submitters Land is marked with a red X.



Figure 3: TRMP Area Map showing a portion of Hanna Land in the north east corner marked with X either side of Designated Greenway.

1.5 Currently Council is negotiating with the Submitters to acquire the waterway area and land either side for drainage purposes as part of the Council’s Greenway Corridor for Richmond South. It is understood the Council is also planning a walkway within the Designated area. Subject to this agreement being finalised, this will mean that the triangular area of land zoned Residential will be separated from the rest of the Hanna land by the land that will be in Council future ownership for the greenway area, though as noted, this area of land has a formed access over the Designated area. The other triangular area of land, under the current TRMP is zoned Deferred Residential. This land will be separated from the remaining Hanna land by land that will be in Council’s future ownership and held for the purpose of the Greenway. Council will progressively develop the Greenway land as part of the stormwater network and Council will also be developing a walkway within the area.

1.6 The Submitters interest in Plan Change 79 relates to the area of Deferred Residential land within the southeastern corner of their property.

2.0 The Submission

2.0 The Submitters support the ‘up zoning’ of deferred land to Residential in Richmond South provided that it is acknowledged that the indicative road positions on the operative TRMP Area Maps are maintained adjacent to the submitters land.

2.1 The Submitters support Plan Change 79 as it relates RS15C over a portion of their landholding that is currently zoned Deferred Residential and which is proposed to be Zoned Residential under draft Plan Change 79.

2.2 The submitters land is a small area of Deferred Residential land that is physically separated from the rest of their landholding by the existing watercourse. In the near future, as noted in Section 1.0, the Designated greenway, that sits over the watercourse and land either side, is proposed to be acquired by the Council. Once the Council acquires the greenway land, there will not just be the physical feature of the watercourse isolating the subject Deferred Residentially zoned land from the rest of the

Submitters land, but there will be a significant corridor of land in the ownership of the Council, separating this triangle of land from the wider landholding.

- 2.3 The development of the Deferred Residential triangle area of land will logically be developed following development of the adjoining Oregon land, as this is the next logical sequence of development once services and roading are brought to the shared boundary. This triangular piece of land would not be developed as part of the wider Submitters landholding because of the Greenway and the steep contour of the Submitters land to the west of the Designated Greenway, see Figure 4 below. The balance of the Submitters land is zoned Rural and while the Future Development Strategy (FDS) identifies this Rural land for future development, there is still a lot of infrastructure planning and infrastructure provision to happen before the areas identified in the FDS to the west of the current Residential and Deferred Residential land could be considered for development.



Figure 4: Aerial photo with triangle area of Submitters land noted.

- 2.4 The Submitters note that Plan Change 79 proposes to rezone the Oregon land that is also Deferred Residential to Residential. The Submitters are supportive of the rezoning of the Oregon land RS15B on the basis that there is no change to the indicative road positions shown on the Area Maps under the TRMP. The Submitters also note that a small area of the Malcolm land to the east of the waterway, RS15, is proposed to be rezoned as Residential, the Submitters have no issue with that area of land being Zoned residential .
- 2.5 Rezoning to Residential , RS15, RS15B and RS15C is logical as they are all of similar Contour as illustrated in Figure 4 above enabling consideration of servicing and roading for land to the east of the stream be considered at the one time, particularly in the Submitters case as the area of land involved is relatively small, compared to the much larger landholdings with deferred Residential Zoning within RS14.
- 2.6 In the case of the triangular Deferred Residential area of land of the Submitters, this is already physically separated and will become more isolated given the proposed transfer of land to the Council for the development of the stormwater network and a walkway.
- 2.7 The demand for infrastructure to cater for the small area of land will not be significant. The contour for the water supply is a similar contour to RS15 and RS15B as illustrated by Figure 4, and as noted it is efficient to ensure consideration of the development requirements of RS15, RS15B and the Submitter's small isolated triangle area of land happens at the same time.
- 2.8 Plan Change 79 as it relates to Richmond South also includes proposed changes to indicative Roads shown on update Map 76-02. The Submitters support the retention of the indicative Road along their eastern and southern boundary of the triangle area of land shown as RS15C which is to be rezoned Residential. It is imperative for the servicing of RS15C that these two indicative road positions are retained on the boundaries of the Submitters land. The Submitter is aware that the adjoining landowner

has lodged a Resource Consent Application for Subdivision that seeks to vary the position of roading in the vicinity of the Submitters land , this is not supported by the Submitters and given Plan Change 79 does not seek to make changes to the indicative Road positions shown adjacent to the Submitters land .It is the Submitters expectation that Council will implement the TRMP provisions in accordance with the indicative Roads shown on the TRMP Planning Maps. Any departure from those roading positions in any Resource Application for Subdivision, should involve the Submitters as an affected party .

- 2.9 The Submitters note that Plan Change 79 seeks to remove one of the indicative Road positions that exits out onto Hill St. While this does not directly impact on the Submitters land , the removal of the connection reduces connectivity to the surrounding roading network .It is not clear what Planning reason has prompted the removal of the connection given the extensive area of deferred land in area RS14 which is a large area of Deferred residential land to be serviced by roading in the future.

3.0 Decision Sought

- 3.1 (i) Maintain the proposal under Plan Change 79 to rezone the Submitters land RS15C to Residential.
- (ii) Maintain all indicative Road positions under the current TRMP for this location including the two Indicative Roads adjacent to the Submitters land and the Indicative Road positions out onto Hill St.

4.0 The Submitters seek to be heard in respect of this submission.

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

1. This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
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Submitter Name: Appleby & Ltd.
 (organisation/individual)

Representative/Contact: Christian Le Gros, Graeme Dick, Johann King
 (if different from above)

Postal Address:
185 Bridge St
Nelson
7070

Phone: 021 534 767, 021 917 140

Fax: johann.king@tp.co.nz

Email: christian@legros.co.nz

Date: 13/12/24

Postal address for service of person making submission:
 (if different from above)

Total number of pages submitted (including this page):

Signed: [Signature]
 Signature of submitter (or person authorised to sign on behalf of submitter). NOTE: A signature is not required if you make your submission by electronic means.

IMPORTANT – Please state:

This submission relates to Change No.: 79

Change Title/Subject: Deferred Zoning

- I/we wish to be heard in support of my/our submission.
 I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

COVER SHEET

Return your submission by the advertised closing date to:
 Environmental Policy
 Tasman District Council
 Private Bag 4, Richmond 7050 OR
 189 Queen Street, Richmond OR
 Fax 03 543 9524 OR
 Email: tasmanrmp@tasman.govt.nz

OFFICE USE

Date received stamp:

Received
 13 December 2024

Initials: tasmanrmp@tasman.govt.nz

Submitter No. Submitter # 4227

Remember: Attach this Cover Sheet to as many Content Sheets as required.

SUBMISSION ON PLAN CHANGE 79 TO THE TASMAN DISTRICT COUNCIL DISTRICT PLAN
Clause 6 First Schedule, Resource Management Act 1991
Form 5

Appleby 88 Limited (**Appleby 88**)

Decisions Sought by Submitter:

- 1 Appleby 88 seeks the following decisions from Tasman District Council:
- (a) that the decisions sought in **Schedule 1** to this submission be accepted (and any related amendments required to the planning maps as a result of the decisions sought); **and**
 - (b) alternative amendments to the provisions in the relevant plan changes to address the substance of the concerns raised in this submission; **and**
 - (c) all consequential amendments required to address the concerns raised in this submission and ensure a coherent planning document.

In the alternative :

- (d) that the decisions sought in **Schedule 2** to this submission be accepted (and any related amendments required to the planning maps as a result of the decisions sought); **and**
- (e) alternative amendments to the provisions in the relevant plan changes to address the substance of the concerns raised in this submission; **and**
- (f) all consequential amendments required to address the concerns raised in this submission and ensure a coherent planning document.

Submission details

- 2 Appleby 88 supports the overall goal of the Tasman District Council Change 79: Deferred Zoning to correct prior issues with the deferral process, and to promote sustainable management of natural and physical resources. However, Appleby 88 opposes the Council's decision to continue to defer the eventual zoning of Apple 88's property (within RW5), and also opposes select proposed objectives, policies and rules which do not reflect the provide for appropriate farming development to proceed at levels suited to the surrounding environment.

About the Submitter

- 3 Appleby 88 Ltd was incorporated on 3 November 2017. It is a company primarily focused on delivering development opportunities on the land it owns along Appleby Highway (SH6). Appleby

88 owns a 2.24 hectare property on Appleby Highway within deferred site location RW5, legally described as Lot 2 DP 528570, held in Record of Title 856882 (**the Property**).

About the Property

- 4 Site RW5 comprises a total of (roughly) 26.94 hectares, and is in mixed ownership. RW5 is zoned *Rural 1 deferred Mixed Business* and Plan Change 79 proposed to retain that same deferral zoning (no change). The Property lies within the southern end of RW5.
- 5 The Property has a number of sheds sited near the neighbouring house at 88 Appleby Highway (the house title of 1,435m² is owned by a third party), and is otherwise a bareland title. Appleby 88 acquired the property in late 2017 and subdivided the lifestyle house into a separate title for third party ownership.
- 6 The Property has its own water supply from two onsite bores, and has two NZTA-approved entrances/exits for vehicle ingress/egress to SH6 (one at the north end and one at the south end) the bore and entranceways are marked on Figure 1 below:



Figure 1: RT 856882 showing entranceways (arrows) and two bores (X)

- 7 The Property remains in limbo while the deferred zoning process plays out. While Appleby 88 has not yet applied for resource consents to develop the site, it has development plans in the making, which have been prepared in reliance on and in line with the requirements of the deferred zoning being uplifted. For example, the plans have been formulated in reliance on the forthcoming legal

access provided by Chesterfield Avenue (to the north-east), and the two approved entrances to the Property from SH6 to the south-west.

- 8 Appleby 88 has been surprised by the TDC's late change to the roading requirements for RW5 – RW5 has had *Rural 1 deferred Mixed Business* zoning since before Appleby 88 purchased the Property, and the RW5 landowners, including Appleby 88, have been progressing their plans in reliance on the layout of the proposed Chesterfield Avenue as providing their legal roading access. RW5 properties, particularly the southern end, could feasibly 'come online' with their own NZTA-approved access with their own on-site services and/or as soon as the intended reticulated services are installed.
- 9 Overall, Appleby 88 opposes certain aspects of the Change 79: Deferred Zoning identified in **Schedule 1** as it considers they:
- (a) would not promote the sustainable management of the district's resources, particularly given Apple 88's Property is now able (in and of itself) to support Mixed Business use on its site and therefore be upzoned to the end use zone of Mixed Business;
 - (b) would lead to more fragmentation of the district's zones and communities, and would not enable the social and economic well-being of the rural communities of the Tasman district;
 - (c) would not enable the efficient use and development of Appleby 88's assets and the resources which those assets are dependent on;
 - (d) do not represent the most appropriate plan provisions in terms of section 32 of the Resource Management Act 1991 (**RMA**); and
 - (e) would otherwise be contrary to the RMA, particularly Part 2.



Appleby 88 Limited

By its authorised representative Tavendale and Partners

Johanna King

13 December 2024

SCHEDULE 1 – DECISIONS SOUGHT BY APPLEBY 88 LIMITED

Notified clauses are shown in *italics*, with our requested amendments to clauses shown in red as either ~~strikethrough~~ or underline

Plan Provision	My position on this provision is	The reason(s) for our submission are:	The decision we want Council to make:									
Re-zoning of previously deferred zones	Oppose in part	<p>Appleby 88's property, held in RT 856882, is ready to be rezoned to its anticipated final zone (Mixed Business), because the Property:</p> <ol style="list-style-type: none"> 1. can self-supply water (on-site bore); 2. can self-manage stormwater on site (and will design and prepare to connect to future services later); 3. can connect to existing wastewater network with Richmond West (but will design and prepare to connect to future RW5 services later); 4. can be designed in a way that anticipates the future road layout through RW5; and 5. has two legal accesses to SH6 as approved by NZTA, which can be relinquished once the new road layout in RW5 is completed. 	Re-zone Record of Title 856882 within RW5 to 'Mixed Business' (its end use zone).									
Chapter 17												
Schedule 17.4A	Oppose in part	For the same reasons as given above.	<p>Amend the listing of "McShane Road / RW5" in Schedule 17.4A to enable Appleby 88's Property to be upzoned</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="background-color: #D3D3D3;">A</th> <th style="background-color: #D3D3D3;">B</th> <th style="background-color: #D3D3D3;">C</th> </tr> </thead> <tbody> <tr> <td style="background-color: #D3D3D3;"><i>Site location</i></td> <td style="background-color: #D3D3D3;"><i>Site location number</i></td> <td style="background-color: #D3D3D3;"><i>Plan provisions that apply before services are provided</i></td> </tr> <tr> <td><i>McShane Road, excluding RT 856882</i></td> <td><i>RW5</i></td> <td><i>Chapters 7, 16.3.2.1 - 16.2.5 and 17.5</i></td> </tr> </tbody> </table>	A	B	C	<i>Site location</i>	<i>Site location number</i>	<i>Plan provisions that apply before services are provided</i>	<i>McShane Road, excluding RT 856882</i>	<i>RW5</i>	<i>Chapters 7, 16.3.2.1 - 16.2.5 and 17.5</i>
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<i>Site location</i>	<i>Site location number</i>	<i>Plan provisions that apply before services are provided</i>										
<i>McShane Road, excluding RT 856882</i>	<i>RW5</i>	<i>Chapters 7, 16.3.2.1 - 16.2.5 and 17.5</i>										

SCHEDULE 2 – DECISIONS SOUGHT BY APPLEBY 88 LIMITED

Notified clauses are shown in *italics*, with our requested amendments to clauses shown in red as either ~~strikethrough~~ or underline

Plan provision	My position on this provision is	The reasons for our submission are:	The decision we want Council to make:
Chapter 6			
Policy 6.3.3.4D	Oppose in part	<p>RW5 is in mixed ownership and is already in mixed rural and mixed business use.</p> <p>The proposed moving of the indicative road access from the existing legal road Chesterfield Avenue to the proposed new road layout, cuts through existing land uses and businesses, particularly at the north end (McShanes Road end). PC79 as notified indicates that the intersection and new road will be developer-lead, with some Council funding per the Long Term Plan. Appleby 88 can foresee the issue of either some landowners not being prepared to contribute towards the costs of the new intersection, and/or not willing to agree to the proposed new indicative road layout given how it intersects and compromises already established mixed business land uses on some of the RW5 properties, without public works compensation.</p> <p>If some sites within RW5 can secure NZTA-approved access direct on SH6 for the time being, and are otherwise adequately serviced, then provided their own on-site use / development anticipates or is otherwise in keeping with the indicative road layout, there should be no reason why some sites can progress with the end-use zoning, and better enable landowners and/or developers to follow suit as funds and timings allow.</p>	<p>Amend Policy 6.3.3.4D as follows:</p> <p><i>6.3.3.4D The urban development anticipated by a deferred zoning is avoided unless:</i></p> <ul style="list-style-type: none"> a) <i>any necessary intersections, connections and upgrades of roads (as identified in Schedule 17.14A) to an appropriate standard have been delivered, <u>or the site otherwise has road access approved by NZTA / Waka Kotahi</u>; and</i> b) the necessary <i>servicing infrastructure (including wastewater, water supply and stormwater) to an appropriate standard has been delivered; and</i> c) <i>where relevant, development is sequenced with Council strategic planning, infrastructure delivery and land release programmes.</i>

Plan provision	My position on this provision is	The reasons for our submission are:	The decision we want Council to make:
Method 6.3.20.1(aa)	Support	Appleby 88 supports the amendment to recognise the trigger mechanism to enable the end use zoning.	Retain the amendments to 6.3.20.1 (aa) as notified.
Principal Reasons and Explanation 6.3.30	Support in part	Appleby 88 supports the proposed amendments which clarify the amended trigger mechanism that will apply to enable the end use zoning, provided that the services that “ <i>Council or any person may provide</i> ” includes the alternative modes of access and/or roading and extended timeframe (15 years) that Appleby 88 has requested elsewhere in this submission.	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 and Explanation 6.3.30, as between “ <i>Deferred zoned lands may be programmed [...] existing uses on the land will be able to continue.</i> ”
Chapter 16			
Rule 16.3.2.5	Support	Appleby 88 supports the proposed amendments which clarify the amended trigger mechanism that will apply to enable the end use zoning, provided that the services that “ <i>Council or any person may provide</i> ” includes the alternative modes of access and/or roading that Appleby 88 has requested elsewhere in this submission.	Retain the amendments to 16.3.2.5 and retain the prior drafting that (a) and (b) are “OR” options, as notified.
Chapter 17			
Rule 17.4.2.1(a)	Support	Appleby 88 supports the additional permitted activity pathway/clarification to continue undertaken Rural 1 land uses if//while RW5 remains zoned <i>Rural 1 deferred Mixed Business</i>	Retain Rule 17.4.2.1(a) and (aa) as notified.
Scope of Section 17.14.1	Oppose in part	<p>RW5 is in mixed ownership and is already in mixed rural and mixed business use.</p> <p>The proposed moving of the indicative road access from the existing legal road Chesterfield Avenue to the proposed new road layout, cuts through existing land uses and businesses, particularly at the north end (McShanes Road end). PC79 as notified indicates that the intersection and new road will be developer-lead, with some Council funding per the Long</p>	<p>Amend the notified Scope of Section as follows:</p> <p><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, <u>or 15 years in respect of transportation requirements for RW5.</u></i></p>

Plan provision	My position on this provision is	The reasons for our submission are:	The decision we want Council to make:												
		<p>Term Plan. Appleby 88 can foresee the issue of either some landowners not being prepared to contribute towards the costs of the new intersection, and/or not willing to agree to the proposed new indicative road layout given how it intersects and compromises already established mixed business land uses on some of the RW5 properties, without public works compensation.</p> <p>Having the end zone expire in 10 years when these transportation matters, being developer-led, may need additional time, is unfair to the affected landowners. Therefore Appleby 88 seeks the time period be enlarged for the transportation aspects of RW5.</p>													
Rule 17.14.2.2	Oppose in part	Appleby 88 seeks the time period be enlarged to mirror its requested amendments to the Scope Section 17.14.1, for the same reasons as set out above.	<p>Amend the notified Rule 17.14.2.2 as follows:</p> <p><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, <u>or 15 years in respect of transportation requirements for RW5</u>, 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></p>												
Schedule 17.4A	Oppose in part	<p>RW5 is in mixed ownership and is already in mixed rural and mixed business use.</p> <p>The proposed moving of the indicative road access from the existing legal road Chesterfield Avenue to the proposed new road layout, cuts through existing land uses and businesses, particularly at the north end (McShanes Road end). PC79 as notified indicates that the intersection and indicative new road will be developer-lead, with some Council funding per the Long Term Plan. Appleby 88 can foresee the issue of either some landowners not being prepared to contribute towards the costs of the new intersection, and/or not willing to agree to the proposed new indicative road layout given how it intersects and compromises already established</p>	<p>Amend Schedule 17.4A in respect of RW5 in a way that resolves Appleby 88's request.</p> <p>For example:</p> <table border="1" data-bbox="1263 1102 2036 1437"> <thead> <tr> <th data-bbox="1263 1102 1395 1145">A</th> <th data-bbox="1395 1102 1507 1145">B</th> <th data-bbox="1507 1102 1585 1145">...</th> <th data-bbox="1585 1102 2036 1145">D</th> </tr> </thead> <tbody> <tr> <td data-bbox="1263 1145 1395 1246">Site location</td> <td data-bbox="1395 1145 1507 1246">Site location number</td> <td data-bbox="1507 1145 1585 1246">...</td> <td data-bbox="1585 1145 2036 1246">Infrastructure or servicing that is required to be delivered</td> </tr> <tr> <td data-bbox="1263 1246 1395 1437">McShane Road</td> <td data-bbox="1395 1246 1507 1437">RW5</td> <td data-bbox="1507 1246 1585 1437">...</td> <td data-bbox="1585 1246 2036 1437"> <p>Wastewater:</p> <p>Provision for a new trunk pressure main along indicative road layout through development area; provision for new pressure trunk main connection to existing 525mm gravity main along decommissioned rail corridor to the</p> </td> </tr> </tbody> </table>	A	B	...	D	Site location	Site location number	...	Infrastructure or servicing that is required to be delivered	McShane Road	RW5	...	<p>Wastewater:</p> <p>Provision for a new trunk pressure main along indicative road layout through development area; provision for new pressure trunk main connection to existing 525mm gravity main along decommissioned rail corridor to the</p>
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McShane Road	RW5	...	<p>Wastewater:</p> <p>Provision for a new trunk pressure main along indicative road layout through development area; provision for new pressure trunk main connection to existing 525mm gravity main along decommissioned rail corridor to the</p>												

Plan provision	My position on this provision is	The reasons for our submission are:	The decision we want Council to make:			
		<p>mixed business land uses on some of the RW5 properties, without public works compensation.</p> <p>If some sites within RW5 (particularly the southern end) can secure NZTA-approved access direct on SH6 for the time being, and are otherwise adequately serviced, then provided their own on-site use / development anticipates or is otherwise in keeping with the indicative road layout, there should be no reason why some sites can progress with the end-use zoning, and better enable landowners and/or developers to follow suit as funds and timings allow.</p> <p>Equally, Appleby 88 wishes to ensure that PC79 anticipates and provides for the ability for part of RW5 to be upzoned to its end use, once any relevant part(s) of the indicative road is delivered, rather than the trigger point being upon the whole of the indicative road being delivered. In other words, if the properties in the southern portion of RW5 have delivered the southern part of the indicative road and are serviced by the new intersection, then those properties should not have to wait for the northern properties to also form the road and an intersection on McShanes road, in order to be upzoned to the end use.</p>				<p>south of RW5 (now NZTA and Great Taste Trail corridor). See AMP ID 96118 in LTP 2024.</p> <p>Water Supply: <i>Provision of a new trunk watermain through the mixed business area along the indicative road layout, including connection to existing 200mm watermain under Borck Creek at southern end of Summersfield Boulevard. See AMP ID 86204 in LTP 2024.</i></p> <p>Transportation: <i>Provision for <u>either</u>:</i></p> <p><i><u>a) a single mid-block intersection with SH60 to be approved by NZTA.as part of the central access roadway through mixed business area as per indicative road layout on planning maps. To be provided by developer, plus some Council funding available. See AMP ID 46094 in LTP 2024. <u>or</u></u></i></p> <p><i><u>a)b) individual sites have:</u></i></p> <p><i><u>i. designs that anticipate the indicative road layout on the planning maps; and</u></i></p> <p><i><u>+ii. NZTA-approved accessways to Appleby Highway (SH6), to be rescinded upon the mid-block intersection and relevant parts of the indicative road in (a) being delivered.</u></i></p>

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

1. This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
3. Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e. Council makes a decision to refuse, amend or accept the changes). Please include specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.

COVER SHEET

Return your submission by the advertised closing date to:
 Environmental Policy
 Tasman District Council
 Private Bag 4, Richmond 7050 OR
 189 Queen Street, Richmond OR
 Fax 03 543 9524 OR
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OFFICE USE

Date received stamp:

Received
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Initials: tasmanrmp@tasman.govt.nz

Submitter No. Submitter # 4228

Submitter Name: Flowerlands Ltd
 (organisation/individual)

Representative/Contact: Stuart Flowerday
 (if different from above)

Postal Address:

31 Swamp Road
 Richmond 7081

Phone: 021 460 700

Fax: _____

Email: trubet@ts.co.nz

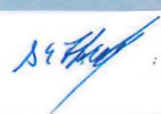
Date: 13/12/2024

Postal address for service of person making submission:
 (if different from above)

255 Nayland Road
 Stoke
 Nelson 7011

Total number of pages submitted (including this page): 16

Signed:


 Signature of submitter (or person authorised to sign on behalf of submitter). NOTE: A signature is not required if you make your submission by electronic means.

IMPORTANT – Please state:

This submission relates to Change No.: Plan Change 79

Change Title/Subject: Plan Change 79: Deferred Zoning

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

05/19

Remember: Attach this Cover Sheet to as many Content Sheets as required.

Submission on a Change to the Tasman Resource Management Plan (TRMP) - Plan Change 79: Deferred Zoning

Introduction

1. This is a submission by Flowerlands Ltd on Plan Change 79: Deferred Zoning ('the Plan Change'). Flowerlands Ltd own and occupy land at 31 Swamp Road, Richmond ("Our land" refer to Figure 1 below). The legal description of this land is Lot 1 DP 379860, comprised in RT320150.

Figure 1: Land owned by Submitter



2. We wish to be heard in support of our submission and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearings.
3. We are not in a position to gain an advantage in trade competition through this submission.

We **support** the general intent of the Plan Change and **support in part and oppose in part** specific aspects/ provisions of the Plan Change.

The relief we seek is that Council **approve** the Plan Change subject to the amendments to specific aspects/ provisions of the Plan Change as detailed below.

Overview

4. The Plan Change proposes to introduce a new deferred zone framework to replace the existing method in the Tasman Resource Management Plan (TRMP). The new deferred zone framework relies on a trigger rule mechanism and also proposes to formally rezone some existing deferred land on the basis that the matters leading to the initial deferral have been satisfied or are no longer relevant.
5. Our property is located within the RW1 land that is proposed to be rezoned from Rural 1 deferred Light Industrial, to Light Industrial. We **support** this aspect of the Plan Change.

6. On the basis that it is proposed to uplift the deferred zoning on our land, the new deferred land framework will not affect us, therefore we are **neutral** on this aspect of the Plan Change.
7. The Plan Change seeks to introduce a Schedule 17.4A area that will apply to much of the RW1 area. This is reflected in the planning maps, and new objectives, policies and rules are proposed which relate to this schedule area. We **support** these changes, **subject to the changes detailed below.**
8. In essence, the changes sought seek to provide flexibility in relation to the requirement for industrial activities and buildings to be temporary, relocatable or readily removable. Whilst the need to manage risks associated with natural hazards appropriately is acknowledged, there may be circumstances where potential risk can be addressed through site-specific circumstances and/ or alternative management or mitigation measures. Subject to adequate expert assessment, it is submitted that an exemption pathway would be appropriate to enable greater certainty to landowners/ developers through avoiding limited duration consents and/ or consent conditions requiring removal of buildings when a sea level rise trigger point is reached. It is envisaged that this exemption pathway would be provided for as a discretionary activity, enabling Council to assess any proposal seeking the pathway on its merits, and either grant or decline consent. These changes, and others, are detailed in the section below.
9. In addition to the specific relief set out below, we make the following general comments:
 - The Plan Change must deliver opportunities for viable development both within and outside the Schedule 17.4A area. It is incumbent on the Council to ensure there remains a pathway to encourage investment to fulfil the purpose of the upzoned land and that conditions imposed do not frustrate the activities applied for.
 - The Plan Change provisions must reflect robust inundation, coastal hazard and sea level rise predictions/ modelling.
 - The Plan Change provisions must acknowledge there are many and varied solutions to address coastal hazard risks and different sites will face varying vulnerabilities subject to topography and distance from the coast. Construction methods will evolve/ improve over time and the Plan Change needs to be responsive to innovative solutions.
 - Landowners must be afforded a choice in how they manage coastal hazard risk on their properties i.e. an exemption pathway is important to create flexibility and enable bespoke treatments where landowners are willing to invest in these, and alternate solutions are supported by expert assessment.
 - The Plan Change should deliver comparable treatment for land that has already had its deferred status lifted and landowners within the Schedule 17.4A area.
 - The Plan Change is important to enable Council to meet its obligations under the National Policy Statement for Urban Development.

- There is sufficient information available for Council to advance the Plan Change. It would be inappropriate to delay action and await further national direction.
- Construction of coastal hazard structures to defend the coastline is supported.

RELIEF SOUGHT

The Planning Maps:

10. The southern boundary of the Schedule 17.4A area cuts across multiple title boundaries and is understood to have been drawn to reflect the 5.1m (NZVD 2016) existing ground contour, although this is not especially clear in the notification documents. This submission seeks further clarification on the basis for delineating the Schedule 17.4A boundary. As different land use rules are proposed to apply to land within and outside of the Schedule 17.4A area, complexities may arise for development within parcels that are partially banded by the Schedule 17.4A notation.
11. It is requested that either the Schedule 17.4A area boundaries are drawn to:
- a. reflect cadastral boundaries (where close to 5.1m), and/or;
 - b. to provide for situations where land within the Schedule area is raised as part of a development proposal to be above 5.1m, that the provisions that apply outside of the Schedule area may be applied to the raised land within the Schedule area.
12. The former option requires a change to Update Zone Map 76-12 as identified in the table below; the latter requires changes to rules, as detailed later in this submission.

<i>Plan provision or map number(s):</i>	<i>The aspect of the provisions we support or oppose, together with reasons, are:</i>	<i>We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:</i>
Update Zone Map 76-12	Support rezoning of RW1 area as Light Industrial	Retain provisions as drafted.
Update Zone Map 76-12	Oppose current extent of area identified as 'Subject to Schedule 17.4A'	Amended extent to reflect cadastral boundaries, with only land parcels that are entirely below 5.1m (NZVD 2016) included within the Schedule area. This submission also seeks clarification on the data/information for distinguishing the schedule 17.4A boundary. We seek to confirm appropriateness (or apply other methodology) to distinguish the schedule 17.4A area, provided this

		does not increase land area as notified.
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Site Specific Further Details:

13. Developing the land to a comprehensive sub-division standard, means there is a high risk of any sections costing more than the market value due to the proposed rules of abandonment at the trigger point. There must be a better way to mitigate the risk around sea level rise. If owners are prepared to fill and re-contour their land to create building platforms to a particular level which could be agreed by scientists. The incentive for this re-contouring work should be that the rules applying to any other industrial land within TDC would be applied to this property (or properties if developed). We feel there would be a real risk of a low cost poorly utilised industrial area without these incentives being in place. There needs to be a clearly defined and agreed finished floor level for any development of these sites.

Objectives and Policies:

14. Changes are sought to some proposed policies to reflect the opportunity for an exemption pathway, as indicated above. It is expected that any exemption would need to be assessed against these policies, therefore flexibility needs to be built into them to provide a pathway for consent to being granted in appropriate circumstances.
15. Accordingly, changes are proposed to Policy 6.5.3.10A, and a new Policy 6.5.3.10AB is proposed. The reason for the changes is that the Schedule 17.4A area covers land with a wide range of elevations and variable distance from the coast. Land within the Schedule area is therefore subject to a range of vulnerabilities to coastal hazards. A requirement for all industrial activities and buildings to be temporary, relocatable or readily removable may be unnecessary for some land within the Schedule area, particularly where other mitigation (such as building up of land, or specific construction detail) may be feasible and appropriate.
16. The restrictions on building construction as notified may disincentivise investment in development of the zone for some light industrial activities, frustrating the purpose of the rezoning. We consider that, provided an applicant has provided comprehensive information (including expert assessment as required), then industrial buildings that are not necessarily 'temporary, relocatable, or removable' should be provided for, or at least a pathway enabled for consent to be obtained, on a case-by-case basis.
17. The amendments seek removal of Policy 6.5.3.10A(d) on the basis that these matters are adequately covered by Policy 6.5.3.10A(b) which already 'avoids' permanent buildings. Further, the relevant assessment matters (and section 108 of the Act) adequately provide scope to impose consent conditions on financial matters such as 'bonding' which can provide Council the necessary the 'financial' certainty that the buildings can be removed from a site in the future.

18. Consequential changes are sought to proposed Policies 6.5.3.10 B and 6.5.3.10C, to the Methods of Implementation at 6.5.20.1, and in the Principal Explanations and Reasons at 6.5.30.
19. Changes are also proposed to proposed Policies 6.8.3.23A and 13.1.3.7A, which use the word 'avoid', which has a strong imperative meaning, in conjunction with 'long-term industrial use', which is undefined and open to interpretation. Given the flexibility sought above in relation to land where coastal hazards can be appropriately avoided or managed, changes are sought to these policies to enable this, and to avoid ambiguity associated with undefined terms. Relatedly, changes are sought to the Principal Reasons and Explanation at 6.8.30 and 13.1.30.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows: Changed as follows (deletions struck through, insertions underlined):
Policy 6.5.3.10A	Support provision, with changes made to enable exemption pathway	<p><i>'In the Light Industrial Zone location that is subject to Schedule 17.4A:</i></p> <p><i>(a) to enable industrial activities and buildings that are temporary, relocatable or readily removable in the short to medium term,</i></p> <p><i>(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></i></p> <p><i>(c) To ensure that industrial activities and buildings are <u>able to be</u> 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></i></p> <p><i>(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.</i></p> <p><i>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.'</i></p>
New Policy 6.5.3.10AA	Insert new policy	<i>'<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</u></i>

		<i>demonstrated to be appropriate through expert assessment.'</i>
Policy 6.5.3.10 B	Support provision, with changes made to enable exemption pathway	<i>In the Light Industrial Zone location that is subject to Schedule 17.4A, to recognise that different land uses, <u>and different sites within the Schedule area</u>, have different vulnerabilities to inundation and coastal hazards due to sea level rise, and to assess proposed activities on a case-by-case basis</i>
Policy 6.5.3.10 C	Support provision, with changes made to enable exemption pathway	<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 <u>long-term significant adverse effects from inundation and coastal hazards due to sea level rise</u>, except where provided for by Policy 6.5.3.10AA</i>
6.5.20.1 Regulatory	Support provision, with changes made to enable exemption pathway	<i>Regulatory...(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>
6.5.30 Principal Reasons and Explanation	Support provision, with changes made to enable exemption pathway	<i>.... 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</u> be 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 inundation, coastal hazards and sea level rise</u>, <u>or where otherwise provided for by Policy 6.5.3.10AA.</u></i>
Policy 6.8.3.23A	Support provision, with changes made to enable exemption pathway and to avoid ambiguity of terms	<i>To avoid the long-term industrial use of land that is at risk of exposure to over <u>time periods that are likely to result in significant adverse effects from inundation, coastal hazards and sea level rise in the long term</u></i>
Policy 6.8.3.11 Richmond West	Support provision, with changes made to enable exemption pathway	<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 inundation, coastal hazards and sea level rise</u>, except where provided for by Policy 6.5.3.10AA.</i>

Policy 13.1.3.7A	Support provision, with changes made to enable exemption pathway and to avoid ambiguity of terms	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 <u>over time periods that are likely to result in significant adverse effects from inundation, coastal hazards and sea level rise</u>
Principal Reasons and Explanation at 6.8.30	Support provision, with changes made to enable exemption pathway	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.</u> Activities and b Buildings in this <u>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>
Principal Reasons and Explanation at 13.1.30	Support provision, with changes made to enable exemption pathway	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.</u> 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 <u>except where provided for by Policy 6.5.3.10AA.</u>

Subdivision

20. We **support** the retention of the existing subdivision rule framework for the Light Industrial Zone, insofar as it relates to the Light Industrial Zone in the Richmond West Development Area.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Chapter 16.3 Subdivision	Support provisions	Retain provisions as drafted.

Land Use Rules for Light Industrial Zone – Activities:

21. Land use activities within the Light Industrial Zone are governed primarily by the rules at Section 17.4 of the TRMP. Rule 17.4.2.1 permits any land use provided various conditions are met, and the Plan Change seeks to add a new condition (a) which states:

'If the location of the activity is within the area that is subject to Schedule 17.4A (as shown on the planning maps), the activity is permitted by Rule 17.5.2.1 or 17.5.4.1.'

22. As discussed above, to avoid a situation where a land parcel being developed is subject to two sets of provisions due to the Schedule 17.4A boundary cutting across a lot, and if Council do not accept the suggestion to redefine the schedule area to reflect cadastral boundaries, changes are requested to Rule 17.4.2.1 as detailed below.
23. Rules 17.5.2.1 and 17.5.4.1 are the permitted land use rules that apply to activities such as plantation forests, horticultural plantings, spray and shelter belts within the Rural 1 zone. The intent of this new provision is supported, in that it seeks to provide for the continued use of the land (including, subject to prescribed setbacks, the use of pesticides associated with horticultural land use) within the Schedule 17.4A area for soil-based production activities until such a time as the land is developed for light industrial purposes. However, it is unclear why the Schedule 17.4A area has been distinguished in the rule, rather than these provisions applying to the entirety of the zone in this location. This should be provided for.
24. A new controlled activity rule, Rule 17.4.2.1A, is proposed to address land use activities within the Schedule 17.4A area that cannot comply with Rules 17.5.2.1 and 17.5.4.1. As land use activities (other than light industrial land use) in this area will not be permitted by Rule 17.4.2.1, Rule 17.4.2.1A provides for these as a controlled activity. In order to meet the controlled activity rule, the following must be met:

'(a) The activity complies with conditions (a) to (r) of rule 17.4.2.1.

(b) Mean Sea Level is lower than the Schedule 17.4A sea level rise trigger.

(c) Any resource consent issued will expire 12 months after Mean Sea Level reaches or exceeds the Schedule 17.4A sea level rise trigger.'

25. The certainty of this controlled activity pathway for establishing activities in the Schedule area is supported. Note that further comments on the proposed sea level rise trigger level are provided below.
26. Any activity that does not meet any of the conditions (a)-(c) of Rule 17.4.2.1A is a discretionary activity under Rule 17.4.2.3. We envisage that an applicant may wish to seek this discretionary activity pathway to either seek an alternative sea level rise trigger (or no trigger) and associated consent expiry date depending on the specifics of the site (such as ground levels and location relative to the coast) and the nature of activities proposed. It is expected that an application seeking this 'exemption pathway' would need to be supported by specialist engineering advice in relation to risks of coastal hazards, addressing the specifics of the site and proposed activities. It is requested that Rule 17.4.2.3 be amended to make this pathway more explicit, reflecting the amendments suggested to policies above. Associated information requirements should be addressed in Chapter 19, addressed further below.

27. Further, we have suggested a new permitted activity rule that preserves lawfully established activities to be protected as a permitted activity. This simplifies reliance on matters such as existing use rights that may not meet the permitted and controlled pathways provide for by Rule 17.4.2.1 and Rule 17.4.2.1A above.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Rule 17.4.2.1 (a) – (ab)	<p>Support provision, with changes 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 for light industrial activities within the Schedule 17.4A area.</p> <p>Also to avoid applicability of Schedule 17.4A provisions where land is within the schedule area but with a ground level exceeding 5.1m.</p> <p>For clarity, if Council does not accept recontouring of the land to at least 5.1m (NZVD 2016) as an appropriate means to uplift the schedule</p>	<p>Changed as follows (deletions struck through, insertions underlined):</p> <p><i>'(a) If the location of the activity is within the area that is subject to Schedule 17.4A (as shown on the planning maps) <u>and has a proposed ground level of less than 5.1m (NZVD 2016)</u>, the activity is permitted by Rule 17.5.2.1 or 17.5.4.1.'</i></p> <p><i><u>(aa) 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></i></p> <p><i><u>(i) permitted by Rule 17.5.2.1 or 17.5.4.1, or;</u></i></p> <p><i><u>(ii) meets the other conditions of this Rule.</u></i></p> <p><i><u>(ab) The activity is not one of the following:...</u></i></p>

	17.4A requirements, then Flowerdays preserves scope to pursue alternative forms of relief to achieve this.	
New Rule 17.4.2.1(aaa)		The submission seeks to include a new rule to preserve any existing activities that have been lawfully established as a permitted activity.
Rule 17.4.2.1A	Support provision	Retain as notified
Rule 17.4.2.3	Support provision, with changes proposed to clarify exemption pathway (see New Policy 6.5.3.10AA) and expected information requirement	<p><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></p> <p><i>(a) The activity is not a residential activity other than a caretaker's residence on the same site as the caretaker works.</i></p> <p><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></p> <p><i>(c) The activity is not a community activity.</i></p> <p><u><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></u></p>

Land Use Rules for Light Industrial Zone – Buildings

28. Existing Rule 17.4.3.1 permits buildings within the Light Industrial zone, subject to conditions, and new condition (aa) requires that the building not be on a site located within the Schedule 17.4A area. A similar exclusion relating to buildings within the Schedule area applies to restricted discretionary Rule 17.4.3.3. It is suggested that Rule 17.4.3.3 be amended to be clearer that buildings within the area subject to Schedule 17.4A are provided for within the Schedule 17.4A provisions.
29. Schedule 17.4A specifically addresses building construction within the Schedule area. There is an error in the title to this schedule, in that it refers to both buildings and subdivision, where rules relate solely to buildings.

30. Rule 17.4A.1.2 provides for buildings within the Schedule area as a controlled activity, subject to meeting conditions. It is noted that condition (c) requires that a condition be placed on any resource consent requiring removal of buildings when the sea level rise trigger is met, rather than 12 months following this as provided for in Rule 17.4.2.1A. As such, amendment is requested to Rule 17.4A.1.2.
31. Condition (d) of Rule 17.4A.1.2 provides that a consent application must include a plan that satisfactorily addresses how the buildings are able, both physically and financially, to be removed from the site. This condition is inefficient as circumstances change over time. As provided for in matter of control (5) financial contributions, including a bond, can be conditioned pursuant to s108 and s108A of the RMA – there is no utility in (d). It is submitted that a bond would only be appropriate in limited circumstances. Over time technology and construction efficiencies may result in costs to complete relocation/ removal at the date consent is granted exceeding costs at the point relocation or removal is required. If Council set a bond at the date of commencement may result in prejudicial outcomes to the applicants and disincentivise investment. Some of the listed matters of control are too broad, are inappropriate for a controlled activity and may give rise to conditions being imposed that have potential to frustrate the activities applied for.
32. In relation to the sea level rise trigger, clarification is sought from Council regarding who is responsible for advising when the sea level rise trigger has been reached, or where this information will be readily available. If Council is responsible for notifying consent holders, the 12-month expiry should be from the date the consent holder is notified of this by Council
33. Any application for a building that does not meet Rule 17.4A.1.2 in respect of removal of buildings when the sea level trigger is reached, or which seek an alternative trigger (or no trigger) would fall for consideration as a discretionary activity under Rule 17.4A.1.4.
34. The trigger level is based on 0.33m of sea level rise, the effects of which would clearly be varied across the range of existing ground levels within the schedule area. It is also possible that an applicant may seek to raise ground/ building platform levels as part of a development proposal, such as has been done at the Light Industrial zoned site at 597 Lower Queen Street where ground levels have been raised to approximately 5m. It is envisaged that an applicant may wish to seek consent for buildings as a discretionary activity, seeking a different trigger level or a set duration of consent. It could be expected that an application for such would need to be accompanied by specialist engineering advice as to what an appropriate trigger level or consent duration would be. For example, an applicant may wish to design a building for a standard design life under the building Act of 50 years. If the site characteristics and building design are adequate, as supported by expert assessment, to not be at risk of damage from coastal hazards over that timeframe (also to meet the requirements of the Building Code and to avoid imposition of a Hazard Notice over that timeframe) then there should be no reason why resource consent should not also be granted for a 50-year timeframe. The additional certainty provided by a set timeframe would provide confidence in investment.

35. As with the exemption pathway detailed above for land use activities, it is requested that changes be made to Rule 17.4A.1.4 to provide an exemption pathway for buildings more explicit. Similar information requirements as detailed above for activities would be expected to be provided to support this, including in relation to construction detail and ability to remove buildings in the future.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Rule 17.4.3.3	Support provision, with changes to clarify cascade of rules	<p>Changed as follows (deletions struck through, insertions underlined):</p> <p><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 alteration 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></p>
Schedule 17.4A Heading	Support provision, with error corrected	<p>Schedule 17.4A: <u>Building</u> on low-lying light industrial land, Lower Queen Street, Richmond</p>
Rule 17.4A.1.2	Support provision, with change to seek consistency with timing specified in other rules	<p>Construction or alteration of a building is a controlled activity, if it complies with the following conditions:</p> <p>...</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 <u>within 12 month following Mean Sea Level reaching or exceeding the Schedule 17.4A sea level rise trigger.</u></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>A resource consent is required and may include conditions on the following matters over which the Council has reserved control:</p> <p>...</p> <p><i>(2) <u>Measures to manage risk of significant adverse effects on the building and property resulting from inundation, coastal hazards and sea level rise</u></i> <i>coastal erosion and flooding and adverse effects on</i></p>

		<p>the building and property from present and potential future coastal erosion and flooding hazards.</p> <p>(3) The effects of the proposed activity, including the effects of eventual building relocation and site remediation, on natural character and the coastal environment.</p>
Rule 17.4A.1.4	Support provision, with changes proposed to clarify exemption pathway and expected information requirement	<p>Construction or alteration of a building that does not comply with the conditions of Rule 17.4A.1.3 is a discretionary activity</p> <p><u>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.</u></p>

The Sea Level Rise trigger point

36. The Schedule 17.4A sea level rise trigger is defined as

'... the point at which sea level in the Lower Queen Street area has risen by approximately 0.33 metres. If the Port Nelson tide gauge is used the trigger is 0.26 m (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 (averaged over 10 years) of relative sea-level rise above average mean sea level for the period 2013-2022.'

37. This trigger point is relevant to the proposed provisions detailed above in that it is proposed to trigger lapsing of consents for activities and activation of consent conditions that require removal of buildings from land within the Schedule area. This is relevant as too conservative a trigger point may discourage investment in development of land within the schedule area. It is acknowledged that reaching the trigger point may not necessitate retreat of activities and removal of buildings but would require new consents to be sought/ conditions to be varied to enable continued use of the land for activities and/ or buildings. As the trigger point would already have been reached at that point, any consent sought would be for a discretionary activity under the proposed rule framework – controlled activity provisions would not be available at that time. This, too, would create uncertainty that may discourage development. Therefore, the trigger level warrants careful consideration.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Chapter 2 Definitions: Schedule 17.4A sea level rise trigger	Neutral, but may seek alternative sea level rise reference(s) in definition depending on evidence available. For clarity, the submissions seeks scope to replace this sea level rise methodology with an alternative, if better expert evidence becomes available.	Changed as follows (deletions struck through, insertions underlined): <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 0.26m [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 0.30m [TBA] (averaged over 10 years) of relative sea-level rise above average mean sea level for the period 2013-2022.</i>

Additional Information Requirements

38. Chapter 19 outlines the information required to accompany particular types of land use and subdivision consent applications. The Plan Change seeks to add a new rule, Rule 19.2.1.18A.
39. The location of this provision under the heading 'Productive Value Report' is confusing and is a minor matter that it is submitted Council consider amending.
40. As identified above, it is suggested that an additional information requirement be added which requires an engineering assessment of an appropriate trigger level for expiry of consents/ removal of buildings for any land use consent sought under discretionary activity Rule 17.4.2.3 and 17.4A.1.4.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Rule 19.2.1.18A	Replace existing provision	<p>Changed as follows (deletions struck through, insertions underlined):</p> <p>Land use application under Schedule 17.4A</p> <p><u>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.</u></p> <p>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.</p>

Other terms

41. This submission submits neutrally on the use of terms 'short', 'medium and 'long term' utilised throughout PC79. These are undefined terms and clarification is sought what is meant by these references. Further clarification, such as whether 'commencement' of the relevant 'term' is to be calculated from the date of this Plan Change becoming operative, or on the date of any consent application is also sought.

Consequential changes

42. Such other further or consequential relief as may be necessary to fully give effect to the matters raised in this submission.

Yours sincerely



Stuart Flowerday on behalf of Flowerlands Ltd

31 Swamp Road, Richmond

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

1. This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
3. **Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e. Council makes a decision to refuse, amend or accept the changes). Please include specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.**

COVER SHEET

Return your submission by the advertised closing date to:
 Environmental Policy
 Tasman District Council
 Private Bag 4, Richmond 7050 OR
 189 Queen Street, Richmond OR
 Fax 03 543 9524 OR
 Email: tasmanrmp@tasman.govt.nz

OFFICE USE

Date received stamp:

Received
 13 December 2024

Initials: tasmanrmp@tasman.govt.nz

Submitter No. Submitter # 2915

Submitter Name: Andrew and Susan Talley
 (organisation/individual)

Representative/Contact: Phernne Tancock and Duncan Ballinger (Barristers)
 (if different from above)

Postal Address:

Phone: 021 496 823 / 027 779 6672

Fax: _____


Email: phernne.tancock@legalchambers.co.nz

Date: 13 December 2024

Postal address for service of person making submission:
 (if different from above)

Stout Street Chambers
 Level 6
 1 Post Office Square
 Wellington 6011

Total number of pages submitted (including this page): _____

Signed: 
 Signature of submitter (or person authorised to sign on behalf of submitter). *NOTE: A signature is not required if you make your submission by electronic means.*

IMPORTANT – Please state:

This submission relates to Change No.: 79

Change Title/Subject: Deferred Zoning

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

SUBMISSION ON TASMAN RESOURCE MANAGEMENT PLAN, CHANGE 79: DEFERRED ZONING

To: Tasman District Council

Name of submitter: Andrew and Susan Talley

1. This is a submission by Andrew Talley and Susan Talley on Change 79: Deferred Zoning to the Tasman Resource Management Plan (TRMP). Plan Change 79 (PC79) was notified on 1 November 2024.
2. The submitters, Andrew and Susan Talley, could not gain an advantage in trade competition through this submission.
3. The submitters wish to be heard in support of their submission.
4. This submission is in two parts:
 - 4.1 General and overarching submission points and relief sought; and
 - 4.2 Detailed comment on specific provisions of the proposal and relief sought, set out in table form.

General points

5. There are a number of general relief points that the submitters raise.
6. The first is a concern that the new trigger mechanism in clause 17.12.2.2(b) is unlawful. That provision purports to enable a change in land subject to a deferred zone from its “original zone” to its “end use zone” by way of a discretionary assessment by a Council employee of whether infrastructure is “planned and funded to be constructed within the next three years”. This is unlawful because:
 - 6.1 It depends on a subjective input of the “satisfaction” of a Council officer. It is unlawful under the Resource Management Act 1991 (RMA) for an activity status to depend on a subjective assessment.
 - 6.2 The expression “planned and funded to be constructed within the next three years” is uncertain and imprecise. Again, this too uncertain to be a lawful plan provision.
7. These issues must be remedied if PC79 is to achieve its goal of providing a certain and legally reliable approach to deferred zoning.

8. The submitters first raised concerns with the Council about the lawfulness of the trigger mechanism to uplift deferred zoning in the TRMP in September 2022. As a consequence, the Council ceased uplifting deferred zones using the existing TRMP trigger mechanism. The Council has undertaken analysis and taken legal advice over the past two years. Despite this, the proposal in PC79 still does not address the underlying problem that the uplift mechanism is unlawful as it results in a change in activity status without a formal plan change process under Schedule 1 of the RMA.
9. Secondly, the submitters also consider that the land that has been identified for deferred zoning and inclusion in the table in Schedule 17.14A has not been subject to a detailed assessment of the environmental effects arising from the potential rezoning, in order to confirm its suitability (or not) for residential (or other intended use). The cursory information included in PC79 is insufficient and inadequate.
10. There has also been no consideration or assessment of the relevant tests in the RMA to determine whether that zoning is ultimately appropriate or not.
11. These sites need to be subject to the Schedule 1 plan change process and relevant information requirements of ss 32, 73, 74, 75, 106, and all relevant National Directions and Standards etc to confirm the suitability of the proposed new zone at a particular site and to ensure that the environmental effects of doing so are understood. This is particularly relevant where the uplifted zone will allow development of the site as a permitted activity without first determining the appropriateness of that activity. A fundamental flaw of PC79 is that it continues to seek to bypass the proper process to rezone land via plan change in the RMA.
12. Without limitation, the submitters remain of the view that the provisions of PC79 (when considered in the whole) adopt an approach that is ultra vires the RMA.
13. The second general relief point is that the new provisions are lacking in clarity. This will undermine the effectiveness and efficiency of the proposal. Our detailed comments outline a number of areas where greater clarity and specificity is required. The entire plan change document would benefit from a detailed review to improve its clarity and consistency. This is important so that the plan is easily understandable to future users who are not aware of the background to PC79 and what it is attempting to achieve.
14. The submitters seek as general relief that the provisions to be introduced or amended by PC79 are amended to improve their clarity and certainty.

15. The third point is that the submitters support the decision to exclude Māpua and Motueka from the current plan change. Provision 17.14.2.1 states that sites not listed in Schedule 17.14A are subject to the plan provisions that applied to the original zone. That provision is supported.
16. However, there is a much simpler and more satisfactory way of achieving the underlying intent that Māpua and Motueka are not to be subject to the new trigger mechanism. All that is required is to delete the references to deferred zoning in the Māpua and Motueka maps in the TRMP, and replace those with references to the original zone in each area. Then, if the Council proposes to make those areas subject to the deferred zoning trigger mechanism in future then it would go through a proper plan change assessment in light of the state of the environment and planning framework as it exists at this time. The advantage of this approach is that it makes the TRMP maps more user friendly and less confusing.
17. The submitters seek as general relief that all references to “deferred zoning” in the TRMP maps for Māpua and Motueka are amended and replaced with references to the original zone.
18. The fourth general matter is that several objectives and policies of the Plan that apply to subdivision and development proposals within the deferred zones will still apply to resource applications made in the Māpua and Motueka deferred zones. Based on the s 32 report, it is not the Council’s intention that PC79 preserves a consenting pathway for intensification development in the Māpua and Motueka deferred zones, however the plan drafting has this effect.
19. The submitters seek as general relief that there are changes to the objectives and policies to ensure they do not enable intensification development within any deferred zone land in Māpua and Motueka.
20. The fifth and final general matter is that it is essential that a proper assessment under the usual RMA processes is undertaken prior to any change in the zoning of the deferred land. The submitters therefore propose amendments to clarify that a full Schedule 1 process must take place:
 - 20.1 When any land is inserted into the list of deferred zone land in Schedule 17.14A; and
 - 20.2 When any deferred zone land is rezoned to its end use zone.
21. The submitters seek as general relief that PC79 introduces any provisions necessary to ensure that any changes in the zoning of land are subject to a full Schedule 1 plan change process.
22. The submitter generally considers that Proposed PC79:

- 22.1 Will not promote the sustainable management of resources and will therefore not achieve the purpose of the RMA, including by not meeting the reasonable foreseeable needs of future generations;
- 22.2 Is contrary to the purpose and provisions of the RMA;
- 22.3 In particular (but not limited to) fails to give effect to the National Policy Statements for Indigenous Biodiversity, Freshwater Management and Highly Productive Land, or the National Environmental Standards for Freshwater;
- 22.4 Is not supported by a sufficient evidential basis as to the effects of the proposed changes on the environment, or sufficient evidence of proper consultation with iwi;
- 22.5 Will not promote the efficient use and development of natural and physical resources of the whole region;
- 22.6 Will not achieve integrated management of the natural and physical resources of the whole region; and
- 22.7 Does not represent the most appropriate way of exercising the Council's functions, having regard to the efficiency and effectiveness of other reasonable practicable options, and therefore not appropriate in terms of s 32 and other provisions of the RMA.

Detailed comment on specific provisions

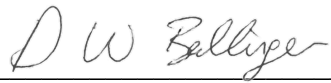
- 23. For the reasons set out above and below, the submitters considers that PC79 is fundamentally flawed both in terms of the information that supports it and the detail of the proposed changes. If these issues are to be addressed then that will require substantial redrafting, and there are likely to be scope issues in implementing the redrafting required. The submitters' position is that it will be more efficient for the plan change to be withdrawn in its entirety.
- 24. In the alternative, the submitters seek that changes are made to address the concerns raised in this submission. The submitters' position on the provisions in the proposal is set out in the table in Schedule 1 to this submission.

Conclusion and contact details

25. The submitters contact details for electronic service are:

Pherne Tancock and Duncan Ballinger
pherne.tancock@legalchambers.co.nz
Duncan.ballinger@stoutstreet.co.nz
021 496 823 / 027 779 6672

Dated: 13 December 2024



P D Tancock / D W Ballinger
Counsel for Mr and Mrs Talley

Provision	Support / oppose	Reasons	Relief sought
Chapter 2 – Meaning of Words			
Schedule 17.4A sea level rise trigger (definition)	Oppose	As currently worded, this definition is imprecise and lacks clarity.	Amendments to the definition to provide further certainty and detail.
6.3 Urban Infrastructure Services			
<i>6.3.2 Objectives</i>			
6.3.2.3	Oppose	The plan change provides a mechanism for ensuring there is sufficient ‘development infrastructure’ to service urban development that comes forward in deferred zones, but it does not provide certainty that ‘additional infrastructure’ as that term is defined in the NPS on Urban Development 2020, is likely to be available. The social and community infrastructure elements are also critical to achieving a well-functioning urban environment.	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. These matters are currently missing from the objective and policy framework.
<i>6.3.3 Policies</i>			
6.3.3.4A	Oppose	As currently drafted, it is unclear whether the policy would apply to the deferred zones in Māpua or Motueka which are not subject to Plan Change PC79.	Insert the following additional text, or words that achieve the same effect, so it is clear that the policy does not apply in those areas which are not included in the plan change scope, i.e. Māpua or Motueka: <i>Where rural land is identified as being subject to a deferred zone <u>in Schedule 17.14A</u> for any....</i>

Provision	Support / oppose	Reasons	Relief sought
6.3.3.4A(b)	Oppose	<p>The s 32 report states that this policy is designed to ensure that land zoned but deferred for specific urban purposes is not compromised for that purpose, before the appropriate services are available (at section 4.1.3 of that report). As the policy is currently proposed, this purpose is not very clearly articulated. The policy is an important component of the plan framework to manage these effects.</p> <p>In addition, as currently worded, this policy would only limit the effects of development of deferred sites which are listed in Schedule 17.14A, and would not apply to sites within other deferred zones which are not subject to this plan change, i.e. in Māpua or Motueka. Given the uncertainty as to when those areas might be brought under the new deferred zoning approach, this needs to be rectified, so that this policy direction also applies in those areas.</p>	Redraft clause (b) of the policy to make the purpose clearer.

Provision	Support / oppose	Reasons	Relief sought
6.3.3.4B	Oppose	<p>As currently drafted, the policy would apply to the deferred zones in Māpua or Motueka.</p> <p>The policy requires amending so that it doesn't enable urban infrastructure development in the Māpua or Motueka deferred zones ahead of the review of the appropriateness of those deferred zones. Otherwise, this policy provides support for urban rezoning through that future review, which may or may not be appropriate. It is also relevant that 'delivered' in the context of infrastructure provision is deemed to include infrastructure that is planned and funded but not yet built (see 17.14).</p>	<p>Insert the following additional text, or words that achieve the same effect, so it is clear that the policy does not apply in Māpua and Motueka:</p> <p><i>Where any rural land is identified in Schedule 17.14A as deferred for any urban zoned purpose...</i></p>
6.3.3.4D	Oppose	<p>As currently drafted, the policy would apply to the deferred zones in Māpua or Motueka.</p> <p>The reference to 'has been delivered' in this policy appears to apply the normal meaning (i.e physically delivered). This is different to the use of 'delivered' in the rules in 17.14.2, which include infrastructure that is planned and funded. This creates confusion within the provisions.</p>	<p>Insert the following additional text, or words that achieve the same effect, so it is clear that the policy does not apply in Māpua or Motueka:</p> <p><i>The urban development anticipated by a deferred zoning in Schedule 17.14A is avoided unless...</i></p> <p>Update the policy (and the rules where appropriate) to use a consistent meaning of 'delivered', and ensure that the meaning is certain.</p>

Provision	Support / oppose	Reasons	Relief sought
6.3.3.4D	Oppose	The plan change provides a mechanism for ensuring there is sufficient 'development infrastructure' to service urban development that comes forward in deferred zones. But it does not provide certainty that 'additional infrastructure' as that term is defined in the NPS on Urban Development 2020, is likely to be available. The social and community infrastructure elements are also critical to achieving a well-functioning urban environment.	Amend Policy 6.3.3.4D so that these 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. These matters are currently missing from the objective and policy framework.
6.3.3.4D(c)	Oppose	<p>Clause (c) is opposed, because it has a high degree of uncertainty in its interpretation and application. This is not appropriate in an 'avoid' policy.</p> <p>For example, the reference to 'land release programmes' is uncertain and there are no apparent procedural requirements associated with this. The reference to 'strategic planning' is also unclear. The policy would be improved by making specific reference to development being consistent with master plans.</p>	That clause (c) be amended 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. Reference to 'land release programme' should be removed.
<i>6.3.20 Methods of Implementation</i>			
6.3.20.1 Regulatory (aa)	Oppose	As currently drafted, the method would apply to the deferred zones in Māpua or Motueka.	Amend the method so it is clear that the mechanism only applies to deferred zones listed in Schedule 17.14A.

Provision	Support / oppose	Reasons	Relief sought
16.3.2.5 Subdivision in any Zone Subject to Deferred Zone Rules or Where Deferred Zoning has been Removed	Oppose in part	<p>The title of this rule and the chapeau are not proposed to be amended by PC79. However, this creates uncertainty and ambiguity, as there appear to be references to the previous approach in both.</p> <p>It is not clear why the rule would apply to land where deferred zoning has been removed, and how a plan user would tell that the rule applied, if a plan change had removed the deferred zoning.</p>	The references to ‘was formerly’ and ‘Where Deferred Zoning has been Removed’ are not consistent with the proposed approach. Amend the title of the rule and the chapeau so that it is more certain as to what land it would apply to, and is consistent with the proposed approach.

16.3.2.5(a)	Oppose	<p>Clause (a) requires compliance with the mandatory standards of the Nelson Tasman Land Development Manual 2019. This clause is not proposed to be amended by PC79.</p> <p>It is also not clear why, under the revised approach, the rule provides the option of either compliance with the mandatory standards of the Land Development Manual, <u>or</u> the provision of the infrastructure in Schedule 17.14A. The new approach is to ensure the infrastructure in the Schedule is delivered before, or at the same time as, development proceeds. Potentially, compliance only with the Land Development Manual could undermine that approach. Any infrastructure delivered to enable these zones would presumably have to comply with the mandatory standards of the Development Manual because ultimately, it will be vested in Council.</p> <p>The mandatory standards in the Nelson Tasman Land Development Manual 2019 are drafted in a way that retains elements of discretion to the Council, as well as a number of circular references back to the relevant resource management plan. These ‘mandatory standards’ are not able to be interpreted with the certainty that is required from a rule in the plan.</p>	<p>Restructure the rule so that clause (b) is the first condition of the rule, and clause (a) must also be achieved, ie. the two conditions must both apply.</p> <p>Review whether clause (a) is necessary, and might already be achieved through other provisions in the plan.</p>
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Provision	Support / oppose	Reasons	Relief sought
		Also, the clause refers to an outdated version of the Manual, the latest manual is dated 2020 (Revision 1).	
16.3.2.5(b)	Oppose	<p><i>“meet the requirements of the deferred zone rules as set out in section 17.14.2 and Schedule 17.14A..”</i></p> <p>This wording is imprecise and uncertain.</p> <p>It would be clearer if the clause was drafted so that it required <u>compliance</u> with specified rules, rather than imprecise references to meeting “the requirements of” rules set out in a section of the plan. This would be a simple edit as there are only two rules and the schedule that require cross- referencing.</p> <p>It is also important that rule 17.14.2.1 is specifically referenced, as otherwise, there is a potential opportunity for subdivision (and subsequent development) in the Māpua and Motueka deferred zones under the plan change, as an applicant could make an application which complies with the Land Development Manual. That would not be consistent with the intention of PC79.</p>	Amend the clause so it is more precise and refers to compliance with specific rules, including Rule 17.14.2.1.

Provision	Support / oppose	Reasons	Relief sought
17.4 Industrial Zone Rules Land Use			
17.4.2.1A Controlled Activities (Scheduled Location)	Oppose	The impacts of the managed retreat regime proposed by the amendments to 17.4 are unclear and untested. The submitters oppose these provisions in their entirety, and will revisit their position once they have had the opportunity to review the full suite of information that the Council will need to provide if these provisions are to be justified.	Remove changes to chapter 17.4 from PC79.
17.4.3 Building Construction or Alteration	Oppose	See above reasons.	Remove changes to chapter 17.4 from PC79.
Schedule 17.4A	Oppose	See above reasons	Remove changes to chapter 17.4 from PC79.

Provision	Support / oppose	Reasons	Relief sought
17.14 Deferred Zone Rules			
17.14.1 Scope of Section	Oppose in part	<p>The s32 report states at section 2.3 that the plan change proposes to amend the TRMP by introducing a requirement that, for existing deferred land to remain deferred or for additional land to be deferred after this plan change is operative, funding for the infrastructure should be included in the Council's Long-Term Plan within the next 1-10 years and the infrastructure upgrades required to service the area identified in the TRMP, LTP, and Activity Management Plans that support the LTP.</p> <p>These specific requirements, which provide a level of assurance and robustness to the revised approach, should be clearly stated in this section of the Plan. As the proposed text is drafted, this detail has not been provided.</p>	Amend the 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. The wording (in the s32 report) is more specific.

Provision	Support / oppose	Reasons	Relief sought
17.14.2 All Deferred Zones	Support in part	<p>17.14.2.1 is supported because it clarifies that the deferred zones that are not listed in Schedule 17.14A are subject to the original zone rules. This includes the deferred zones in Māpua and Motueka.</p> <p>It is not clear what status the text in this section is intended to have.</p> <p>17.14.2.1 appears to be a standalone rule, but is drafted as a condition of a rule.</p> <p>The rule would benefit from being restructured so it is clear it is a standalone rule.</p>	<p>Retain Rule 17.14.2.1</p> <p>Restructure the rule so it is clearer that it is a standalone rule.</p> <p>Make amendments to provide greater clarity that sites not in Schedule 17.14A cannot benefit from the trigger mechanism.</p>
Maps for Motueka and Māpua	Oppose	<p>PC79 does not propose to make any amendments to the maps for Motueka and Māpua. To improve readability and user-friendliness of the plan, all references to “deferred zones” in the maps for Motueka and Māpua should be deleted and replaced with references to the original zones in those locations. This is consistent with the intention that Motueka and Māpua are not to be subject to the new deferred zoning trigger mechanism and provisions.</p>	<p>Amend all maps for Motueka and Māpua to replace references to deferred zones with references to the original zones.</p>

Provision	Support / oppose	Reasons	Relief sought
17.14.2.2(a)	Oppose	<p>As currently drafted, clause (a) appears to apply even if clause (b) has been activated, which does not appear to be the intention of the plan change.</p> <p>The use of the words '<i>that is occurring or is proposed to occur</i>' is unnecessary and confuses the provision. This could be removed.</p> <p>The phrase '<i>... is subject to the provisions specified in the relevant row of Column C...</i>' is not clear as to whether only those provisions apply. The phrase should be consistent with the headings in Columns C and G, and 17.14.2.2 (b) and state that the provisions 'apply'.</p>	<p>Amend clause (a) of the rule so that it expressly states that it only applies to the deferred zones/areas listed in Schedule 17.14A.</p> <p>Amend clause (a) so that it is clear that it only applies until clause (b) is satisfied.</p> <p>Remove the words '<i>that is occurring or is proposed to occur</i>'.</p> <p>Delete 'subject to' and redraft the clause to state that provisions in Column C 'apply'.</p>

17.14.2.2 (b)	Oppose	<p>This clause is uncertain and imprecise.</p> <p>It is not lawful for the status of an activity to depend on subjective assessment such as the satisfaction of a particular officer of the Council.</p> <p>Clause (b) states that for the purpose of the rule, ‘delivered’ means infrastructure that is either physically constructed, or is planned and funded to be constructed within the next three years, “to the satisfaction of the Council’s Group Manager – Community Infrastructure...”</p> <p>That drafting retains an element of discretion to an individual officer within the Council as to when the deferred zone rules apply. It is not clear how the Group Manager would be ‘satisfied’.</p> <p>Further, it is not clear what “planned and funded to be constructed within the next three years” entails and how it would be demonstrated that this had been met. This is not sufficiently certain to be a valid planning provision.</p> <p>Finally “confirmation that the infrastructure has been delivered must also be posted on the Council’s website”, relies on a Council discretionary action before an applicant can</p>	<p>Amend clause (b) of the rule to remove the discretion provided to the Council’s Group Manager. This is ultra vires.</p> <p>Amend clause (b) so that it is more specific as to when “planned and funded to be constructed within the next three years” would be satisfied.</p> <p>Include defined terms to improve the certain and consistency of how the concept of ‘delivered/delivery’ is used throughout the plan provisions.</p> <p>In the event that amendments cannot be drafted to provide a lawful (intra vires) trigger mechanism, then the deferred zoning provisions should be removed from the plan. A Schedule 1 plan change would then be required to change zoning.</p>
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Provision	Support / oppose	Reasons	Relief sought
		<p>comply with it. It is not lawful for an activity status to depend on such action.</p> <p>It is also unclear how the public would be aware of uplifts occurring without a plan change or whether adequate assessment has been carried out as to the effects of the zoning change as these have not been properly assessed and the information supporting these zones is inadequate.</p>	

Provision	Support / oppose	Reasons	Relief sought
17.14.2.2 (c)	Oppose	<p>The reference to the ‘operative date of the plan change that originally established the deferred zone’ is unclear. This may mean the date on which the zone was originally established, or may mean the date on which PC79 becomes operative.</p> <p>Deferred zones were first introduced into the Plan in 1996 and made operative in November 2008, so this would mean that a number of those zones would already have passed the lapse date of 10 years.</p> <p>A sunset clause approach is supported in terms of the requirement for a further assessment of the appropriateness of the end use of the land, as circumstances may have changed, e.g sea level rise, and the need to consider National Direction when making zoning decisions..</p> <p>By tying the lapse period of the deferred zoning to the ‘delivery’ of the infrastructure, which could include ‘planned and funded within 3 years’, creates a high degree of uncertainty as to when development rights are altered.</p>	<p>Amend the clause 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.</p> <p>Amend the rule to provide certainty as to what ‘delivery’ means in the context of this rule.</p> <p>A serious issue arises as to whether individual areas of land to be included in the deferred zones have been properly assessed to determine their suitability for zoning. The information included in PC79 does not provide a proper evidential basis to assess the matters relevant to a zoning change for these sites in sufficient detail and has not considered relevant provisions of the RMA when assessing the suitability of the land included for an uplift. For example, many of the area of land to be included, pre-date the National Directions on NPS-IB, NPS-FM, NES-F, NPS-HPL, and natural hazards nor does it appear that iwi have been sufficiently consulted.</p> <p>The environmental effects of the rezoning for a particular area of land are not known and has not been properly quantified to determine whether the land is suitable candidate for residential development. This is a consequence of PC79’s attempt to bypass the usual plan making process and checks and balances inherent in the RMA for rezoning decisions.</p>

<p>17.14.20 Principal Reasons for the Rules</p>	<p>Oppose in Part</p>	<p><u>Process for making land subject to a deferred zone</u></p> <p>The principal reasons includes the following text: “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”. The intention behind this sentence seems to be that land will be subject to a full plan change assessment before it is included as deferred land listed in Schedule 17.14A. That intention is supported, but this could be clarified in the reasons.</p> <p><u>Process for rezoning land to end use zone</u></p> <p>The section 32 report states at section 2.5 that Plan change PC79 “removes the process by which a zone map is changed in the TRMP by way of a council resolution under the LGA which is not a method provided for in the RMA”.</p> <p>This is achieved by the proposed deletion of the text in Section 17.14.2 Procedure for Removal of Deferral.</p> <p>However, it is not clear from the notified provisions whether a further plan change will be needed to rezone land to the end use zone. This seems to be what will occur based on</p>	<p>Amend the principal reasons to say: “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 <u>list of deferred land in schedule 17.14A</u>”.</p> <p>Clarify in the explanatory text in this section, 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. As described above, a plan change is the only way of ensuring that the land to be rezoned is suitable for that purpose and allows that to be properly assessed.</p>
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Provision	Support / oppose	Reasons	Relief sought
		<p>Column I of Schedule 17.14A, but the explanatory text suggests a different approach, stating that “For the avoidance of doubt, at this time the zone will not change but a different set of planning provisions will apply”.</p> <p>The submitters support the requirement for a Schedule 1 plan change process to rezone land to the end use zone. It would seem appropriate for a future plan change to amend the zoning to the end use, as this would enable the Council to include it within its calculation of ‘plan-enabled’ <u>short term</u> development capacity, as defined in Clause 3.4 of the NPS on Urban Development 2020.</p> <p><u>Reference to sunset clause</u></p> <p>The principal reasons explaining the 10-year expiry period for deferred zone locations is supported.</p> <p><u>Exclusion of Motueka and Māpua</u></p> <p>The principal reasons explaining that deferred zone locations in Motueka and Māpua are not included in Schedule 17.14A is supported.</p>	
Table in the Principal Reasons for the Rules	Oppose in part	It is not clear what status this table has or what it covers. It has no title or column descriptors.	Amend the plan so it is clear as to what purpose this table has and consider whether this information should be provided in an alternative format.

Provision	Support / oppose	Reasons	Relief sought
Schedule 17.14A: Deferred Zone Locations	Oppose in part	<p><u>Deletion of existing table</u></p> <p>The deletion of the existing table in full is supported.</p> <p><u>New table</u></p> <p>It is not clear what column I and J are intended to do, or whether they are necessary. There is no clear statement in the table as to the date from which the sunset clause in 17.4.2.2 is to apply.</p>	<p>Amend the titles of Columns I and J so it is clearer what information they are intended to provide. The schedule should include the date from which the sunset clause in 17.4.2.2 applies.</p>
Schedule 17.14A: Deferred Zone Locations	Oppose	<p>Some of the entries in the table are imprecise and uncertain in nature, and it will not be clear to applicants or members of the public whether the infrastructure requirements are met. This is a particular issue in relation to the “Waimea Wastewater Strategy” referred to in the table.</p>	<p>Amend the schedule to remove references to constructing ‘Strategies’ and instead just list the infrastructure that is required to be delivered.</p> <p>Be more specific about the nature of the upgrades required, to remove future uncertainty as to whether the provision has been met, or not.</p>
Schedule 17.14A: Deferred Zone Locations - RW5	Oppose	<p>The transportation requirements for RW5 require an intersection with SH60 “to be approved by NZTA”.</p> <p>Discretion for approval should not sit with a third party, as this is unlawful.</p>	<p>Amend wording so that compliance with this provision is not at the discretion of a third party.</p>

Provision	Support / oppose	Reasons	Relief sought
Schedule 17.14A: Deferred Zone Locations — Column C and Column G	Oppose	The list of provisions in Columns C and G is not exhaustive and infers that other relevant provisions of the Plan are not applicable. The intention of the table is to apply either the underlying or destination zone rules and other provisions (objectives and policies) that apply to those zones <i>as well as</i> any other rules and other provisions that should apply (such as natural hazards provisions). The table needs to be amended to clarify the full range of provisions that apply to the original zone and to the end use zone.	Amend the table so it is clear which provisions apply under each deferred scenario, including provisions in other sections of the plan that continue to apply.
Schedule 17.14A: Deferred Zone Locations	Oppose	The title of Column E refers to Column H. This should refer to Column G.	Amend the title of Column E to refer to Column G.

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

1. This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
3. **Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e. Council makes a decision to refuse, amend or accept the changes). Please include specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.**

COVER SHEET

Return your submission by the advertised closing date to:

Environmental Policy
Tasman District Council
Private Bag 4, Richmond 7050 OR
189 Queen Street, Richmond OR
Fax 03 543 9524 OR
Email: tasmanrmp@tasman.govt.nz

OFFICE USE

Date received stamp:

Received
13 December 2024

Initials: tasmanrmp@tasman.govt.nz

Submitter No. Submitter # 1651

Submitter Name: Wai-West Horticulture Limited
(organisation/individual)

Representative/Contact: Katherine Forward, Duncan Cotterill
(if different from above)

Postal Address:

3 Golden Hills Road, RD1 Richmond, Nelson 7081

Phone: 0275544276

Fax:

Email: katherine.forward@duncancotteril.com

Date: 13/12/2024

Postal address for service of person making submission:
(if different from above)

7 Bridge Street, Nelson, 7010
PO Box 827,7040

Total number of pages submitted (including this page):

Signed:

Signature of submitter (or person authorised to sign on behalf of submitter). *NOTE: A signature is not required if you make your submission by electronic means.*

IMPORTANT – Please state:

This submission relates to Change No.: 79

Change Title/Subject: Deferred Zoning

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

05/19

Remember: Attach this Cover Sheet to as many Content Sheets as required.

Submission on a Change to the Tasman Resource Management Plan (TRMP) - Plan Change 79: Deferred Zoning

Introduction

1. This is a submission by Wai West Horticulture Limited ('**Wai-West**') on Plan Change 79: Deferred Zoning ('**the Plan Change**'). The land that Wai West own/lease is outlined in **Table 1** and identified in **Figure 1** below. Some of the land owned by Wai-West adjoins but is not within the notified boundaries of the Plan Change, as shown in **Figure 2** below.

Address	Legal Description	Area (ha)	Own/Lease
491 Lower Queen Street	Lot 1 DP 20497 (RTNL13C/748) Lot 2 DP 379860 (RT320151) Lot 3 DP 379860 (RT320152)	9.27ha 11.91ha 17.56ha	Owned by Wai West
517 Lower Queen Street	Lot 1 DP 17704 (459998))	6.99ha	Lease (Nelson Pine Industries Limited)
0 Lower Queen Street	Lot 7 DP 20017 (NL13B/581)	8.88ha	Lease (Nelson Pine Industries Limited)
16 McShane Road	Section 2 SO 590914 (1167313)	4.18ha	Lease (Brian and Karen Cargill)

Table 1: Land owned/leased by Submitter

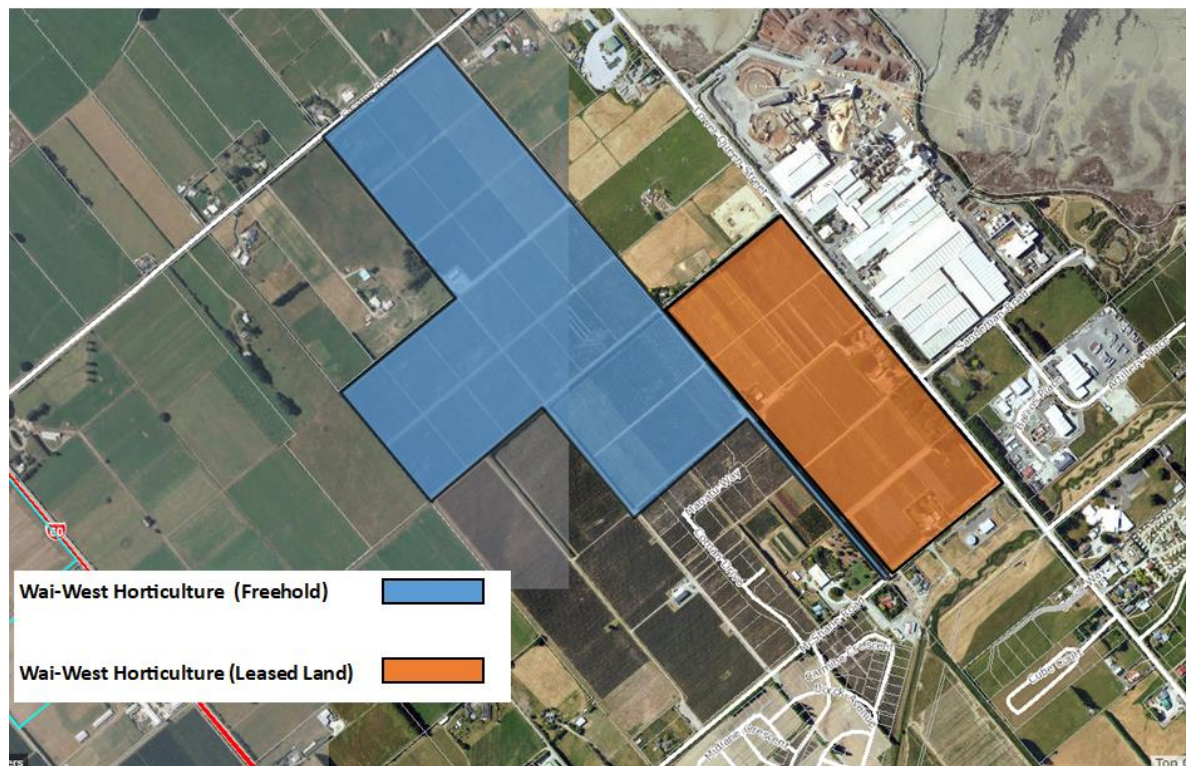


Figure 1: Land owned/leased by Wai-West (referred to as the '**Ashfield Block**')



Figure 2: Land owned by Wai West outside of notified boundaries (green)

2. We wish to be heard in support of our submission and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearings.
3. We are not in a position to gain an advantage in trade competition through this submission.

We **support** the general intent of the Plan Change and **support in part and oppose in part** specific aspects/ provisions of the Plan Change.

The relief we seek is that Council **approve** the Plan Change subject to the amendments to specific aspects/ provisions of the Plan Change as detailed below, and consequential changes to give effect to the relief outlined below.

Background to Wai -West Horticulture Submission

1. Wai West is a family-owned business (owned by three families) which has operated in the top of the South since 1983. Wai West's total production area is approximately 220ha, which is made up of a mixture of Apple, Boysenberry and Kiwifruit plantings.
2. Wai-West currently has between 37-40 permanent staff. Other staff level fluctuate during the fruit seasons, where we can employ 100+ casual staff for 2 months of the year, and 140 RSE workers for 6-7 months of the year.
3. Wai West is the largest landholder within the RW1 area. Figure 1 and Table 1 above identify the scale of horticultural activity being undertaken by Wai West in Richmond West location. This area is referred to as the 'Ashfield Block' and is primarily planted in apples. This area is approximately 59ha.
4. While we support the plan change to the extent it uplifts the deferred zoning status, we seek the to ensure that our existing horticultural activities can continue until such time that light industrial development is financially viable (noting the opportunity cost of losing established horticultural activities). We anticipate that development would occur in stages 'in-line' with demand from the Tasman (and Nelson City) districts. This would

most likely start as an extension to the current 'Coman' development on the eastern boundary of Wai-West land.

5. Until such time that light industrial development is feasible, it is important to protect our horticultural activities through the district plan provision. Horticultural activities involve a range of activities that could potentially cause cross boundary/reverse sensitivity effects, such as spraying (pesticide and herbicides) and noise. Particularly during short harvest seasons, operations can also run at unusual hours. While Wai West operates in accordance with tight policy (i.e spray and pesticide procedure), we are aware of other horticulturalists who have been placed at considerable risk due to introduction of incompatible activities.
6. We are conscious that the plan change seeks to preserve rural activities as a /controlled activity (by reference to Rule 17.5.2.1). However, if a resource consent is required (even for minor breaches), then any application will fall to be assessed against the Industrial objective and policy provisions. For this reason, we have included broad relief to develop a 'grandfathering' permitted activity rule for all existing horticultural activities.
7. As identified in Figure 2 above, some of Wai-West land is outside of the plan change area and would therefore become the immediate neighbour of light industrial zoning. Wai-West therefore needs to assess the outcomes of the rezoning through the lens of both a Light Industrial and Rural zoning perspective. Given this dynamic, we seek include all Wai-West land within the proposed plan change area in order to create planning consistency over the treatment of Wai-West land.
8. If the balance of the RW1 land was developed, it would leave a 'pocket' of established horticultural land that would be difficult to remain financially viable, particularly as the supporting agricultural infrastructure would have been lost through industrial development.

Overview

9. The Plan Change proposes to introduce a new deferred zone framework to replace the existing method in the Tasman Resource Management Plan (TRMP). The new deferred zone framework relies on a trigger rule mechanism and also proposes to formally rezone some existing deferred land on the basis that the matters leading to the initial deferral have been satisfied or are no longer relevant.
10. As shown in Figure 1 and Figure 2 our property is located within the RW1 land that is proposed to be rezoned from Rural 1 deferred Light Industrial, to Light Industrial. We **support** this aspect of the Plan Change.
11. Wai-West seek to include land within identified Figure 2 to be rezoned as light industrial.
12. On the basis that it is proposed to uplift the deferred zoning on our land, the new deferred land framework will not affect us, therefore we are **neutral** on this aspect of the Plan Change.
13. The Plan Change seeks to introduce a Schedule 17.4A area that will apply to much of the RW1 area. This is reflected in the planning maps, and new objectives, policies and rules are proposed which relate to this schedule area. We **support** these changes, **subject to the changes detailed below**. We note that the Wai-West land is located furthest from the coast within the RW1 zone, and therefore is only partially bound by Schedule 17A.4 area.
14. In essence, the changes sought seek to provide flexibility in relation to the requirement for industrial activities and buildings to be temporary, relocatable or readily removable. Whilst the need to manage risks associated with natural hazards appropriately is acknowledged, there may be circumstances where potential risk can be addressed

through site-specific circumstances and/ or alternative management or mitigation measures. Subject to adequate expert assessment, it is submitted that an exemption pathway would be appropriate to enable greater certainty to landowners/ developers through avoiding limited duration consents and/ or consent conditions requiring removal of buildings when a sea level rise trigger point is reached. It is envisaged that this exemption pathway would be provided for as a discretionary activity, enabling Council to assess any proposal seeking the pathway on its merits, and either grant or decline consent. These changes, and others, are detailed in the section below.

15. In addition to the specific relief set out below, We make the following general comments:

- The Plan Change must deliver opportunities for viable development both within and outside the Schedule 17.4A area. It is incumbent on the Council to ensure there remains a pathway to encourage investment to fulfil the purpose of the upzoned land and that conditions imposed do not frustrate the activities applied for.
- The Plan Change provisions must reflect robust inundation, coastal hazard and sea level rise predictions/ modelling.
- The Plan Change provisions must acknowledge there are many and varied solutions to address coastal hazard risks and different sites will face varying vulnerabilities subject to topography and distance from the coast. Construction methods will evolve/ improve over time and the Plan Change needs to be responsive to innovative solutions.
- Landowners must be afforded a choice in how they manage coastal hazard risk on their properties i.e. an exemption pathway is important to create flexibility and enable bespoke treatments where landowners are willing to invest in these, and alternate solutions are supported by expert assessment.
- The Plan Change should deliver comparable treatment for land that has already had its deferred status lifted and landowners within the Schedule 17.4A area.
- The Plan Change is important to enable Council to meet its obligations under the National Policy Statement for Urban Development.
- There is sufficient information available for Council to advance the Plan Change. It would be inappropriate to delay action and await further national direction.
- Construction of coastal hazard structures to defend the coastline is supported.

RELIEF SOUGHT

The Planning Maps:

16. The southern boundary of the Schedule 17.4A area cuts across multiple title boundaries and is understood to have been drawn to reflect the 5.1m (NZVD 2016) existing ground contour, although this is not especially clear in the notification documents. This submission seeks further clarification on the basis for delineating the Schedule 17.4A boundary. As different land use rules are proposed to apply to land within and outside of the Schedule 17.4A area, complexities may arise for development within parcels that are partially banded by the Schedule 17.4A notation.

17. It is requested that either the Schedule 17.4A area boundaries are drawn to:

- a. reflect cadastral boundaries (where close to 5.1m), and/or;

- b. to provide for situations where land within the Schedule area is raised as part of a development proposal to be above 5.1m, that the provisions that apply outside of the Schedule area may be applied to the raised land within the Schedule area; and/or
 - c. to include the land identified in Figure 2 above, as contained in Lot 2 DP 379860 (RT320151) and the balance of Lot 3 DP 379860 (RT320152).
18. Option (a) and (c) requires a change to Update Zone Map 76-12 as identified in the table below; Option (b) requires changes to rules, as detailed later in this submission.

Plan provision or map number(s):	The aspect of the provisions We support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Update Zone Map 76-12	Support rezoning of RW1 area as Light Industrial	Retain provisions as drafted.
Update Zone Map 76-12	Oppose current extent of area identified as 'Subject to Schedule 17.4A'	Amended extent to reflect cadastral boundaries, with only land parcels that are entirely below 5.1m (NZVD 2016) included within the Schedule area. To include the area identified within Figure 2 above. This submission also seeks clarification on the data/information for distinguishing the schedule 17.4A boundary. We seek to confirm appropriateness (or apply other methodology) to distinguish the schedule 17.4A area, provided this does not increase land area as notified.

Objectives and Policies:

- 19. Changes are sought to some proposed policies to reflect the opportunity for an exemption pathway, as indicated above. It is expected that any exemption would need to be assessed against these policies, therefore flexibility needs to be built into them to provide a pathway for consent to being granted in appropriate circumstances.
- 20. Accordingly, changes are proposed to Policy 6.5.3.10A, and a new Policy 6.5.3.10AB is proposed. The reason for the changes is that the Schedule 17.4A area covers land with a wide range of elevations and variable distance from the coast. Land within the Schedule area is therefore subject to a range of vulnerabilities to coastal hazards . A requirement for all industrial activities and buildings to be temporary, relocatable or readily removable may be unnecessary for some land within the Schedule area, particularly where other mitigation (such as building up of land, or specific construction detail) may be feasible and appropriate.
- 21. The restrictions on building construction as notified may disincentivise investment in development of the zone for some light industrial activities, frustrating the purpose of the rezoning. We consider that, provided an applicant has provided comprehensive information (including expert assessment as required), then industrial buildings that are

not necessarily 'temporary, relocatable, or removable' should be provided for, or at least a pathway enabled for consent to be obtained, on a case-by-case basis.

22. The amendments seek removal of Policy 6.5.3.10A(d) on the basis that these matters are adequately covered by Policy 6.5.3.10A(b) which already 'avoids' permanent buildings. Further, the relevant assessment matters (and section 108 of the Act) adequately provide scope to impose consent conditions on financial matters such as 'bonding' which can provide Council the necessary the 'financial' certainty that the buildings can be removed from a site in the future.
23. Consequential changes are sought to proposed Policies 6.5.3.10 B and 6.5.3.10C, to the Methods of Implementation at 6.5.20.1, and in the Principal Explanations and Reasons at 6.5.30.
24. Changes are also proposed to proposed Policies 6.8.3.23A and 13.1.3.7A, which use the word 'avoid', which has a strong imperative meaning, in conjunction with 'long-term industrial use', which is undefined and open to interpretation. Given the flexibility sought above in relation to land where coastal hazards can be appropriately avoided or managed, changes are sought to these policies to enable this, and to avoid ambiguity associated with undefined terms. Relatedly, changes are sought to the Principal Reasons and Explanation at 6.8.30 and 13.1.30.

Plan provision or map number(s):	The aspect of the provisions We support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Policy 6.5.3.10A	Support provision, with changes made to enable exemption pathway	<p>Changed as follows (deletions struck through, insertions underlined):</p> <p><i>'In the Light Industrial Zone location that is subject to Schedule 17.4A:</i></p> <p><i>(a) to enable industrial activities and buildings that are temporary, relocatable or readily removable in the short to medium term.</i></p> <p><i>(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></i></p> <p><i>(c) To ensure that industrial activities and buildings are <u>able to be removed</u> 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></i></p> <p><i>(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.</i></p> <p><i>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.'</i></p>
New Policy 6.5.3.10AA	Insert new policy	<i><u>'In the Light Industrial Zone location that is subject to Schedule 17.4A, to avoid industrial buildings that are</u></i>

		<u>not relocatable or readily removable, unless risk of inundation, coastal hazards and sea level rise are demonstrated to be appropriate through expert assessment.'</u>
Policy 6.5.3.10 B	Support provision, with changes made to enable exemption pathway	<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 assess proposed activities on a case-by-case basis</u>
Policy 6.5.3.10 C	Support provision, with changes made to enable exemption pathway	<u>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</u>
6.5.20.1 Regulatory	Support provision, with changes made to enable exemption pathway	<u>Regulatory...(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, except where in accordance with Policy 6.5.3.10AA.</u>
6.5.30 Principal Reasons and Explanation	Support provision, with changes made to enable exemption pathway	<u>... However, some areas of land zoned Light Industrial are subject vulnerable to future sea level rise. These areas are unlikely to may not be 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 inundation, coastal hazards and sea level rise, or where otherwise provided for by Policy 6.5.3.10AA.</u></u>
Policy 6.8.3.23A	Support provision, with changes made to enable exemption pathway and to avoid ambiguity of terms	<u>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</u>
Policy 6.8.3.11 Richmond West	Support provision, with changes made to enable exemption pathway	<u>... This light industrial zone park 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 inundation, coastal hazards and sea level rise, except where provided for by Policy 6.5.3.10AA.</u></u>
Policy 13.1.3.7A	Support provision, with changes made to enable exemption pathway and to avoid ambiguity of terms	<u>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</u>

Principal Reasons and Explanation at 6.8.30	Support provision, with changes made to enable exemption pathway	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</u> , coastal hazards and sea level rise. <u>Activities and buildings in this Schedule 17.4A 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>
Principal Reasons and Explanation at 13.1.30	Support provision, with changes made to enable exemption pathway	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</u> , 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 <u>except where provided for by Policy 6.5.3.10AA.</u>

Subdivision

25. We **support** the retention of the existing subdivision rule framework for the Light Industrial Zone, insofar as it relates to the Light Industrial Zone in the Richmond West Development Area.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Chapter 16.3 Subdivision	Support provisions	Retain provisions as drafted.

Land Use Rules for Light Industrial Zone – Activities:

26. Land use activities within the Light Industrial Zone are governed primarily by the rules at Section 17.4 of the TRMP. Rule 17.4.2.1 permits any land use provided various conditions are met, and the Plan Change seeks to add a new condition (a) which states:

'If the location of the activity is within the area that is subject to Schedule 17.4A (as shown on the planning maps), the activity is permitted by Rule 17.5.2.1 or 17.5.4.1.'

27. As discussed above, to avoid a situation where a land parcel being developed is subject to two sets of provisions due to the Schedule 17.4A boundary cutting across a lot, and if Council do not accept the suggestion to redefine the schedule area to reflect cadastral boundaries, changes are requested to Rule 17.4.2.1 as detailed below.
28. Rules 17.5.2.1 and 17.5.4.1 are the permitted land use rules that apply to activities such as plantation forests, horticultural plantings, spray and shelter belts within the Rural 1 zone. The intent of this new provision is supported, in that it seeks to provide for the continued use of the land (including, subject to prescribed setbacks, the use of pesticides associated with horticultural land use) within the Schedule 17.4A area for soil-based production activities until such a time as the land is developed for light industrial purposes. However, it is unclear why the Schedule 17.4A area has been distinguished

in the rule, rather than these provisions applying to the entirety of the zone in this location. This should be provided for.

29. A new controlled activity rule, Rule 17.4.2.1A, is proposed to address land use activities within the Schedule 17.4A area that cannot comply with Rules 17.5.2.1 and 17.5.4.1. As land use activities (other than light industrial land use) in this area will not be permitted by Rule 17.4.2.1, Rule 17.4.2.1A provides for these as a controlled activity. In order to meet the controlled activity rule, the following must be met:

'(a) The activity complies with conditions (a) to (r) of rule 17.4.2.1.

(b) Mean Sea Level is lower than the Schedule 17.4A sea level rise trigger.

(c) Any resource consent issued will expire 12 months after Mean Sea Level reaches or exceeds the Schedule 17.4A sea level rise trigger.'

30. The certainty of this controlled activity pathway for establishing activities in the Schedule area is supported. Note that further comments on the proposed sea level rise trigger level are provided below.
31. Any activity that does not meet any of the conditions (a)-(c) of Rule 17.4.2.1A is a discretionary activity under Rule 17.4.2.3. We envisage that an applicant may wish to seek this discretionary activity pathway to either seek an alternative sea level rise trigger (or no trigger) and associated consent expiry date depending on the specifics of the site (such as ground levels and location relative to the coast) and the nature of activities proposed. It is expected that an application seeking this 'exemption pathway' would need to be supported by specialist engineering advice in relation to risks of coastal hazards, addressing the specifics of the site and proposed activities. It is requested that Rule 17.4.2.3 be amended to make this pathway more explicit, reflecting the amendments suggested to policies above. Associated information requirements should be addressed in Chapter 19, addressed further below.
32. Further, we have suggested a new permitted activity rule that preserves lawfully established activities to be protected as a permitted activity. This simplifies reliance on matters such as existing use rights that may not meet the permitted and controlled pathways provide for by Rule 17.4.2.1 and Rule 17.4.2.1A above.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Rule 17.4.2.1 (a) – (ab)	Support provision, with changes 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	<p>Changed as follows (deletions struck through, insertions underlined):</p> <p><i>'(a) If the location of the activity is within the area that is subject to Schedule 17.4A (as shown on the planning maps) <u>and has a proposed ground level of less than 5.1m (NZVD 2016)</u>, the activity is permitted by Rule 17.5.2.1 or 17.5.4.1.'</i></p> <p><i>(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</u></i></p>

	<p>for light industrial activities within the Schedule 17.4A area.</p> <p>Also to avoid applicability of Schedule 17.4A provisions where land is within the schedule area but with a ground level exceeding 5.1m.</p>	<p><u>proposed ground level of at least 5.1m (NZVD 2016) the activity is either:</u></p> <p><u>(i) permitted by Rule 17.5.2.1 or 17.5.4.1, or;</u> <u>(ii) meets the other conditions of this Rule.</u></p> <p><u>(ab) The activity is not one of the following:...</u></p>
New Rule 17.4.2.1 (aaa)	<p>A 'grandfathering' rule provides protection for activities that may not meet the standard Rural 1 activity requirements in Rule 17.5.2.1 or 17.5.4.1. This is important as any application will be assessed against the Industrial objective and policy framework.</p>	<p>The submission seeks to include a new rule to preserve any existing activities that have been lawfully established as a permitted activity.</p> <p>Note: If a robust grandfathering rule is not included, then additional protection for existing horticultural activities (and associated agricultural activities) should be inserted into the Industrial objective and policy framework to ensure that any consent application for has some policy support.</p>
Rule 17.4.2.1A	Support provision	Retain as notified
Rule 17.4.2.3	Support provision, with changes proposed to clarify exemption pathway (see New Policy 6.5.3.10AA) and expected information requirement	<p><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></p> <p><i>(a) The activity is not a residential activity other than a caretaker's residence on the same site as the caretaker works.</i></p> <p><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></p> <p><i>(c) The activity is not a community activity.</i></p> <p><u><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></u></p>

Land Use Rules for Light Industrial Zone – Buildings

33. Existing Rule 17.4.3.1 permits buildings within the Light Industrial zone, subject to conditions, and new condition (aa) requires that the building not be on a site located within the Schedule 17.4A area. A similar exclusion relating to buildings within the Schedule area applies to restricted discretionary Rule 17.4.3.3. It is suggested that Rule 17.4.3.3 be amended to be clearer that buildings within the area subject to Schedule 17.4A are provided for within the Schedule 17.4A provisions.
34. Schedule 17.4A specifically addresses building construction within the Schedule area. There is an error in the title to this schedule, in that it refers to both buildings and subdivision, where rules relate solely to buildings.
35. Rule 17.4A.1.2 provides for buildings within the Schedule area as a controlled activity, subject to meeting conditions. It is noted that condition (c) requires that a condition be placed on any resource consent requiring removal of buildings when the sea level rise trigger is met, rather than 12 months following this as provided for in Rule 17.4.2.1A. As such, amendment is requested to Rule 17.4A.1.2.
36. Condition (d) of Rule 17.4A.1.2 provides that a consent application must include a plan that satisfactorily addresses how the buildings are able, both physically and financially, to be removed from the site. This condition is inefficient as circumstances change over time. As provided for in matter of control (5) financial contributions, including a bond, can be conditioned pursuant to s108 and s108A of the RMA – there is no utility in (d). It is submitted that a bond would only be appropriate in limited circumstances. Over time technology and construction efficiencies may result in costs to complete relocation/ removal at the date consent is granted exceeding costs at the point relocation or removal is required. If Council set a bond at the date of commencement may result in prejudicial outcomes to the applicants and disincentivise investment. Some of the listed matters of control are too broad, are inappropriate for a controlled activity and may give rise to conditions being imposed that have potential to frustrate the activities applied for.
37. In relation to the sea level rise trigger, clarification is sought from Council regarding who is responsible for advising when the sea level rise trigger has been reached, or where this information will be readily available. If Council is responsible for notifying consent holders, the 12 month expiry should be from the date the consent holder is notified of this by Council
38. Any application for a building that does not meet Rule 17.4A.1.2 in respect of removal of buildings when the sea level trigger is reached, or which seek an alternative trigger (or no trigger) would fall for consideration as a discretionary activity under Rule 17.4A.1.4.
39. The trigger level is based on 0.33m of sea level rise, the effects of which would clearly be varied across the range of existing ground levels within the schedule area. It is also possible that an applicant may seek to raise ground/ building platform levels as part of a development proposal, such as has been done at the Light Industrial zoned site at 597 Lower Queen Street where ground levels have been raised to approximately 5m. It is envisaged that an applicant may wish to seek consent for buildings as a discretionary activity, seeking a different trigger level or a set duration of consent. It could be expected that an application for such would need to be accompanied by specialist engineering advice as to what an appropriate trigger level or consent duration would be. For example, an applicant may wish to design a building for a standard design life under the building Act of 50 years. If the site characteristics and building design are adequate, as supported by expert assessment, to not be at risk of damage from coastal hazards over that timeframe (also to meet the requirements of the Building Code and to avoid imposition of a Hazard Notice over that timeframe) then there

should be no reason why resource consent should not also be granted for a 50 year timeframe. The additional certainty provided by a set timeframe would provide confidence in investment.

40. As with the exemption pathway detailed above for land use activities, it is requested that changes be made to Rule 17.4A.1.4 to provide an exemption pathway for buildings more explicit. Similar information requirements as detailed above for activities would be expected to be provided to support this, including in relation to construction detail and ability to remove buildings in the future.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
		Changed as follows (deletions struck through, insertions underlined):
Rule 17.4.3.3	Support provision, with changes to clarify cascade of rules	<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 alteration 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>
Schedule 17.4A Heading	Support provision, with error corrected	<i>Schedule 17.4A: Subdivision and Building on low-lying light industrial land, Lower Queen Street, Richmond</i>
Rule 17.4A.1.2	Support provision, with change to seek consistency with timing specified in other rules	<p><i>Construction or alteration of a building is a controlled activity, if it complies with the following conditions:</i></p> <p>...</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 <u>within 12 month following Mean Sea Level reachesing or exceedsing</u> 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>...</p> <p><i>(2) <u>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</u></i></p>

		<p>and potential future coastal erosion and flooding hazards.</p> <p>(3) The effects of the proposed activity, including the effects of eventual building relocation and site remediation, on natural character and the coastal environment.</p>
Rule 17.4A.1.4	Support provision, with changes proposed to clarify exemption pathway and expected information requirement	<p>Construction or alteration of a building that does not comply with the conditions of Rule 17.4A.1.3 is a discretionary activity</p> <p><u>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.</u></p>

The Sea Level Rise trigger point

41. The Schedule 17.4A sea level rise trigger is defined as

'... the point at which sea level in the Lower Queen Street area has risen by approximately 0.33 metres. If the Port Nelson tide gauge is used the trigger is 0.26 m (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 (averaged over 10 years) of relative sea-level rise above average mean sea level for the period 2013-2022.'

42. This trigger point is relevant to the proposed provisions detailed above in that it is proposed to trigger lapsing of consents for activities and activation of consent conditions that require removal of buildings from land within the Schedule area. This is relevant as too conservative a trigger point may discourage investment in development of land within the schedule area. It is acknowledged that reaching the trigger point may not necessitate retreat of activities and removal of buildings but would require new consents to be sought/ conditions to be varied to enable continued use of the land for activities and/ or buildings. As the trigger point would already have been reached at that point, any consent sought would be for a discretionary activity under the proposed rule framework – controlled activity provisions would not be available at that time. This, too, would create uncertainty that may discourage development. Therefore, the trigger level warrants careful consideration.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Chapter 2 Definitions: Schedule 17.4A sea level rise trigger	Neutral, but may seek alternative sea level rise reference(s) in definition depending on evidence available.	<p>Changed as follows (deletions struck through, insertions underlined):</p> <p><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</i></p>

		<i>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>
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Additional Information Requirements

43. Chapter 19 outlines the information required to accompany particular types of land use and subdivision consent applications. The Plan Change seeks to add a new rule, Rule 19.2.1.18A.
44. The location of this provision under the heading 'Productive Value Report' is confusing and is a minor matter that it is submitted Council consider amending.
45. As identified above, it is suggested that an additional information requirement be added which requires an engineering assessment of an appropriate trigger level for expiry of consents/ removal of buildings for any land use consent sought under discretionary activity Rule 17.4.2.3 and 17.4A.1.4.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Rule 19.2.1.18A	Replace existing provision	<p>Changed as follows (deletions struck through, insertions underlined):</p> <p>Land use application under Schedule 17.4A</p> <p><u>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.</u></p> <p>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.</p>

Other terms

46. This submission submits neutrally on the use of terms 'short', 'medium and 'long term' utilised throughout PC79. These are undefined terms and clarification is sought what is meant by these references. Further clarification, such as whether 'commencement' of the relevant 'term' is to be calculated from the date of this Plan Change becoming operative, or on the date of any consent application is also sought.

Consequential changes

47. Such other further or consequential relief as may be necessary to fully give effect to the matters raised in this submission. The relief provided is to narrow discussion and not provided as discrete relief to achieve the purpose of this submission.

Yours sincerely

Wai-West Horticulture Limited.

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

1. This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
3. **Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e. Council makes a decision to refuse, amend or accept the changes). Please include specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.**

COVER SHEET

Return your submission by the advertised closing date to:
 Environmental Policy
 Tasman District Council
 Private Bag 4, Richmond 7050 OR
 189 Queen Street, Richmond OR
 Fax 03 543 9524 OR
 Email: tasmanrmp@tasman.govt.nz

OFFICE USE

Date received stamp:

Received
13 December 2024

Initials: tasmanrmp@tasman.govt.nz

Submitter No. Submitter # 4230

Submitter Name: Coral and Tracy Yelverton
(organisation/individual)

Representative/Contact: Katherine Forward, Duncan Cotterill
(if different from above)

Postal Address:

197 Bridge Street, Nelson | Whakatū 7010
 PO Box 827, 7040

Phone: 0275544276

Fax: _____

Email: Katherine.forward@duncancotterill.com

Date: 13/12/2024

Postal address for service of person making submission:
(if different from above)

Total number of pages submitted *(including this page)*: _____

Signed: _____

Signature of submitter (or person authorised to sign on behalf of submitter). *NOTE: A signature is not required if you make your submission by electronic means.*

IMPORTANT – Please state:

This submission relates to Change No.: 79

Change Title/Subject: Deferred Zoning

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? *(tick one)* Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

Submission on a Change to the Tasman Resource Management Plan (TRMP) - Plan Change 79: Deferred Zoning

Introduction

1. This is a submission by Coral and Tracy Yelverton ('Yelvertons') on Plan Change 79: Deferred Zoning ('**the Plan Change**'). We own land referred to in **Table 1** and identified in **Figure 1** below.

Address	Legal Description	Area (ha)
587 Lower Queen Street	Lot 2 DP 9797 and Pt Lot 1 DP 7236 (RTNL5B/490)	4.04ha

Table 1: Land owned by Submitter (by a Yelverton Trust)



Figure 1: Land owned by Yelverton Trust

2. We wish to be heard in support of our submission and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearings.
3. We are not in a position to gain an advantage in trade competition through this submission.

We **support** the general intent of the Plan Change and **support in part and oppose in part** specific aspects/ provisions of the Plan Change.

The relief we seek is that Council **approve** the Plan Change subject to the amendments to specific aspects/ provisions of the Plan Change as detailed below.

Background to Yelverton Submission

1. The Yelverton Block is currently utilised as a beef grazing block (the main block is located at 647 Lower Queen Street). Coral Yelverton runs the farming operation but is hopeful that the lifting of the present deferred Light Industrial zone status will unlock development potential for the property which will enable diversification of income and contribute to succession planning.
2. The Yelverton's consider the most appropriate use of this land is to embrace urban growth from Richmond and contribute development opportunity to the industrial sector. Given modelled sea level rise predictions are unpredictable, the Yelverton's consider that it is important to ensure that land is developed through appropriate planning mechanisms.
3. It is important to the Yelverton's to ensure there is flexibility to subdivide the existing dwelling off so that it can be kept separate from any industrial development undertaken in accordance with new zoning.

Overview

4. The Plan Change proposes to introduce a new deferred zone framework to replace the existing method in the Tasman Resource Management Plan (TRMP). The new deferred zone framework relies on a trigger rule mechanism and also proposes to formally rezone some existing deferred land on the basis that the matters leading to the initial deferral have been satisfied or are no longer relevant.
5. Our property is located within the RW1 land that is proposed to be rezoned from Rural 1 deferred Light Industrial, to Light Industrial. We **support** this aspect of the Plan Change.
6. On the basis that it is proposed to uplift the deferred zoning on our land, the new deferred land framework will not affect us, therefore we are **neutral** on this aspect of the Plan Change.
7. The Plan Change seeks to introduce a Schedule 17.4A area that will apply to much of the RW1 area (and the entirety of Yelverton land). This is reflected in the planning maps, and new objectives, policies and rules are proposed which relate to this schedule area. We **support** these changes, **subject to the changes detailed below**.
8. In essence, the changes sought seek to provide flexibility in relation to the requirement for industrial activities and buildings to be temporary, relocatable or readily removable. Whilst the need to manage risks associated with natural hazards appropriately is acknowledged, there may be circumstances where potential risk can be addressed through site-specific circumstances and/ or alternative management or mitigation measures. Subject to adequate expert assessment, it is submitted that an exemption pathway would be appropriate to enable greater certainty to landowners/ developers through avoiding limited duration consents and/ or consent conditions requiring removal of buildings when a sea level rise trigger point is reached. It is envisaged that this exemption pathway would be provided for as a discretionary activity, enabling Council to assess any proposal seeking the pathway on its merits, and either grant or decline consent. These changes, and others, are detailed in the section below.
9. In addition to the specific relief set out below, we make the following general comments:
 - The Plan Change must deliver opportunities for viable development both within and outside the Schedule 17.4A area. It is incumbent on the Council to ensure

there remains a pathway to encourage investment to fulfil the purpose of the upzoned land and that conditions imposed do not frustrate the activities applied for.

- The Plan Change provisions must reflect robust inundation, coastal hazard and sea level rise predictions/ modelling.
- The Plan Change provisions must acknowledge there are many and varied solutions to address coastal hazard risks and different sites will face varying vulnerabilities subject to topography and distance from the coast. Construction methods will evolve/ improve over time and the Plan Change needs to be responsive to innovative solutions.
- Landowners must be afforded a choice in how they manage coastal hazard risk on their properties i.e. an exemption pathway is important to create flexibility and enable bespoke treatments where landowners are willing to invest in these, and alternate solutions are supported by expert assessment.
- The Plan Change should deliver comparable treatment for land that has already had its deferred status lifted and landowners within the Schedule 17.4A area.
- The Plan Change is important to enable Council to meet its obligations under the National Policy Statement for Urban Development.
- There is sufficient information available for Council to advance the Plan Change. It would be inappropriate to delay action and await further national direction.
- Construction of coastal hazard structures to defend the coastline is supported.

RELIEF SOUGHT

The Planning Maps:

10. The southern boundary of the Schedule 17.4A area cuts across multiple title boundaries and is understood to have been drawn to reflect the 5.1m (NZVD 2016) existing ground contour, although this is not especially clear in the notification documents. This submission seeks further clarification on the basis for delineating the Schedule 17.4A boundary. As different land use rules are proposed to apply to land within and outside of the Schedule 17.4A area, complexities may arise for development within parcels that are partially banded by the Schedule 17.4A notation.
11. It is requested that either the Schedule 17.4A area boundaries are drawn to:
 - a. reflect cadastral boundaries (where close to 5.1m), and/or;
 - b. to provide for situations where land within the Schedule area is raised as part of a development proposal to be above 5.1m, that the provisions that apply outside of the Schedule area may be applied to the raised land within the Schedule area.
12. The former option requires a change to Update Zone Map 76-12 as identified in the table below; the latter requires changes to rules, as detailed later in this submission.

<i>Plan provision or map number(s):</i>	<i>The aspect of the provisions we support or oppose, together with reasons, are:</i>	<i>We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:</i>

Update Zone Map 76-12	Support rezoning of RW1 area as Light Industrial	Retain provisions as drafted.
Update Zone Map 76-12	Oppose current extent of area identified as 'Subject to Schedule 17.4A'	Amended extent to reflect cadastral boundaries, with only land parcels that are entirely below 5.1m (NZVD 2016) included within the Schedule area. This submission also seeks clarification on the data/information for distinguishing the schedule 17.4A boundary. We seek to confirm appropriateness (or apply other methodology) to distinguish the schedule 17.4A area, provided this does not increase land area as notified.

Objectives and Policies:

13. Changes are sought to some proposed policies to reflect the opportunity for an exemption pathway, as indicated above. It is expected that any exemption would need to be assessed against these policies, therefore flexibility needs to be built into them to provide a pathway for consent to being granted in appropriate circumstances.
14. Accordingly, changes are proposed to Policy 6.5.3.10A, and a new Policy 6.5.3.10AB is proposed. The reason for the changes is that the Schedule 17.4A area covers land with a wide range of elevations and variable distance from the coast. Land within the Schedule area is therefore subject to a range of vulnerabilities to coastal hazards. A requirement for all industrial activities and buildings to be temporary, relocatable or readily removable may be unnecessary for some land within the Schedule area, particularly where other mitigation (such as building up of land, or specific construction detail) may be feasible and appropriate.
15. The restrictions on building construction as notified may disincentivise investment in development of the zone for some light industrial activities, frustrating the purpose of the rezoning. We consider that, provided an applicant has provided comprehensive information (including expert assessment as required), then industrial buildings that are not necessarily 'temporary, relocatable, or removable' should be provided for, or at least a pathway enabled for consent to be obtained, on a case-by-case basis.
16. The amendments seek removal of Policy 6.5.3.10A(d) on the basis that these matters are adequately covered by Policy 6.5.3.10A(b) which already 'avoids' permanent buildings. Further, the relevant assessment matters (and section 108 of the Act) adequately provide scope to impose consent conditions on financial matters such as 'bonding' which can provide Council the necessary the 'financial' certainty that the buildings can be removed from a site in the future.
17. Consequential changes are sought to proposed Policies 6.5.3.10 B and 6.5.3.10C, to the Methods of Implementation at 6.5.20.1, and in the Principal Explanations and Reasons at 6.5.30.
18. Changes are also proposed to proposed Policies 6.8.3.23A and 13.1.3.7A, which use the word 'avoid', which has a strong imperative meaning, in conjunction with 'long-term industrial use', which is undefined and open to interpretation. Given the flexibility sought above in relation to land where coastal hazards can be appropriately avoided or managed, changes are sought to these policies to enable this, and to avoid

ambiguity associated with undefined terms. Relatedly, changes are sought to the Principal Reasons and Explanation at 6.8.30 and 13.1.30.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows: Changed as follows (deletions struck through, insertions underlined):
Policy 6.5.3.10A	Support provision, with changes made to enable exemption pathway	<p><i>'In the Light Industrial Zone location that is subject to Schedule 17.4A:</i></p> <p><i>(a) to enable industrial activities and buildings that are temporary, relocatable or readily removable in the short to medium term.</i></p> <p><i>(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>;</i></p> <p><i>(c) To ensure that industrial activities and buildings are <u>able to be</u> removed from the land that is subject to Schedule 17.4A (as identified on the planning maps) when inundation risks and coastal hazards are <u>unacceptable not otherwise remedied or mitigated</u>.</i></p> <p><i>(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.</i></p> <p><i>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.'</i></p>
New Policy 6.5.3.10AA	Insert new policy	<p><i>'<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></i></p>
Policy 6.5.3.10 B	Support provision, with changes made to enable exemption pathway	<p><i>In the Light Industrial Zone location that is subject to Schedule 17.4A, to recognise that different land uses, <u>and different sites within the Schedule area</u>, have different vulnerabilities to inundation and coastal hazards due to sea level rise, and to assess proposed activities on a case-by-case basis</i></p>
Policy 6.5.3.10 C	Support provision, with changes made to enable exemption pathway	<p><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 <u>effects from inundation and coastal hazards due to sea level rise, except where provided for by Policy 6.5.3.10AA</u></i></p>

6.5.20.1 Regulatory	Support provision, with changes made to enable exemption pathway	Regulatory...(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>
6.5.30 Principal Reasons and Explanation	Support provision, with changes made to enable exemption pathway	... However, some areas of land zoned Light Industrial are <u>subject vulnerable</u> to future sea level rise. These areas are unlikely to <u>may not</u> be 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 inundation, coastal hazards and sea level rise, or where otherwise provided for by Policy 6.5.3.10AA.</u>
Policy 6.8.3.23A	Support provision, with changes made to enable exemption pathway and to avoid ambiguity of terms	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
Policy 6.8.3.11 Richmond West	Support provision, with changes made to enable exemption pathway	... This light industrial zone park 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 inundation, coastal hazards and sea level rise, except where provided for by Policy 6.5.3.10AA.</u>
Policy 13.1.3.7A	Support provision, with changes made to enable exemption pathway and to avoid ambiguity of terms	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
Principal Reasons and Explanation at 6.8.30	Support provision, with changes made to enable exemption pathway	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 buildings in this Schedule 17.4A 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>
Principal Reasons and Explanation at 13.1.30	Support provision, with changes made to enable exemption pathway	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>

Subdivision

19. We **support** the retention of the existing subdivision rule framework for the Light Industrial Zone, insofar as it relates to the Light Industrial Zone in the Richmond West Development Area, and subject to the one amendment requested below.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Chapter 16.3 Subdivision	Support provisions	Retain provisions as drafted.
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.	Any consequential amendments to Chapter 16.3 to ensure subdivision of existing dwelling is a controlled activity. Given this dwelling exists, it should not be subject to the same coastal hazard and inundation considerations as other Schedule 17.A dwellings.

Land Use Rules for Light Industrial Zone – Activities:

20. Land use activities within the Light Industrial Zone are governed primarily by the rules at Section 17.4 of the TRMP. Rule 17.4.2.1 permits any land use provided various conditions are met, and the Plan Change seeks to add a new condition (a) which states:

‘If the location of the activity is within the area that is subject to Schedule 17.4A (as shown on the planning maps), the activity is permitted by Rule 17.5.2.1 or 17.5.4.1.’

21. As discussed above, to avoid a situation where a land parcel being developed is subject to two sets of provisions due to the Schedule 17.4A boundary cutting across a lot, and if Council do not accept the suggestion to redefine the schedule area to reflect cadastral boundaries, changes are requested to Rule 17.4.2.1 as detailed below.
22. Rules 17.5.2.1 and 17.5.4.1 are the permitted land use rules that apply to activities such as plantation forests, horticultural plantings, spray and shelter belts within the Rural 1 zone. The intent of this new provision is supported, in that it seeks to provide for the continued use of the land (including, subject to prescribed setbacks, the use of pesticides associated with horticultural land use) within the Schedule 17.4A area for soil-based production activities until such a time as the land is developed for light industrial purposes. However, it is unclear why the Schedule 17.4A area has been distinguished in the rule, rather than these provisions applying to the entirety of the zone in this location. This should be provided for.
23. A new controlled activity rule, Rule 17.4.2.1A, is proposed to address land use activities within the Schedule 17.4A area that cannot comply with Rules 17.5.2.1 and 17.5.4.1. As land use activities (other than light industrial land use) in this area will not be permitted by Rule 17.4.2.1, Rule 17.4.2.1A provides for these as a controlled activity. In order to meet the controlled activity rule, the following must be met:

‘(a) The activity complies with conditions (a) to (r) of rule 17.4.2.1.’

(b) Mean Sea Level is lower than the Schedule 17.4A sea level rise trigger.

(c) Any resource consent issued will expire 12 months after Mean Sea Level reaches or exceeds the Schedule 17.4A sea level rise trigger.'

24. The certainty of this controlled activity pathway for establishing activities in the Schedule area is supported. Note that further comments on the proposed sea level rise trigger level are provided below.
25. Any activity that does not meet any of the conditions (a)-(c) of Rule 17.4.2.1A is a discretionary activity under Rule 17.4.2.3. We envisage that an applicant may wish to seek this discretionary activity pathway to either seek an alternative sea level rise trigger (or no trigger) and associated consent expiry date depending on the specifics of the site (such as ground levels and location relative to the coast) and the nature of activities proposed. It is expected that an application seeking this 'exemption pathway' would need to be supported by specialist engineering advice in relation to risks of coastal hazards, addressing the specifics of the site and proposed activities. It is requested that Rule 17.4.2.3 be amended to make this pathway more explicit, reflecting the amendments suggested to policies above. Associated information requirements should be addressed in Chapter 19, addressed further below.
26. Further, we have suggested a new permitted activity rule that preserves lawfully established activities to be protected as a permitted activity. This simplifies reliance on matters such as existing use rights that may not meet the permitted and controlled pathways provide for by Rule 17.4.2.1 and Rule 17.4.2.1A above.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Rule 17.4.2.1 (a) – (ab)	<p>Support provision, with changes 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 for light industrial activities within the Schedule 17.4A area.</p> <p>Also to avoid applicability of Schedule 17.4A provisions where land is within the schedule area but with a ground</p>	<p>We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:</p> <p>Changed as follows (deletions struck through, insertions underlined):</p> <p><i>'(a) If the location of the activity is within the area that is subject to Schedule 17.4A (as shown on the planning maps) <u>and has a proposed ground level of less than 5.1m (NZVD 2016)</u>, the activity is permitted by Rule 17.5.2.1 or 17.5.4.1.'</i></p> <p><i>(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></i></p> <p><i>(i) <u>permitted by Rule 17.5.2.1 or 17.5.4.1, or;</u></i></p> <p><i>(ii) <u>meets the other conditions of this Rule.</u></i></p> <p><i><u>(ab) The activity is not one of the following:...</u></i></p>

	level exceeding 5.1m.	
New Rule 17.4.2.1 (aaa)		The submission seeks to include a new rule preserve any existing activities that have been lawfully established activity. The residential dwelling on Yelverton Land at Lot 2 DP 9797 and Pt Lot 1 DP 7236 (RTNL5B/490) is specifically recognised as a permitted activity.
Rule 17.4.2.1A	Support provision	Retain as notified
Rule 17.4.2.3	Support provision, with changes proposed to clarify exemption pathway (see New Policy 6.5.3.10AA) and expected information requirement	<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> <u><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></u>

Land Use Rules for Light Industrial Zone – Buildings

27. Existing Rule 17.4.3.1 permits buildings within the Light Industrial zone, subject to conditions, and new condition (aa) requires that the building not be on a site located within the Schedule 17.4A area. A similar exclusion relating to buildings within the Schedule area applies to restricted discretionary Rule 17.4.3.3. It is suggested that Rule 17.4.3.3 be amended to be clearer that buildings within the area subject to Schedule 17.4A are provided for within the Schedule 17.4A provisions.
28. Schedule 17.4A specifically addresses building construction within the Schedule area. There is an error in the title to this schedule, in that it refers to both buildings and subdivision, where rules relate solely to buildings.
29. Rule 17.4A.1.2 provides for buildings within the Schedule area as a controlled activity, subject to meeting conditions. It is noted that condition (c) requires that a condition be placed on any resource consent requiring removal of buildings when the sea level rise trigger is met, rather than 12 months following this as provided for in Rule 17.4.2.1A. As such, amendment is requested to Rule 17.4A.1.2.
30. Condition (d) of Rule 17.4A.1.2 provides that a consent application must include a plan that satisfactorily addresses how the buildings are able, both physically and financially, to be removed from the site. This condition is inefficient as circumstances change over time. As provided for in matter of control (5) financial contributions, including a bond, can be conditioned pursuant to s108 and s108A of the RMA – there is no utility in (d). It is submitted that a bond would only be appropriate in limited circumstances. Over time

technology and construction efficiencies may result in costs to complete relocation/ removal at the date consent is granted exceeding costs at the point relocation or removal is required. If Council set a bond at the date of commencement may result in prejudicial outcomes to the applicants and disincentivise investment. Some of the listed matters of control are too broad, are inappropriate for a controlled activity and may give rise to conditions being imposed that have potential to frustrate the activities applied for.

31. In relation to the sea level rise trigger, clarification is sought from Council regarding who is responsible for advising when the sea level rise trigger has been reached, or where this information will be readily available. If Council is responsible for notifying consent holders, the 12 month expiry should be from the date the consent holder is notified of this by Council
32. Any application for a building that does not meet Rule 17.4A.1.2 in respect of removal of buildings when the sea level trigger is reached, or which seek an alternative trigger (or no trigger) would fall for consideration as a discretionary activity under Rule 17.4A.1.4.
33. The trigger level is based on 0.33m of sea level rise, the effects of which would clearly be varied across the range of existing ground levels within the schedule area. It is also possible that an applicant may seek to raise ground/ building platform levels as part of a development proposal, such as has been done at the Light Industrial zoned site at 597 Lower Queen Street where ground levels have been raised to approximately 5m. It is envisaged that an applicant may wish to seek consent for buildings as a discretionary activity, seeking a different trigger level or a set duration of consent. It could be expected that an application for such would need to be accompanied by specialist engineering advice as to what an appropriate trigger level or consent duration would be. For example, an applicant may wish to design a building for a standard design life under the building Act of 50 years. If the site characteristics and building design are adequate, as supported by expert assessment, to not be at risk of damage from coastal hazards over that timeframe (also to meet the requirements of the Building Code and to avoid imposition of a Hazard Notice over that timeframe) then there should be no reason why resource consent should not also be granted for a 50 year timeframe. The additional certainty provided by a set timeframe would provide confidence in investment.
34. As with the exemption pathway detailed above for land use activities, it is requested that changes be made to Rule 17.4A.1.4 to provide an exemption pathway for buildings more explicit. Similar information requirements as detailed above for activities would be expected to be provided to support this, including in relation to construction detail and ability to remove buildings in the future.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows: Changed as follows (deletions struck through, insertions underlined):
Rule 17.4.3.3	Support provision, with changes to clarify cascade of rules	<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 alteration 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>
Schedule 17.4A Heading	Support provision, with error corrected	Schedule 17.4A: Subdivision and b <u>Building</u> on low-lying light industrial land, Lower Queen Street, Richmond
Rule 17.4A.1.2	Support provision, with change to seek consistency with timing specified in other rules	<p>Construction or alteration of a building is a controlled activity, if it complies with the following conditions:</p> <p>...</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 <u>within 12 month following Mean Sea Level reachesing or exceedsing</u> the Schedule 17.4A sea level rise trigger.</i></p> <p>(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.</p> <p>A resource consent is required and may include conditions on the following matters over which the Council has reserved control:</p> <p>...</p> <p><i>(2) <u>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.</u></i></p> <p>(3) The effects of the proposed activity, including the effects of eventual building relocation and site remediation, on natural character and the coastal environment.</p>

Rule 17.4A.1.4	Support provision, with changes proposed to clarify exemption pathway and expected information requirement	Construction or alteration of a building that does not comply with the conditions of Rule 17.4A.1.3 is a discretionary activity <u>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.</u>
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The Sea Level Rise trigger point

35. The Schedule 17.4A sea level rise trigger is defined as

'... the point at which sea level in the Lower Queen Street area has risen by approximately 0.33 metres. If the Port Nelson tide gauge is used the trigger is 0.26 m (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 (averaged over 10 years) of relative sea-level rise above average mean sea level for the period 2013-2022.'

36. This trigger point is relevant to the proposed provisions detailed above in that it is proposed to trigger lapsing of consents for activities and activation of consent conditions that require removal of buildings from land within the Schedule area. This is relevant as too conservative a trigger point may discourage investment in development of land within the schedule area. It is acknowledged that reaching the trigger point may not necessitate retreat of activities and removal of buildings but would require new consents to be sought/ conditions to be varied to enable continued use of the land for activities and/ or buildings. As the trigger point would already have been reached at that point, any consent sought would be for a discretionary activity under the proposed rule framework – controlled activity provisions would not be available at that time. This, too, would create uncertainty that may discourage development. Therefore, the trigger level warrants careful consideration.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Chapter 2 Definitions: Schedule 17.4A sea level rise trigger	Neutral, but may seek alternative sea level rise reference(s) in definition depending on evidence available.	Changed as follows (deletions struck through, insertions underlined): <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>

Additional Information Requirements

37. Chapter 19 outlines the information required to accompany particular types of land use and subdivision consent applications. The Plan Change seeks to add a new rule, Rule 19.2.1.18A.
38. The location of this provision under the heading 'Productive Value Report' is confusing and is a minor matter that it is submitted Council consider amending.
39. As identified above, it is suggested that an additional information requirement be added which requires an engineering assessment of an appropriate trigger level for expiry of consents/ removal of buildings for any land use consent sought under discretionary activity Rule 17.4.2.3 and 17.4A.1.4.

Plan provision or map number(s):	The aspect of the provisions we support or oppose, together with reasons, are:	We seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows:
Rule 19.2.1.18A	Replace existing provision	<p>Changed as follows (deletions struck through, insertions underlined):</p> <p>Land use application under Schedule 17.4A</p> <p><u>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.</u></p> <p>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.</p>

Other terms

40. This submission submits neutrally on the use of terms 'short', 'medium and 'long term' utilised throughout PC79. These are undefined terms and clarification is sought what is meant by these references. Further clarification, such as whether 'commencement' of the relevant 'term' is to be calculated from the date of this Plan Change becoming operative, or on the date of any consent application is also sought.

Consequential changes

41. Such other further or consequential relief as may be necessary to fully give effect to the matters raised in this submission.

Yours sincerely

Coral and Tracy Yelverton

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

1. This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
3. Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e. Council makes a decision to refuse, amend or accept the changes). Please include specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.

COVER SHEET

Return your submission by the advertised closing date to:

Environmental Policy
Tasman District Council
Private Bag 4, Richmond 7050 OR
189 Queen Street, Richmond OR
Fax 03 543 9524 OR
Email: tasmanrmp@tasman.govt.nz

OFFICE USE

Date received stamp:

Received
13 December 2024

Initials: tasmanrmp@tasman.govt.nz

Submitter No. Submitter # 4229

Submitter Name: Daniel Huelsmeyer

(organisation/individual)

Representative/Contact:

(if different from above)

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370 Kaiteriteri Sandy Bay Road
Kaiteriteri 7197

Phone: 0211930416

Fax:

Email: daniel@huelsmeyer.co.nz

Date: 13 December 2024

Postal address for service of person making submission:

(if different from above)

Total number of pages submitted (including this page): 2

Signed:

Signature of submitter (or person authorised to sign on behalf of submitter). NOTE: A signature is not required if you make your submission by electronic means.

IMPORTANT – Please state:

This submission relates to Change No.: PC 79

Change Title/Subject: Deferred Zoning

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

05/19

Remember: Attach this Cover Sheet to as many Content Sheets as required.

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

Sheet No.

of

OFFICE USE Submitter Number:

The **whole** Plan Change (Please tick as applicable)

- I **support** the Plan Change and seek that the Council **retains** it in its entirety.
 I **oppose** the Plan Change and seek that the Council **deletes** it in its entirety.
 I **support in part** specific aspects/provisions of the Plan Change **as indicated below**.
 I **oppose in part** specific aspects/provisions of the Plan Change **and seek amendments as indicated below**.

Parts of the Plan Change (Please list each provision number of the TRMP you wish to submit on, together with its corresponding submission point, as indicated below)

Plan provision or map number(s): <i>State each specific provision (topic) number as addressed in the Plan Change</i>	The aspect of the provisions I support or oppose, together with reasons, are: <i>State the nature of each submission point and indicate whether you:</i> • support or oppose the provision or wish to have it amended; and • the reasons for your view	I seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows: <i>For each submission point/provision number, state, specifically, what changes you would like to see.</i>
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Example:

17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:
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OFFICE USE:
Submission No.



Te Kaunihera o
te tai o Aorere

Tasman District Council
Email info@tasman.govt.nz
Website www.tasman.govt.nz
24 hour assistance

Richmond
189 Queen Street
Private Bag 4
Richmond 7050
New Zealand
Phone 03 543 8400
Fax 03 543 9524

Murchison
92 Fairfax Street
Murchison 7007
New Zealand
Phone 03 523 1013
Fax 03 523 1012

Motueka
7 Hickmott Place
PO Box 123
Motueka 7143
New Zealand
Phone 03 528 2022
Fax 03 528 9751

Takaka
78 Commercial Street
PO Box 74
Takaka 7142
New Zealand
Phone 03 525 0020
Fax 03 525 9972

13 December 2024

Received
13 December 2024

Submitter # 4215

Attn: Environmental Policy
Tasman District Council
189 Queen Street, Richmond
Private Bag 4, Richmond 7050

Submission via email: tasmanrmp@tasman.govt.nz

**KĀINGA ORA – HOMES AND COMMUNITIES SUBMISSION
ON PROPOSED PLAN CHANGE 79: DEFERRED ZONING
UNDER CLAUSE 6 OF SCHEDULE 1, RESOURCE MANAGEMENT ACT 1991**

This is a submission on Plan Change 79 (“PC79”) by Tasman District Council (“the Council” or “TDC”) on the Tasman Resource Management Plan (“the Plan” “TRMP”)

Scope of submission:

The submission relates to PC79 in part. Kāinga Ora supports the notified Plan Change in Part, and seeks specific amendments as indicated below.

The Kāinga Ora submission is:

1. Kāinga Ora seeks amendments to the notified PC79 proposal:
 - i. Kāinga Ora oppose the proposed ‘live’ zoning of location RW3 (South), 35 McShane Road as Mixed Business zone.
 - ii. Kāinga Ora seeks alternative relief that zoning of location RW3 (South), 35 McShane Road be ‘live’ zoned as Residential. This is shown in **Appendix 1**.
 - iii. Further, any required consequential amendments to the Objectives, Policies and Methods of the TRMP to enable the proposed change of 35 McShane Road to Residential Zoning be implemented.
2. These changes are sought to ensure that the established and consented use of the properties that Kāinga Ora own, and any future development on these properties for residential purposes are suitably provided for in Tasman Resource Management Plan.

3. **Appendix 1** identifies the proposed mapping changes sought in this Submission.

Kāinga Ora seeks the following decision from Tasman District Council:

That **Appendix 1**, is accepted and adopted into the TRMP, including such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission.

Kāinga Ora wishes to be heard in support of their submission.

Kāinga Ora seeks to work collaboratively with the Council and wishes to discuss its submission on PC79 to address the matters raised in its submission.

We would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearings.

Kāinga Ora will not gain an advantage in trade competition through this submission.



.....
Brendon Liggett
Development Planning Manager
Kāinga Ora – Homes and Communities

ADDRESS FOR SERVICE: *Kāinga Ora – Homes and Communities, PO Box 74598, Greenlane, Auckland 1051. Email: developmentplanning@kaingaora.govt.nz*

Appendix 1:

The following map sets out the amendments sought from Kāinga Ora to PC79.

Proposed changes: Change of RW3 (South) – Delete Rural 1 deferred Light Industrial zone and add Residential zone.





COVER SHEET

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189 Queen Street, Richmond OR
Fax 03 543 9524 OR
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OFFICE USE

Date received stamp:

Initials: tasmanrmp@tasman.govt.nz

Submitter No. Submitter # 336

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

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Submitter Name: GARRICK BATTEN
(organisation/individual)

Representative/Contact:
(if different from above)

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64A Waimea West Road
BRIGHTWATER 7022

Phone: 03 542 3740

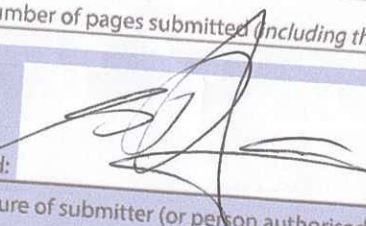
Fax:

Email: caprinex@xtra.co.nz

Date: 6 December 2024

Total number of pages submitted (including this page): 5

Signed:


Signature of submitter (or person authorised to sign on behalf of submitter). NOTE: A signature is not required if you make your submission by electronic means.

IMPORTANT – Please state:

This submission relates to Change No.: 79

Change Title/Subject: Change of Deferred zoning to Conservation zoning

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

Remember: Attach this Cover Sheet to as many Content Sheets as required.

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

Sheet No.	1	of	4
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OFFICE USE Submitter Number:

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Example:

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-------------------	---	--

see Attached

OFFICE USE:
Submission No.



Te Kaunihera o
te tai o Aorere

Tasman District Council
Email info@tasman.govt.nz
Website www.tasman.govt.nz
24 hour assistance

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189 Queen Street
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Richmond 7050
New Zealand
Phone 03 543 8400
Fax 03 543 9524

Murchison
92 Fairfax Street
Murchison 7007
New Zealand
Phone 03 523 1013
Fax 03 523 1012

Motueka
7 Hickmott Place
PO Box 123
Motueka 7143
New Zealand
Phone 03 528 2022
Fax 03 528 9751

Takaka
78 Commercial Street
PO Box 74
Takaka 7142
New Zealand
Phone 03 525 0020
Fax 03 525 9972

SUBMISSION

That Council approval for rezoning from Deferred Residential to Conservation zone for the land at 72 Waimea West Road Brightwater is conditional on the Dept of Conservation establishing an acceptable direct access from Waimea West Road to this land as part of enhancing wider community use of the Snowdens Bush Scenic Reserve and reducing safety risks caused by the current use of the right of way access to the Reserve.

- 1 DoC has obtained this land to extend its Conservation estate with requirements of its Act to foster public recreation on it. Enhanced access to this land will enable that
- 2 Conservation zoning does not affect the underlying status of the land as a Reserve, but it does affect how the Council regulates activities that fall within the scope of the RMA.
- 3 This Submission addresses the problem created by the subdivision to gift this land to the Crown for the purposes of the Conservation Act 1987, which cancelled existing legal direct vehicle access from Waimea West Road to the residual Church property.
- 4 Staff recommended that DoC grant ROW access rights to the Church to provide new access to its property as part of the subdivision from the Deferred Residential land.
- 5 That recommendation of the legal access for the Church land following subdivision from the Deferred Residential land would feed into an already overloaded ROW, without recognising the risks to public safety or opportunities to enhance wider public use of the Reserve. Staff did not consult adjoining landowners with legal rights to the ROW who would be affected by such a recommendation.
- 6 A condition of the subdivision of the Deferred Residential land became the legitimisation of the so-called existing use right for the Church to use the Conservation-zoned access way to Snowdens Bush. However, when the Reserve was established, the Church property was not part of the title granted to the Crown or the adjoining landowners in 1921.
- 7 The Crown is required to involve affected landowners in any change that affects them, such as the subdivision, rezoning and accompanying access way decision, but it did not.
- 8 Now, by this subdivision, it has created public access for Brightwater residents and other people to the Reserve with more than 400 vehicle movements per week that now includes Church vehicle use amounting to more than half total vehicle movements with consequent safety risks and in contravention of TRMP Policies and Objectives.
- 9 The ROW access provides vehicle and foot access to adjoining landowners under their legal title as well as to the Snowdens Bush Scenic Reserve. It is now also used by vehicles and walkers accessing the Church property, visiting and servicing the adjoining landowners, and by walkers, dog walkers, cyclists, young children learning to cycle, parents with pushchairs and Kindy kids using the Reserve.
- 10 Conservation zoning TRMP 17.11.2.1 infers that the new access way use from Church traffic meets the TRPS and TRMP Statements, Policies and Objectives as part of the Reserve management plan. It does not.
- 11 The S32 Staff report has relevant parts to support this Submission.
 - Page 57 10.2.1 TRPS General objective 3 covers avoidance, remedying or mitigation of the adverse effects on the environment in the community from the use, development or protection of resources. General Objective 5 requires the maintenance of economic and social opportunities to use and develop resources in a sustainable manner.

- Page 61 TRMP Chapter 6 Policy objective 6.2.3.2A is to encourage and promote development that achieves a high standard of amenity in Brightwater. Objective 6.3.2.1 requires sustainable urban growth that is consistent with the capacity of services, with the corollary that the capacity of the services must meet sustainable urban growth. Sustainable is clearly defined in the RMA and as being relevant to people.
- Page 66 TRMP Chapter 14 Objective 14.1.2 requires an adequate area and distribution of reserves and open spaces to maintain and enhance recreation, access and amenity values as well as conservation. Policy 14.1.3.4 is to provide for new Open Spaces areas that are convenient and accessible for users including the provision of walking and cycling linkages to reserves.
- The Walking and Cycling Strategy 2022 is to promote healthy communities through safe, active transport options where people can access communities and facilities on bike or foot.

12 In summary, these Policies and Objectives are not met by the associated earlier subdivision of this land from the Church property, now limited for access to only the ROW. They can be met by establishing acceptable access from Waimea West Road to this land.

13 The Local Government Act S.348 gives the Council powers over private roads and ways except as part of a subdivision under the RMA. As this was a Crown subdivision, it did not require resource consent, so it is now submitted that the Council should be interested in adverse consequences under the provisions of the Local Government Act.

14 The Crown is prevented under this Act from using land in a way that contravenes regional rules such as those in the TRMP unless lawfully established before the rules were operative or unless the effect is similar in character intensity or scale to that previously. Neither of these conditions apply.

15 DoC admits that it does not have authority over the implementation of regulations or rules on ROW dimensions or related use under relevant provisions and TRMP/RMA/TDC requirements.

16 The access way construction fits the relevant TRMP rules in Appendix 6 for Type 16 private right of way Residential for 5-6 users and Type 19 private right of way Rural Residential for 2-6 users, although it does not meet the 10kph speed limit, width, berms or side drains specifications. Current use far exceeds specifications for those construction and use rules.

17 Council bylaws bind the Crown. S 15 3 c 1 e of the Local Government Act is relevant if non-compliance with a bylaw is likely to adversely affect public safety. Public safety is already at risk.

18 In 2017, DoC advised adjoining landowners that it was open to discussing options for managing the ROW with uses which could be prevented as an activity under the Conservation zone rules.

19 DoC also advised that it does not necessarily see any benefit to itself or the public from creating a new accessway from Waimea West Road as part of this land. The Council should note that access already exists and is used, although rezoning indicates a need to reposition it better for the public.

20 Waimea County Council, as the previous local body involved, historically accepted some responsibility for the management of the ROW, when in 1979, it contributed to sealing because of dust nuisance from high public usage that has increased substantially in subsequent years.

21 The Snowdens Bush Trust remit was securing this land in perpetuity against residential development. The Trust no longer exists having fulfilled its remit. The former Trust Chairman agrees that there is potential for enhancement to the enlarged Reserve if suitable direct access to Waimea West Road could be achieved.

22 This Plan Change provides the opportunity for the Council to now address and resolve the various ROW use issues. Suitable direct access to Waimea West Road will capitalise on local Brightwater interest and investment in this land they gifted to DoC, supported by the investment of \$117,000 of Reserve Funds contributed for various uses of the land.