

Tasman Resource Management Plan

Plan Change 74:
Rezoning of Special Housing Areas

Section 42A Evaluation Report

**Prepared to fulfil the requirements of section 42A
of the Resource Management Act 1991**

23 July 2021

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Report Overview

This report addresses the following:

- **Part 1 – Introduction**

Tasman District Council notified Proposed Plan Change 74 - Rezoning of Special Housing Areas (“PC74”) on 19 December 2020. The Proposed Plan Change seeks to rezone land that has been granted resource consent for residential or rural residential purposes that is not currently zoned for such development in Richmond West, central Richmond and Pohara.

The Section 32 report identified that the land to be rezoned was approved using the special housing legislation of the Housing Accords and Special Housing Areas Act 2013 (“HASHAA”) which resulted in housing development being approved on land in the district that is not zoned for residential or rural residential developments in the Operative Tasman Resource Management Plan (“TRMP”). The special housing areas resulted from demand for housing outstripping the supply within the district over the past two decades. To provide for additional residential growth within Tasman, the Tasman District Council (“the Council”) signed the Tasman Housing Accord with the Government under the HASHAA legislation which enabled the Council to request land within the district to be gazetted for residential development. This resulted in the gazettal of a number of Special Housing Areas (SHA) and in turn led to resource consents for subdivisions and residential development in a range of locations across Richmond and other areas which were not currently zoned for residential development, including the sites to be rezoned in PC74.

PC 74 includes land that has been developed with new residential areas and land that has been granted resource consents for residential and rural residential development. All of the land included in this Plan Change has been gazetted as a SHA or SHAs.

- **Part 2 –Submission Evaluations and Recommendations**

The submissions period for PC74 closed on 9 February 2021. Seven submissions were received making 15 individual submission points. Five submissions comprising 13 individual submission points relate to the proposed rezoning of land in Pohara and are generally opposed to the proposed rezoning or seek additional land to be rezoned as part of the Plan Change. Two submissions are in relation to the rezoning of land in Richmond West, one is in support of the rezoning apart from the proposed rezoning of Lot 1000 and one is in opposition to the proposed rezoning of Lot 1000.

The period for further submissions closed on 29 March 2021. There were two further submissions received which supported a number of the submissions opposing the rezoning of land in Richmond Road in Pohara and opposing the submission requesting further land be rezoned at Pohara and Marahau as part of PC74.

Set out in Tables 1 and 2 below is a list of submitters and further submitters to be addressed in this report.

Table 1: Submitters

Original Submitter	Submission Number
Richard English	4153
Robert & Patricia McTaggart	4198
Richmond Pohara Holdings Ltd and Projects and Ventures Ltd	4194
Richmond West Development Co. Ltd	4199

Graham F Rogers	4199
Mr & Mrs Sherlock	4201
Jennifer Treloar	4202

Table 2: Further Submitters

Further Submitter	Submission Number
Richard English	FS 4153
Graham F Rogers	FS 4199

The report makes recommendations to the Hearings Commissioner pursuant to clause 10 of Schedule 1 of the Resource Management Act 1991 that:

- (a) The submissions be either allowed in whole or in part or rejected as recommended in the report; and
- (b) Recommended amendments to the Tasman Resource Management Plan and the submissions be determined in accordance with Appendix 2 of this report.

1.0 Introduction

1.1 Purpose of the Report

This officer report has been prepared in accordance with section 42A of the Resource Management Act 1991 (RMA). The purpose of the report is to:

- (a) Provide the context and background to Proposed Plan Change 74 (PC74);
- (b) Summarise the notification and submission process that has occurred for the Plan Change;
- (c) Provide an analysis of the issues raised in submissions on PC74 and include recommendations on those submissions received;
- (d) Provide recommended changes to the Plan Change in response to the submissions.

Report Structure

- Section 1 – Introduction and a summary of the purpose of the report including:
 - Purpose of the Report
 - Scale of Significance
 - Background
 - Plan Change Process
- Section 2 – Discussions on the matters raised in the submissions, including
 - General matters;
 - Stormwater Management;
 - Extent of rezoning at Pohara;
 - Rezoning of Richmond West; and
 - Appropriate zone for Lot 1000

Section 32AA of the RMA requires further evaluation by the Independent Hearing Commissioner of any changes made to the Proposed Plan Change following consideration of the matters raised in the submissions. Any recommended changes are presented, with associated section 32AA evaluation.

Attached as appendices to this report are:

- Appendix 1: A copy of the Schedule of Amendments
- Appendix 2: Copies of the submissions and further submissions
- Appendix 3: Schedule of Amendments from staff report recommendations

Although this report is intended as a stand-alone document, a more in-depth understanding of PC74, including the process undertaken, related issues, and the submissions received, can be gained from the Plan Change documents (including the Section 32 evaluation) as publicly notified on 19 December 2020, the Summary of Decisions Requested in the submissions and the full set of submissions received.

This report relies on information and refers back to various parts of the Section 32 report prepared for PC74. The statutory policy framework is presented in the Section 32 evaluation.

Under Clause 10 of the First Schedule of the RMA, Council is required to give reasons for its decisions on the Plan Change. This report is written to assist the Hearing Panel in considering issues raised in the submissions on PC74 and the relief sought in the submissions. The report writer makes recommendations about whether to allow, allow in part or reject each submission point. The report groups submissions that address the same topic where appropriate. The recommendations set out in this report have been made in terms of the most appropriate methods of achieving the purpose of the RMA to assist the Independent Hearing Commissioner.

Introductory Statement

My name is Nicola Williams. I am a Senior Environmental Consultant for Mitchell Daysh Limited, a position I have held since November 2018. I have a Bachelor of Regional Planning from Massey University. I have worked in the resource management field for the last 30 years, both for local authorities and as a consultant. I am a member of the New Zealand Planning Institute and a holder of the Ministry for the Environment's Making Good Decisions, Chair Certification.

I have been engaged by Tasman District Council to assist with preparing this Section 42A report. I have also assisted with the preparation of the Plan Change and associated section 32 report. I have visited the proposed sites to be rezoned in PC74 and met with Council staff on a number of occasions to discuss the Plan Change. I have attended a Council workshop and Council meeting as part of the Plan Change process. Ms Mary Honey, a Senior Policy Planner at Tasman District, has led the engagement and consultation process for PC74.

I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and I have complied with the Code of Conduct in preparing this report.

To the best of my knowledge, I confirm that I have no real or perceived conflict of interest in relation to PC74.

I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

I am authorised to prepare and present this section 42A report on the Council's behalf to the Hearing Panel.

1.2 Scale and Significance

This report has been prepared with consideration of the scale and significance of the amendments requested in PC74. The hearing addresses submissions received on PC74, which proposes the rezoning of land in Richmond West, central Richmond and Pohara where residential and rural residential development has been approved through resource consents approved by the Council, but the land is not zoned for such purposes.

PC74 has been prepared in accordance with Council’s functions under Section 31 of the RMA, Part 2 of the RMA (and its obligation to have particular regard to an evaluation report prepared in accordance with section 32 of the RMA) and any further evaluation required by Section 32AA of the RMA, and to be in accordance with matters to be considered by a unitary authority as set out in Section 66 of the RMA.

1.3 Background

1.3.1 Overview of the Plan Change

The purpose of PC74 is to rezone land at Richmond West, central Richmond and Pohara to reflect the resource consents that have been granted for residential and rural residential development and subdivision of these sites in the TRMP. The sites to be rezoned include only those sites where resource consents have been granted and the zoning does not align with the consented residential and rural residential development. It does not include all of the sites included within the HASHAA legislation for Tasman District referred to as Special Housing Areas (“SHA”). In addition to providing the new housing development changes to the zoning, overlays and rules for these sites are proposed to clearly reflect land that is now vested in Council as reserves or land that is to be developed for commercial purposes within the SHA development areas.

Specifically, as notified, PC74 amends the TRMP to rezone the following areas:

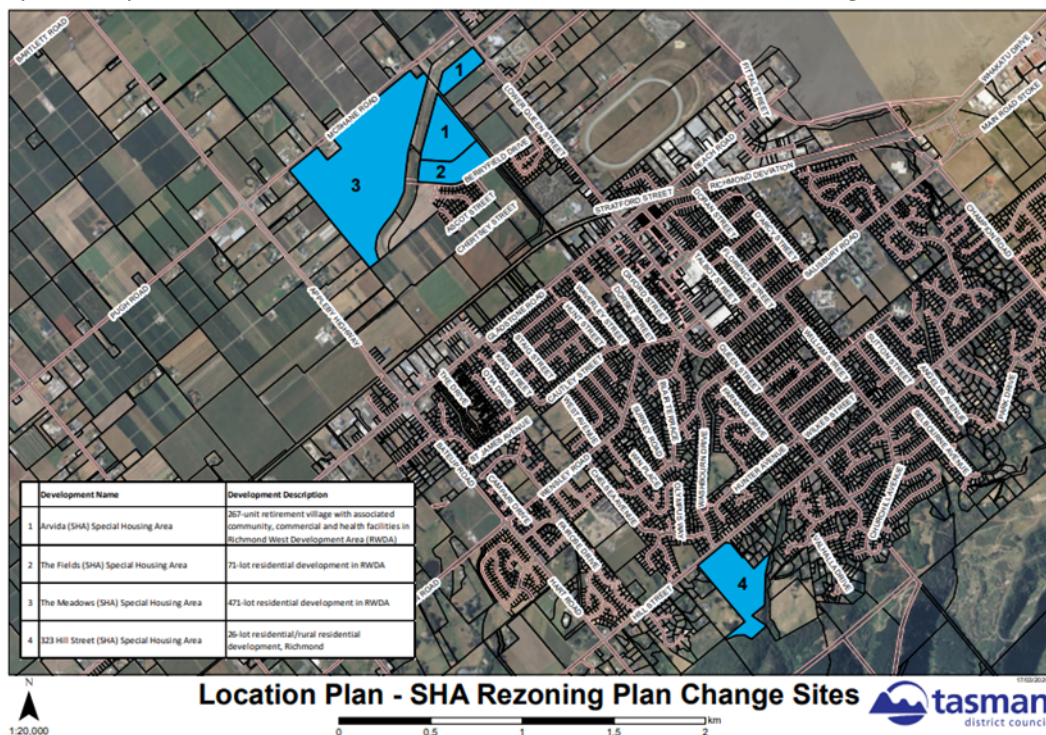


Figure 1: Location Plan for the four SHA sites within Richmond

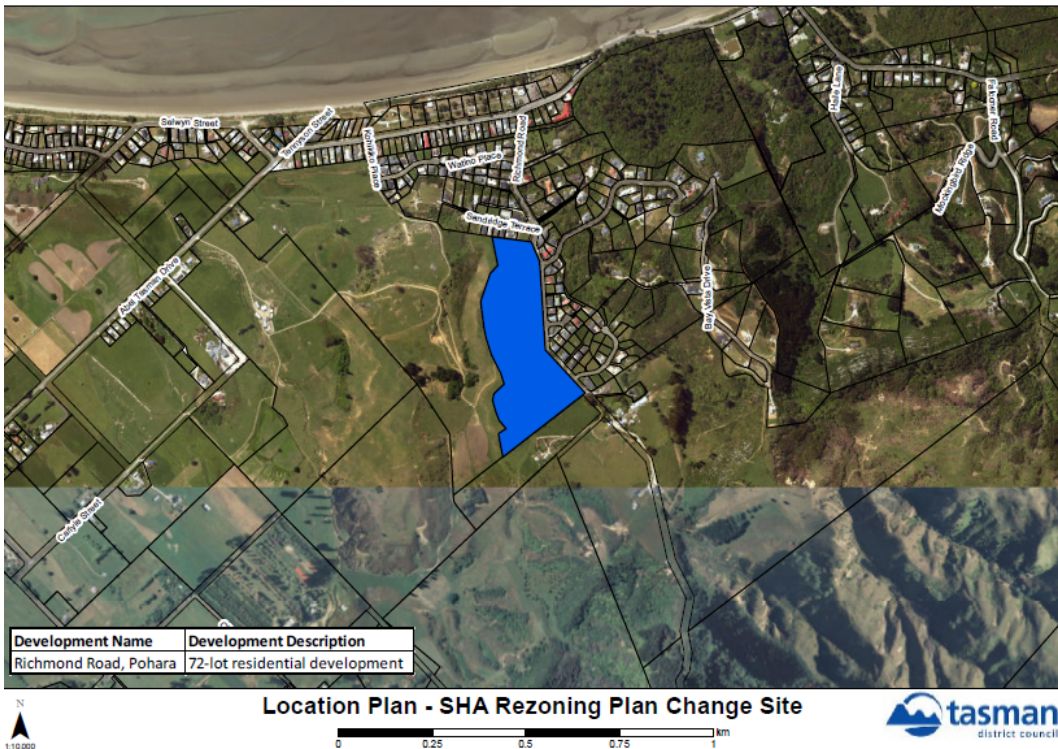


Figure 2: Location Plan of the SHA site on Richmond Road, Pohara

Set out below is a brief description of each of the sites to be rezoned.

1.3.2 Summary of Plan Change 74

The intent of PC74 is to rezone those sites that have either been redeveloped as residential or rural residential or have approved resource consent for development so that the zoning of the sites aligns with the approved land use. As a result, the Plan Change proposes a number of zoning changes for the sites including:

- Amendments to Volume 2 of the Tasman Resource Management Plan planning maps including both the Area map and Zone map as follows:
 - The three sites within the Richmond West Development Area located within maps 23, 57, 123, and 124.
 - The Hill Street site is located within maps 23, 57 and 129.
 - The Richmond Road, Pohara site is located within maps 10 and 77.

Set out below is a summary of the sites included in PC74:

Arvida Special Housing Area

This development is in the Richmond West Development Area (RWDA) and includes a 267 residential-unit comprehensive retirement village with associated community, commercial and health facilities. The area is accessed off Lower Queen Street and borders Borck Creek, comprising approximately 8 hectares. The site is zoned Rural 1 Deferred Mixed Business. The area is broken into a northern and southern parcel with the two areas physically separated by Poutama Drain.

The northern part of the site is bounded by Borck Creek and Lower Queen Street. The southern parcel is bounded by Borck Creek and Poutama Drain. The land is generally flat and forms part of the area that was approved as the Richmond West (the Meadows) Special Housing Area that was gazetted on the 14 August 2017.

A zoning change from Rural 1 deferred Mixed Business to Residential is proposed. The areas of Borck Creek and Poutama Drain within the development area are to be zoned Open Space. These areas are currently designated and owned by the Council but are also zoned Rural 1 and Rural 1 deferred Mixed Business. Zoning maps 23, 57 & 124 are affected.

Figure 6.8B 'Range of Housing Choices in Richmond Residential Areas' is amended to include the three Richmond West sites. Schedule 17.14A 'Deferred Zone Locations' is amended. Richmond Fire Ban and Fire Sensitive map 270 is amended to uplift the fire ban deferral for this area.

The Fields Special Housing Area

This area is also within the emerging residential area of Richmond West along Berryfield Drive. Borck Creek adjoins the western boundary of the site and adjoining the southern boundary is the Poutama Drain. The site is zoned Rural 1 deferred Mixed Business.

The residential subdivision approved within this area comprises a 71-lot development, in the RWDA and has an area of approximately 19 hectares. The site is also part of the Richmond West (The Meadows) Special Housing Area that was gazetted on the 14 August 2017. The approved subdivision and land use application has been prepared and assessed against the HASHAA.

A zoning change from Rural 1 deferred Mixed Business to Residential is proposed. Borck Creek and Poutama Drain run through the site and this area, which is designated and owned by Council, and a reserve area (owned by Council) is to be zoned Open Space. These areas are currently zoned Rural 1 deferred Mixed Business. Zoning maps 23, 57 & 124 are affected.

Figure 6.8B 'Range of Housing Choices in Richmond Residential Areas' is amended to include the three Richmond West sites. Schedule 17.14A 'Deferred Zone Locations' is amended. Richmond Fire Ban and Fire Sensitive map 270 is amended to uplift the fire ban deferral for this area.

The Meadows Special Housing Area

This is the third SHA within the RWDA. The site has an area of approximately 36 hectares and fronts McShane Road for approximately 510 metres, with the southern side boundary adjoining Borck Creek. This is a 482 residential lot development with access off McShane Road. The proposal will also include a commercial hub comprising two lots to be zoned Commercial, in the RWDA. The site forms part of the cluster of residential developments of the Richmond West (The Meadows) Special Housing Area, and the subdivision and land use application were prepared and assessed against the HASHAA legislation.

The north-eastern half of the site is zoned Rural 1 deferred Light Industrial, while the north-western half of the site is zoned Rural 1 deferred Mixed Business. The proposal is to rezone the site Residential. The area of Borck Creek within the development area is designated and owned by Council. This area is to be rezoned Open Space. The commercial sites will be zoned Commercial. Zoning maps 23, 57, 123 and 124 are affected.

Figure 6.8B 'Range of Housing Choices in Richmond Residential Areas' is amended to include the three Richmond West Development Area sites. Schedule 17.14A 'Deferred Zone Locations' is amended. Richmond Fire Ban and Fire Sensitive map 270 is amended to uplift the fire ban deferral for this area.

Hill Street Special Housing Area

The SHA has an area of approximately 10 hectares and is located on the southern side of Hill Street. The topography of the site is undulating hillside that slopes upward from Hill Street toward the rear of the site. The surrounding area is a mix of established residential, rural-residential and rural land uses. The site is currently zoned Rural 2, Rural Residential and Residential.

This development comprises a 26-lot development located on the hills above Richmond that includes the creation of 10 residential allotments, 15 rural-residential allotments and one rural balance allotment. The residential allotments are clustered on the north-eastern side of the site alongside the neighbouring established residential area. The rural-residential allotments are generally located on the western side of the site adjoining existing rural-residential properties. Three further rural residential sites are located on the elevated portion of the site above the residential allotments. Access to the lots approved in the subdivision is via two new rights-of-way.

It is proposed to:

- (i) extend the Residential zoning to cover the full extent of the north-eastern residential lots;
- (ii) zone the three elevated lots Rural Residential; and
- (iii) extend the Rural Residential zoning to cover the full extent of the Rural Residential lots on the western side of the development.

The remainder of the site will be retained as Rural 2. Zoning maps 23, 51 and 129 are affected.

Richmond Fire Ban and Fire Sensitive map 270 is amended to extend the fire ban area to include the land approved for Residential and Rural Residential development.

Richmond Road, Pohara

The SHA site forms part of a 34-hectare rural property on the elevated portion of Richmond Road, Pohara. The property is zoned Rural 2. The site is relatively gentle sloping and is bounded by Richmond Road to the east and a gully to the west. It adjoins existing residential properties on Sandridge Terrace to the north and lower density rural lifestyle blocks to the south. The 71 lots comprise approximately 7.9 hectares of the site with one balance lot of 26 hectares created. The subdivision is to be developed in six stages. The approved subdivision and land use application has been prepared and assessed against the HASHAA.

The portion of the site subdivided is to be rezoned Residential with the balance of the property retaining the Rural 2 zoning. Maps 10, 51 and 77 are affected.

Pohara Fire Sensitive Area map 260 is amended to extend the fire sensitive area to include the land approved for residential development.

1.4 Plan Change Process

On 5 November 2020, the Strategy and Policy Committee recommended that Proposed Plan Change 74 be notified. The proposed wording is provided in Appendix 1 of this report.

On 19 December 2020, Proposed Plan Change 74 was publicly notified with submissions closing on **9 February 2021**. Seven submissions were received.

The summary of decisions sought was publicly notified on 13 March 2021 with the further submission period closing on **29 March 2021**. Two further submissions were received. A copy of the submissions and further submissions can be found in Appendix 2.

The following statutory and iwi authorities were consulted during the preparation of PC74, in accordance with Schedule 1 of the RMA:

- Manawhenua ki Mohua ('MkM')
- Ngati Apa ki te Ra To Trust
- Ngati Koata Trust
- Ngati Rarua Iwi Trust
- Ngati Tama
- Te Atiawa o Te Waka-a-Maui
- Te Runanga o Ngai Tahu
- Te Runanga o Ngati Kuia Trust
- Te Runanga o Rangitane o Wairau
- Toa Rangatira Trust
- Waka Kotahi New Zealand Transport Agency
- Nelson City Council
- Buller District Council
- Environment Canterbury
- Marlborough District Council
- Hurunui District Council
- Ministry for the Environment
- Department of Conservation
- Ministry of Education
- Transpower

In addition to the above pre-notification consultation, Council has an obligation to provide iwi authorities with a copy of PC74 prior to notification and must allow adequate time and opportunity for iwi authorities to consider the draft and provide advice. Council consulted with iwi authorities and had regard to the feedback received.

Part 2 of this report discusses the submissions and includes recommendations regarding the decisions sought.

A copy of the changes recommended in this report can be found in Appendix 3.

2.0 Submission Evaluations and Recommendations

2.1 Introduction

In total, seven submissions were received making 15 individual submission points. Five submissions and 13 individual submission points relate to the proposed rezoning of land in Pohara and are generally opposed to the proposed rezoning or seek additional land to be rezoned as part of the Plan Change. Two submissions are in relation to the rezoning of land in Richmond West, one is in support of the rezoning apart from the proposed rezoning of Lot 1000 and one is in opposition to the proposed rezoning of Lot 1000.

There were two further submissions that will be addressed in this report. The points of the further submissions generally support a number of submissions opposing the rezoning of land in Richmond Road, Pohara and opposing the submission requesting further land be rezoned at Pohara and Marahau as part of PC74.

The following sections of this report discuss the matters raised under the heading:

- General matters
- Rezoning extent at Pohara
- Flooding and Stormwater management at Pohara
- Rezoning at Richmond West
- Appropriate zoning of Lot 1000 Richmond West.

I have structured this report to reflect the submissions received as follows:

- (a) the general submissions, specific submissions relating to stormwater management and flooding at Pohara;
- (b) the rezoning of 'the Meadows' Richmond West; and
- (c) the rezoning of Lot 1000 in 'the Meadows' Richmond West.

In each section the matters raised are grouped (where possible) and the key issues and amendments requested are summarised. Each matter is discussed with reference to submissions and comments from Council experts.

Each section concludes with recommended changes to provisions and an evaluation of the changes in accordance with s32AA where necessary. Where changes to PC74 provisions are recommended, additional text is shown as underlined while any text to be removed is shown as being ~~struck through~~. All recommended amendments are brought together in Appendix 3.

Appendix 2 presents a Summary of the Decisions Requested updated to include further submissions and an additional column stating where the matter raised has been addressed in the s42A report.

2.2 – 2.6 Proposed Plan Change 74 Submissions and Further Submissions

2.2.1 General Submission Requests

Two of the submissions supported by two further submissions request general changes in relation to PC 74 as follows:

Submission No.	Name	Further Submission No.	Name	Decision Requested
4153.1	Mr R English	4199.1	Mr G F Rogers	Appointment of an Independent Hearing Commissioner
4199.1	Mr G F Rogers	4153.1& 2	Mr R English	Deleting the proposed rezoning at Pohara.

2.2.2 Analysis

Appointment of an Independent Hearing Commissioner

The submission point of **Mr R English [4153.1]** supported by further submission point of **Mr G F Rogers [4991.1]** seeks that the Council appoint an Independent Hearing Commissioner with decision-making powers and is supported in the further submission.

Submitter's Reason: The submitter considers that the Council has minimised public input to the Plan Change process by suggesting that the Plan Change is simply a matter of a "tidy-up" and is therefore a foregone conclusion and neither suggestion is correct.

2.2.3 Evaluation

Appointment of an Independent Hearing Commissioner

As discussed above the purpose of PC74 is to rezone those sites that have been granted resource consent for subdivision and development enabled through the SHA legislation.

In Pohara, the submissions have raised the sensitivity of the issues relating to management of stormwater. Through the process of PC74 the Council consulted with iwi and the community prior to the notification of PC74 and Council's engineering department have been involved in these discussions, particularly in relation to the separate stormwater project underway at Pohara. The resource consents granted for the site to be rezoned included specific assessment of stormwater and a suite of conditions to ensure that there were no adverse stormwater effects beyond the site.

Following consideration of the submission and further submission, I confirm that the engagement of an Independent Hearing Commissioner is supported to ensure that the process is fair for all parties.

The request for an Independent Hearing Commissioner is supported. The Council resolved at the 27 May 2021 Strategy & Policy Committee meeting to have one Independent Hearing Commissioner and two Councillors hear the submissions and further submissions.

2.2.4 Recommendation and Reasons

Given the planning context, and to ensure that there is no perception of bias, an Independent Hearing Commissioner has been appointed to hear the submissions and further submissions with two Councillors. The submission point and further submission is allowed in so far as an Independent Hearing Commissioner has been appointed by Council along with two Councillors.

2.2.5 Analysis

Deleting the proposed rezoning at Pohara

This submission point of **G F Rogers [4199.1]** and further submitter **R English [4153.1 &2]** seeks to decline the Plan Change for Richmond Road, Pohara.

Submitter's Reason: The submitter objects to the work commencing at the Richmond Road site before all the flood mitigation works have been completed and proven to be successful. Works to mitigate flood risk at Kohokiko Place, Abel Tasman Drive, Bartlett and Ellis Creeks, Boyle Street and beyond have long been promised but have not materialised.

2.2.6 Evaluation

Deleting the proposed rezoning at Pohara

It is considered that the submission and further submission are outside the scope of the PC74. The land use and subdivision consents have been granted for the site (SH180012, SH180013, SH180014), and the purpose of PC74 is to reflect the residential use that is consented for the site. The various subdivision and land use consents for the site require specific conditions to ensure that any stormwater discharged from the site shall not cause or contribute to any damage caused by flooding that may affect any adjoining and/or downstream properties. A review condition is imposed to address any adverse effects not foreseen at the time of granting consent.

The Council is also separately progressing stormwater infrastructure works at Pohara independent of the Richmond Road development. This work will occur regardless of the outcome of these submissions raising stormwater concerns about PC74.

2.2.7 Recommendation and Reasons

The subdivision and land use consents for the Richmond Road site have been approved and it is considered that the rezoning be completed to recognise the approved land use.

I recommend that the Independent Hearing Commissioner:

- (a) **Reject** the submission of Mr G F Rogers [4999.1] and [FS 4153.1 & 2] as it is considered that this submission point and further submission are beyond the scope of PC74.

2.2.8 Plan Amendments

There is no specific Plan amendment in relation to these submission points.

2.3.1 Pohara Flood Modelling and Stormwater Issues

This topic discusses and considers the various submissions and further submissions that relate to stormwater and flooding at Pohara in relation to the proposed site to be rezoned at Richmond Road, Pohara.

This includes evaluation of the following submissions and further submissions received:

Submission No.	Name	Further Submission No .	Name	Decision Requested
4153.2,3,4 & 5	Mr R English	4199.2,3,4 & 5	<i>Mr G F Rogers support</i>	That the construction activity be placed on hold; an independent review of the Tonkin and Taylor flood analysis model be undertaken; proposed stormwater works at Pohara be modified if required by the independent peer review and Council downstream works be completed before the Richmond Road development.
4198.1	R & P McTaggart	4153.3	<i>Mr R English support</i>	No surface water from the proposed subdivision enters the property at 11 Sandridge Terrace.
		4199.11	<i>Mr G F Rogers support</i>	
4199.1	Mr G F Rogers	4153.1& 2	<i>Mr R English Support</i>	No upstream work at the SHA development site at 82 Richmond Road, Pohara to commence until all the downstream flood mitigation works are complete and effective.
4202.1	Ms J Treloar	4153.4	<i>Mr R English Support</i>	Confirm that 13 Sandridge Terrace, Pohara will not receive any heavy rain run-off from the Richmond Pohara Holdings Ltd development.
		4199.12	<i>Mr G F Rogers Support</i>	

The submissions express a range of views on the matter of stormwater and flooding in relation to the site to be rezoned. In my opinion the principal matters in respect to stormwater management and flooding at Pohara raised in the submissions are as follows:

- Need for an independent peer review of the Tonkin and Taylor flood analysis model and associated report.
- Development to be placed on hold until the independent peer review has been completed and where necessary the proposed stormwater works are to be modified.
- Complete downstream (stormwater) works prior to rezoning at Pohara.
- That there is no off-site stormwater runoff from the development of the site to be rezoned adversely impacting on either adjoining sites or properties downstream.

2.3.2 Evaluation

Flood Modelling Review and Stormwater Works [4153.2, 3, 4 & 5] and [FS 4199.2, 3, 4 & 5]

As part of the assessment of the proposed subdivision of the site proposed to be rezoned, the Council reviewed the Tonkin & Taylor model and concluded that proposed mitigation measures to be included as conditions of consent were appropriate to ensure that there is no adverse effect on the downstream or adjacent properties. The various resource consents were approved by the Council in December 2019.

The purpose of PC74 is to appropriately rezone the area of the site that has been approved for subdivision from Rural to Residential. Revisiting the Tonkin and Taylor modelling, and assessment undertaken as part of the subdivision, is beyond the scope of PC74. There are a number of resource consents that relate to the development of the site that have been granted and are beyond challenge. Specific conditions have been imposed to require that stormwater is managed and does not cause any adverse effects on downstream properties.

Off-site Stormwater Effects

The submission of **R & P McTaggart 4198.1** [and **FS R English 4153.3** and **G F Rogers 4199.11**] requests no surface water from the proposed subdivision enters the property at 11 Sandridge Terrace. The land that is the subject of PC74 has been granted resource consent. Further review of the granted resource consents is beyond challenge. The purpose of the rezoning is to appropriately zone the land residential in line with the development that will occur on the site. The issue of site-specific stormwater management was addressed as part of the previous resource consent process and is beyond the scope of this Plan Change.

The submission of **Graham F Rogers 4199.2** also relates to ensuring that no work commences until all downstream flood mitigation work is complete and demonstrably effective. As noted above, the resource consents for the Richmond Road development have been granted and therefore PC74 cannot halt the development that has been consented.

The submission of **Jennifer Treloar 4202.1** [and **FS R English 4153.4** and **G F Rogers 4199.12**] relates to 13 Sandridge Terrace, Pohara and similarly requests that there be no heavy rainfall runoff entering the property as a result of the development at 82 Richmond Road. As outlined above, the resource consents to enable the subdivision of the Richmond Road site have been approved and, as such, the request relating to stormwater management is beyond the scope of PC74.

2.3.3 Recommendation and Reasons

I recommend that the Independent Hearing Commissioner:

- (b) **Reject** the submissions of Richard English [4153.2, 3, 4 & 5] and [FS 4199.2, 3, 4 & 5] relating to **Flood Modelling Review and Stormwater Works** as it is considered that these submission points and further submissions are beyond the scope of PC74.
- (c) **Reject** the submissions of **Robert & Patricia McTaggart [4198.1]** and [FS 4153.3 & 4199.11] as the submission and further submissions are out of scope.
- (d) **Reject** the submissions of **Graham Francis Rogers [4199.2]** and [FS 4153.1 & 2] as the submission and further submissions are out of scope.
- (e) **Reject** the submissions of **Jennifer Treloar [4202.1]** and [FS 4153.4 and 4199.12] as the submissions and further submissions are out of scope.

2.3.4 Plan Amendments

No specific Plan amendments are required.

2.4.1 Rezoning Extent at Pohara

This topic discusses and considers the submissions of **Richmond Pohara Holdings Ltd and Projects & Ventures Ltd** and further submissions that relate to the extent of land to be rezoned at Pohara and land at Marahau.

This includes evaluation of the following submissions and further submissions received:

Submission No.	Name	Further Submission No .	Name	Decision Requested
4194.1	Richmond Pohara Holdings Ltd and Projects and Ventures Ltd	4199.6	<i>Mr G F Rogers</i> <i>Oppose</i>	Support the rezoning of a portion of the submitters land at 82 Richmond Road, Pohara to Residential
		4153.5	<i>Mr R English</i> <i>Oppose</i>	
4194.2	Richmond Pohara Holdings Ltd and Projects and Ventures Ltd	4153.6	<i>Mr R English</i> <i>Oppose</i>	Extend the proposed Residential zoning on the submitters land at 82 Richmond Road, Pohara, to include all of the SHA gazetted land i.e., the upper southwestern corner with the gully being identified as an Indicative Reserve for walkway and drainage purposes.
		4199.7	<i>Mr G F Rogers</i> <i>Oppose</i>	
4194.3	Richmond Pohara Holdings Ltd and Projects and Ventures Ltd	4153.7	<i>Mr R English.</i> <i>Oppose</i>	Extend the proposed Residential zoning over the full extent of the submitter's land at 82 Richmond Road, Pohara in accordance with the structure plan attached to submission no. 4194.
		4199.8	<i>Mr G F Rogers</i> <i>Oppose</i>	
4194.4	Richmond Pohara Holdings Ltd and Projects and Ventures Ltd	4153.8	<i>Mr R English</i> <i>Oppose</i>	Acknowledging that the scope of Change 74 relates to the SHA areas only, Council commits to rezoning the full extent of the submitter's land at 82 Richmond Road, Pohara, for residential development in accordance with the structure plan 2014 attached to submission no. 4194, as part of the TRMP review process.
		4199.9	<i>Mr G F English</i> <i>Oppose</i>	
4194.5	Richmond Pohara Holdings Ltd and Projects and Ventures Ltd	4153.9	<i>Mr R English</i> <i>Oppose</i>	Request that the submitter's land at 265 Sandy Bay, Marahau, SHA T1-04 is zoned Residential.
		4199.10	<i>Mr G F Rogers</i> <i>Oppose</i>	

2.4.2 Evaluation

The submissions of **Richmond Pohara Holdings Ltd and Properties & Ventures Ltd** support PC74 in rezoning a portion of the landholding on Richmond Road, Pohara, but oppose PC74 to the extent that it does not include all of the land owned by them at Pohara. It is the submitter's view that all of the land included in the gazetted SHA should be rezoned and if resource consent applications have been lodged and have been accepted for processing, including the land owned at 265 Sandy Bay, Marahau, then this should also be included in PC74.

The submitter further states that in respect of the Pohara site that the rezoning process has been very long and hard with Variation 57 originally identifying future development areas. The submitters consider that PC74 falls short in only zoning land already approved for development through resource consents rather than providing for urban growth as indicated in Variation 57. In relation to the extent of the rezoning, the submitter states:

PC74 is an opportunity to at least provide for the zoning over the extent of the gazetted SHA and consider that the Structure Plan is clear that extending the zoning across the area of the SHA only brings into play a relatively small addition of useable residential land for development, but it offers the opportunity for significantly advancing the planning for the gully area where there are proposals for significant revegetation, provision of walkways and provision of a road connection from one portion of the Submitters land on the eastern side of the gully and connecting it with the western side of the gully thereby opening this area of land for development.

The submission further states that Council is facing significant demand for urban development that is not being met across the district and consider that the review of the TRMP will take some years. The opportunity is therefore existing to incorporate into the Residential zone its land in Pohara.

The further submissions of **R English [FS 4153.6, 7, 8 & 9]** and **G F Rogers [FS4199.6, 7, 8, 9 & 10]** consider the submission of Richmond Pohara Holdings Ltd and Projects & Ventures Ltd to be out of scope.

In considering this request, I have reviewed the background and scope of PC74 which is to rezone SHA gazetted sites that have an approved land use and subdivision consent with the purpose of the rezoning to align with the consented land use of either residential or rural-residential development.

The reason for this is that land gazetted for development does not always receive resource consent approval and gazetted land cannot be developed until resource consent approval is obtained.

It is noted that this site at Pohara has had a lengthy history with the development of the site originally proposed in 2007 and then put on hold until 2014. I understand that the subdivision then progressed in 2017 under the HASHAA. All the relevant resource consents for the portion of the site included in that residential development were approved and consented in 2019.

While the scope of PC74 is restricted to only rezoning those areas of SHA sites that have approved resource consent applications, it is anticipated that as part of the process of the review of the TRMP there will be further assessment of the extent of the residential zoning in settlements such as Pohara. While this will take some time, this is considered a more appropriate process to consider this request for further rezoning of SHA sites that do not currently have approved resource consents enabling residential or rural residential development.

In terms of the rezoning of the SHA site at Marahau, the submitter's site is zoned Rural 1 deferred Residential; thus, there is a process built into the TRMP that once the resource consents for development of the site have been granted and the required services are provided, the deferral can be uplifted. As a

result, the land does not need to be included in PC74 for rezoning. I understand that the reason for the deferral relates to the required wastewater infrastructure enabling servicing of the land.

The submitter's site is the subject of resource consent assessment (RM190011-13) which is being processed by Council. I understand that the Council is working with the applicant through various consenting issues and the consent has not yet been granted.

2.4.3 Recommendation and Reasons

For the reasons set out above, I recommend that the Independent Hearing Commissioner:

- (a) **Reject** the submissions of Richmond Pohara Holdings Ltd and Projects & Ventures Ltd [4194.1, 2, 3, 4, & 5] to extend the Residential zoning over all of their landholding at Richmond Road, Pohara and to rezone their land at Marahau.
- (b) **Allow** further submissions FS 4199.6, 7, 8, 9 & 10 and FS 4153.6, 7, 8 & 9.

2.4.4 Plan Amendments

No Plan amendments are proposed in relation to submission 4194.

2.5.1 Rezoning at Richmond West

This topic discusses and considers the submission of **Richmond West Development Co. Ltd [4200.1]** which supports PC74 in the rezoning of land comprising "the Meadows" subdivision.

Submission No.	Name	Decision Requested
4200.1	Richmond West Development Company Ltd	Support amendment to planning maps 23, 57, 123 and 124 to rezone land Residential, Open Space and Commercial

2.5.2 Evaluation

The submission point 4200.1 supports PC74 stating that the rezoning accurately reflects the existing and future land uses which have been authorised through the subdivision and land use consents *SH180019V2 and SH180022V2* approved by the Council. The submission further notes that the Meadows subdivision benefits from a land use consent to construct dwellings within the subdivision with a number of bulk and location requirement dispensations, and therefore development will continue in line with the approved resource consents.

2.5.3 Recommendation and Reasons

For the reasons set out above, I recommend that the Independent Hearing Commissioner:

- (a) **Allow** the submission of Richmond West Development Co. Ltd [4200.1] supporting the rezoning of the Meadows to Residential.

2.5.4 Plan Amendments

No specific plan amendments are required.

2.6.1 Appropriate Zoning of Lot 1000

This topic discusses and considers the following submissions relating to the appropriate rezoning of Lot 1000 within the Meadows in Richmond West.

Submission No.	Name	Decision Requested
4201.1	Mr & Mrs Sherlock	Rezone the north-eastern corner of Lot 37 McShane Rd (Lot 950 DP552822) marked as Lot 1000 on submission Figure 2 to Light Industrial (not Residential).
4200.2	Richmond West Development Company Ltd ("RWDC")	Support the rezoning of Lot 1000 owned by Mr & Mrs Sherlock to Light Industrial as being appropriate to accurately reflect the future use of that piece of land.

2.6.2 Evaluation

The submission of **Mr & Mrs Sherlock** [4201.1] opposes the proposed zoning of Lot 1000 within the Meadows subdivision, requesting instead that this lot be zoned Light Industrial. The submission sets out in detail the background to the existing land use and resource consent granted for the site and the adjoining property at 25 McShane Road (Lot 6 DP 470387) where they operate a landscape and storage business.

The submission of **RWDC** [4200.2] also opposes the proposed Residential zoning of this property and seeks the rezoning of Lot 1000 to Light Industrial.



Figure 3: Site Location Plan of 25 McShane Road and Lot 1000

The existing activities have been established through resource consents (RM150331V1 and SH180019V3 which were approved by Council on 24 March 2021) and the sites are adjoining as depicted in Figure 3 above. In addition, and as noted in the submission point of RWDC, variation SH180019V3 has been granted by council to create Lot 1000 DP 556528 and amalgamate this lot with 25 McShane Road. The adjoining site at 25 McShane Road is outside the area of PC74 and is currently zoned Rural 1 deferred Light Industrial. In summary the submitter has stated:

The future use of the area of land will be industrial by virtue of the land use activity authorised by RM200739 which is currently being implemented by the submitter and through the future amalgamation of that area of land into the title of 25 McShane Road (Lot 6 DP 470387).

The resource consent (RM200739) approved the use of the site for storage units and outdoor storage and included specific conditions relating to noise and landscaping. Specifically, a landscaping strip is required along the boundary with Borck Creek. The application also proposed the installation of a 2m high acoustic fence along the boundary with the approved residential development (SH180019). The resource consent decision of Council concluded:

The existing storage and landscaping activities at 25 McShane Road are an established part of the receiving environment and the applicant has volunteered that the conditions of consent for the existing storage activity to control amenity effects as authorised by RM170658 would be continued as an extension of that activity, and that effects of the interface with the residential activity are no different than what is already consented. For the above reasons, it is considered that amenity effects can be controlled to be no more than minor.

The existing zoning of the site is Rural 1 Deferred Light Industrial as depicted in Figure 4 below.

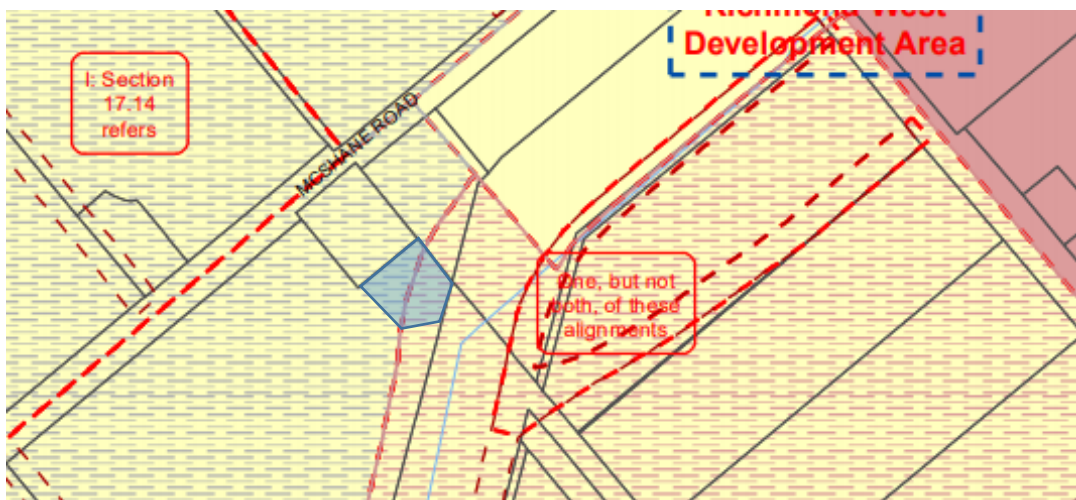


Figure 4: Approximate area of Lot 1000 DP 556528

One of the key issues to consider is whether retaining Lot 1000 DP 556528 as Rural 1 deferred Light Industrial or rezoning it Light Industrial will have the potential for cross boundary effects and whether having the Residential Zone adjoin the Light Industrial Zone is appropriate. Currently the area to be rezoned Residential adjoins 25 McShane Road which is zoned Rural 1 deferred Light Industrial Zone and PC74 does not propose to rezone 25 McShane Road. The Richmond West sites included within PC74 also adjoin land zoned Rural 1 deferred Mixed Business.

The Mixed Business Zone and Light Industrial Zone in Richmond West have a number of similar development standards. One key issue for consideration is the potential land uses that may be permitted in the Light Industrial Zone.

On the northern side of McShane Road, opposite the Meadows subdivision, the land is generally zoned Rural 1 deferred Light Industrial. Further to the north-east on Lower Queen Street there is a mix of zonings including Rural Industrial, Light Industrial and Mixed Business. This area of Richmond West therefore has a broad mix of residential, light industrial and mixed business areas. In addition, given the deferred Light Industrial zoning to the north, it is anticipated that over time land use within this area of Richmond will change. The purpose of PC74 was to rezone land that has obtained resource consent for residential or rural-residential development to be rezoned to an appropriate Residential zone. Lot 1000 is the exception to this and, through RMA 200739, has been granted consent for a light industrial activity in line with its current underlying zone. In addition, SH180019V3 proposed Lot 1000 to be amalgamated with Lot 6 DP 20409. This will result in the two lots being held in one title.

If Lot 1000 is to be retained as Residential as notified in PC74 then it would result in the amalgamated lots of Lot 1000 DP 556528 and Lot 6 DP 470387 having a split zone across the one title. Therefore, after considering the submissions of Mr & Mrs Sherlock and RWDC and taking into consideration the approved resource consent and subdivision, it is recommended that the proposed rezoning of Lot 1000 DP 556528 be amended, and the site be retained as Rural 1 deferred Light Industrial.

2.6.3 Recommendation and Reasons

For the reasons set out above, I recommend that the Independent Hearing Commissioner:

- (a) **Allow in Part** the submission of Mr & Mrs Sherlock [4201] and retain the existing Rural 1 deferred Industrial zoning of Lot 1000 DP 556528.
- (b) **Allow in Part** the submission of RWDC [4200.2] supporting the rezoning of Lot 1000 DP 556528 to Light Industrial.

2.6.4 Recommended Plan Amendments

The following amendments are recommended:

- Amend the TRMP Planning Maps 23, 57,123 & 124 to retain **Lot 1000 DP 556528 as Rural 1 deferred Light Industrial**.
- Amend Figure 6.8B to retain Lot 1000 DP 556528 as **Rural 1 deferred Light Industrial**.
- Amend Schedule 17.14A Deferred Zone Locations as follows:
[Area H:](#)
[All of Area H except Lot 5 DP20409 and Lot 6 470387](#)
[And Replace with the amended wording:](#)
[Area H:](#)
[All of H except Lot 5 DP20409, Lot 6 DP470387 and Lot 1000 DP 556528.](#)

2.6.5 Section 32AA Evaluation

The recommended amendment is to provide greater certainty and reflect the approved land use consents RMA200739 (providing for the light industrial activity on the site) and SH180019V3 (requiring that Lot 1000 DP 556528 be amalgamated with Lot 6 DP 470387).

How this Change Achieves the Purpose of the RMA

The amendment provides for the efficient use and development of the land resources aligning with the approved resource consents for the development of the site as storage and outdoor storage. Specific

conditions have been included in the approved resource consent to ensure that appropriate screening along the boundary of the site with the approved Meadows residential subdivision is provided.

Benefits including Opportunities for Economic Growth and Employment

This provides certainty that the existing approved resource consents and existing land use on Lot 1000 will be appropriately zoned and so the light industrial activities on the site can continue without having to rely on the rights afforded by RMA200739.

Costs

There are no significant costs associated with this change.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

No risks around uncertain or insufficient information in relation to this matter have been identified.

Efficiency and Effectiveness

The efficiency of the recommended change is high because the benefits of providing for the approved land use aligns with the existing deferred Light Industrial Zoning of the site. As explained above within this area of Richmond West there is a range of existing mixed land uses and areas of deferred Light Industrial and Mixed Business near to and adjoining the approved SHA residential development and emerging residential area. This area of Richmond is developing, and it is anticipated that over time the mix of residential, light industrial and mixed business and commercial activities will complement the area and enable a vibrant mixed community of residential, commercial and light industrial activities.

Other Reasonably Practicable Options for Achieving the Objectives

In this instance the other reasonably practicable option is to retain the Residential Zone over Lot 1000 as notified in PC74. This would have the disadvantage of being less clear in that the site would need to rely on the approved land use consents and any additions or alterations to the site would require further resource consent applications. Further to this it would result in a split zoning over a single land title which does not provide for efficient use and development.

3.0 Conclusion

Overall, only one change has been recommended in response to the submissions to provide greater flexibility for that landowner and consistency with operative provisions and an approved land use consent.

There are no major changes recommended.

I consider that the submissions on PC74 should be allowed in part or rejected as set out in the reasons above.

Appendix 3 contains the recommended amendments to PC74.

Appendix 1: Schedule of Amendments on Proposed Plan Change 74

Under separate cover

Appendix 2: Submissions

Under separate cover

Appendix 3: Schedule of Amendments from Staff Report Recommendations

Under separate cover