



Tasman Resource Management Plan PC75: Brightwater Growth Plan Change

**Report prepared to fulfil the requirements of Section 42A
of the Resource Management Act 1991**

November 2022

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1.0 Introduction

1.1 Purpose of the Report

This officer's report is prepared under Section 42A of the Resource Management Act 1991 (RMA) and discusses matters raised in submissions on Proposed PC75 – Brightwater Growth Plan Change (PC75). It includes recommendations on these submissions for the Hearing Panel.

Section 32AA of the RMA requires further evaluation by the Hearing Panel of any changes made to PC75 following consideration of the matters raised in the submissions. To the extent that changes are recommended in this report, further evaluation has been undertaken to support these amendments and is provided in a Section 32AA Report.

Under Clause 10 of the First Schedule of the RMA, Council is required to give reasons for its decisions on PC75. This report is also written to assist the Hearing Panel with drafting reasons for the decision.

1.2 Reporting Officer

This report has been prepared by Anna McKenzie, Senior Planner, working for Tasman District Council (Council). I am the reporting officer for this proposed Plan Change. I have been assisted by the project team, which comprises of Consultant Planners, Reuben Peterson and Nicole White, Narissa Armstrong, Councils Environment Policy Administration Officer and various Tasman District Council technical specialists.

I have a Bachelor of Resource Studies (Hons) from Lincoln University and have worked in the resource management planning field since graduating in 1999, both for local authorities and private consultancies. I confirm that I have read the 'Code of Conduct' for expert witnesses contained in the Environment Court Practice Notes 2014 and that this report and my appearance at the hearing will be carried out in accordance with the Code of Conduct.

Advice on various aspects of the development of the PC75 provisions has been received from Council staff. This has included Glenn Stevens – Senior Natural Resource Scientist; Mirka Langford – Team Leader Soil and

Land Use; Wouter Woortman – Team Leader Infrastructure Planning; Rosalind Squire – Contract Reserves Planner; and Drew Bryant – Senior Transportation Engineer.

Due to the nature of the submissions and the matters to be considered at the hearing, the following staff

will attend the hearing: Reuben Peterson – Consultant Planner, Nicole White – Consultant Planner, Drew Bryant – Consultant Transport Engineer, Glenn Stevens – Senior Resource Scientist - Hazards and Mirka Langford – Team Leader Soil and Land Use.

1.3 Scale & Significance

This report has been prepared with consideration of the scale and significance of the amendments requested to PC75. The Section 32A Report for PC75 was developed to a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from implementation of the proposal.

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

1.4 Report Overview

The report addresses the following:

- **Part 1 – Introduction.** Introduces PC75 and provides background to the plan change and briefly covers the submissions made on it.
- **Part 2 – Discussion and Recommendations.** This section discusses and provides recommendations to the Hearings Panel regarding PC75 including recommendations in relation to the amendments sought in submissions. Reasons for recommending accepting or rejecting submission points are also given.

1.5 Background

PC75 comprises of two components; the first relates to a zoning correction on Waimea West Road and the other involves proposed zone and policy changes to provide a zone change for residential growth in Brightwater. The components of PC75 are detailed in the following sections:

1.5.1 Waimea West - Rezoning

The Waimea West Road component of PC75 involves changing the current Tasman Resource Management Plan (TRMP) zoning to align with the property boundaries. One of the subject properties is Council owned, while the other is in private ownership.

The land subject to the proposed Plan Change is 366 and 368 Waimea West Road. The proposed change to the zoning reflects a subdivision boundary adjustment consented in 2007, which resulted in a misalignment

of the zoning in relation to the new property boundaries and the corresponding land-uses – one being rural and the other recreation on a public reserve. The change includes:

- The rezoning from Rural 1 to Recreation Zone of land added to Council owned 366 Waimea West Road via the 2007 subdivision boundary adjustment to match the zoning of the rest of the title; and
- Land added to privately owned 368 Waimea West Road via the 2007 subdivision boundary adjustment proposed to be rezoned from Recreation to Rural 1 to match the zoning of the rest of the title.

No submissions have been received on this component of the plan change.

1.5.2 Brightwater – Rezoning, Development Area, and Compact Density Provisions

The objective of the Plan Change is to provide additional land for residential housing, encourage intensification and ensure a variety of densities within an area of land in Brightwater which was identified in the 2019 and 2022 Nelson Tasman Future Development Strategies as an urban growth area.

PC75 is responding to:

- The direction given in the Nelson Tasman Future Development Strategy 2022 (FDS 2022), which has identified the plan change sites for residential and rural residential growth.
- Region-wide issues around the need to provide for population growth (including through both greenfields development – refer to the Sense Partners report ‘Understanding the impacts of releasing greenfields sites for development’ in Appendix 7, under separate cover – and intensification).

The area comprises of:

- 18 hectares of land on the southwestern fringe of the Brightwater Township, located between Pitfure Stream, State Highway 6, the Lord Rutherford Memorial Reserve (council reserve land) and an established residential area.
- Land which is currently zoned Rural 1.
- An area of ‘Rural 1 deferred Residential’ zoned land, which is deferred subject to reticulated water supply.

The key components of the proposed Plan Change are summarised as follows:

- The proposed Plan Change is seeking to create a new development area, entitled the ‘Brightwater Development Area’, comprising of the land that is proposed to be re-zoned and the adjoining ‘Rural 1 deferred Residential’ area.
- The proposed Plan Change is seeking to encourage medium density housing by applying the TRMP’s existing Compact Density provisions to the site, with an additional non-notification provision to incentivise the use of the Compact Density provisions.
- This proposed Plan Change is also seeking to require a percentage of allotments to be smaller than standard residential allotments for the subdivision of sites greater than 2 hectares within the

proposed Brightwater Development Area. Specifically, it includes provisions (except where Compact Density provisions are used) for the subdivision of parent titles greater than 2 hectares:

- A minimum of 20% of the lots created must have a net area between 270m² and 350m²; and,
 - A minimum of 20% of the lots created must have a net area between 350m² and 450m²; and,
 - A minimum of 50% of the lots created must be standard residential density (i.e., a minimum net area of 450m²). The remaining 10% of the lots created can be comprised of any of these densities, or a mixture of all three.
- The proposed Brightwater Development Area includes the following existing and new indicative items;
 - An existing indicative road connecting Wanderers Avenue to Lord Rutherford Road;
 - An existing indicative walkway connecting to the Lord Rutherford Memorial Reserve;
 - A new indicative reserve adjoining the Lord Rutherford Memorial Reserve;
 - A new indicative road connecting the existing indicative road to 33 Main Road Spring Grove;
 - A new indicative reserve running along the true right bank of Pitfure Stream;
 - A new indicative reserve extending from Main Road Spring Grove (SH6) to Pitfure Stream;
 - An indicative walkway along-side the new indicative reserve from Main Road Spring Grove (SH6) to Pitfure Stream, to provide an active transport connections; and
 - A new indicative reserve (neighbourhood park), located centrally within the proposed development area.
 - Reverse sensitivity provisions to mitigate noise and vibration effects from the state highway on the inhabitants of any new or altered dwellings developed within 100m of the state highway corridor. This includes a requirement for an acoustic report to be prepared at subdivision stage. It also includes land use rules to ensure that appropriate internal habitable room noise levels are achieved. Rules will also ensure a 20m setback distance from the state highway is provided for any new development at the time of subdivision and development.
 - Inclusion of the Brightwater Development Area as a deferred Fire Sensitive Area. This is an extension of the overlay which already applies to the remainder of the Brightwater Township and includes existing TRMP provisions to manage potential adverse amenity effects from the discharge of contaminants from outdoor burning.

The proposed Plan Change was developed based on constraints, servicing, and other technical information which is contained within the Background Report in Appendix 8.

1.5 Consultation

Consultation on PC75 has included two main phases. These are:

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

1.5.1 Pre-notification Consultation

This phase primarily consisted of targeted engagement with those identified as being potentially directly affected by the proposed change including Te Tau Ihu Iwi. This has been carried out through letters/emails and relevant information, including maps, being distributed. Follow up correspondence and discussions were then held with various parties when these were requested. Included in this consultation was circulation of draft PC75 text where this was relevant. Council staff and consultants also attended Brightwater Community Association meetings to discuss the proposal. General advice of the PC75 has also been included within Councils fortnightly publication 'Newslines'. The Section 32 Report outlines specific consultation actions in more detail within the evaluation section. Workshops have also been held with the Council elected members to discuss the changes proposed and refine some of the possible options for the changes.

1.5.2 Schedule 1 Consultation

Council has undertaken consultation pursuant to Schedule 1, clause 3 of the RMA. This includes consulting with the Minister of the Environment, adjoining local authorities and sending the draft PC75 material to the Iwi of Te Tau Ihu on 30 June 2022. Correspondence was received from Ngāti Tama and discussions were held with Ngāti Tama representatives with no concerns expressed. No advice was received from any other Te Tau Iwi Authorities or the Ministry for the Environment in relation to the matters within PC75. All consultation and notification requirements of Schedule 1 of the RMA have been met through this process.

1.6 Plan Change Process

On 18 August 2022, the Strategy and Policy Committee resolved that PC75 be notified. The proposed wording, as notified, is provided in Appendix 1 of this report.

On the 16 September 2022, PC75 was publicly notified with submissions closing on 17 October 2022. The following submissions were received:

- Submitter 4205 - Damien Prendergast
"Support the Plan Change and seek its retention in its entirety"
- Submitter 336 - Garrick Batten
"Oppose in part and seek amendments"
- Submitter 2782 - Hermann and Agnes Seifried
"Support the Plan Change and seek its retention in its entirety"
- Submitter 4206 - Waka Kotahi NZ Transport Agency (Waka Kotahi)
"Support in part and seek amendments"

One further submission was received:

- Submitter 2782 Hermann and Agnes Seifried

'Oppose Submission points 75.0.2-1 and 75.0.3-1

The summary of decisions sought was publicly notified on 28 October 2022 with the further submission period closing on the 11 November 2022. A copy of the submissions and further submission can be found in Appendix 2 (under separate cover). 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 Evaluation of Submissions and Recommendations

2.1 Introduction

This section divides the issues raised in the submissions into separate topics and then discusses the matters raised in each topic and provides recommendations to the Hearing Panel. These recommendations include responses to submissions and may also identify recommended changes to the PC75 provisions that were notified. Reasons for the responses and any recommended changes will be given along with an assessment of those changes in accordance with RMA Section 32AA.

The topics under which the submissions and further submissions are grouped are set out below. Subject to decisions being made on the recommended changes set out below, it is recommended that the proposed Plan Change is approved. The topic groupings are outlined below:

- 75.0 General
- 75.1 Productive Land and Natural Hazards
- 75.2 Definitions
- 75.5 Site Amenity Effects
- 75.6 Urban Environment Effects
- 75.16 Subdivision
- 75.17 Zone Rules
- 75.19 Information Required
- 75.20 Part II - Appendix 2 Urban Design Guidelines

The first topic discusses the plan change as a whole and recommends the approval of the plan change subject to any changes arising from the subsequent topics' discussions.

2.2 Topic 75.0: General

2.2.1 Submission Requests

There were two submissions in support of PC75 in its entirety. These submissions are supported and accepted and are documented below for completeness.

2.2.1.1 Submitter 4205: Damien Prendergast

- **Submission Point 75.0.1-1** Support in its entirety; The submitter supports the plan change and seeks its retention in its entirety.

2.2.1.2 Submitter 2782: Hermann & Agnes Seifried

- **Submission Point 75.0.1-2** Support in its entirety; The submitter supports the plan change and seeks its retention in its entirety.

2.2.2 Reporting Officer Assessment and Recommendations

2.2.2.1 Discussion and Reasons

The support of the plan change by Damien Prendergast (4205) and Hermann and Agnes Seifried (2782) is accepted. These two submitters own the private land that is subject to this proposed Plan Change.

2.2.2.2 Recommendation

Submission point 75.0.1-1 and 75.0.1-2 - Accept

2.3 Topic 75.1: Productive Land and Natural Hazards

2.3.1 Submission Requests

This topic discusses and considers productive land and natural hazards. Submission Point 75.6.18-1 has been moved from Topic 75.6 to be discussed under this topic as it relates to natural hazards.

2.3.1.1 Submitter 336: Garrick Batten

- **Submission Point 75.0.2-1, Oppose in part:** The submitter opposes the loss of productive land.

Reason: The Plan Change does not adequately take into consideration the RPS, TRMP and the National Policy Statement – Highly Productive Land (NPS – HPL). Requests deletion of Rural 1 Land from the Plan Change because of productive nature of the land.

- **Submission Point 75.0.3-1, Oppose in part:** Oppose the Plan Change as flood hazard not adequately addressed through the S32 Report.

Reason: Flood hazard has not been adequately addressed.

2.3.1.2 Submitter 4206: Waka Kotahi

- **Submission Point 75.6.18-1, Support in part:** Support in part Policy 6.16.3.3A. Waka Kotahi consider the flood hazard will need to be mitigated so flooding does not affect the SH6 network.

Reason: To prevent flooding affecting the SH6 network

2.3.2 Reporting Officer Assessment and Recommendations

2.3.2.1 Discussion and Reasons – Highly Productive Land

The submitter 336 (submission Point 75.0.2-1) opposes in part PC75 and the rezoning of Rural 1 land. The submission states the S32 Report does not adequately address the proposed loss of highly productive land. The submitter seeks the deletion of the land zoned Rural 1 from PC75. The submitter makes the following points which have been summarised:

- References TRPS Objective 5.1 - Avoidance of loss of land with high productive value through urban development
- General reference to highly productive land protection and TRMP objectives and policies
- Notes greater than 20% of Waimea Plains is already lost through urban development
- References Tasman District Council PC60 – referencing relevant rules protecting productive land
- Does not support the S32 Report discussion around the fragmentation of the land on the basis that many smaller blocks within the Waimea Plains are used for food production
- References National Policy Statement – High Productive Land (NPS-HPL) and the Rural 1 zoned land meeting the criteria for highly productive land and therefore requiring protection under the NPS – HPL

The submitters objection is in relation to the Rural 1 component of the proposed Brightwater Development Area which is depicted in Map 1 as *'Existing Rural 1 Zoning'*.

Map 1: Proposed Brightwater Development Area (Extract from the PC75 Section 32 Report.)

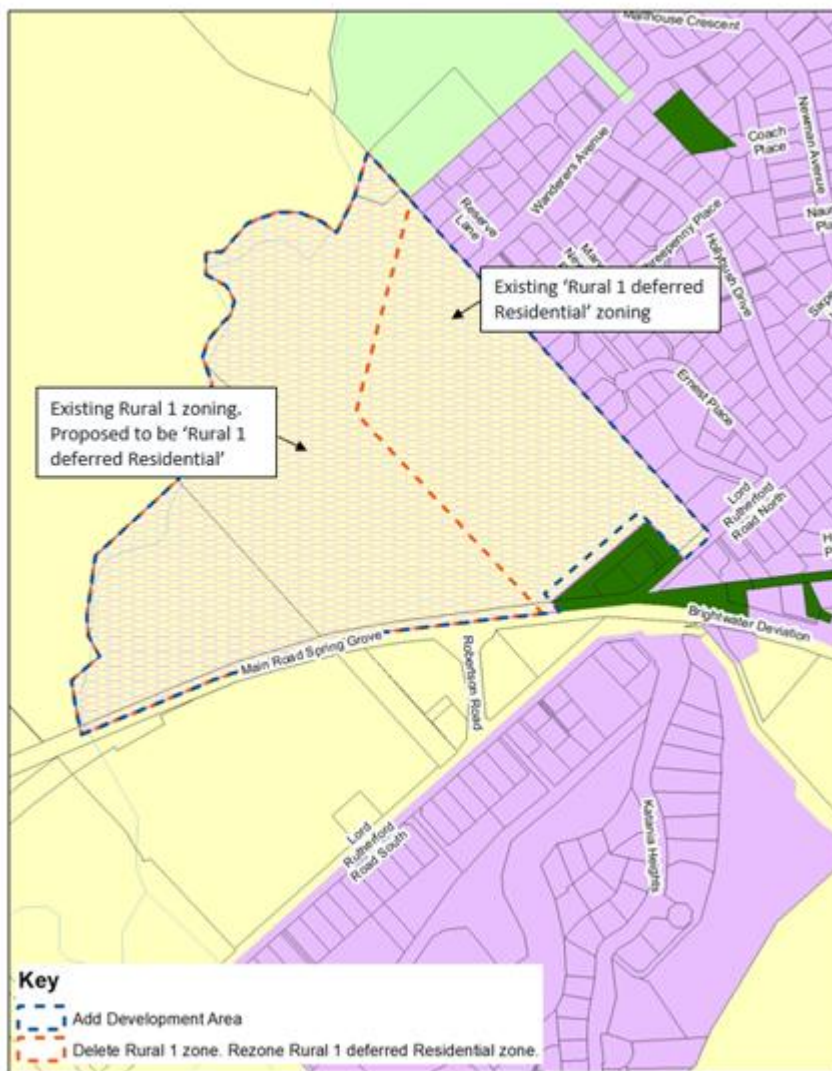


Figure 3: Residential Growth Area - Proposed Re-Zoning (extract from Update Map 75/2)

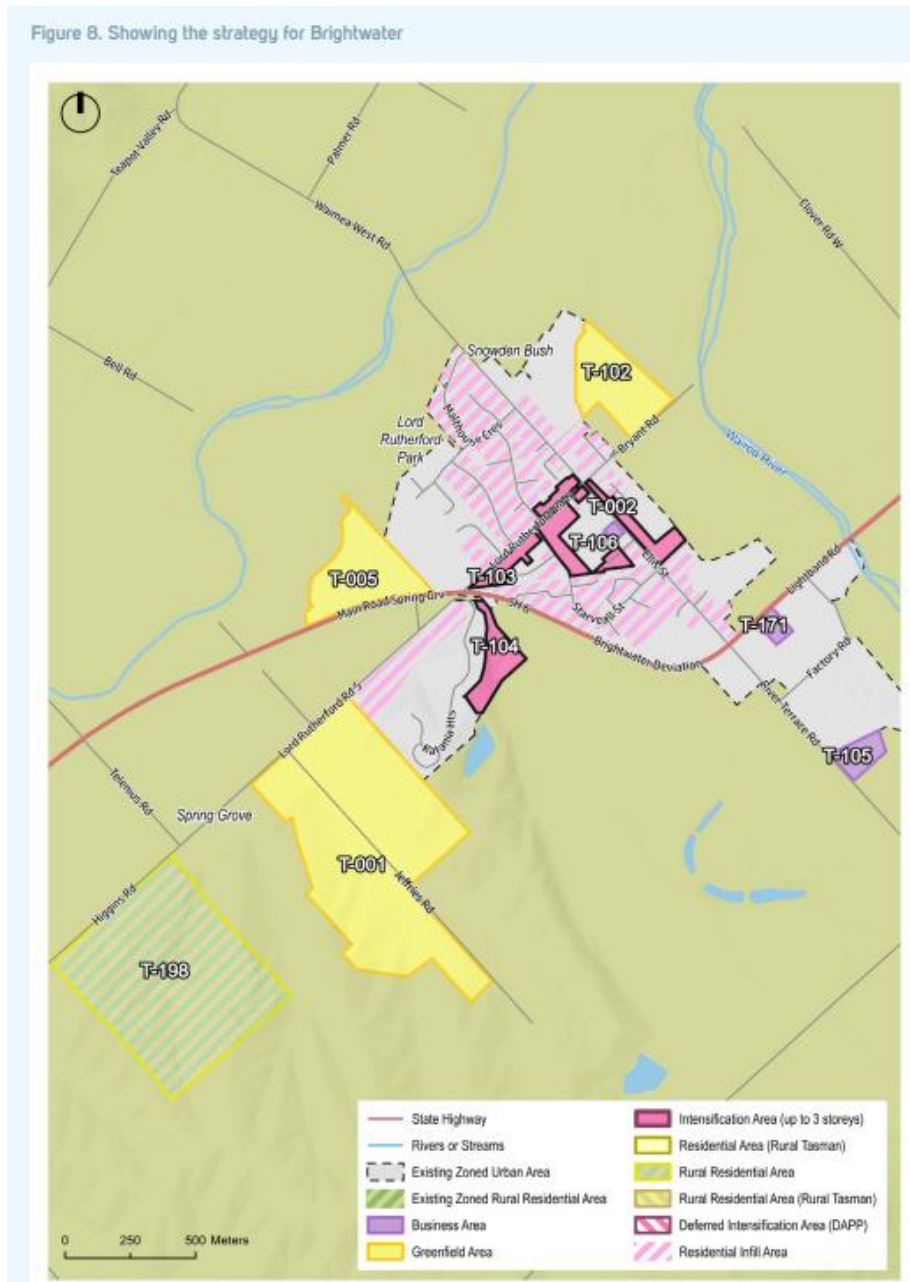
The submitter objects on the basis of the Rural 1 land being identified as highly productive. The proposed Brightwater Development Area (including the Rural 1 and deferred residential land) includes soils that are classed as highly productive under the Land Use Capability Classification System. The Land Use Capability Classification System classifies land based on its productive capability and is the soil classification system referenced in the NPS-HPL.

The NPS -HPL came into force on 17 October 2022. The S32 Report provided an assessment under the draft NPS-HPL which was not finalised or in effect at the time of the S32 Report preparation or notification. Council Resource Management Act 1991 (RMA) plans must give effect to the NPS-HPL if notified after the National Policy Statement (NPS) comes into force.

The Nelson Tasman Future Development Strategy (FDS) 2019 and 2022 identified the proposed Brightwater Development Area as a site for future urban expansion. Under the FDS 2019 and 2022 the land is referred to as T-005 Wanderers Avenue (refer Map 2).

Map 2: Nelson Tasman Future Development Strategy – Brightwater

(Extract from the Nelson Tasman Future Development Strategy 2022 – 2052)



Under the NPS-HPL - **identified for future development** means”:

- (a) Identified in a published Future Development Strategy as land suitable for commencing urban development over the next 10 years; or
- (b) Identified:
 - (i) In a strategic planning document as an area suitable for commencing urban development over the next 10 years; and
 - (ii) At a level of detail that makes the boundaries of the area identifiable in practice

Section 3.4(2) of the NPS-HPL specifies that areas identified for future urban development must not be mapped as highly productive land recognising that these parcels have been 'ear marked' for urban development.

Also, Section 3.5 (7) (b) sets out that in the interim period before mapping is completed, the National Policy Statement also does not apply to land:

- i) *Identified for future urban development; or*
- ii) *Subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.*

The FDS 2019 identified T-005 for development in Decade 2 (between 2029 and 2038) which falls within the 10-year future urban development definition as defined in the NPS-HPL. It should be noted that the 2022 FDS does not identify timeframes for development of sites as the National Policy Statement -Urban Development 2020 (NPS-UD) which came into effect in August 2020. So, while this means the land is not actually able to be identified as Highly Productive Land under the NPS this assessment will still consider the issue due to existing objectives and policies within the Tasman Regional Policy Statement (TRPS) and the TRMP.

The submitter references TRPS Objective 5.1. It is assumed the acronym refers to the Tasman Regional Policy Statement. Objective 5.1 states '*Avoidance of the loss through urban development, of the potential of land having high productive value to meet the needs of future generations*'.

In addition to the TRPS, the TRMP recognizes the need to protect productive land to provide for the social, economic, and cultural wellbeing of people in the district. This includes objectives and policies relating to the protection of highly productive land to meet the reasonably foreseeable needs of future generations. It also includes provisions that reference avoiding and mitigating the loss of land of high productive value for urban growth.

The proposed Brightwater Development Area has been identified for urban expansion, in part to protect other areas of highly productive land that have more productive capacity. As well as in the FDS, this is also reflected in existing TRMP Policy 6.16.3.1, which relates to providing for residential growth in the existing '*Rural 1 deferred Residential*' portion of the site – '*To manage the effects of the expansion of Brightwater on land of high productive value by providing for future residential areas south east of Snowdens Bush and between Wanderers Avenue and Lord Rutherford Road and further lots on Watertank Hill.*'

The proposed Plan Change seeks to provide greenfield land for residential expansion, by re-zoning land within the proposed Brightwater Development Area site from Rural 1 to '*Rural 1 deferred Residential*'. This is to increase housing supply to cater for growth and to reduce affordability issues, and provide for urban expansion in an area of constrained productive value instead of on other highly productive land. There is a need to encourage intensification and ensure efficient land use, where urban expansion does occur, to

protect productive land. This proposed Plan Change is seeking to encourage higher density housing options and efficient land use, to protect productive land in the wider area.

The proposed Brightwater Development Area includes soils that are classed as highly productive under the Land Use Capability Classification System. The proposed Brightwater Development Area includes 34 Main Road, Spring Grove, which contains two dwellings and provides for rural residential living. Almost half of the remaining land includes land which is already deferred for residential purposes. The land is fragmented in its current state which limits its productive capability. The Council's Senior Resource Scientist – Land and Soil has provided comment on the fragmented nature of the site and has advised that the productive capability of the site is limited due to existing land fragmentation, the existing deferred Residential land, and physical constraints as the site is situated between Pitfure Stream, the State Highway, and an existing residential area. Refer to Appendix 8 Brightwater Background Technical Report. In addition, the site has a readily defined, defensible boundary with the Pitfure Stream, State Highway and Adjoining Residential land. These features which border the site avoid what is typically seen as 'urban sprawl' with no natural limit. This defensible boundary will help to avoid future expansion into the wider rural area and protect land of higher productive capability.

Operative Policy 6.16.3.1 supports the intent of PC75 recognising that urban expansion should occur within the area of land between Wanderers Avenue and Lord Rutherford Road - the proposed Brightwater Development Area. The proposed amendment to Policy 6.16.3.1 under PC75 reflects the intent of the Plan Change to ensure that urban expansion is undertaken in a manner that makes the most efficient use of the land and furthermore the NPS-HPL provides clear direction on urban expansion that supports the intent of PC75 and the inclusion of the Rural 1 land within the proposed Brightwater Development Area.

On the basis of the national policy direction on urban expansion from the NPS-HPL, the existing fragmentation of the land and the TRMP policy direction outlined above, it is recommended that Submission Point 75.0.2-1 be rejected.

2.3.4.2 Discussion and Reasons- Flood Hazard

Submitter 336 under Submission Point 75.0.3-1 Opposes in part the development on the basis that the flood hazard is not adequately addressed in the Section 32 Report. Submitter 4206 under Submission Point 75.6.18-1 Supports in part Policy 6.16.3.3A. Waka Kotahi (4206) consider that the flood hazard will need to be mitigated to allow the growth area to be developed so flooding does not affect the SH6 network.

The proposed Brightwater Development Area is bordered to the west by Pitfure Stream which has been known to flood in high rainfall events. The Section 32 Report addresses flood hazard risk in Section 4.1.1.8 including referencing advice received from Tasman District Councils Senior Resource Scientist - Hazards (Glen Stevens), who has advised that it is feasible to mitigate the flood hazard and address it through the consenting process at the subdivision and land use stage. Attached in Appendix 4 is supporting evidence from Glen Stevens. Information on flooding in the area was gathered as part of the plan change development through the Section 32 process. This information is collated in Section 7.1 of the Background Technical Report

which is included in Appendix 8. This includes historical flood information, flood modelling, and consideration of potential solutions.

The Section 32 Report highlights the inclusion of existing and new policies and rules to mitigate flood hazard at the development stage.

Proposed Policy 6.16.3.3A states;

To manage subdivision and development of residential land in the Brightwater Development Area between Pitfure Stream, State Highway 6, and Lord Rutherford Road to avoid significant flood hazard risks on the site and beyond the site.

Further, Section 19.2.2 – Subdivision, of the TRMP includes a new requirement for information to be required for all land use and subdivision consent applications to include:

19.2.2.7(e)(iii) Information on how flood hazard risk from the Pitfure Stream is managed

In addition, the proposed Plan Change includes two new indicative reserves; one along the stream to provide public access but also to provide a flood hazard management function and another centrally through the site for similar purposes. The exact detail including dimensions for these reserves will be determined at the subdivision stage and following the applicant’s flood hazard risk assessment under the relevant sections.

It is considered that there is sufficient evidence provided to support the management of the flood hazard at the site and it is therefore considered sufficient to address any flood hazard risk through policy direction and appropriate design and mitigation at the land use and subdivision stage. Addressing the flood hazard at the site will prevent flooding effects beyond the site boundary and therefore to SH6.

2.3.4.3 Recommendations

Submission Point 75.0.2-1 - Reject

Submission point 75.0.2-1 – Reject

Submission point 75.6.18-1 - Accept

2.4 Topic 75.2: Definitions

2.4.1 Submission Requests

This topic discusses the definition of the Brightwater Development Area. There was one submission in support of the definition.

2.4.1.1 Submitter 4206: Waka Kotahi

- **Submission Point 75.2-1** Support the definition of Brightwater Development Area

Reason: It clearly defines the area

2.4.2 Reporting Officer Assessment and Recommendations

2.4.2.1 Discussion, Reasons and Recommendation

This submission point is in support of the proposed Plan Change content.

Submission point 75.2-1 – Accept

2.5 Topic 75.5: Site Amenity Effects

2.5.1 Submission Requests

This topic discusses one request in support of the policy.

2.5.1.1 Submitter 4206: Waka Kotahi

- **Submission Point 75.5-1** Support the addition of *enabling medium density development in specified Development Areas, reflects the need to use land more efficiently where expansion does occur*

Reason: Support as it aligns with the Future Development Strategy.

2.5.2 Reporting Officers Assessment and Recommendation

2.5.2.1 Discussion, Reasons and Recommendation

This submission point is in support of the proposed Plan Change content.

Submission Point 75.5-1 – Accept

2.6 Topic 75.6: Urban Environment Effects

2.6.1 Submission Requests

Waka Kotahi (4206) made several submissions points; 12 submission points were in support (75.6.1-1, 75.6.3-1, 75.6.4-1, 75.6.5-1, 75.6.7-1, 75.6.9-1, 75.6.10-1, 75.6.12-1, 75.6.14-1, 75.6.15-1, 75.6.19-1) of Topic 75.6. These submissions points will not be discussed further with the support accepted.

Several other submission points were received from Waka Kotahi which were in partial support. These submission points are broken into issues and outlined below.

Higher Density

2.6.2 Submitter 4206: Waka Kotahi

- **Submission Point 75.6.8-1;** Support in part Policy 6.2.3.2B. Amendment suggested different wording should be used for clarity in relation to higher density housing.

Reason: Support the policy for enabling higher density housing options but the word ‘higher’ could be confused with high density housing.

- **Submission Point 75.6.13-1;** Support in part Policy 6.16.1.2A. Support the issue but the word ‘higher’ could be confused with high density housing.

Reason: Waka Kotahi consider different wording should be used for clarity, or higher density is clarified.

- **Submission Point 75.6.16-1;** Support in part 6.16.3.1A. Support the intent of the policy, however Waka Kotahi consider the word ‘higher’ could be confused with high density housing.

Reason: Waka Kotahi consider different wording should be used for clarity, or higher density is clarified.

- **Submission Point 75.6.17-1;** Support in part to Policy 6.16.3.1B. Support the intent of the policy, however Waka Kotahi consider the word ‘higher’ could be confused with high density housing.

Reason: Waka Kotahi consider different wording should be used for clarity, or higher density is clarified.

- **Submission Point 75.6.20-1;** Support in part to Policy 6.16.20.1(e). Support rules to provide for a variety of lot sizes however Waka Kotahi consider the word ‘higher’ could be confused with high density housing.

Reason: Waka Kotahi consider different wording should be used for clarity or higher density is clarified.

- **Submission Point 75.6.22-1;** Support in part Policy 6.16.30. Support the wording included in the explanation to retain land as rural or recreational where flood effects cannot be managed. Change higher density wording or clarify that it is not high-density housing.

Reason: Waka Kotahi consider different wording should be used for clarity or higher density is clarified. The explanation is in line with what the Future Development Strategy says.

2.6.3 Reporting Officer Assessment and Recommendation – Higher Density

2.6.3.1 Discussion and Reasons

Submission points 75.6.8-1, 75.6.13-1, 75.6.16-1, 75.6.17-1, 75.6.20-1 and 75.6.22-1 all seek amendments to the use of the wording ‘*higher density*’ in the following policies.

- 6.2.3.2B *To ensure efficient land use in the Brightwater Development Area by requiring subdivisions that result in a variety of lot sizes, including higher density housing options.*
- 6.16.1.2A *The need to provide higher density housing options that achieves a high standard of amenity, and variety of lot sizes on land where urban expansion does occur.*
- 6.16.3.1A *To require higher density housing options and a variety of lot sizes on land within the Brightwater Development Area between Pitfure Stream, State Highway 6, and Lord Rutherford Road which achieves a high standard of residential amenity through design in accordance with the Urban Design Guide (Part II, Appendix 2).*
- 6.16.3.1B *To require higher density housing options and a variety of lot sizes on land within the Brightwater Development Area between Pitfure Stream, State Highway 6, and Lord Rutherford Road through the use of a mandatory mix of lot sizes and encourage Compact Density Development in this area through the use of a non-notification provision.*
- 6.16.20.1 (e) *Rules to require a variety of lot sizes and enable higher density housing options on land within the Brightwater Development Area.*
- 6.16.30 **Principal Reasons and Explanation**
- “..... Identified areas of urban expansion are expected to be developed with higher density housing options and a variety of lot sizes so that the rural land is more efficiently utilised for residential purposes. This provides for a more varied neighbourhood of differing types of housing. The Brightwater Development Area is intended to develop in this manner while managing noise from the state highway and the flood flows from Pitfure Stream and Watertank Hill (the Katania Heights area)’.*

Waka Kotahi (4206) support the direction and intent of the plan change to promote increased density in the proposed Brightwater Development Area but consider that an amendment or clarification needs to be made for the use of the word ‘*higher density*’ which may be confused with high density. The wording ‘higher density’ is not defined in the proposed Plan Change. The use of the wording ‘*higher density*’ in PC75 is in reference to the objective of PC75 which is to encourage intensification and addition to the intent to achieve a variety of densities and housing options. It refers to the changes that enable and encourage the use of the Compact Density Development in the proposed Plan Change area. This assists with meeting the need to provide higher density housing options including townhouses, flats and retirement units which are all considered appropriate options to achieve greater density in the proposed Brightwater Development Area.

The National Planning Standards (NPSs) include a 'High Density Residential Zone' which is described as 'Areas used predominantly for residential activities with high concentration and bulk of buildings, such as apartments, and other compatible activities'. On reflection it is considered that the use of the words 'higher density' may create confusion with the High Density Residential Zone which relates to a high density housing scale and form. The proposed Brightwater Development Area is not considered suitable as a future High Density Residential Zone due to the urban form that surrounds it and distance to commercial centres and it is therefore accepted that the wording 'higher density' could cause confusion.

The Section 32 Report stipulates that the objective of PC75 is to provide additional land for residential housing and encourage both intensification and a variety of densities within the proposed Brightwater Development Area.

It is therefore considered appropriate to align policy wording with the objective and amend the wording from 'higher density' to 'increased and varied housing densities and types'. This wording is considered to achieve the intent of the policy without creating confusion. The submitters request to amend the wording of these provisions is accepted.

2.6.3.2 Recommendation – Higher Density

Support the submission points requesting the amendment of policies to remove the words 'higher density'. Accept the amendment of the following policies as depicted in red italics;

6.2.3.2B *To ensure efficient land use in the Brightwater Development Area by requiring subdivisions that result in **increased and varied housing densities and types** ~~a variety of lot sizes, including higher density housing options.~~*

6.2.20.1 (ba) *In the Brightwater Development Area, subdivision rules which ensure **increased and varied housing densities and types** ~~that a variety of lot sizes and higher density housing options are provided for, and that implement the Urban Design Guide (Part II, Appendix 2).~~*

6.16.1.2A *The need to provide **increased and varied housing densities and types** ~~higher density housing options that achieve a high standard of amenity, and variety of lot sizes~~ on land where urban expansion does occur.*

6.16.3.1A *To require **or enable increased and varied housing densities and types** ~~higher density housing options and a variety of lot sizes~~ on land within the Brightwater Development Area between Pitfure Stream, State Highway 6, and Lord Rutherford Road which achieves a high standard of residential amenity through design in accordance with the Urban Design Guide (Part II, Appendix 2).*

6.16.3.1B To require *or enable increased and varied housing densities and types* ~~higher density housing options and a variety of lot sizes~~ on land within the Brightwater Development Area between Pitfure Stream, State Highway 6, and Lord Rutherford Road through the use of a mandatory mix of lot sizes and encourage Compact Density Development in this area through the use of a non-notification provision.

6.16.20.1 (e) Rules to require *or enable increased and varied housing densities and types* ~~variety of lot sizes and enable higher density housing options~~ on land within the Brightwater Development Area.

6.16.30 Principal Reasons and Explanation

“..... Identified areas of urban expansion are expected to be developed with *increased and varied housing densities and types* ~~higher density housing options and a variety of lot sizes~~ so that the rural land is more efficiently utilised for residential purposes. This provides for a more varied neighbourhood of differing types of housing. The Brightwater Development Area is intended to develop in this manner while managing noise from the state highway and the flood flows from Pitfure Stream and Watertank Hill (the Katania Heights area)’.

Cycling Distances

2.6.4 Submitter Name: 4206 Waka Kotahi

- **Submission Point 75.6.11-1** - Support in part 6.2.30. Support the inclusion of Brightwater. However, Waka Kotahi seeks clarification as to where the ‘cycling’ distance component of ‘walking and cycling distance’ has arisen from.

Reason: Cycling distances/catchment areas are very different compared to walking

- **Submission Point 75.6.2-1** - Support in part (6.3.1(j)). Waka Kotahi seeks clarification as to where the ‘cycling’ distance component of ‘walking and cycling distance’ has arisen from.

Reason: Cycling distances/catchment areas are very different compared to walking

2.6.5 Reporting Officer Assessment and Recommendation – Cycling Distances

2.6.5.1 Discussion

In submission point 75.6.11-1 and 75.6.2-1 Waka Kotahi seeks clarification as to where the ‘cycling’ distance component of ‘walking and cycling distance’ has arisen from in Section 6.2.30. Waka Kotahi state ‘*Cycling distances/catchment areas are very different compared to walking*’. They have noted their support for the 1000m walking catchment to the Brightwater town centre and the provisions of providing for a walking and cycling connection to potential bus stop locations.

Submission point 75.6.11-1 references Policy 6.2.30;

6.2.30 Principle Reasons and Explanation

Medium density development is encouraged in development areas shown on the planning maps and identified in the rules in the forms of compact density and intensive residential development. The specified areas are Richmond South, Richmond West, Brightwater, Mapua Special, Motueka West Compact Density and the Richmond Intensive development areas. Outside of the above areas, medium density development is provided for in the form of comprehensive development.

Intensive residential development is promoted and encouraged within walking and cycling distance or close to town centres and urban facilities as it increases lifestyle and housing choices and uses urban land and services, including public transport, efficiently and effectively.

Subdivision and zone Plan rules, together with the Urban Design Guide, are designed to ensure that medium density development achieves a high standard of amenity.

Walking and cycling are active transport modes as defined in the National Policy Statement – Urban Development (NPS-UD). Good accessibility between housing, jobs, community services, natural and open spaces including by way of public and active transport is considered to contribute to well-functioning urban environments. This is supported in Policy 1 of the NPS-UD. The inclusion of ‘cycling distance’ within 6.2.30 is appropriate in its intent as it contributes to well-functioning urban environments. It is acknowledged that the distance that can be cycled will be different to the distance that can be walked when accessing local facilities and services. The changed wording allows for both modes to be considered when determining areas suitable for more intensive residential development. No further clarification is considered necessary.

2.6.6 Recommendation

Submission Point 75.6.2-1 and 75.6.11-1 – Reject.

Reverse sensitivity

2.3.2 Submitter Name; 4206 Waka Kotahi

- **Submission Point 75.6.21-1** - Support in part to method of implementation 6.16.20.1(f). Support rule to manage road noise however Waka Kotahi consider it should be worded as reverse sensitivity so that vibration is also included in the definition.

Reason: Reverse sensitivity also includes vibration rather than just road noise.

2.3.3 Reporting Officer Assessment and Recommendation – Reverse Sensitivity

2.3.3.1 Discussion and Reasons

Submission Point 75.6.21-1 seeks the amendment of the wording of method of implementation statement 6.16.20.1(f) to reserve sensitivity to include both road noise and vibration effects. The Plan Change includes proposed reverse sensitivity provisions to mitigate noise and vibration effects from the state highway on the inhabitants of any new or altered dwelling for development within 100m of the state highway corridor. This includes a 20m setback distance from the state highway for any new development at the time of subdivision and development. This setback requirement is included under 16.3.3 - Residential Zone rules and is considered to be an acceptable method of managing vibration effects. A change to the method statement 6.16.20.1 (f) is considered appropriate as both noise and vibration do fall within the category of reverse sensitivity effects from the State Highway. For the reasons given above it is recommended that this submission point be accepted.

2.3.3.2 Recommendation

Submission Point 75.6.21-1 – Accept

Recommended amendment in red italics:

6.16.20.1 (f) Rules to manage *reverse sensitivity effects* ~~road noise~~ received from State Highway 6 in the Brightwater Development Area.

2.7 Topic 75.16: Subdivision

2.7.1 Submission Request

Waka Kotahi 4206) made several submission points grouped under this topic. Seven of these submission points were in support (75.16.1-1, 75.16.2-1, 75.16.4-1, 75.16.6-1, 75.16.7-1, 75.16.8-1, and 75.16.10-1) of Topic 75.16. These submissions points will not be discussed further with the support accepted.

Related submission points were received from Waka Kotahi which were in partial support and are discussed further in the following sections.

2.7.1.1 Submitter 4206 - Waka Kotahi

- **Submission Point 75.16.3-1** Support in part 16.3.3.1 (me). Support the rule regarding reverse sensitivity, however, consider that the following vibration standard should also be included.

Add: New buildings or alterations to existing buildings containing noise sensitive activities, in or partly within 40 metres from the state highway edge line must be designed, constructed and maintained to achieve road traffic vibration levels complying with class C of NS 8176E:2005

Reason: Inclusion of vibration standards.

- **Submission Point 75.16.5-1** Support in part in 16.3 and 16.3.3.1(o). Support the rule regarding noise and vibration however consider 'manage' to not be a strong enough word and 'mitigate' should replace it. Replace 'manage' with 'mitigate'.

Reason: Stronger wording required.

- **Submission point 75.16.9-1** Support in part of 16.3.3.3 (32A). Support in part. Support the intention, however Waka Kotahi consider 'manage' to not be sufficient and request 'mitigate' replace it. Replace 'manage' with 'mitigate'.

Reason: It is considered that stronger wording is required.

2.7.2 Reporting Officer Assessment and Recommendation

2.7.2.1 Discussion and Reasons

Submission Point 75.16.3-1 recommends an addition to 16.3.3.1 (me) to include vibration standards.

The Plan Change site is adjacent to Main Road Spring Grove which is a state highway (State Highway 6). It is acknowledged in the S32 Report that there is a need to mitigate the effects of noise and vibration from the state highway network on the inhabitants of any new or altered dwelling in the proposed Brightwater Development Area within 100m from the state highway.

The Plan Change includes proposed reverse sensitivity provisions to mitigate noise and vibration effects from the state highway on the inhabitants of any new or altered dwelling for development within 100m of the state highway corridor. This includes a requirement for an acoustic report to be prepared upfront at subdivision stage to determine the measures or predicted noise level and, where this exceeds 57 dB LAeq, to recommend appropriate mitigation measures. It also includes land use rules to ensure that an appropriate internal habitable room noise level is achieved, and that a 20m setback distance from the state highway is provided for any new development at the time of subdivision and development.

During early consultation with Waka Kotahi's Acoustic Consultant, Stephen Chiles and Principal Planner, Lea O'Sullivan it was advised by Waka Kotahi on 4 April 2022 that *'Please note that consideration also needs to be given to vibration effects on future residents here. If TDC do not want a vibration control rule, then a 20m "no build" (or rather "no sensitive build" i.e., a garage or non-habitable structure would be ok'*. This correspondence is included in Appendix 5. The 20m setback distance contained within the reverse sensitivity rules and 16.3.3.1 (me) is supported by Waka Kotahi. The setback provides sufficient mitigation of vibration effects and is considered an appropriate response to mitigate vibration effects from SH6. The submitter is invited to provide any further evidence that may assist with understand why a change may be appropriate in this particular circumstance and location. Submission point 75.16.3-1 is recommended to be rejected.

Submission points 75.16.3-1 and 75.16.9-1 recommend replacing the word 'manage' with 'mitigate' in 16.3.3.1 (18) (o) and 16.3.3.3 (32A). The use of the word mitigate is consistent with wording under S17 of the RMA to avoid, remedy and mitigate adverse effects. It is therefore considered appropriate to amend the wording as proposed by submission points 75.16.3-1 and 75.16.9-1.

2.7.2.2 Recommendation

Submission Points: 75.16.1-1, 75.16.2-1, 75.16.4-1, 75.16.6-1, 75.16.6-1, 75.16.7-1, 75.16.8-1 - Accept

Submission Point: 75.16.3-1 - Reject

Submission Points: 75.16.3-1, 75.16.9-1 – Amend as follows as shown in red italics:

*16.3.3.1 (o) In the Brightwater Development Area, where dwellings will be located within 100m of the state highway's white edge line, the type and extent of methods utilised to ~~manage~~ **mitigate** potential noise and vibration effects from the state highway.*

*16.3.3.3 (32A) In the Brightwater Development Area where dwellings will be located within 100m of the state highway's white edge line, the type and extent of methods utilised to ~~manage~~ **mitigate** potential noise and vibration effects from the state highway.*

2.7 Topic 75.17: Zone Rules

2.7.1 Submission Requests

Waka Kotahi (4206) made several submission points grouped under this topic. Five of the submission points were in support (75.17.1-1, 75.17.2-1, 75.17.3-1, 75.17.4-1, 75.17.5-1) of Topic 75.17. These submissions points will not be discussed in detail with the support accepted and noted below. One submission was received by Waka Kotahi in support in part and is discussed in detail below.

2.7.2 Submitter Name: Waka Kotahi

- **Submission Point 75.17.6-1:** Support in part 17.14A – Deferred Zone Locations. As part of the plan change, the zoning of the land is deferred and will not be lifted until Council is satisfied with stormwater and catchment management. Waka Kotahi submits that it also be deferred until Council and Waka Kotahi are both satisfied with the transport related effects – particularly the intersection of SH6 and Lord Rutherford Road. A related point includes a recommendation from Waka Kotahi that an Integrated Transport Assessment should be prepared that assesses the impacts on all modes at the intersection with the state highway.

Reason: Concern around transport related effects

2.7.3 Reporting Officer Assessment and Recommendation

2.7.3.1 Discussion and Reasons

Submission Point 75.17.6-1 requests for the deferment under 17.14A to include an additional reason for the development to be deferred until Council and Waka Kotahi are both satisfied with the transport related effects from the proposed Plan Change area on Lord Rutherford Road North and the SH6 intersection. Waka Kotahi also submitted that more information to manage potential cumulative impacts could be achieved through the submission of more information in the form of an Integrated Transport Assessment (ITA) to assist with managing the potential cumulative traffic and safety impacts.

It is not considered appropriate to include an additional reason for deferral which requires approval from a third party. It is however recognised that there may be cumulative traffic and safety effects on Lord Rutherford Road North and the SH6 Intersection from the new road (and subsequent development) connecting to Lord Rutherford Road North.

Councils' Consultant Transport Engineer comments that *'The proposed Brightwater Development Area has good transport linkages with existing roads, intersections and cycling infrastructure (Tasman Great Taste Trail) and planned public transport routes and stops. These linkages make this location suitable for development. However, this and other development areas all have an impact on the surrounding area there will be cumulative impacts. This will be most acutely felt where in areas like Richmond, Annesbrook, Enner Glynn and Tahunanui where there is already transport constriction. Council should support the inclusion of an Integrated Transport Assessment form the basis of any resource consent to develop in this location'*¹.

The council supports the recommendation by Waka Kotahi for more information to be supplied in the form of an ITA. I recommend that an amendment be made to the provisions to recognise potential adverse traffic and safety effects on the transport network and for an ITA to be provided as supporting information for a resource consent application. This would include a new issue and policy under 6.16.1 and 6.16.3 and an additional information requirement under Section 19.2. A new definition is also proposed to prove a clear meaning of an ITA. A Section 32AA Evaluation Report has been provided in Appendix 6 to provide further evaluation of this recommended change.

2.7.3.3 Recommendation

Submission Points; 75.17.1-1, 75.17.2-1, 75.17.3-1, 75.17.4-1, 75.17.5-1 - Accept

Submission Point: 75.17.6-1 – Reject in part, however in response to the related submission request amend as follows (inserts in red italics):

6.16.1 Issues

6.16.1.8 Potential adverse traffic and safety effects on the transport network including State Highway 6 and Lord Rutherford Road from the Brightwater Development Area.

6.16.3 Policies

¹ Email 18 November 2022 Drew Bryant – Consultant Transport Engineer

6.16.3.9 *To manage any potential traffic and safety effects on the transport network including on SH6 and Lord Rutherford Road from residential development of the Brightwater Development Area.*

19.2 Information Required for Land Use or Subdivision Consent Applications

19.2.2.7 (e) (iv) *An Integrated Transport Assessment to understand, assess and mitigate the potential traffic and safety effects (including on Lord Rutherford Road North and SH6 Intersection) to be prepared by a transport planner, transport engineer or other suitably qualified professional.*

Inclusion to Chapter 2 – Meaning of words to include as follows;

Integrated Transport Assessment (ITA) – *Integrated transport assessments consider the proposed impact of a development on the transport network and the effectiveness of any potential mitigation measures to address adverse impacts. The ITA should include a review of relevant planning documents and infrastructure plans, needs to consider all modes of transport and should incorporate methods of reducing reliance on private cars.*

2.8 Issue 75.19: Information Required

2.8.1 Submission Requests and Name – Submitter: 4206 Waka Kotahi

- **Submission Point 75.19.1.1** in support of Chapter 19 - 19.2.2.

Reason: Support the further information request, in particular the reverse sensitivity and information on how a variety of housing options, including higher density housing options, is achieved, or – where this is not practicable – justification of why.

2.8.2 Reporting Officer Assessment and Report

2.8.2.1 Discussion and Reasons

Submission point 75.19.1-1 the support for the policy is accepted.

2.8.2.2 Recommendation

Submission point 75.19.1-1 - Accept

2.9 Issue 75.20.1-1: Part II - Appendix 2 Urban Design Guidelines

2.9.1 Submission Requests and Name – 4206 Waka Kotahi

- **Submission Point 75.20.1-1** in support of Part II Appendix 2 – Urban Design Guidelines.

Reason: Support the inclusion of Brightwater and the provisions or a variety of lot sizes, increased density, and a quality living environment.

2.9.2 Reporting Officer Assessment and Report

2.9.2.1 Discussion and Reasons

Submission Point 75.20.1-1 the support for the policy is accepted.

2.9.3.2 Recommendation

Submission Point 75.20.1-1 - Accept

Appendix 1: Proposed Plan Change - Schedule of Amendments as Notified

Under separate cover

Appendix 2: Submissions and Further Submissions

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