

PLAN CHANGE 76: WAKEFIELD GROWTH PLAN CHANGE

REPORT AND RECOMMENDATIONS

OF THE

HEARING COMMISSIONERS

PURSUANT TO CLAUSE 10 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991

22 JULY 2024

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1 Introduction

On 16 September 2022 the Tasman District Council (TDC) notified proposed Plan Change 76 -Wakefield Growth (PC76) to the Tasman Resource Management Plan (TRMP). The objective of PC76 is to provide additional land for residential housing and encourage both intensification and a variety of housing densities.

1.1 Appointment of Hearing Commissioners

The TDC, acting under s34A of the Resource Management Act (RMA), appointed Kit Maling, Christeen Mackenzie and Stuart Byrant as independent hearing commissioners to hear and make recommendations on the submissions on PC76. The TDC reserved unto itself the authority to approve the proposed plan change pursuant to Clause 17 of Schedule 1 to the RMA.

1.2 Hearing of Submissions

A total of 8 submissions and 3 further submissions were received on PC76. Two of the further submitters were also original submitters.

A Section 42A Report¹ was prepared under Section 42A of the RMA authored by Ms Anna McKenzie, the PC76 Reporting Officer.

Expert evidence in representation of the Council, was provided by Glenn Stevens – TDC Senior Natural Resource Scientist; Rosalind Squire – Contract Reserves Planner; Wouter Woortman – Contract Principal Water Resource Consultant; Bill Rice – TDC Senior Infrastructure Planning Advisor Transportation and Jacqui Deans – TDC Growth Coordinator.

Expert evidence in representation of Wakefield Village Development Ltd (WVDL) was provided by Mark A.B Lile – Consultant Planner; David John Carson McColl – Chartered Professional Engineer; Robert Euan Jones – Licenced Cadastral Surveyor; Gary Paul Clark – Director of Traffic Concepts Limited.

No other expert evidence was provided by other submitters.

¹ Tasman Resource Management Plan, PC76: Wakefield Growth Plan Change, Section 42A Evaluation Report, May 2024, Report prepared by Anna McKenzie, TDC Principal Policy Planner.

Ms Jean Gorman a local resident, and representatives, Sonja Lamers and Richard Martin, from Homes for Wakefield provided hearing statements and spoke at the hearing to support their own submissions.

Nigel McFadden and Duane Whiting attended the hearing representing WVDL and answered questions from the commissioners. TDC officers, John Ridd, Barry Johnson, Jeremy Butler, John Bullock, Narissa Armstrong, and planning consultant Sonya Leusink-Sladden also attended.

Notes were taken from the hearing and a recording of the proceedings is available on request from TDC. Prior to the public hearing (on Sunday 9 June), the hearing commissioners visited the site together.

Following the hearing, commissioner minutes dated 17 June 2024 were circulated instructing WVDL and TDC's Reporting Officer to meet and work through minor edits to the Schedule of Amendments as recommended in Appendix 1 of the Section 42A Report and the information supplied at the hearing as Amended: S42A Appendix 1- Schedule of Amendments.

A meeting was held between WVDL representatives – Mark Lile, Duane Whiting and Robert Ford and the PC76 Reporting Officer, Anna McKenzie and Urban Team Leader, Jeremy Butler to work through minor edits to the Schedule of Amendments. Further correspondence between the parties was undertaken with agreement reached on almost all points of contention.

A deliberation meeting was held On Wednesday 26 June 2024, Anna McKenzie PC76 Reporting Officer presented a summary letter of the agreement process to date.

On the 26 June, the hearing chair, Kit Mailing sent an email to Mark Lile requesting confirmation as to whether the letter accurately reflects the discussions including where agreement has been reached and where agreement could not be reached.

A further email was received from Mark Lile on the 15 July confirming that agreement had been reached on the zone boundary line mapping but noting that the *'indicative esplanade reserves is however a live issue'*². The email also requested that the hearing be reconvened to discuss the amended wording to 16.3.3.1(n)(iii)(b). We note that on reviewing the schedule of amendments, 16.3.3.1(n)(iii)(b) has not been proposed to be amended through the PC76 process so this request is out of scope of the plan change.

² Email Mark Lile dated 15 July 2024.

Panel chair, Kit Maling sent an email to WVDL on 18 July rejecting the request to reconvene the hearing *'for the following reasons;*

- *No substantive reason to reconvene the hearing has been provided.*
- *All parties have been given the same opportunity and timeframe to prepare and present their evidence in advance of the Hearing. This included a commitment by you to resolve the outstanding matters as best you could within a week of the adjournment.*
- *As part of Natural Justice, all parties will need to be provided the opportunity to present and add to their submission at a reconvened hearing.*
- *The timeframes outlined in the Hearing Panel's minute have not been complied with³.*

1.3 Deliberations

A deliberation meeting was held on Wednesday 26 June 2024, Anna McKenzie PC76 Reporting Officer presented a summary letter of the agreement process to date.

On the 26 June, the hearing chair, Kit Maling sent an email to Mark Lile requesting confirmation as to whether the letter accurately reflects the discussions including where agreement has been reached and where agreement could not be reached.

Commissioner Mackenzie requested a response to Further Submission FC76.3653.1 and the request for lighting to be downward facing to prevent effects on sleep patterns. She also referenced effects on the night sky. This point was not addressed in the Section 42a Report or raised during the hearing. The Nelson Tasman Land Development Manual (NTLDM) refers to the requirement for compliance with the Australian/ New Zealand Standard for Lighting for Roads and Public Spaces (AS/NZS 1158.1.1:2022). The objectives of the standard are to provide specific performance and design requirements for lighting schemes with a principal design objective included to *limit the adverse effects of lighting on users of the lit space, such as pedestrians and vehicle drivers and night sky viewing conditions*.⁴ Development within the district must comply with the NTLDM and as such the Australian/ New Zealand Standard for Lighting for Roads and Public Spaces (AS/NZS 1158.1.1:2022).

The hearing was formally closed on 19 July 2024, and the Hearing Commissioners then deliberated on the matters raised in the submissions, made findings, and prepared this Recommendation Report.

³ Email Kit Maling dated 18 July 2024.

⁴ Australian/ New Zealand Standard for Lighting for Roads and Public Spaces (AS/NZS 1158.1.1:2022), Section 3.1 (b)(i)(ii).

1.4 Our approach to this Recommendation Report

The Section 42A Report summarised the submission points and assessed them under the following headings:

- General
- Definitions
- Site Amenity Effects
- Urban Environment Effects
- Subdivision
- Zone Rules
- Information Requirements
- Part II – Appendix 2 Urban Design Guidelines

This report has been structured using the same sub-headings as the Section 42A Report.

To avoid unnecessary repetition, and as provided for by Section 113(3)(b) of the RMA, we adopt the 'summary of decisions sought' for each submitter as contained in the Section 42A Report. Having carefully considered the submissions and evidence presented, we have recorded our recommendations on each submission and further submission in the Submission Tables in Appendix A of this Recommendation Report. The reasons for those recommendations are contained in the body of this Recommendations Report and are not repeated in Appendix A.

Appendix B and C includes the recommended TRMP Schedule of Amendments, and TRMP Area Map 76/1, Zone Map 76/2 and Fireban and Fire Sensitive Areas Map 76/3.

2 Overview of PC76

The Section 42A Report includes an overview of PC76 as follows:

'PC76 seeks to provide additional land for residential housing and encourage both intensification and a variety of densities within a parcel of greenfield land in Wakefield (in single ownership) that is partially zoned Residential, Rural 2 and Rural 2 deferred Rural Residential. PC76 proposes to rezone the land Residential and Deferred Residential. The deferral will be subject to reticulated wastewater, stormwater, water supply and transport matters'.⁵

2.1 Proposed Changes to the TRMP

PC76 proposes to rezone an area of land at 177 Edward Street, Wakefield to Residential Zone and Rural 1 deferred Residential Zone and create a Wakefield Development Area. PC76 proposes to amend the relevant Planning Maps to reflect those changes. PC76 includes changes to indicative mapping of the TRMP including:

- A new indicative road, connecting the existing indicative road to Higgins Road and to adjoining land to the north-east at 320 Higgins Road.
- Existing and new indicative walkways.
- An indicative reserve running along either side of Pitfure Stream, Gossey and Jenkins Creek (where they extend within the development area).
- An indicative reserve around an existing oak tree and stand of totara trees.

PC76 proposes objectives, policies and rules for the proposed Wakefield Development Area which include;

- Provisions which contain the existing TRMP Compact Density provisions, with an additional non-notification provision.
- Requiring a percentage of allotments to be smaller than standard residential allotments;
- Enabling as a permitted activity a second dwelling on sites greater than 600m²;

⁵ Tasman Resource Management Plan, PC76: Wakefield Growth Plan Change, Section 42A Evaluation Report, May 2024, Report prepared by Anna McKenzie, Principal Policy Planner.

- New provisions to manage potential adverse amenity effects;
- The requirement for an Integrated Transport Assessment and land deferral until one is provided; and
- Strengthened flood management policies.

2.2 Statutory Context

The Resource Management Act 1991 (RMA) provides the statutory framework for decision-making on plan changes and Part 1 of Schedule 1 applies. After considering a plan change, Clause 10 of Schedule 1 requires Council to give a decision on the provisions and matters raised in the submissions. The decision must include the reasons for accepting or rejecting submissions and must include a further evaluation of the plan change in accordance with Section 32AA (if changes are made); and may include consequential alterations and any other matter relevant to the plan change arising from submissions. Council is not required to address each submission individually in the decision.

Council has delegated the authority to make decisions on plan changes to the Strategy and Policy Committee, and by resolution on 15 August 2024 the Strategy and Policy Committee accepted the recommendations from the commissioners and approved notification of this decision.

Due consideration and weight have been given to the various provisions of the relevant documents as identified below.

2.2.1 Resource Management Act 1991

Section 30 and 31

The Section 32 Report, in assessing the Plan Change Objective states:

*'The objective of this Plan Change assists Council with carrying out its statutory functions by ensuring that there is sufficient development capacity for housing – RMA s30(1)(ba) and s31(1)(aa).'*⁶

In making this decision, the Committee has considered that PC76 has been prepared to assist with Council's requirement to meet these provisions.

⁶ Tasman Resource Management Plan, Proposed Plan Change 76: Wakefield – Residential Growth Section 32 Evaluation Report. 19 September 2022; Page 41.

Section 32 and Section 32AA

A detailed Section 32 Report accompanied the Plan Change and the matters raised in the Section 32 Report were further considered in the Section 42A Report and in the deliberations. Section 32AA requires a further evaluation of any changes that have been made to PC76 after the Section 32 Report was completed. This must be at a level of detail that corresponds to the scale and significance of the changes.

The Committee has decided to accept the majority of the Plan Change with some modifications. Where modifications occurred, a Section 32AA Report was prepared as part of the decision-making process. A copy of the Section 32AA Report was appended to the Section 42A Report. An additional Section 32AA Report has been prepared to address minor edits that were undertaken following the hearing and deliberations. This report is appended to this recommendation as Appendix D.

The Section 32 Report has also appropriately considered relevant RMA Part II matters (Sections 6, 7, and 8), Section 66 and 74 relating planning documents of adjacent authorities and relevant national and regional planning documents. These included:

- National Policy Statement on Urban Development (NPS-UD) 2020
- National Policy Statement for Freshwater Management (NPS-FM) 2020
- Proposed National Policy Statement for Highly Productive Land (NPS-HPL). Noting that this was not in force at the time the Section 32 Report was drafted but was at the time the hearing was held and this decision is made.

2.2.2 Tasman Regional Policy Statement and Tasman Resource Management Plan

The Section 32 Report has identified the relevant objectives, policies, and methods within the Tasman Regional Policy Statement (TRPS) and the Tasman Resource Management Plan (TRMP). This assessment found that the Plan Change was consistent with the relevant provisions of the TRPS and the TRMP.

2.2.3 Other relevant documents

The Section 32 Report has also extensively covered other relevant documents including iwi management plans, Council and Central Government strategies, policies, and actions plans, along with legislation such as the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

We concur with the findings of the Section 32 Report that the Plan Change is consistent with the relevant statutory documents as identified above and included in more detail in the Section 32 Report.

3. Decision and Reasons for the Decision

This section contains a summary of submissions, summary of evidence, the decision, and the reasons for the decision. Each topic within PC76 that has received submissions is addressed in this section. A consolidated copy, including any changes arising from the decisions, can be found in Appendix B: Schedule of Amendments (TRMP Text) and Appendix C: Schedule of Amendments (Maps).

3.1 List of Submitters

Original Submitter	Submission Number
Jean Gorman	3653
Homes for Wakefield	4209
Daniel and Katherine McKay	4210
Wakefield Village Development Ltd (WVDL)	4211
Waka Kotahi	4206
Neil Kitchen	4207
Peter Carmody	4154
Christ and Lesley Olaman	4208

Further Submitter	Submission Number
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Wakefield Village Development Ltd (WVDL)	FS76.4211.1-8
S. Collett	FS76.4214.1
Jean Gorman	FS76.3653.1

3.2 General Submission Requests

3.2.1 Grove of Mature Trees (Submission Point 76.0-1)

The submitter, Ms Jean Gorman supports the reserve status around the stand of mature totara trees as depicted on Area Map 76/1. The submission point is in support, and we agree with the protection of the trees. The point is therefore **accepted**.

3.2.2 Additional Amenity Area (Submission Point 76.0-2)

The submitter, Ms Jean Gorman requested an amendment to the indicative items to include additional amenity/reserve areas adjoining the Tasman Great Taste Trail where it connects to Edward Street. A portion of Gossey Stream extends along the Tasman Great Taste Trail. The Section 42A Report recommends the inclusion of an indicative reserve along Gossey Stream where it extends through the proposed Wakefield Development Area, this recommendation was based on creating additional public recreational areas and a setback from the majority of the Tasman Great Taste Cycle Trail and also providing for the flood hazard.

We **accept** the submission point and the amendments to Area Map 76/1 to include an indicative reserve along Grossey Stream. However, we believe the current 40 metre indicative reserve should be reduced to 20 metres with the final reserve design determined through the resource consent process when further information is provided on the flood hazard and subdivision design and layout.

Appendix C includes amended Area Map 76/1 to include a reduction in the indicative reserve to 20 metres in total.

3.2.3 Inclusion of Totara Tree and Hawthorn Hedge (Submission Points 76.0-3, 76.0-4; Further Submission Points FC76.4211.1 and 2; FC76.3653.1)

The submission by Ms Jean Gorman requested the protection of an isolated totara tree and a hawthorn hedge within the land proposed as the Wakefield Development Area. The Section 42A

Report states that the totara tree is not a protected tree and notes that it has subsequently been removed by the landowner. This is confirmed by the further submission by WVDL.

The Section 42A Report states that hawthorn is considered a pest species and is not recommended by Councils Biosecurity and Reserves teams to be retained and protected. This comment is supported by the further submission provided by WVDL.

We confirm that the totara tree has been removed and support the assessment of the hawthorn hedge. We **reject** the submission points based on the above comments.

3.2.4 Flooding Jenkins Creek, Pitfure Stream and Gossey Creek (Submission Points 76.0-5; Further Submission Point FC76.4211.3; FC76.3653.1)

The Submitter, Ms Jean Gorman seeks development to be restricted within the triangle of land between Jenkins Creek, Pitfure and Gossey Streams, suggesting that development should be limited to the road frontage with Edward Street.

TDC undertook additional modelling to increase it's understanding of flood implications within this area and recommended (through the Section 42A Report) a 20 metre esplanade reserve (40 metre total) either side of Gossey Stream and Jenkins Creek where it extends within the development area.

At the hearing Wouter Woortman, Water Resource Consultant from Tonkin and Taylor provided technical evidence, explained the modelling results and explained *'that the lower terraces are inundated by 1% Annual Exceedance Probability (AEP) flood event, known as a 1 in 100-year flood'*.⁷

The Section 42A Report recommends the inclusion of policy amendments to enable further information to be requested as part of a subdivision application on how flood hazard risk from Pitfure Stream, as well as Gossey Stream and Jenkins Creek is managed (Policy 19.2.2.7 (f)(ii)).

Submissions and evidence heard from WVDL, specifically evidence provided by Mr Robert Jones contended that Gossey Stream is 3 metres in width and suggested that it does not trigger Section 230 of the Act. Mr Jones also questioned the need to include a Gossey Stream indicative reserve on the plans when the width of the reserve would be determined at the resource consent stage.

We are satisfied that TRMP policies (including the amended policy 19.2.2.7) and the requirements of the NTLDM will ensure that the flood hazard within the Wakefield Development Area will be managed

⁷ Notes From the Plan Change 76; Growth – Wakefield, Tasman Resource Management Plan Hearing 83 dated 12 June 2024

at the resource consent stage. We support the Section 42A Report's inclusion of an indicative reserve along Pitfure Stream, Jenkins Creek and Gossey Stream however we recommend that Area Map 76/1 includes a reduced indicative reserve of a total width of 20 metres along Gossey Stream (where it extends within the Wakefield Development Area), this is because the final width of the reserve will be determined and confirmed at the resource consent stage.

We **accept** the submission and the inclusion of indicative reserves along Pitfure Stream, Jenkins Creek and Gossey Stream. However, as mentioned above we recommend amendments to Area Map 76/1 to reduce the indicative reserve width to include a total of 20 metres along Gossey Stream rather than 40 metres. The recommended amendments are shown in the mapping in Appendix C.

3.2.5 Plan Change Consultation Process (Submission Point 76.0-6)

A submission by Homes for Wakefield objected to the level of consultation undertaken for PC76. The submitter's reasons were that sufficient time was not allowed for public involvement in the Plan Change.

The Section 32A Report outlines the public consultation process which included pre-notification consultation and a Schedule 1 Consultation Process. We note that pre-notification consultation is not a legal requirement but does represent good practice. We **reject** the submission and consider that adequate consultation was undertaken for the plan change and that it met the legal requirements.

3.2.6 Indicative Road Location and Stream Identification (Submission Point 76.0-7; Further Submission FC76.4211.8)

Submitters Daniel and Katherine McKay objected to the location of the indicative road and requested that the stream that runs behind their property is identified within the plan change documentation.

The Further Submission by WVDL suggests that the land is already zoned Residential and the stream is a swale only holding water during high rainfall events.

The Section 42A Report indicates that the indicative road location is recommended to be moved further to the east and further away from McKay's property. This mapping amendment is identified in Appendix 4 of the Section 42A Report. We consider that this mapping amendment combined with the TRMP's requirement to consider the effect of roads on waterways, ecosystems, and the amenities of adjoining properties (as stated in the Section 42A Report) will prevent any adverse effects to neighbouring properties.

We also agree with the assessment in the Section 42A Report that the stream is less than 3 metres in width and does not pose a flood risk or create a natural connection pathway for recreational users.

In light of the above findings, we **reject** the submission point.

3.2.7 Mapping Amendments (Submission Point 76.0-8, 76.0-9, 76.0-10)

The Submitter, WVDL sought amendments to the mapping to reflect their concept masterplan design, and consented subdivision plans. These amendments were in relation to:

- the reserves, roads and indicative walkways identified on Area Map 76/1;
- the area defined as the Wakefield Development Area on Area Map 76/1, Zone Map 76/2 and Fireban and Fire Sensitive Areas Map 76/3; and
- the residential zoning on Zone Map 76/2.

The Section 42A Report accepts an amendment to the indicative walkway, however it proposes adjustments to the indicative road and reserves changes requested by the submitter.

The report requests the retention of the connection road to the northwest to adjoin the proposed Wakefield Development Area with 320 Higgins Road which is identified as a site for potential residential rezoning through the Future Development Strategy. The panel support moving the indicative road to align with the landowner's concept masterplan but considers the connection to the northwest as an important road linkage. The roading amendments as illustrated in Area Map 76/1, Appendix 4 of the Section 42A Report are therefore appropriate. We therefore **reject in part** the roading component of the submission point.

The proposed plan change shows an indicative reserve around a lone oak tree north of the stand of Totara trees adjacent to the Great Taste Trail. The tree is not a protected tree. The amendments sought by the submitter and Council staff to the indicative reserve around the oak tree were discussed at length during the hearing. The submitter requested that the reserve be amended to reflect their concept masterplan and Council reserves staff requested that it be amended to protect the root structure of the tree. Ms Squire, the Council's Reserve Contract Planner made the following point when questioned by the commissioners about the reserve *'The issue for the oak tree and the reason for the reserve recommendation is because it's a special tree and the amendments are very similar to what the developer put in their recommendation. If the health of that tree can't be retained, then their*

*recommendation maybe to remove the indicative reserve*⁸. Mr Lile representing WVDL noted that approximately 20 lots would be lost by extending the indicative reserve to protect the oak tree's root zone.

We consider that the need to provide houses outweighs the need to protect an oak tree that may be problematic in the future in terms of shadowing and leaf fall and question the value of the potential reserve area as a viable recreational area for the community particularly if costs associated with maintaining the reserve will be significant as indicated at the hearing by Richard Hilton, TDC's Team Leader Reserves. However, we acknowledge that the tree may have some community value and recognise that removing the indicative reserve would require further consultation. As such, we recommend that the Indicative Oak Tree Reserve be retained as notified and recommend that further discussions are held at the subdivision consent stage to determine whether the tree should be retained or if off-setting the Oak Tree Reserve for an extension (and protection) of additional totara trees (via a reserve) adjoining the Pitfure Stream reserve corridor may be an acceptable solution. We **reject** an amendment to the Oak Tree Reserve area as requested by the submitter.

The submission also seeks an amendment to the indicative reserve layout along Pitfure Stream. The submission sought 'A reduction in the indicative reserve notation (Area Map 76/1) on the true left bank of the Jenkins Creek and Pitfure Streams for its (almost) entire length'⁹. The Section 42A Report and notified version of Area Map 76/1 includes an indicative reserve corridor of 20 metres on both sides of Pitfure Stream (a total of 40 metres). The submission requested that the indicative esplanade be reduced on the true left bank, to provide for more efficient use of residential land. This resulted in the Section 42A Report recommending amending the indicative reserve, including retaining 6 meters at the top of the bank for plantings, public and maintenance access. In lieu of the reduced 20-meter reserve on the true left bank, the Reporting Officer's recommendation is for the equivalent land area lost, to be added to the true right bank.

The panel supports the recommendations to the indicative reserve along Pitfure Stream as outlined in the Section 42A Report and illustrated in Appendix 4 – Area Map 76/1 because the amended reserve accommodates both the submitter's request to reduce the reserve on the left bank, successfully providing more residential land for development and also enables the indicative reserve to more adequately reflect the topography of the site including the waterways, terrace and floodway. We

⁸ Notes From the Plan Change 76; Growth – Wakefield, Tasman Resource Management Plan Hearing 83 dated 12 June 2024

⁹ Tasman Resource Management Plan, PC76: Wakefield Growth Plan Change, Section 42A Evaluation Report, May 2024, Report prepared by Anna McKenzie, Principal Policy Planner.

accept an amendment to the Pitfure Stream indicative reserve as illustrated in Area Map 76/1; Appendix 4 of the Section 42A Report.

The submission also seeks the inclusion of a new neighbourhood park reserve within the existing residential area on the western side of the Pitfure Stream. The neighbourhood park reserve was not included in the notified plan change but WVDL submitted that they wanted the indicative reserve included to reflect their concept masterplan. The Section 42A rejects the inclusion of this reserve on the basis that it *'exceeds the level of service for reserves with the vesting of large areas of reserve adjoining the waterways, and the Oak and Totara Reserve areas.'*¹⁰ We agree that sufficient reserve areas are provided within the development area and **reject** the inclusion of this neighbourhood park adjoining Ryeland Avenue.

We also support the inclusion (as outlined in the Section 42A Report) of the 'no credit' requirement under 16.3.3.1(n)(iii)(c) and 16.3.3.3 (iv)(c) to ensure that Council is not providing additional financial contribution credits for land that could be vested with council without a credit.

The panel supports the submitter's request (and the Reporting Officer's recommendation) to extend the residential zone to align with the topography of the site and to amend the development area to remove the consented land. The panel notes that the mapping has been amended after further discussions between council staff and the submitter and recommends the inclusion of the amended Area Map 76/1, Zone Map 76/2 and Fireban and Fire Sensitive Areas Map 76/3 as appended to this report in Appendix C. We **accept** an amendment to the Wakefield Development Area and the Residential Zoning as requested by the submitter.

3.3 Meaning of Words

3.3.1 Supported Submission Points (Submission Points 76.2-1, 76.2-3, 76.2-4 and 76.2-5)

All submission points supported the notified plan change. We are in agreement with the submissions, and they are accordingly **accepted**.

¹⁰ Tasman Resource Management Plan, PC76: Wakefield Growth Plan Change, Section 42A Evaluation Report, May 2024, Report prepared by Anna McKenzie, Principal Policy Planner.

3.4 Site Amenity Effects Submission Points

3.4.1 Wakefield Development Area definition (Submission Point 76.5-1)

The submitter supports the definition and recommendations of the notified plan change and the submission point is accordingly **accepted**.

3.4.2 Building Platforms (Submission Point 76.2-2)

Homes for Wakefield supports the smaller section size but would prefer the building platform be reduced to a minimum of 80m². As mentioned in the Section 42A Report the Plan Change provisions and the contents of the TRMP is based on lot sizes not building platforms. On this basis the submission point is **rejected**.

3.4.3 Enabling Medium Density (Submission Point 76.5-3)

WVDL requests an amendment to provision 5.3.30 - Principal Reasons and Explanations - to reflect the requirement to include 20% of high density and 20% medium density allotments.

The Reporting Officer recommends a change to the wording of 5.3.30 as follows; *'Enabling medium density development and requiring a variety of section sizes in specified Development Areas reflects the need to use land more efficiently where expansion does occur'*.

The submitters evidence supports the Reporting Officers recommendation to amend the wording as outlined in the Section 42A Report. On that basis the submission point is **rejected**, and wording is supported to be amended as per the Section 42A Report.

3.5 Urban Environment Effects

3.5.1 Supported Submission Points (76.6-5, 76.6-6, 76.6-7, 76.6-9, 76.6-10, 76.6-12, 76.6-15, 76.6-24, 76.6-25, 76.6-26, 76.6-27, 76.6-28, 76.6-29, 76.6-31, 76.6-32, 76.6-34, 76.6-36, 76.6-37, 76.6-38, 76.6-39, and 76.6-44)

All the above submission points are in support and will therefore not be discussed further. They are all **accepted**.

3.5.2 Consultation Waka Kotahi (Submission Point 76.6-1)

Consultation with Waka Kotahi is evident from the Section 32 Evaluation Report. This submission point is **rejected**.

3.5.3 Traffic Safety and Congestion Concerns (Submission Points 76.6-2, 76.6-4, 76.6-17, 76.6-18 and 76.6-19; Further Submission FC76.3653.1 and FC76.4211.4)

The submitters express concerns about traffic safety and congestion particularly on Pitfure Road, Edward Street and the SH6 intersection. Further submission FC76.3653.1 supports the concerns around safety. FC76.4211.4 opposes the creation of a new road exit to Pitfure Road noting that an exit to Edward Street is already consented.

The Section 42A Report recommends the inclusion of the requirement for an Integrated Transport Assessment and the deferment of the residential zoning until appropriate upgrades have been completed (or agreed) as informed by the Integrated Transport Assessment.

We acknowledge that there will be an increase in traffic generated from the rezoning of the land and that there will need to be some upgrades to the Pitfure Road and State Highway 6 intersection, however, we consider the requirements are best determined through an assessment undertaken as part of an Integrated Transport Assessment at the resource consent stage as recommended in the Section 42A Report. We believe the recommendations will ensure that appropriate measures are planned to minimise the effects of the additional traffic generated via development within the Wakefield Development Area.

Submission Points 76.6-17, 76.6-18 and 76.6-19 and the recommendations of the Section 42A Report are **accepted**.

Submission Points 76.6-2 and 76.6-4 are **rejected**. The assessment outlined in the Section 42A Report is considered to be appropriate.

3.5.4 Higgins Road (Submission Points 76.6-3, Submission Point 76.6-22 and Further Submission FC76.4211.7)

Neil Kitchen through his submission sought consideration of the upgrade of Higgins Road and Homes for Wakefield opposes the vehicle access restriction to Higgins Road. The further submission by WVDL supports the use of Higgins Road for emergency access only.

At the hearing, Mr Martin spoke on behalf of Homes for Wakefield and spoke of the groups major concerns about the bollard restrictions and their concerns that the Higgins Road vehicle access restriction would force traffic down Pitfure Road.

We note that there is public vehicle access to Higgins Road via a future indicative road which is identified on Area Map 76/1. The Section 42A Report states that providing private vehicle access via Higgins Road would be *'cost prohibitive, as various upgrades would be required on Higgins Road,*

*including a bridge upgrade, the widening of Higgins Road to Bird Road, and an upgrade to the Bird Road/SH6 intersection*¹¹.

The recommendations provided by the reporting officer are accepted and the submission points **rejected**.

3.5.5 Higher Density Wording (Submission Point 76.6-8, 76.6.13 and 76.6.16)

Waka Kotahi requested a wording change to remove references to 'higher density'. The recommendations and amendments recommended in the Section 42A Report are supported and the submission points **accepted**.

3.5.6 Cycling Distance Wording (Submission Point 76.6-11)

Waka Kotahi seek clarification as to where the 'cycling' distance component of 'walking and cycling distance' has arisen from as described in TRMP Section 6.8.30. The explanation provided in the Section 42A Report is supported and the submission point **rejected**.

3.5.7 Combining Policies (Submission Point 76.6-14)

Waka Kotahi recommends combining Policies 6.17.3.7A and 6.17.3.7B. The explanation provided in the Section 42A Report is supported and the submission point **rejected**.

3.5.8 Reverse Sensitivity and Diversion (Submission Point 76.6-20 and 76.6-21)

Homes for Wakefield do not believe that reverse sensitivity would be an issue because of the existing zone boundaries and seeks a diversion for heavy vehicles from Edward Street and Pitfure Street. Mr Martin, representing Homes for Wakefield spoke at the hearing of concerns around heavy vehicles pasting Wakefield School and the difficulty with getting a truck and trailer unit out of Pitfure Road and onto the State Highway.

The Section 42A Report rejects this submission point on the basis that it is out of scope as the use of Edward Road and Pitfure Road by heavy vehicles for logging and quarrying is not an issue that can be considered through the PC76 process. We are in agreement with this assessment and as such **reject** the submission points.

3.5.9 Flood Modelling and Water Collection (Submission Point 76.6-23)

Homes for Wakefield questioned the flood modelling data, and requests the consideration of requiring water collection tanks in new development to delay the release of stormwater during large rainfall

¹¹ Tasman Resource Management Plan, PC76: Wakefield Growth Plan Change, Section 42A Evaluation Report, May 2024, Report prepared by Anna McKenzie, Principal Policy Planner.

events. We consider the flood modelling to be acceptable and the flood risk and stormwater management adequately managed through the TRMP (proposed and existing provisions) and the NTLDM. We accept the assessment and recommendations of the Section 42A Report and **reject** this submission point.

3.5.10 Wording Changes (Submission Point 76.6-30, 76.6-35, 76.6-40, 76.6-41 and 76.6-43; Further Submission FC76.4214.1)

WVDL seek changes to the wording of several policy provisions including the use of the word 'requiring'. The changes to the wording are rejected in the Section 42A Report on the basis that PC76 seeks to make the most efficient use of land and provide for varied housing densities and types and the use of stronger wording such as '*requiring*' ensures that the objectives of PC76 are achieved. We support the inclusion of the wording as recommended in the Section 42A Report and **reject** these submission points.

3.5.11 Figure 6.8A (Submission Point 76.6-33)

WVDL seek an amendment to the location of Figure 6.8A which sits within Section 6.8 of the TRMP under the heading 'Richmond'. We support the comments of the Section 42A Report which states that this is the most obvious place to include reference to Wakefield Development Area '*without creating a complete re-structure of the TRMP*' and that including the reference in Figure 6.8A ensures consistency with the TRMP's existing approach. We support the recommendation made in the Section 42A Report and **reject** this submission Point.

3.5.12 Highly Productive Land (Submission Point 76.6-42)

WVDL seeks an amendment to policy which refers to the proposed Wakefield Development Area as highly productive. The Section 42A Report includes details on the Land Use Capability Classification System which supports recognizing the land as highly productive. As such, we support the recommendation made in the Section 42A Report and **reject** this submission Point.

3.6 Subdivision

3.6.1 Error (Submission Point 76.16-2)

Waka Kotahi's submission point notes that there is reference to Brightwater in error in Sections 16.3 and 16.2.20. We support the acceptance of this mistake as documented in the Section 42A Report and **accept** the point.

3.6.2 Support (Submission Points 76.16-1, 76.16-4, 76.16-5, 76.16-7, 76.16-12)

These submission points were all in support and recommended for acceptance in the Section 42A Report. As such they are **accepted**.

3.6.3 Medium Density (Submission Points 76.16-3, 76.16-6, 76.16-8, 76.16-9, 76.16-10, 76.16-11)

The submitter WVDL opposes the mandatory imposition of lot sizes. Amendments are recommended in the Section 42A Report which include reframing the minimum net area to 200m², changes to the allotment average net site percentages, removing the 2 hectare requirement, and the addition of a second dwelling as a permitted activity for sites over 600m². The Section 32AA Report provides a detailed evaluation of recommended amendments to the policy provisions. This is **accepted**.

The Section 42A Report also includes additional provisions to ensure that high urban design standards are achieved as densities increase. Following the hearing and as directed by the commissioner minutes dated 17 June 2024, representatives from WVDL and TDC Staff met to discuss minor edits to the Schedule of Amendments. This discussion included Rule 17.1.3.1(zca) which includes a requirement for reduced fencing heights (to a maximum of 1.2 metres) adjoining the Great Taste Trail and neighbourhood reserves. WVDL contest the reduced fencing height preferring the opportunity for privacy and security next to any neighbourhood reserve¹². We agree with the proposed wording of 17.1.3.1(zca) to include a reduced fencing height adjoining the Great Taste Trail and neighbourhood reserves as we recognise the importance of maintaining passive surveillance over adjoining reserves and recreational areas and acknowledge that this is a well-established planning principle for reducing crime.

The amendments meet the objectives of the plan change and we consider them appropriate and reasonable and **accept** the submission points. Noting that submission point 76.16-10 is excluded from this recommendation and is recommended to be **rejected** on the basis that the non-complying activity status is considered essential to ensure that density requirements are achieved. We note that the recommendation for its rejection in the Section 42A Report were not contested at the hearing by the submitter.

¹² Email Mark Lile 20 June 2024

3.7 Zone Rules

3.7.1 Transport Deferral (Submission Point 76.17-1; Further Submission FC76.4211.6)

Waka Kotahi submitted that the land be deferred until Council and Waka Kotahi are both satisfied with the transport related effects, particularly the intersection of State Highway 6 and Pitfure Road. This submission is supported by WVDL in their further submission.

The Reporting Officer's recommendations include a requirement for the deferment of the (residentially deferred) land until transport upgrades are completed (or agreed) as identified through an Integrated Transport Assessment. We support this inclusion as well as the requirement for an Integrated Transport Assessment to be provided with a subdivision resource consent application. This submission point is **accepted**.

3.7.2 Support (Submission Points 76.17-2, 76.17-3, 76.17-4, 76.17-5, 76.16-6)

These submission points were all in support and recommended for acceptance in the Section 42A Report. As such they are **accepted**.

3.8 Information Requirements

3.8.1 Information Requirements (Submission Point 76.19-2)

WVDL submission seeks amendments to the 'Information Requirements' (19.2.2.7) to ensure the appropriate range of considerations are included. Matters such as a) market demand; b) serviceability; c) subdivision design considerations.

We support the recommendations of the Section 42A Report and the recommendation to retain the intent of the 19.2.2.7 as proposed. We consider the points made by the submitters can be accommodated by 19.2.2.7 (f)(i) which stipulates for the Wakefield Development Area; *'Information on how a variety of lot sizes is achieved and will create an opportunity for housing options or – where this is not practicable justify why'*. We therefore **reject** this submission point.

3.9 Issue 76.P2.A2 – Part II Appendix 2: Urban Design Guide

3.9.1 Supported Submission Points (76.P2.A2-1 and 76.P2.A2-2)

All the above submission points are in support and will therefore not be discussed further. They are all **accepted**.

4 Evaluations and Recommendations

We have considered and deliberated on the submissions lodged on PC76 and the reports, evidence and submissions made and given at, and following, the public hearing. In making our recommendations on the submissions we have sought to comply with all applicable provisions of the RMA. The relevant matters we have considered, and our reasons for them, are summarised in the main body of this Recommendation Report. We are satisfied that our recommendations are the most appropriate for achieving the purpose of the RMA and for giving effect to the higher-order instruments.

Pursuant to the powers delegated to us by the TDC under Section 34A of the Resource Management Act 1991 we recommend rejecting or accepting submissions on PC76 as set out in Appendix A. We recommend the resultant amended TRMP text set out in Appendix B and the mapping illustrated in Appendix C.

Cr Christeen MacKenzie

Cr Stuart Bryant

Cr Kit Maling (Chair)

Dated: 22 July 2024

APPENDIX A – COMMISSIONERS’ RECOMMENDATIONS ON SUBMISSIONS

General Submission Requests (Section 3.2)

Submitter Point	Name	Further Submission No.	Name	Decision Requested	Recommendation of Commissioners
3653 - 76.0-1	Jean Gorman	NA	NA	Support the reserve around totara trees.	Accept submission
3653 - 76.0-2	Jean Gorman	NA	NA	Amend Area Map 76/1 to include an area of amenity space adjoining the Tasman Great Taste Trail.	Accept submission and amend Area Map 76/1 to include an indicative reserve along Gossey Stream.
3653 - 76.0-3	Jean Gorman	FC76.4211.1	WVDL	Seek protection of the Totara Tree located near the corner of Edward Street and the Great Taste Trail. Further submission confirms Totara Tree has been removed.	Reject original submission and accept further submission.
3653 - 76.0-4	Jean Gorman	FC76.4211.2	WVDL	Seeks inclusion of the Hawthorn Hedge as an	Reject original submission and

				indicative reserve. Further submission rejects need to retain hedge.	accept further submission.
3653 - 76.0-5	Jean Gorman	FC76.4211.3	WVDL	Request that housing footprints are located beside the existing road at Edward Street due to flood hazard. Further submission refers to the NTLDM which manages flood hazard.	Accept original and further submission. Amend Area Map 76/1 to include a 20 metre indicative reserve.
4209-76.0-6	Homes for Wakefield	NA	NA	Concerned with consultation process.	Reject submission.
4210- 76.0-7	Daniel and Katherine McKay	FC76.4211.8	WVDL	<ol style="list-style-type: none"> 1. Object to the distance of the indicative road from their property boundary. 2. Requests that the existing spring fed stream behind their property is identified. Further submission, states watercourse is a swale and land already zoned residential. 	<ol style="list-style-type: none"> 1. Reject in part submission 2. Reject submission

4211- 76.0-8	WVDL	NA	NA	<p>Mapping amendments:</p> <ol style="list-style-type: none"> 1. Indicative walkways 2. Indicative roads 3. Indicative reserves <ol style="list-style-type: none"> (a) Oak tree (b) Pitfure Stream (c) Neighbourhood Park Reserve 	<ol style="list-style-type: none"> 1. Accept 2. Reject in part 3. a) Reject b) Accept in part c) Reject
4211-76.0-9, 4211- 76.0-10	WVDL	NA	NA	<ol style="list-style-type: none"> 1. Seeks amendment to current Residential Zone boundary to follow the existing upper terrace (western side) of the Pitfure Stream. 2. Amend the boundary of the Wakefield Development Area to exclude part of the current residentially zoned land. 	<ol style="list-style-type: none"> 1. Accept submission. 2. Accept submission.

Meaning of Words (Section 3.3)

Submitter Point	Name	Further Submission No.	Name	Decision Requested	Recommendation of Commissioners
4206 - 76.2-1	Waka Kotahi	NA	NA	Support the definition of Wakefield Development Area	Accept submission
4211 - 76.0-3 4211 - 76.0-4 4211 - 76.0-5	WVDL	NA	NA	Support definitions	Accept submission

Site Amenity Effects (Section 3.4)

Submitter Point	Name	Further Submission No.	Name	Decision Requested	Recommendation of Commissioners
4206 - 76.5-1	Waka Kotahi	NA	NA	Supports enabling medium density housing	Accept submission

4209 - 76.2-2	Homes for Wakefield	NA	NA	Support smaller section sizes with a preference for 80m ² building platform.	Reject submission
4211 - 76.5-3	WVDL	NA	NA	Requests amendment to provision 5.3.30.	Reject submission

Urban Environment Effects (Section 3.5)

Submitter No	Submitter Name	Further Submission No.	Name	Decision Requested	Recommendation of Commissioners
4207-76.6-1	Neil Kitchen	NA	NA	Suggested that there was no consultation with Waka Kotahi.	Reject submission.
4207-76.6-2	Neil Kitchen	NA	NA	Seeks the removal of the indicative road exit to Edward Street.	Reject submission.

Submitter No	Submitter Name	Further Submission No.	Name	Decision Requested	Recommendation of Commissioners
4207-76.6-3	Neil Kitchen	NA	NA	Seeks consideration of upgrading Higgins Road and including a roundabout on State Highway 6 (SH6) and Bird Lane.	Reject submission.
4207-76.6-4	Neil Kitchen	FC76.3653.1 FC76.4211.4	Jean Gorman WVDL	Seeks consideration of additional exit to Pitfure Road with provision of a roundabout junction at Pitfure Road and SH6. Further Submission by Ms Gorman supports this. The WVDL submission is in opposition.	Reject submission and further submission FC76.3653.1. Accept Further Submission FC76.4211.4.
4206 - 76.6-5, 76.6-6, 76.6-7, 76.6-9, 76.6-10, 76.6-12, 76.6-15	Waka Kotahi	NA	NA	Supportive of medium density provisions.	Accept submission.
4206- 76.6-8	Waka Kotahi	NA	NA	Seeks changes to the wording around 'higher' density housing.	Accept submission.

Submitter No	Submitter Name	Further Submission No.	Name	Decision Requested	Recommendation of Commissioners
4206-76.6.13 4206-76.6.16					
4206- 76.6-11	Waka Kotahi	NA	NA	Clarification request around cycling distance.	Reject submission.
4206-76.6.14	Waka Kotahi	NA	NA	Seeks amended wording to combine 6.17.3.7A and 6.17.3.7B.	Reject submission.
4154- 76.6.17, 4154- 76.6.18	Peter Carmody	NA	NA	Traffic concerns.	Accept submission.
4208-76.6.19	Chris and Lesley Olaman	NA	NA	Traffic concerns.	Accept submission.
4209- 76.6.20	Homes for Wakefield	NA	NA	Oppose clause 4.1.1.6 where it includes mention of "reverse sensitivity/ cross	Reject submission.

Submitter No	Submitter Name	Further Submission No.	Name	Decision Requested	Recommendation of Commissioners
				boundary effects" such as residents complaining of rural activities.	
4209- 76.6.21	Homes for Wakefield	NA	NA	Requests diversion for heavy vehicles use Edward Street and Pitfure Road.	Reject submission.
4209- 76.6.22	Homes for Wakefield	FC76.4211.7	WVDL	Oppose an emergency exit onto Higgins Road. The Further submission supports the use of Higgins Road for emergency use only.	Reject submission and accept further submission.
4209- 76.6.23	Homes for Wakefield	NA	NA	Questions flood modeling and requests consideration of requiring water collection tanks in new development to delay release of stormwater.	Reject submission.
4211-76.6-24, 76.6-25, 76.6- 26, 76.6-27, 76.6-28, 76.6-	WVDL	NA	NA	Supportive of TRMP urban environment amendments.	Accept submission points.

Submitter No	Submitter Name	Further Submission No.	Name	Decision Requested	Recommendation of Commissioners
29, 76.6-31, 76.6-32, 76.6-34, 76.6-36, 76.6-37, 76.6-38, 76.6-39, and 76.6-44					
4211-76.6-30, 4211-76.6-35, 4211-76.6-40, 4211-76.6-41, 4211-76.6-43	WVDL	FC76.4214.1	S Collett	Seek less mandatory policy framework.	Reject submission points.
4211-76.6-33	WVDL	NA	NA	Seek change to location of Figure 6.8A.	Reject submission point.

Submitter No	Submitter Name	Further Submission No.	Name	Decision Requested	Recommendation of Commissioners
4211-76.6-42	WVDL	NA	NA	Opposes referring to the land as highly productive.	Reject submission point.

Subdivision (Section 3.6)

Submitter No	Submitter Name	Further Submission No.	Name	Decision Requested	Recommendation of Commissioners
4206-76.16-2	Waka Kotahi	NA	NA	In support	Accept submission.
4211-76.16-4, 76.16-5, 76.16-	WVDL	NA	NA	In support	Accept submission.

4, 76.16-5, 76.16-7, 76.16-12					
4211-76.16-3, 76.16-6, 76.16-8, 76.16-9, 76.16-11	WVDL	NA	NA	Amendments to Figure 16.3A (xiii), 16.3.3.1(B)(a), 17.1.3.1A and 16.3.3.2A(c) (i).	Accept submission.
4211-76.16-10	WVDL	NA	NA	Request changes to the non-complying status (16.3.3.7)	Reject submission.

Zone Rules (Section 3.7)

Submitter No	Submitter Name	Further Submission No.	Name	Decision Requested	Recommendation of Commissioners
4211-76.17-2, 76.17-3, 76.17-	WVDL	NA	NA	In support	Accept submission.

4, 76.17-5, 76.16-6					
4206-76.17-1	Waka Kotahi	FC76.4211.6	WVDL	Request deferment until roading improvements to Pitfure Rd and SH6 intersection. Further submission supports submission point.	Accept submission.

Information Requirements (Section 3.8)

Submitter No	Submitter Name	Further Submission No.	Name	Decision Requested	Recommendation of Commissioners
4211-76.19-1	WVDL	NA	NA	In support	Accept submission.

4211-76.19-2	WVDL	NA	NA	Seeks amendment to wording of 19.2.2.7(f)(i)	Reject submission.
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Part II – Appendix 2 Urban Design Guidelines (Section 3.9)

Submitter No	Submitter Name	Further Submission No.	Name	Decision Requested	Recommendation of Commissioners
4206-76.P2.A2-1	Waka Kotahi	NA	NA	In support	Accept submission.
4211-76.P2.A2-2	WVDL	NA	NA	In support	Accept submission.

**APPENDIX B – SCHEDULE OF AMENDMENTS FROM COMMISISONER
RECOMMENDATIONS**

Refer Separate Sheet

APPENDIX C – MAPS FROM COMMISISONER RECOMMENDATIONS

Refer Separate Sheet