

**TASMAN DISTRICT COUNCIL**  
**PROPOSED PLAN CHANGE 80 MOTUEKA WEST**  
**FINAL STATEMENT IN RESPONSE TO MATTERS RAISED AT HEARING ON**  
**BEHALF OF TASMAN DISTRICT COUNCIL**

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**1. Introduction**

At the hearing the Hearing Panel directed the following;

- Scope: Joshua Neville, Team Leader – Development Planning for the South Island Kāinga Ora – Homes and Communities was requested to provide a written response to his verbal comments on his submission being within scope. The Section 42A Reporting Officer was given the right to reply to this response.
- Submission Point 3642.04: The Section 42A Reporting Officer was directed to have further discussions with the submitter with regards to Submission Point 3642.04.
- Further information was sought from the Section 42A Reporting Officer on the statutory and planning context in relation to the Section 42A Report.

This statement includes responses to the points outlined above.

**2. Matter of Scope**

On 25<sup>th</sup> November Dr Claire Kirman, Kāinga Ora Special Counsel – Urban Development confirmed that Kāinga Ora would not file anything further and would abide by the Panel’s decision.

Prior to the PC80 hearing, the Hearing Panel presented a series of questions for the Section 42A Report author to respond. The Hearing Panel commented on Submission Points 4215.01, 4215.02 and 4215.03 from Kainga Ora Homes and Communities and the matter of scope and natural justice.

On 7 November 2024, I responded as follows;

*“On reflection, in addition to the rejection of submission points 4215.01, 4215.02 and 4215.03 for servicing and inundation, extending the proposed compact density residential zone would include additional properties not owned by the submitter and it would result in a significant number of landowners who would not have a real opportunity for participation as potentially affected landowners.*

*As such, I request an amendment to the s42A Report to reject Submission Points 4215.0”<sup>1</sup>*

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<sup>1</sup> PC80 Questions arising from the S42A Report

Submission Points 4215.01, 4215.02 and 4215.03 request the inclusion of approximately 65 sections to the Motueka West Compact Density Residential Area. It is understood that fourteen of these are owned by Kāinga Ora.

PC80 went through a schedule 1 process of notification of submissions on the plan change. Through this process a submitter is not required to serve a copy of the submission on persons who might be affected. Schedule 1 also does not require council to notify persons who might be affected by submissions. Instead, a public notice is required advertising a summary of submissions.

Unless people take particular interest in the public notices, there is a real possibility they may not be aware of plan changes or submissions on those plan changes which potentially affect them. The submission points seek the inclusion of a large number of privately owned properties which in my opinion would have been provided a limited scope for public participation. In addition, interested parties such as NZ Transport Agency -Waka Kotahi would not have been given the ability to fully understand the impact of additional medium density housing on the state highway.

It is my view that Submission Points 4215.01, 4215.02 and 4215.03 are not 'on' the plan change and do not meet the requirements of natural justice. The submission points are therefore out of scope.

### **3. Submission Point 3642.04**

At the hearing, Mr Sheves (Wakatu Incorporation) and Mr Taylor (Consultant Planner) explained the proposed leasehold arrangements intended for the PC80 land. Mr Taylor indicated that the reporting officer did not fully understand the leasehold arrangement. I agreed to re-consider their submission point.

#### Urban Design

Submission Point 3642.04 seeks an amendment to Rule 17.1.3.3 to provide for buildings as a controlled activity where no subdivision is proposed. The reason for the submission point is that Wakatū Incorporation envisage a variety of comprehensive development typologies within the plan change area, and not all of these would involve further subdivision beyond the superlot stage.

The submission point was rejected in the Section 42A Report on the basis that urban design is an important factor to achieving the overall goals for the development areas where compact density development is enabled.

After further consideration of Wakatu Incorporations Submission Point it is still my opinion that adverse residential outcomes may occur if the site is not comprehensively designed and planned together and applications for subdivision and land use are not submitted concurrently and buildings are assessed under a controlled activity status.

Under the TRMP, should a subdivision and land use consent not be sought concurrently for a compact density development then the proposal would, provided it meets the requirements of 17.1.3.4B, become a restricted discretionary activity. This provides an alternative consenting pathway for Wakatu Incorporation to achieve comprehensive

development without submitting a land use and subdivision application concurrently and it would enable council to assess urban design matters and adequately address any issues.

#### Financial Contributions

The second consideration is financial contributions. Financial contributions are imposed when land is subdivided, and when buildings are constructed, to assist in managing effects anticipated to be generated by the subsequent use of those allotments and buildings. They may also be imposed on resource consents for activities that generate effects that cannot be managed by the consent-holder but which can be managed through some Council facility or operation.

Financial contributions for subdivision are calculated as a percentage of the value of each new allotment (TRMP 16.5.2). The Council's Reserves Team have expressed concerns around the financial implications of removing the subdivision requirement associated with Rule 17.1.3.3. due to financial contributions being tied to new allotments.

Financial contributions are used for the purchase of land for new reserves and the development of new community facilities such as the Motueka Pool. They are also used for the purchase of items to support community services such as library books. They are collected on a ward basis (eg. Motueka Ward, Richmond Ward) and are used for any reserve, infrastructure or community facility that is required to support growth.

200 homes are proposed for the site and due to the high density of development it is expected that this will place demand on the council's reserves and community facilities in Motueka. Enabling the landowner to only submit a land use consent as part of Rule 17.1.3.3 may have financial implications to council as the full value of new allotments may not be realized as some (or all) of the superlots may not be subdivided further.

During discussions with Mr Taylor, I sought confirmation on the number of lots that may be subdivided further, he was unable to provide an indication.

In light of the above comments, and the consenting pathway that exists within the TRMP my rejection of this submission point is retained.

#### **4. Statutory and Planning Context for PC80**

The Section 42A Report relies upon the background work done in the Section 32 Evaluation Report which provides an overview of the statutory and non-statutory documents.

Anna McKenzie

Plan Change 80 Reporting Officer

29 November 2024