



Tasman Resource Management Plan PC80: Motueka West Growth Plan Change

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

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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 Plan Change 80 – Motueka West Plan Change (PC80). It includes recommendations on these submissions for hearing commissioners.

Section 32AA of the RMA requires further evaluation by the hearing commissioners of any changes made to PC80 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 completion of a report under Section 32AA by the hearing commissioners.

Under Clause 10 of the First Schedule of the RMA, Council is required to give reasons for its decisions on PC80. This report is also written to assist the hearing commissioners with drafting reasons for the decision.

1.2 Reporting Officer

This report has been prepared by Anna McKenzie, Principal Planner, working for Tasman District Council (Council). I have been responsible for managing this plan change for Tasman District Council. I have been assisted with the preparation of PC80 through the preparation, consultation and notification stages by Planning Consultant Victoria Woodbridge from The Property Group. I have also been assisted by Narissa Armstrong, Council's Environment Policy Administration Officer and various 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 Note 2023 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 PC80 provisions has been received from Council staff. This has included Rosalind Squire – Contract Reserves Planner; Kim Arnold – TDC Acting Team Leader Infrastructure Planning Advisor; Giles Griffith – Project Manager Community Infrastructure; Bill Rice – TDC Senior Infrastructure Planning Advisor Transportation.

Due to the nature of the submissions and the matters to be considered at the hearing, the following staff will attend the hearing: Jeremy Butler – TDC Team Leader Urban Environmental Policy; Bill Rice – TDC Senior Infrastructure Planning Advisor Transportation; Kim Arnold – TDC Acting Team Leader Infrastructure Planning Advisor; Giles Griffith – Project Manager Community Infrastructure and David Stephenson – Team Leader Stormwater and Wastes.

1.3 Scale & Significance

This report has been prepared with consideration of the scale and significance of the amendments requested to PC80.

The Section 32 Evaluation Report for PC80 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:

- **Section 1 – Introduction.** Introduces PC80 and provides background to the plan change and briefly covers the submissions made on it.
- **Section 2 – Evaluation of Submissions and Recommendations.** This section discusses and provides recommendations to the hearing commissioners regarding PC80 and for the amendments sought in the submissions. Reasons for recommending accepting or rejecting submissions points are also given.

1.5 Background

PC80 proposes the rezoning of land in Motueka West from Rural 1 deferred Residential to Residential – Compact Density. The operative Tasman Resource Management Plan (TRMP) provisions for compact density development are proposed to be applied with minor amendments to ensure that they can be efficiently applied to the Plan Change area. The key amendments include;

- No minimum lot size through subdivision for Compact Density Development within the Plan Change area (6.8.30),
- A requirement to undertake an Integrated Transport Assessment at resource consent stage (6.9.20.4),
- The inclusion of papakāinga development as a controlled activity (17.1.2.3A),
- A reduced outdoor living area to at least 20m² (17.1.3.3 (h))
- An additional matter of control/ discretion to ensure adverse effects on sites of cultural significance to Māori are assessed (17.1.3.4B); and
- Encouraging compact density development through the use of non-notified provisions (16.3.3.3).

The objective of PC80 is to address population growth and the associated demand for housing. The Future Development Strategy 2022-2052 (FDS) identified the plan change area as a future urban area which is suitable for growth. The land is also located within the Motueka West Development Area which is an area identified as suitable for accommodating housing and business growth and a priority area for development over a 50-year timeframe in the TRMP.

The plan change area is approximately 8 hectares and is located on the Motueka urban fringe, bordering the existing residential area to the north and east. The Motueka High Street (State Highway 60) is located to the east of the Plan Change area and Whakarewa Street and the Motueka High School is to the north.

PC80 has been promulgated to respond to:

- The direction given in the FDS, which has identified the PC80 land for residential intensification.
- Region-wide issues around the need to provide for population growth.
- The National Policy Statement on Urban Development (NPS-UD) which requires Councils to make sufficient land available for housing and business growth in the short, medium and long term.
- Motueka's high demand for housing land, and limitation with regards to land that is suitable for redevelopment, particularly land that is close to public transport and amenities.

1.5.1 Development Area and Compact Density Provisions

The Plan Change area is the subject of an Infrastructure Acceleration Fund Housing Outcome Agreement entered into with Wahanga 2017 Limited Partnership (developer), Proprietors of Wakatū (landowner), Kāinga Ora – Homes and Communities and Tasman District Council. The Infrastructure Acceleration Fund (IAF) will provide financial support towards some of the transport, wastewater and stormwater upgrades to facilitate the future development of the Plan Change area.

The key aspects of PC80 are summarised as follows:

- Rezoning the land to Residential with Compact Density Provisions to encourage medium density housing by applying the TRMP existing Compact Density provisions to the site, with an additional non-notification provision to incentivise the use of the Compact Density provisions.
- New and changes to existing structure planning instruments:
 - Adjustments to the indicative road network outlined in the TRMP, enabling connectivity through the area between Whakarewa Street and Grey Street.
 - A new indicative walkway from Whakarewa Street to the PC80 area.
 - Indicative reserves indicated in locations for future reserves for public use.
- Amending the TRMP Rule framework to allow for the following:
 - No minimum lot size through subdivision for compact density development,
 - provision of papakāinga development as a Controlled Activity within the Plan Change Area, recognizing the particular land ownership model,
 - greater clarity that Controlled Activity Rule 17.1.3.3 only applies when the land use consent is lodged concurrently with the subdivision consent and future buildings constructed within that subdivision,
 - enabling reduced outdoor living space requirements in the Compact Density provisions,
 - inclusion of a matter of control / discretion to provide for an assessment of effects on sites of cultural significance to Māori; and
 - opportunities for non-notification for Restricted Discretionary Subdivision and Controlled Activity / Restricted Discretionary land use compact density development.

Changes are recommended within this Section 42a Report in response to submissions. Any changes will be set out in the Recommendation Section of the Report.

1.6 Consultation

Consultation on PC80 has included two main phases:

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

1.6.1 Pre-notification Consultation

This phase consisted of targeted engagement with those identified as being directly affected by the Proposed Plan Change including the eight iwi of Te Taihū and Te Āwhina Marae.

All adjoining landowners were consulted by email or letter including Kainga Ora, Ngāti Rārua Ātiawa Iwi Trust Board, Waka Kotahi, the managers of Motueka Aerodrome, the Ministry of Education, and the Board of Trustees for Motueka High School.

In addition, staff presented at the Motueka Community Board, included articles in Newline (May 2023) and prepared a dedicated Motueka West Plan Change Website. Workshops were also held with Tasman District Councillors to discuss the changes proposed and receive feedback.

Section 3 of the Section 32 Evaluation Report outlines specific consultation actions in more detail.

1.6.2 Schedule 1 Consultation

Council has undertaken consultation under Schedule 1, Clause 3 of the RMA. This includes consulting with the Minister for the Environment, adjoining local authorities and sending the draft PC80 material to the iwi of Te Taihū. No advice was received from iwi or the Minister for the Environment in relation to the matters within PC80. All consultation and notification requirements of Schedule 1 of the RMA have been met through this process.

A copy of the PC80 notified maps are included in Appendix 1.

1.7 Plan Change Process

On 24 August 2023, the Strategy and Policy Committee recommended that PC80 be notified.

On 15 December 2023, PC80 was publicly notified with submissions closing on 5 February 2024. Four submissions were received and are outlined in Table 1 below.

The summary of submissions was publicly notified on 5 April 2024 with the further submission period closing on 19 April 2024. No further submissions were received. A copy of the submissions can be found in Appendix 2. Table 1 below lists the names of the submitters.

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

Table 1: Submitters

Submitter No.	Submitter Name
1823	National Public Health Service – Te Whatu Ora (NPHS – Te Whatu Ora)
3642	Wakatu Incorporation
4215	Kainga Ora Homes and Communities
3452	David Ogilvie

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 commissioners. These recommendations include the response to the submission. Reasons for the response 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. The numbering is derived from the topic number and submitter numbers in the summary of submissions.

- Chapter 2 – Meaning of Words
- Chapter 6 – Urban Environment Effects
- Effects on Sites of Cultural Significance
- Chapter 17 – Residential Zone Rules
- Maps
- Land Ownership
- Community Facilities

It is recommended that the Proposed Plan Change is approved.

2.2 Chapter 2 – Meaning of Words

2.2.1 Submission Requests

This topic includes the submitters request for amendments to wording in the definition of Integrated Transport Assessment.

2.2.1.1 Submitter 1823: NPHS – Te Whatu Ora

- **Submission Point 1823.01 – Support in Part:** Recommends under the definition of Integrated Transport Assessment that “all modes of transport” is defined.
 - **Submitter’s Reason:** It is unclear whether pedestrians and micromobility users are excluded. Including these users will ensure the needs of the whole community are considered.

2.2.2 Reporting Officer Assessment and Recommendations

Submission Point 1823.01 (NPHS - Te Whatu Ora) seeks the inclusion in the definition of an Integrated Transport Assessment a definition of “*all modes of transport*”.

The proposed TRMP definition for an Integrated Transport Assessment includes the following wording;

“Integrated Transport Assessment – 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 Integrated Transport Assessment 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.”

The definition includes the wording “*all modes of transport*” which the submitter requests to be defined. The submitter’s reason for the request is to ensure that the needs of all the community are included in this assessment such as pedestrians and micromobility users.

Waka Kotahi provides guidance on Integrated Transport Assessments in their document titled “*Integrated Transport Assessment Guidelines*”. Within this document it states that “*it is expected that all modes of transport will be considered when undertaking an ITA, including land, air and sea-based model.*”

¹ It can therefore be assumed that the reference to “*all modes of transport*” in the definition of Integration Transport Assessment includes pedestrians and micromobility.

In addition, Bill Rice, Councils Senior Infrastructure Planning Advisor Transportation confirms that “*all modes of transport*” includes pedestrians and micromobility. He states that “*including some specific modes runs the risk of excluding some other modes (including some currently unknown modes)*”.²

In light of the above comments, it is recommended that the submission point is rejected.

¹ Integrated Transport Assessment Guidelines. NZ Transport Agency Research Report 422. November 2010

² Memorandum to Anna McKenzie from Bill Rice, 10 October 2024. Attached Appendix 3.

2.2.3 Recommendations

Submitter Name No. and Point	Recommendation	Reason
NPHS – Te Whatu Ora 1823.01	Reject	The definition aligns with Waka Kotahi’s guidelines and ensures that ‘all modes of transport’ are included.

2.3 Chapter 6 – Urban Environment Effects

2.3.1 Submission Requests

There were several submission points in support of Chapter 6 – Urban Environment Effects and the requirement for medium density housing and increased flexibility to allow for great housing options (Submission points 1823.02, 1823.03, and 1823.04). These submission points will not be discussed in detail with the support recommended to be accepted.

2.3.1.1 Submitter 1823: NPHS – Te Whatu Ora

- **Submission Point 1823.02 – Support in Full:** Figure 6.8A Residential Housing Choice.
 - **Submitter’s Reason:** Evidence suggests the removal of the minimum lot size has the potential to increase availability of affordable housing. Increased flexibility allows a greater range of housing options to be explored.
- **Submission Point 1823.03 – Support in Full:** The requirement for medium density development in the Motueka West Compact Density Residential Area.
 - **Submitter’s Reason:** Given the high productive nature of the land it is important that conversion to housing is done effectively. Medium density housing has the potential to enable more efficient, affordable and accessible housing.
- **Submission Point 1823.04 – Support in Full:** The requirement for an Integrated Transport Assessment. Amend plan change to include a pedestrian/cycle crossing from the Plan Change area to Motueka High School.
 - **Submitter’s Reason:** Integrated Transport Assessments can bring together all parties with an interest in transport effects, including local and regional Councils, road controlling authorities and developers to discuss and resolve issues together. Given the proximity of the plan change to Motueka High School and the expected increase in traffic generated by future development in the plan change area, a safe route to the high school is recommended.

2.3.1.2 Submitter 3642: Wakatu Incorporation

- **Submission Point 3642.03 – Support in Part:** seek the removal of the requirement for an Integrated Transport Assessment (Issue 6.9.1.10, Policy 6.9.3.16 and Method of Implementation 6.9.20.4) from the proposed Schedule of Amendments.
 - **Submitter’s Reason:** Development of the land is subject to an Infrastructure Acceleration Fund Agreement between Kainga Ora, Wahanga 2017 Limited Partnership, Proprietors of Wakatu and Tasman District Council which as part of this agreement includes funding to provide the necessary enabling infrastructure to unlock and accelerate housing development on the subject land. This includes three waters and transportation infrastructure upgrades.

2.3.1.3 Submitter 4215: Kainga Ora Homes and Communities

- **Submission Point 4215.01 – Support in Part:** Extend the Motueka West Compact Density Residential Area to include additional sites.
 - **Submitter’s Reason:** Kāinga Ora considers that PC80 should go further to enable infill intensification in existing urban areas within close proximity to the Motueka town centre and main transport routes.
- **Submission Point 4215.02 – Support in Part:** Amend Policy 6.9.3.3 to include reference to the wider Motueka West Area to enable higher density development in all residential areas between Grey/Whakarewa Streets where it is within walking distance of the Motueka town centre.
 - **Submitter’s Reason:** Kāinga Ora is concerned that the amended policy wording could create unintended ambiguity and potential unnecessary restriction on intensification which was otherwise supported by the policy framework.
- **Submission Point 4215.03 – Support in Part:** Amend to incorporate urban intensification in other areas of Motueka.
 - **Submitter’s Reason:** Kāinga Ora consider that certain adjacent areas would be appropriate for intensification due to their proximity to the town centre and main transport routes. Consistent with the NPS-UD, Kāinga Ora also considers that infill development is an appropriate planning response to increase housing capacity and provide further housing choice in already developed areas.

2.3.1.4 Submitter 3452: David Ogilvie

- **Submission Point 3452.01 – Concern about the economic impact of developing on highly productive soils.**
 - **Submitter’s Reason:** The loss economically will be significant short and long term, requiring re-consideration of appropriate land for residential subdivision. Also, the National Policy Statement for Highly Productive Land requires local authorities to consider long-term economic impacts of development on LUC1 areas.

- **Submission Point 3452.04** – Concern the stormwater issues have not been adequately addressed through the plan change documentation with no stormwater mitigation measures recommended.
 - **Submitter’s Reason:** Existing stormwater drains are at capacity. The discharge from this rural land will be Woodlands Drain which is near capacity. The drain already services a sizeable area including Motueka High School and New World which have considerable roofs and hard surface areas.

2.3.2 Reporting Officer Assessment and Recommendations

2.3.2.1 Discussion and Reasons

Submission Point 1823.04 is in support of the inclusion of a requirement for an Integrated Transport Assessment and seeks the requirement for the installation of a pedestrian crossing at Whakarewa Street - from the plan change area to Motueka High School.

Notified Update Map 74/1 (Appendix 1) includes an indicative walkway which extends from the development area to Whakarewa Street, opposite to Motueka High Street. Bill Rice, Councils Senior Infrastructure Planning Advisor Transportation would support a safe link between the plan change area and Motueka High School and recommends the addition of a safe pedestrian crossing point on Whakarewa Street to link the indicative pedestrian/cycle path alongside Number 41 Whakarewa Street and Motueka High School³.

The plan change includes indicative items within the plan change area as shown on notified Update Map 74/1. Support for a connection to Whakarewa Street is indicated via the inclusion of the indicative walkway from the development area to Whakarewa Street. PC80 includes a requirement for an Integrated Transport Assessment at the resource consent stage. This assessment is expected to include determining the need for traffic measures such as crossings and appropriate locations. The recommendations of the Integrated Transport Assessment may result in various transport related requirements and it is therefore considered appropriate to wait until this assessment is completed and progress any requirements as part of the resource consent. As such, it is recommended that this submission point is rejected.

Submission Point 3642.03 refers to concerns from Wakatu Incorporation about the proposed amendment to the TRMP which includes a requirement for an Integrated Transport Assessment to be submitted as part of a resource consent application (Issue 6.9.1.10, Policy 6.9.3.16 and Method of Implementation 6.9.20.4). The submitter’s reasons for objecting to this requirement is that the development of the land is the subject of an Infrastructure Acceleration Fund Agreement which includes three waters and transportation infrastructure upgrades.

The PC80 Section 32 Evaluation Report notes Waka Kotahi’s concerns during pre-notification consultation around increased traffic on the network, particularly the intersection with Whakarewa Street and the State Highway. To ensure that transport issues arising from the development are addressed, a requirement for an Integrated Transport Assessment at the resource consent stage was included in the notified Schedule of Amendments. No submission was received from Waka Kotahi on the Plan Change.

The PC80 area is the subject of IAF funding which has provided some financial support towards transport and other infrastructure upgrades. This funding was limited, with some funding been allocated to intersection improvements at Manoy and Whakarewa Streets.

³ Memorandum to Anna McKenzie from Bill Rice, 10 October 2024. Attached Appendix 3.

Bill Rice, Councils Senior Infrastructure Planning Advisor Transportation states that “an Integrated Transport Assessment is a key component in identifying transport issues arising from the development irrespective of previously agreed funding arrangements”. Evidence from Mr Rice is enclosed within Appendix 3.

It is recommended to retain the requirement for the Integrated Transport Assessment and reject the submission point.

Submission Points 4215.01, 4215.02 and 4215.03 (Kainga Ora Homes and Communities) seeks the inclusion of a wider Motueka West Area (Figure 1) to enable higher density development in all residential areas between Grey/ Whakarewa Streets where it is within walking distance of the Motueka town centre.

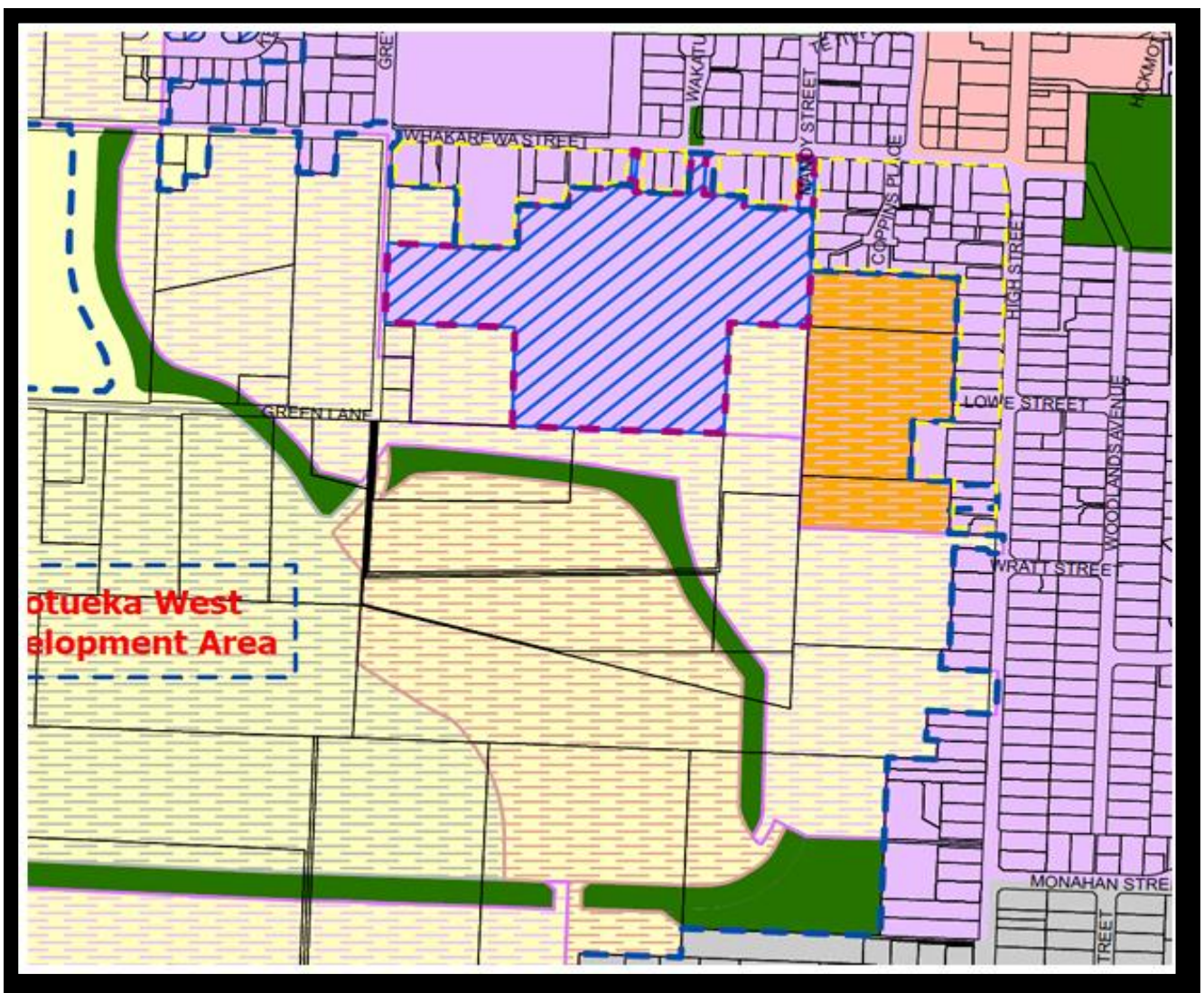


Figure 1: Extract from Kainga Ora Submission – The requested extension of the Motueka West Compact Density Area is shown as yellow dash line.

The Nelson Tasman Future Development Strategy 2022-2052 identifies a large area of land identified as T-190 for intensification (Figure 2). The T-190 land is a mixture of brownfield and greenfield land. PC80 is focused on a single parcel of greenfield land (subject to IAF funding) within T-190 as highlighted below in Figure 2.

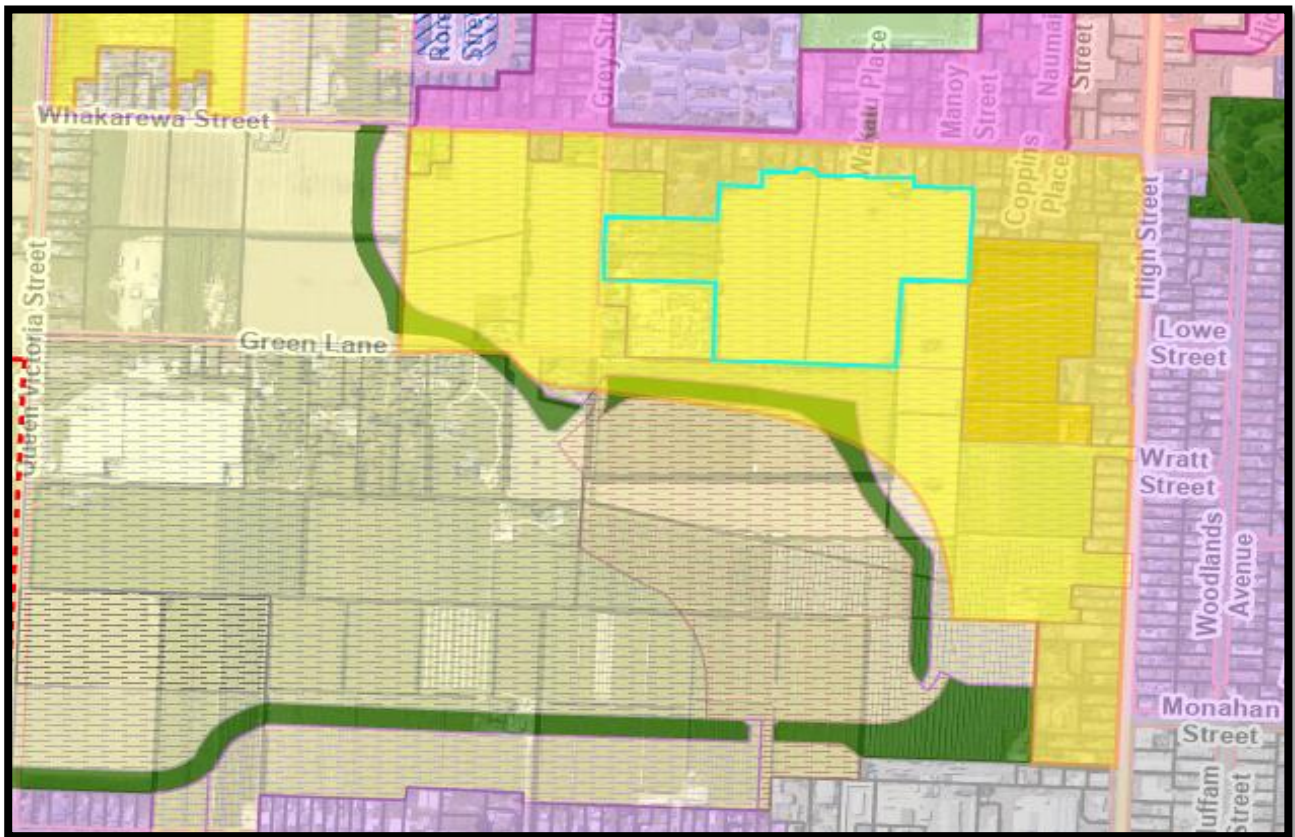


Figure 2: Motueka West identified as a Future Development Area in Nelson Tasman Future Development Strategy 2022-2052 (yellow depicts the FDS area T-190 and the blue outline is the PC80 area)

The PC80 area is the subject of IAF funding which has provided some financial support towards transport, wastewater and stormwater upgrades to facilitate the future development of the PC80 land. The IAF funding includes an agreement by four parties: Wahanga 2017 Limited Partnership (developer), Proprietors of Wakatū (landowner), Kāinga Ora – Homes and Communities and Tasman District Council. This agreement includes actions and timeframes to ensure that residential development is achieved in the short term.

The wider Motueka West Development Area (T-190) was not the subject of the IAF funding and is unable to be serviced in the short term. The wider Motueka West Development Area relies on the creation of a new greenway/stormwater corridor for the discharge of stormwater. This is identified as a capital project in the Council’s Long Term Plan for years 10-20 and depending on priorities and demand this may get pushed further out.⁴

In addition, currently wastewater capacity to treat additional flow at the current wastewater treatment plant is constrained. In the future, the wastewater treatment plant will be relocated and capacity issues resolved by or after year 10. The new dedicated wastewater pressure main, along with proposed pumpstation, (planned and budgeted within 10 yrs) serving the Motueka West Development will cater for

⁴ K. Arnold – Acting Team Leader Infrastructure Planning (Email). Message sent to A. McKenzie (anna.mckenzie@tasman.govt.nz). 07 August 2024.

flow from the FDS land T-190, but infrastructure connecting additional High Street properties (additional density) is not planned and not straight forward.⁵

The IAF funding has enabled the infrastructure constraints of the PC80 area to be addressed and for residential development to be undertaken in the short-term. This, combined with the enabling policy framework of proposed PC80, will enable the intensification objectives for part of T-190 of the Future Development Strategy 2022-2052 to be achieved. The additional residential land (proposed by the submitter) cannot be serviced with wastewater or stormwater infrastructure in the short term and its inclusion in the plan change would hold up development of residential land in the Motueka township - which has a high demand for housing and business land now and in the future.⁶

In addition, natural hazards may impact some of the additional residential land proposed by the submitter. Consideration of natural hazards and climate change effects are built into Council's decision-making processes and work programmes to ensure that our communities can adapt and are resilient to natural hazards and climate change over the longer term. Council's RMA 1991 plan changes are prepared in accordance with the New Zealand Coastal Policy Statement 2010, including Policies 24 – 27 regarding coastal hazards. This includes taking into account national guidance and the best available information on the likely effects of climate change on the district, such as the Ministry for the Environment's Coastal Hazards and Climate Change Guidance 2024 (MfE 2024 Guidance) and the NZ SeaRise: Te Tai Pari O Aotearoa Programme (see: www.searise.nz).

The sea level rise mapping for the subject land is depicted in Figure 3 (below) for 2m sea level rise (noting that this bathtub modelling may overestimate the extent of inundation in this area due to the distance from the coast). Like many coastal locations around New Zealand, Motueka is low-lying and is vulnerable to rising sea levels over the longer term. Parts of Motueka including areas of High Street may be vulnerable to up to 1.89m of sea level rise by 2130 (based on the climate change scenario SSP5-8.5 H+ as recommended by the MfE 2024 Guidance). A portion of the land identified by the submitter may be vulnerable to inundation as a result of rising sea levels in the future.

In May 2024, the Council endorsed the commencement of work on a natural hazards plan change to the TRMP. One of the objectives of the district-wide plan change is to ensure new development is climate-resilient over the longer term. Consideration of appropriate future uses for land identified within low-lying areas will form part of the TRMP natural hazard plan change, including Motueka.

⁵ K. Arnold – Acting Team Leader Infrastructure Planning (Email). Message sent to M. Bengosi (Myaan. Bengosi@tasman.govt.nz). 10 October 2024.

⁶ Nelson Tasman Future Development Strategy 2022-2052 – 19 September 2022

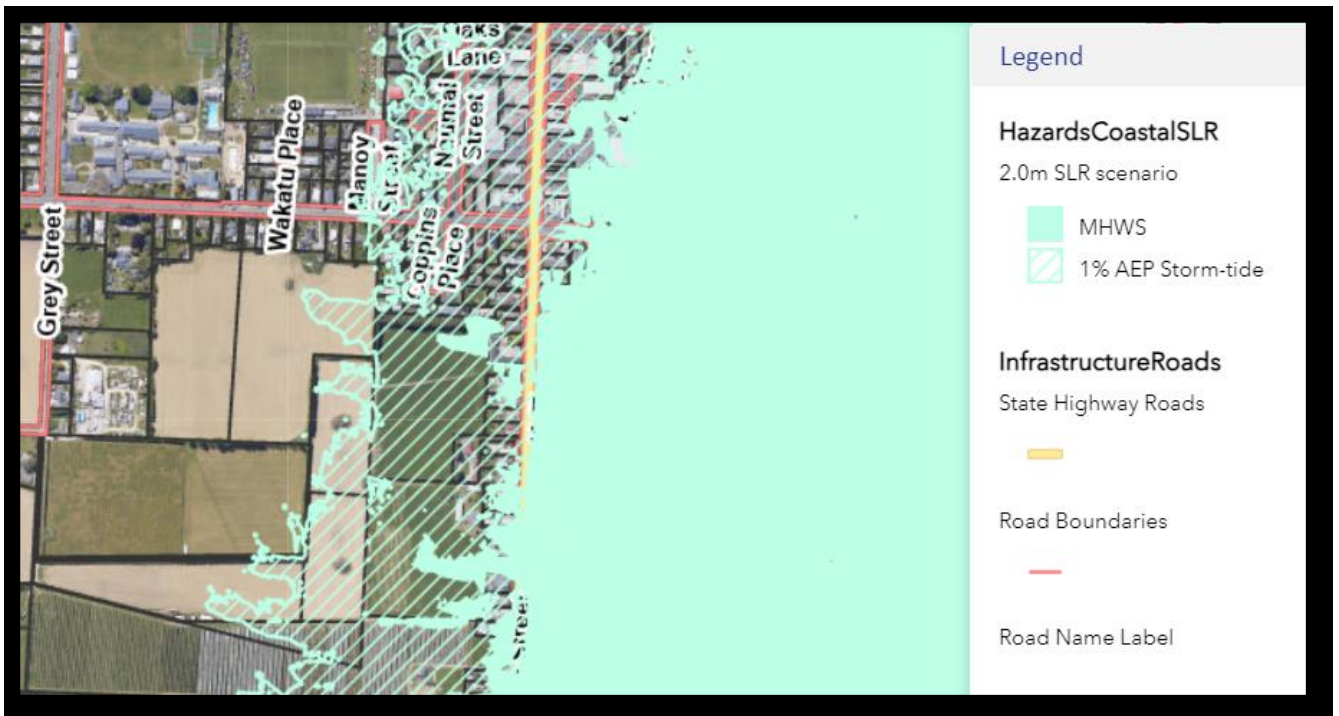


Figure 3: 2 metre sea level rise + 1% AEP storm tide scenario mapping for Motueka (High Street)

Based on the comments above regarding limitations to servicing and natural hazards effects the inclusion of the additional parcels of land into the PC80 area is not considered appropriate and the submission points are rejected.

Submission Point 3452.01 from David Ogilvie expresses concern about the economic impact of developing on highly productive soils citing the requirements of the National Policy Statement for Highly Productive Land (NPS-HPL) which requires local authorities to consider long-term economic impacts of development on LUC1 area.

The NPS-HPL seeks to ensure that the most favourable soils for food and fibre production are protected now and for future generations. The PC80 land contains Productive Land Classification Class A soils which equates to LUC 1 under the NPS-HPL indicating that the soil is highly productive.

Under Clause 3.5(7), until the Regional Policy Statement’s highly productive land maps are operative, councils must apply the NPS-HPL to land which is zoned General Rural or Rural Production⁷ and LUC 1, 2 or 3. However, this is unless the land has been identified for future urban development or is subject to a Council initiated, or adopted, notified plan change to rezone the land to urban or rural lifestyle.

The PC80 land has been identified for future urban development through the following:

- TRMP planning maps - deferred zoning for residential purposes

In light of the above comments the submission point is recommended to be rejected.

⁷ These are prescribed zones under the National Planning Standards and are equivalent to the TRMP Rural 2 and Rural 1 respectively.

Submission Point 3452.04 from David Ogilvie expresses concerns that the stormwater issues have not been adequately addressed. The submission explains that existing stormwater drains are at capacity specifically Woodlands Drain which services a sizeable area including areas with significant roofs and hard surface areas such as the Motueka High School and New World.

Tasman District Council sought resource consent to discharge stormwater to land and to Woodlands Drain from the subject site prior to the land being developed for residential purposes (Resource Consent Application RM240322). Consent was granted on 31 July 2024 and is attached in Appendix 4.

The consent application (RM240322) acknowledges that long-term, the applicant is proposing to discharge stormwater from the Motueka West Development Area under resource consent RM191019, a global consent held by the applicant (Tasman District Council) which relates to stormwater being discharged from urban land. The Decision report states that *“I agree with the applicant’s assessment, that the potential effects of the proposal on water quantity discharging from the site will remain unchanged and that Woodlands Drain has sufficient capacity to receive the stormwater from the swale and culvert”*⁸.

In light of the above comments, it is considered that the stormwater issues have been addressed acknowledging that following development of the PC80 site the stormwater discharge will fall under the global consent RM191019 and conditions of that consent will need to be complied with. As such, the submission point should be rejected.

2.3.3 Recommendations

Submitter Name No. and Point	Recommendation	Reason
NPHS – Te Whatu Ora 1823.02	Accept	In support
NPHS – Te Whatu Ora 1823.03	Accept	In support
NPHS – Te Whatu Ora 1823.04	Reject	Requirement for a pedestrian crossing to be determined at the resource consent stage following an Integrated Transport Assessment.
Wakatu Incorporation 3642.03	Reject	An Integrated Transport Assessment is a key component in identifying transport issues arising from the development irrespective of previously agreed funding arrangements. It is recommended to retain the requirement for the Integrated Transport Assessment.
Kainga Ora Homes and Communities 4215.01	Reject	Servicing and natural hazard constraints.
Kainga Ora Homes and Communities 4215.02	Reject	Servicing and natural hazard constraints.

⁸ Resource Consent RM240322. Appendix 4.

Kainga Ora Homes and Communities 4215.03	Reject	Servicing and natural hazard constraints.
David Ogilvie 3452.01	Reject	PC80 meets the requirements of the NPS-HPL.
David Ogilvie 3452.04	Reject	Stormwater discharge has been assessed and consented..

2.4 Effects on Sites of Cultural Significance

2.4.1 Submission Requests

This topic includes submitters support for the recognition of the site as cultural significant.

2.4.1.1 Submitter 1823: National Public Health Service – Te Whatu Ora

- **Submission Point 1823.05 – Support in Full:** Supports recognition of the plan change site as a site of cultural significance.
 - **Submitter’s Reason:** Supports the feedback from iwi to include provisions set out in 16.3.3.3 (38), 17.1.3.3 (13) and 17.1.3.4B (13).

2.4.2 Reporting Officer Assessment and Recommendations

Submission Point 1823.05 is in support of the recognition of the site as cultural significant as set out in provisions 16.3.3.3, 17.1.3.3 and 17.1.3.4B. This submission point will not be discussed in detail with the support recommended to be accepted.

2.4.3 Recommendations

Submitter Name No. and Point	Recommendation	Reason
NPHS – Te Whatu Ora 1823.05	Accept	In support

2.5 Chapter 17 – Residential Zone Rules

2.5.1 Submission Requests

This topic includes submitter requests associated with TRMP Chapter 17 – Residential Zone Rules.

2.5.1.1 Submitter 1823: NPHS – Te Whatu Ora

- **Submission Point 1823.06 – Support in Full:** Supports the inclusion of Papakainga Development as a controlled activity under 17.1.2.3A.

- **Submitter's Reason:** Papakāinga have the ability to foster wellbeing through providing intergenerational housing that supports the continuation of Māori traditions and culture.
- **Submission Point 1823.07 – Support in Part:** Rule 17.1.3.3 (h) - Controlled Activities (Building Construction or Alteration — Compact Density Development) refers to Outdoor Living Space. A reduction in outdoor living space may limit a households' ability to have their own gardens and grow kai. NPHS-NM would support any exploration of how reserve land and other appropriate spaces could be utilised to support food security.
 - **Submitter's Reason:** Motueka West is a high deprivation area and data shows that hardship assistance grants are increasing across the region which may indicate a rise in food insecurity.
- **Submission Point 1823.08 – Support in Part:** Seeks an amendment to Rule 17.1.3.3 to include an addition where buildings are permitted where at least 30% of the site is maintained as permeable landscaped area.
 - **Submitter's Reason:** Adequate provision of permeable surface area is important, especially where density increases, and outdoor living space reduces. Permeable surfaces help reduce stormwater loads on the pipe infrastructure by absorbing or detaining rainwater. According to BRANZ, to be effective, permeable surfaces typically need at least 30% void space.
- **Submission Point 1823.09 – Support in Part:** Seeks an additional liquefaction assessment as part of the planning and consenting process.
 - **Submitter's Reason:** Seismic liquefaction is possible in the plan change area due to the underlying geology. This is important to note as liquefaction can impact health and wellbeing.

2.5.1.2 Submitter 3642: Wakatu Incorporation

- **Submission Point 3642.04 - Support in Part:** Amend Rule 17.1.3.3 to provide for buildings as a controlled activity where no subdivision is proposed.
 - **Submitter's Reason:** If no subdivision is proposed then this should not result in a more restrictive activity status. Wakatū envisages a variety of comprehensive development typologies within the plan change area, and not all of these would involve further subdivision beyond the superlot stage for which resource consent is currently being sought.
- **Submission Point 3642.05 – Support in Part:** Amend Rule 17.1.3.3 (g) building setback rules of every allotment to apply only to the external boundaries of the Compact Density Residential Area.
 - **Submitter's Reason:** The Plan Change area differs from many other development sites in the region in that the land will remain in the ownership of the Proprietors of Wakatū in perpetuity, and Wahanga 2017 Limited Partnership will partner with other parties for development of the superlots proposed within it and will retain a high level of control over the outcomes for these superlots. The 'external boundary' controls should only apply to the boundaries of the plan change area, not any internal superlot boundaries.

2.5.2 Reporting Officer Assessment and Recommendations

Submission Point 1823.06 is in support of the topic and will not be discussed in detail with the support recommended to be accepted.

Submission Point 1823.07 from NPHS – Te Whatu Ora is partly in support however expresses concerns about the area of Outdoor Living Space (Rule 17.1.3.3 (h)) and how a reduction in outdoor living space may limit a household's ability to have their own gardens and grow kai. The submitter refers to data that shows that hardship assistance grants are increasing across the region which may indicate a rise in food insecurity.

Rule 17.1.3.3 (h) includes outdoor living requirements for dwellings on the ground floor in Motueka as at least 30m² of contiguous private outdoor space, this allowance is 10m² greater than other parts of the district where the requirement is at least 20m² except Māpua which is at least 30m². Units above the ground floor are to be at least 7m².

Under TRMP Rule 17.1.3.3 (h) Motueka has a greater area of outdoor living space (at least 30m²) required than other areas of the District with the exception of Māpua. It is not recommended to create further bespoke outdoor living space requirements for an individual parcel of land. This would create unnecessary additional complexity to the TRMP. Consideration to reviewing the outdoor living space requirements should be undertaken as part of a full review of the TRMP rather than on a site by site basis. In addition, the outdoor living space requirements are embedded into TRMP Appendix 2 – Urban Design Guide and it is likely that any change will need to include a revision of this document. As mentioned above it is considered appropriate to undertake such a revision on a District wide basis rather than for individual land parcels. As such it is recommended that this submission point is rejected.

Submission Point 1823.08 seeks an amendment to Rule 17.1.3.3 to include an addition where buildings are permitted where at least 30% of the site is maintained as permeable landscaped area. The submitters reason is that adequate provision of permeable surface area is important, especially where density increases, and outdoor living space reduces.

Rule 17.1.3.3 includes compact density provision conditions for controlled activities. There are currently site coverage and building coverage and a variety of other conditions within this rule. Rule 17.1.3.3 of the TRMP is not proposed to be amended as part of the notified documentation of PC80. As above, creating a bespoke rule for an individual parcel of land is undesirable as it creates additional complexity to the TRMP and it is not justified for this parcel of land. A full district wide review of the TRMP is considered a more appropriate method of addressing the submitters concerns. This submission point is therefore recommended to be rejected.

Submission Point 1823.09 (NPHS – Te Whatu Ora) seeks an additional liquefaction assessment as part of the planning and consenting process.

Schedule 16.3A of the TRMP includes as an assessment criteria for subdivision;

- (3) *The extent to which the effects of natural hazards within and beyond the boundaries of the site, including wildfire risk and coastal, flood, stormwater, geotechnical or earthquake hazards will be avoided or mitigated.*

Subdivisions are assessed under Schedule 16.3A and if an area is subject to a natural hazard then a geotechnical assessment would be required which would consider liquefaction hazard. The submitter's point

is addressed through this TRMP requirement and it is therefore considered that the submission point should be rejected.

Submission Point 3642.04 from Wakatu Incorporation 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.

TRMP Subdivision Rule 16.3.3.3(a) requires that for compact density development both the land use and subdivision consents must be applied for and processed at the same time. The design and layout of each allotment needs to include the siting of the dwelling and any other building on the site as authorised by the land use consent. This is a TRMP requirement for all compact density developments in Tasman. There are currently no bespoke rules in the TRMP that exclude certain compact density development areas from this requirement.

Quality urban design is an important factor to achieving the overall goals for the development areas where compact density development is enabled. It is not recommended that this requirement be altered. It is my opinion that adverse residential outcomes (such as the level of sunlight entry and outdoor space) could occur for compact density development if the site is not comprehensively designed and planned together and the land use and subdivision consents submitted at the same time.

The landowner has a current application (RM230553) with council to subdivision the subject land into several superlots. Should these proposed superlots be further subdivided into a series of smaller lots then a land use consent would be required to be lodged at the same time as a subdivision consent for it to be a controlled activity under Rule 17.1.3.3. Figure 4 provides an illustration of the superlot subdivision consent application (RM230553).

Compact Density Development is defined in Chapter 2 of the TRMP as *“residential development in the Richmond South, Richmond West, Brightwater, Wakefield and Māpua Special Development Areas and the Motueka West Compact Density Residential Area that is two or more dwellings on any site, and where the buildings and open space, parking, storage and amenity values including privacy and outlook have been planned and designed comprehensively”*.

If the landowner wishes to develop the superlots as comprehensive developments and does not wish to subdivide the land further than I believe that a more restrictive activity status is warranted for the land use consent to ensure that a range of living opportunities and residential densities are achieved, land is used efficiently and amenities such as sufficient outdoor space provisions and sunlight entry are effectively controlled.

In addition, it is not considered relevant to have a bespoke set of compact density rules for the Motueka West Compact Density Residential Area, this would add to the complexity of the TRMP and set a precedent for further compact density plan changes.

In light of the above comments, it is recommended that the submission point be rejected.

Wakatu Incorporation in **Submission Point 3642.05** seek an amendment to Rule 17.1.3.3 (g) – the building setback rule to exclude the internal boundaries because the landowners concept plans include superlots that will be in the landowner’s ownership in perpetuity.

It is not appropriate or necessary to amend Rule 17.1.3.3 (g) and create a bespoke set of rules in the TRMP for the Motueka West Compact Density Residential Area. If the internal boundary rules are exceeded then Wakatu Incorporation (as owners of the land) would be in a position to provide themselves written permission to exceed the boundary rules. It is not considered an appropriate amendment to the TRMP and would add to the complexity of the TRMP. It is recommended that this submission point be rejected.

2.5.3 Recommendations

Submitter Name No. and Point	Recommendation	Reason
NPHS – Te Whatu Ora 1823.06	Accept	In support.
NPHS – Te Whatu Ora 1823.07	Reject	Increased complexity to the TRMP.
NPHS – Te Whatu Ora 1823.09	Reject	TRMP Schedule 16.3A includes provisions for natural hazards.
Wakatu Incorporation 3642.04	Reject	Inappropriate to exclude the requirement for a land use and subdivision consent to be lodged and processed together for compact density developments.
Wakatu Incorporation 3642.05	Reject	Unnecessary bespoke change to the TRMP which provides minimal benefits.

2.6 Maps

2.6.1 Submission Requests

This topic includes submitter requests for amendments to Update Map 74/1.

2.6.1.1 Submitter 3642: Wakatu Incorporation

- **Submission Point 3642.01 – Support in Part:** Amend Update Map 74/1 to reflect the landowner’s concept masterplan and roading layout.
 - **Submitter’s Reason:** It is requested that the indicative road alignment on Proposed Update Map 74/1 be adjusted to reflect the current masterplan layout.
- **Submission Point 3642.02 - Support in Part:** Amend Update Map 74/1 to reflect the landowner’s concept masterplan and reserve layout.

- **Submitter's Reason:** It is requested that Proposed Update Map 74/1 be amended to reflect the current masterplan layout, and also to only reflect the extent of the proposed recreation reserve (not the stormwater reserve as well).

2.6.2 Reporting Officer Assessment and Recommendations

Submission Point 3642.01 and Submission Point 3642.02 includes a request to amend Update Map 74/1 to reflect the landowner's subdivision plan specifically its roading and reserve layout. Figure 4 provides an illustration of the landowner's subdivision plan and Appendix 1 includes a copy of the notified Update Map 74/1.

Indicative roads are primarily in place to ensure an internal and external transport connection is able to be achieved during subdivision and development. It signals this on the planning maps and typically becomes a matter discussed by Council and the developer during subdivision consenting. The primary outcome desired is that a connection is achieved from 'point A' to 'point B'. The TRMP contains provisions to support indicative roads to provide safe and efficient routes within undeveloped residential locations. The location of the roads are indicative which means there is usually flexibility in the final location. The final location is determined at the subdivision stage of a resource consent application.

The differences between the indicative road alignments shown in the landowner's masterplan and those shown in notified Update Map 74/1 are minor. The masterplan road alignments are considered to be consistent with the indicative alignments. It is therefore recommended that the indicative road alignments remain as notified in Update Map 74/1 and that Submission Point 3642.01 be rejected.

Submission Point 3642.02 requests an amendment to notified Update Map 74/1 for the indicative reserves to align with the reserves identified in the landowner's masterplan (Figure 4). As above, the alignment of the indicative reserves is indicative which means there is flexibility in the final location. The differences between the reserve locations shown on notified Update Map 74/1 and the landowner's masterplan are minor and it is therefore considered that Update Map 74/1 should remain as notified. This submission point is recommended to be rejected.



Figure 4: Landowners Subdivision Plan.

2.6.3 Recommendations

Submitter Name No. and Point	Recommendation	Reason
Wakatu Incorporation 3642.01	Reject	The road mapping is indicative only and the requested change is minor.
Wakatu Incorporation 3642.02	Reject	The reserve mapping is indicative and the requested change is minor.

2.7 Land Ownership

2.7.1 Submission Requests

The submission on this topic includes concerns around land ownership.

2.7.1.1 Submitter 3452: David Ogilvie

- **Submission Point 3452.02** – The Plan Change will remain in the ownership of the existing landowner with housing sites leased, and roads, reserves and infrastructure including public spaces remaining within the ownership of the landowner.
 - **Submitter’s Reason:** The unusual non-market ownership experience needs to be carefully considered by the Council including the delegation of governance to the landowner, and the practical daily operation and management of roads, parks/ reserves, and risk management factors.

2.7.2 Reporting Officer Assessment and Recommendations

Submission Point 3452.02 (David Ogilvie) makes reference to the ownership structure of the plan change area including the housing lease arrangements and the non-vesting of roads, reserves and infrastructure including public spaces. The ownership structure of the plan change land is a legal matter and is outside the scope of the plan change. This submission point is therefore rejected.

2.7.3 Recommendations

Submitter Name No. and Point	Recommendation	Reason
David Ogilvie 3452.02	Reject	Outside the scope of the Plan Change.

2.8 Community Facility

2.8.1 Submission Request

This topic includes a request for consideration of land within the plan change area to be use for a community facility.

2.8.1.1 Submitter 3452: David Ogilvie

- **Submission Point 3452.03** – Suggestion that the indicative reserve on update map is land suitable for the Motueka swimming pool.
 - **Submitter’s Reason:** the land is close to Motueka High School and the recently developed Pukekohatu subdivision and could be gifted as part of the reserve contributions.

2.8.2 Reporting Officer Assessment and Recommendations

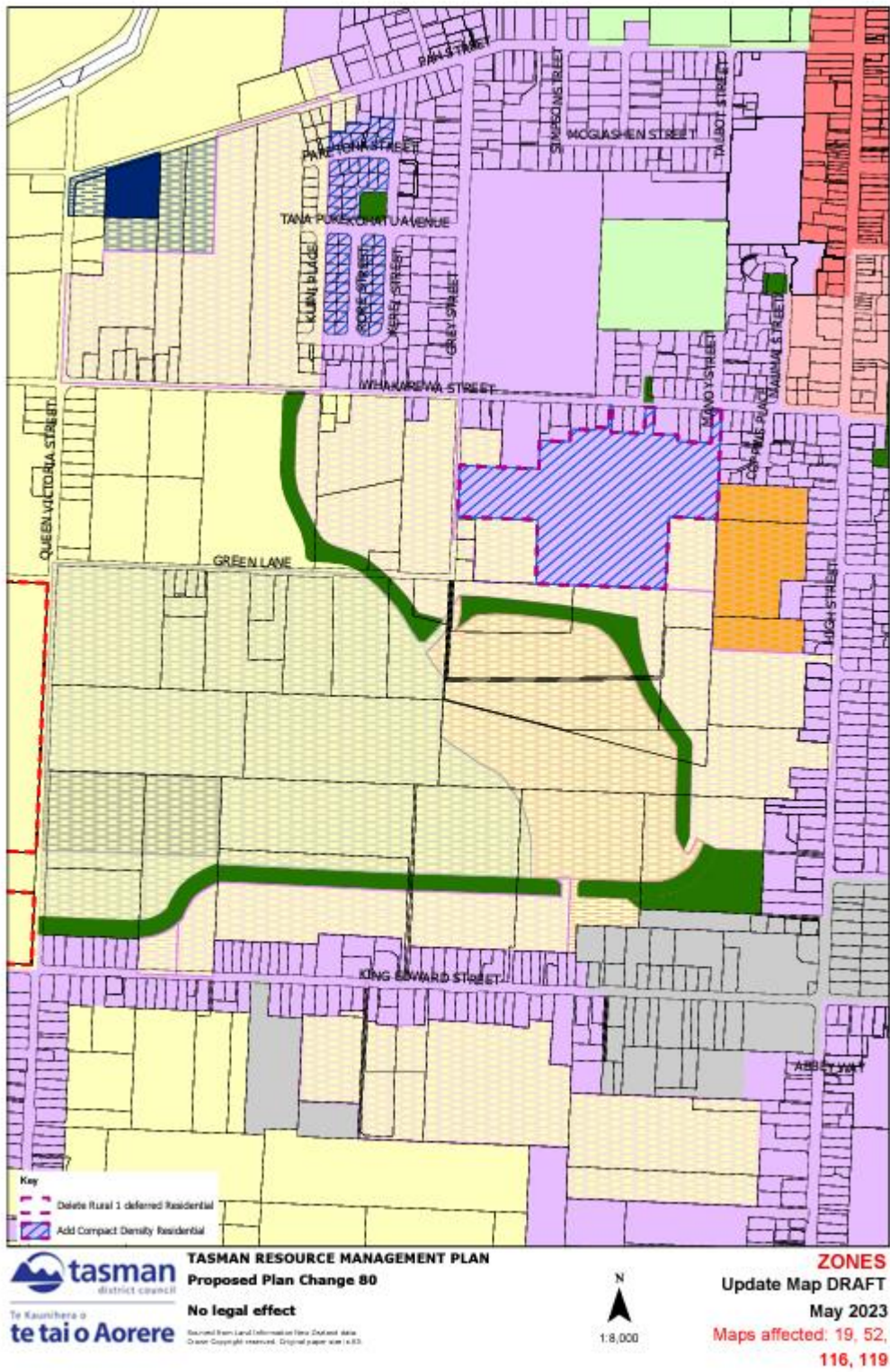
Submission Point 3452.03 suggests that the indicative reserve on notified Update Map 74/1 should be used for development of the Motueka Swimming Pool and should be gifted as part of the developments reserve contribution.

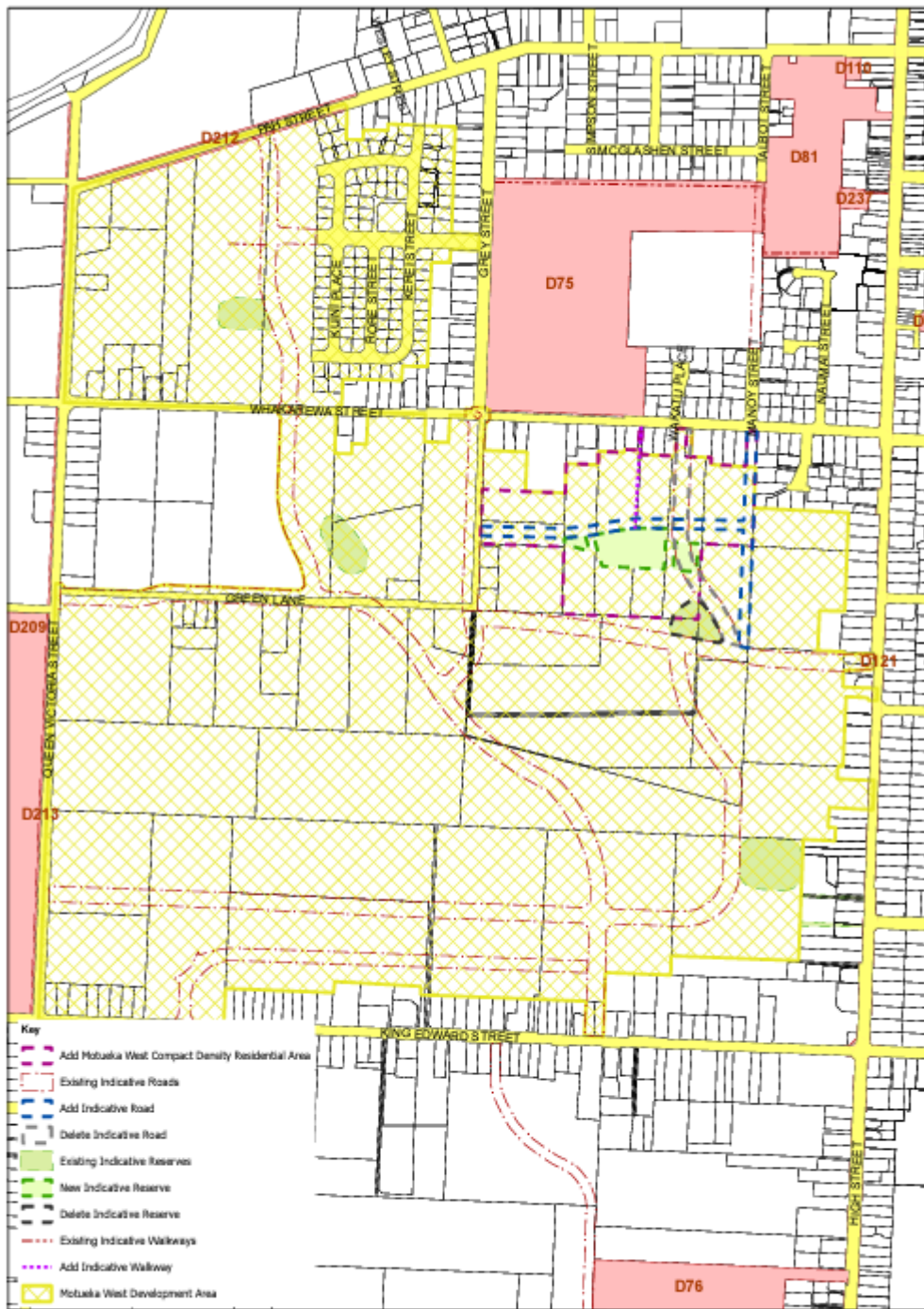
The objective of PC80 is to address population growth and the associated demand for housing. Facilitating part of the use of the land for a community facility does not align with the plan change objective and is out of scope. It is recommended that this submission point is rejected.

2.8.3 Recommendations

Submitter Name No. and Point	Recommendation	Reason
David Ogilvie 3452.03	Reject	Out of scope.

Appendix 1: Notified Maps





AREAS
 Update Map DRAFT
 May 2023
 Maps affected: 19, 52, 116, 119

TASMAN RESOURCE MANAGEMENT PLAN
 Proposed Plan Change 80



No legal effect



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Appendix 2: Submissions

Submitter # 1823

Received 26.01.2024

Plan Change 80

5th Feb 2024

For more information please contact:

Hana Wilkinson (she/her)

Taranaki Iwi

Health in All Policies Advisor

Nelson Marlborough Public Health

Te Waipounamu Region

waea pūkoro: 0220197921 | **īmēra:** hana.wilkinson@nmdhb.govt.nz

281 Queen Street, Richmond | PO Box 647, Nelson 7040

Form 5

To: Tasman District Council

Name of submitter: National Public Health Service – Nelson Marlborough, Te Whatu Ora (NPHS-NM).

This submission is on:

- Plan Change 80

NPHS-NM could not gain an advantage in trade competition through this submission.

National Public Health Service – Nelson Marlborough (NPHS-NM) is a key organisation involved in the health and wellbeing of the people within Te Tau Ihu. NPHS-NM appreciates the opportunity to provide feedback from a public health perspective on Plan Change 80.

NPHS-NM makes this submission in recognition of its responsibility under:

The Pae Ora (Healthy Futures) Act 2022 to:

- a) protect, promote, and improve the health of all New Zealanders; and
- b) achieve equity in health outcomes among New Zealand's population groups, including by striving to eliminate health disparities, in particular for Māori; and
- c) build towards Pae Ora (Healthy Futures) for all New Zealanders.

Health Act 1956, to:

- a) improving, promoting, and protecting public health.

Under both sets of legislation public health means the health of:

- b) all the people of New Zealand; or
- c) population group, community, or section of people within New Zealand

NPHS-NM also makes this submission from a Health in All Policies (HiAP) perspective. HiAP is defined as “an approach to public policies across sectors that systematically takes into account the health implications of decisions, seeks synergies, and avoids harmful health impacts, in order to improve population health and health equity.”

The recommendation/decision we seek from the Council for each submission point is set out in the attached schedule together with details. NPHS-NM wishes to be heard in support of the Submission at any hearing but is not prepared to consider presenting a joint case with other submitters.

This submission is presented in the form of a ‘Submission Table’ with the addition of two appendices:

- Appendix 1 (A1) - Public Health and Wellbeing, offers background context on the link between health and wellbeing, and the built environment and,

- Appendix 2 (A2) - The Determinants of Health and Monitoring.

Submission Table:

The specific provisions of the Proposed Plan Change that our submission relates to are as follows:

Specific part to which submission relates	Position and submission	Decision requested
<p>2.2 Defined Words</p> <p>Integrated Transport Assessment</p>	<p>Support in part</p> <p>To reduce ambiguity, it is recommended that 'all modes of transport' is defined. For example, if not defined, it is unclear whether pedestrians and micromobility users are excluded. Including these users will ensure the needs of the whole community are considered.</p>	<p>Add</p> <p><i>Define 'all modes of transport'. E.g. state which modes fall under this.</i></p> <p>OR</p> <p><i>Define 'pedestrian' and 'micromobility'.</i></p>
<p>6.8.30 Principal Reasons and Explanation</p> <p>Figure 6.8A: Residential Housing Choices Compact</p>	<p>Support in full</p> <p>Evidence suggests the removal of minimum lot size has the potential to increase availability of affordable housing^{1,2}. Access to healthy and affordable housing contributes to positive health, education, economic, and social outcomes³. In addition, the increased flexibility allows a greater range of housing options to be explored which will better meet the needs</p>	<p>Approve</p>

¹ Weihsia, Z. (2022). The long-run effects of minimum lot size zoning on housing redevelopment. Journal of Housing Economics, 55.

<https://doi.org/10.1016/j.jhe.2021.101806>.

² Greenaway-McGrevy, R., Pacheco, G., & Sorenson, K. (2018). Land Use Regulation, the Redevelopment Premium and House Prices. Economics Working Paper Series, Faculty of Business, Economics and Law, AUT. https://www.aut.ac.nz/__data/assets/pdf_file/0003/163542/AUT_wp_2018_02_updated.pdf

³ Office of the Auditor General. (2023). Leading New Zealand's approach to housing and urban development. <https://www.oag.parliament.nz/2023/hud-leadership/docs/hud-leadership.pdf>

	<p>of a diverse population. Reference to the growing adult population was mentioned in the section 32 report. It is important to note the population of tangata whaikaha (disabled people) is also increasing. Incorporating universal design principles (see TDCs Urban Design Guide) will further meet these populations needs through achieving a built environment that is fit for purpose, for all abilities, across the lifespan. In addition, building accessiblyⁱ in the first instance has been shown to save costs, as it reduces the need for housing modifications such as the installation of a wet area shower.</p>	
<p>6.9.3 Policies</p> <p>6.9.3.3A To require medium density development in the Motueka West Compact Density Residential Areas to achieve a high standard of residential amenity through design in accordance with the Urban Design Guide (Part 11, Appendix 2).</p>	<p>Support in full</p> <p>Given the 'highly productive' nature of this land, it is important that its conversion to housing is done efficiently to gain the desired benefits. Medium density development has the potential to enable more efficient, affordable and accessible housing. Intensification, if done well, has a positive public health impact. See Appendix 1: Public Health and Wellbeing.</p> <p>It is important that functionality of smaller dwellings and lot sizes are assessed. This is particularly important for older adults and tangata whaikaha who require houses that are fully accessible. Furthermore, where people have bulky items to support their activities of daily living, such as: walking frames, mobility scooters and bicycles, additional storage considerations may be required for example communal storage facilities.</p>	<p>Approve</p>

	<p>NPHS-NM encourages the use of the Urban Design Guide as a tool to achieving positive design outcomes that benefit public health and wellbeing. In addition, utilisation of the Urban Design Panel could further achieve a well-functioning urban environment.</p>	
<p>6.9.20 Methods of Implementation</p> <p>6.9.20.4 Traffic</p>	<p>Support in full</p> <p>Integrated Transport Assessments can bring together all parties with an interest in transport effects, including local and regional Councils, road controlling authorities and developers to discuss and resolve issues together. Transport connects us to healthcare services, education, whānau, community, shops and recreation.</p> <p>NPHS-NM supports transport networks that have good connectivity and integration into existing networks. For example; development of the road network needs to connect key growth areas with key public facilities such as the healthcare and education facilities, community hubs etc. It is important that the road network can accommodate public and active transport within these areas i.e. wide enough to have separated cycle lanes, bus lanes, room for mobility scooters etc.</p> <p>NPHS-NM encourages further expansion of the bus network, as development occurs, to enable people to get to where they need to go in and around Motueka itself.</p> <p>Given the proximity of the plan change to Motueka High School and the expected increase in traffic generated by future development in the plan change area, a safe route to the high school is recommended.</p> <p>Furthermore, this could strengthen the ‘improved pedestrian connectivity’</p>	<p>Consider</p> <p><i>A safe route to Motueka High School for example: A pedestrian/cycle crossing/median across Whakarewa St from the plan change area to Motueka High School.</i></p> <p><i>Expanding the public transport network.</i></p>

	desired from the proposed walkway in the plan change area to Whakarewa St.	
<p>16.3.3.3 (38) 17.1.3.3 (13) 17.1.3.4B (13)</p> <p>In the Motueka West Compact Density Residential Area south of Whakarewa Street the effects on sites of cultural significance to Māori.</p>	<p>Support in full</p> <p>As stated in the section 32 report, the plan change site is recognised as a site of cultural significance identified as Te Mara. Māori have a kinship relationship to the whenua (land) which is central to hauora (wellbeing). Due to colonisation, the commitments of Te Tiriti o Waitangi have not been honoured, rights to self-determining over taonga have not been upheld which has had major impacts on health outcomes for Māori. These processes continue to have negative intergenerational impacts on Māori equity and wellbeing. NPHS-NM supports the feedback from iwi to include this provision.</p>	Approve
<p>17.1 Residential Zone Rules</p> <p>17.1.2.3A Controlled Activities (Papakainga Development) - Specified Location: Motueka West Compact Density Residential Area</p>	<p>Support in full</p> <p>This provision for tangata whenua to have opportunities to manage their ancestral land and resources in a sustainable manner allows for Tino Rangatiratanga (self-determination, authority), encompassed in Article 2 of Te Tiriti o Waitangi. This is critical to support the decolonisation of our natural and built environment and work towards oritētanga (equity) and pae ora (healthy futures – see Appendix 1). Oritētanga is encompassed in Article 3 of Te Tiriti o Waitangi, and requires the Crown to commit to achieving equitable outcomes for Māori.</p> <p>Papakāinga have the ability to foster wellbeing through providing intergenerational housing that supports the continuation of Māori traditions</p>	Approve

	<p>and culture such as access to mahinga kai, māra, and mātauranga Māori⁴.</p> <p>The ability to pass down knowledge intergenerationally through collective participation in activities that connect whānau to their whenua is vital to a range of cultural outcomes, such as te reo Māori revitalisation⁵.</p>	
<p>17.1 Residential Zone Rules</p> <p>17.1.3.3 Controlled Activities (Building Construction or Alteration — Compact Density Development)</p> <p>Outdoor Living Space</p>	<p>Support in part</p> <p>A reduction in outdoor living space may limit households' ability to have their own gardens and grow kai. NPHS-NM noted the outcome in the Section 32 Report: <i>providing for increased reserve land area to offset the smaller private spaces generally associated with higher density living</i>. NPHS-NM fully supports increased reserve land. Integrating green spaces into urban development helps with: temperature and flood control, air quality and carbon sequestration⁶. In addition, green spaces support wellbeing, encourage social connection, play and recreation.</p> <p>NPHS-NM would support any exploration of how reserve land and other appropriate spaces could be utilised to support food security. This is especially relevant given the land is 'highly productive' and the potential impact of climate change on food resilience. The World Health Organisation defined food security as existing when: <i>all people have physical, social, and economic access to sufficient, safe, and nutritious food that meets their dietary needs and food preferences</i>. In 2018 it was reported that approximately 14% of the Aotearoa New Zealand population</p>	<p>Consider</p> <p><i>How is the 'highly productive land' being utilised to support food resilience for the community? For example through: mahinga kai, maara kai, community gardens, planting of edible trees etc.</i></p>

⁴ Public Health Agency. 2022. Principles for Healthy Urban Development. Wellington: Ministry of Health.

⁵ Stats, N. Z. (2021). *It's about wellbeing – people and place are important for Māori housing*. <https://www.stats.govt.nz/news/its-about-wellbeing-people-and-place-are-important-for-maori-housing/>

⁶ Chapter 4: Working with nature. (2022). In Emissions Reduction Plan. Ministry for the Environment - Manatū Mō Te Taiao.

	<p>are 'Food Insecure'⁷. Households in neighbourhoods with higher levels of deprivation were less likely to be food secure, as were Māori and Pacific households⁸. Motueka West is a high deprivation area (see figure 4 Appendix 2), and data shows that hardship assistance grants are increasing across the region (Figure 8: appendix 2) which may indicate a rise in food insecurity. Adequate open space for community projects such as growing food improves people's access to nutritious, locally grown food. This improves food security, reduces food miles, the need for health care and greenhouse gas emissions.</p> <p>Participation in gardening also enables integration within communities which can have a follow-on effect on social and cultural cohesion and a reduction in inequalities⁹. In addition, the provision of local composting food waste collection and disposal also reduces waste to landfill and can reduce carbon emissions.</p>	
<p>17.1 Residential Zone Rules</p> <p>17.1.3.3 Controlled Activities (Building Construction or Alteration — Compact Density Development)</p>	<p>Support in part</p> <p>NPHS-NM noted no mention of a minimum permeable surface area within the Tasman Resource Management Plan (TRMP).</p> <p>Adequate provision of permeable surface area is important, especially where density increases, and outdoor living space reduces. Permeable surfaces help reduce stormwater loads on the pipe infrastructure by absorbing or detaining rainwater. Urbanisation leads to increased</p>	<p>Add</p> <p><u>Permeable landscaped area:</u> <u>Buildings are permitted where at least 30% of the site is maintained as permeable landscaped area.</u></p>

⁷ FAO, IFAD, UNICEF, WFP, & WHO. (2019). The state of food security and nutrition in the world 2019. Rome: FAO. Retrieved from <https://www.unicef.org/reports/state-of-food-security-and-nutrition-2019>.

⁸ Ministry of Health. 2010. A Focus on Nutrition: Key Findings of the 2008/09 New Zealand Adult Nutrition Survey, page 259-273

⁹ Earle, M. D. (2011). Cultivating health: community gardening as a public health intervention (Thesis, Master of Public Health). University of Otago. Retrieved from <http://hdl.handle.net/10523/2078>

	<p>stormwater volumes and peak flows as vegetation is removed and soils are compacted or covered by impervious surfaces such as roofing, asphalt and concrete, which do not absorb water¹⁰. According to BRANZ, to be effective, permeable surfaces typically need <u>at least 30%</u> void space¹¹. Noted other councils are using 30% such as Waipa district council, Queenstown Lakes District Council and Invercargill City District Plan.</p>	
<p>Section 32 Report</p> <p>3.2.3 Seismic Risk</p>	<p>Support in part</p> <p>NPHS-NM noted seismic liquefaction is possible in the plan change area due to the underlying geology. This is important to note as liquefaction can impact health and wellbeing.</p> <p>NPHS-NM found no mention of further assessments being required or mention of liquefaction under the TRMP. This may be due to it being covered off under the building code consenting process. To mitigate liquefaction-related risk, NPHS recommends further liquefaction assessments as part of the planning and consenting process for any intensification of land use or buildings in this area. In addition, it is important to consider the wider health impacts of liquefaction beyond damage to the built environment. Liquefaction silt has the potential to cause health effects through contact with contaminated liquefaction silt</p>	<p>Add</p> <p>Additional liquefaction assessment as part of the planning and consenting process.</p>

¹⁰ The National Institute of Water and Atmospheric Research. (n.d.). Stormwater - an introduction. NIWA Taihoro Nukurangi. <https://niwa.co.nz/freshwater/stormwater-management/stormwater-an-introduction>

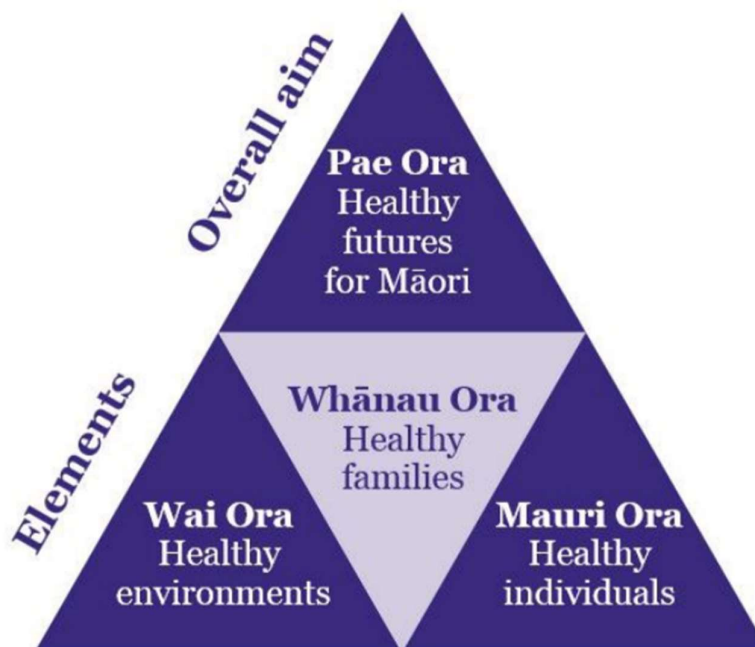
¹¹ Dunn, S., & Bailey, Katie (Registered NZILA Landscape Architects). (2010). PERMEABLE SURFACES. <https://www.buildmagazine.org.nz/assets/PDF/Build120-28-DesignRight-PermeableSurfaces.pdf>

	and from the inhalation of fine liquefaction silt dust ¹² . Refer to this document for guidelines Liquefaction Silt - Released (health.govt.nz) .	
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¹² The Institute of Environmental Science and Research (ESR). (2011). *Liquefaction silt: The Health Context*. https://www.health.govt.nz/system/files/documents/pages/liquefaction-silt_0.pdf

Appendix 1: Public Health and Wellbeing:

The urban environment is a determinant of health and wellbeing, and well thought out urban design can protect and promote health, and improve health, equity and disability outcomes. The Ministry of Health's 2022 Principles for Healthy Urban Development sets Pae Ora (healthy futures for allⁱⁱ) as the vision for healthy urban development. Pae ora is a holistic concept that includes three interconnected elements: mauri ora (healthy individuals), whānau ora (healthy families) and wai ora (healthy environments) (Figure 1). These three elements are mutually reinforcing and strengthen improvements in health outcomes over time⁴.



Source: Ministry of Health (2019b)

Figure 1: He Korowai Oranga Framework.

The *Principles for Healthy Urban Development* outlines four inter-related principles to consider in urban development processes to achieve pae ora and thriving outcomes for our communities: The principles are:

- healthy, safe and resilient communities
- wai ora – healthy environments
- equity
- mitigating and adapting to climate change⁴.

When done well, the benefits of housing intensification and a more compact urban form on the public health and wellbeing of current and future generations are evident through a positive impact on the determinants of health (see Appendix 2) such as; equitable access to healthy, affordable and diverse housing, access of sunlight entering a home and outdoors space, access to open green spaces, food security, adequate privacy, noise mitigation, accessible design, increased connectivity to essential services like education, healthcare through good public and active transport infrastructure, promotes social cohesion and spatial equity.

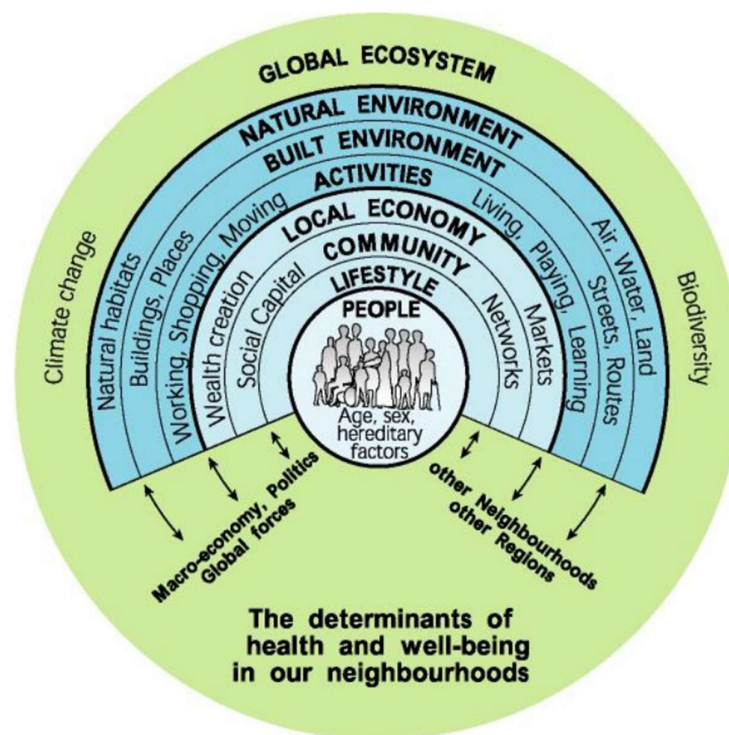
However, housing intensification that is not 'done well', could negatively impact the public health and wellbeing of current and future generations and increase inequities through a negative impact on the determinants of health such as; lack of affordable, accessible and diverse housing, lack of sunlight entering a home and outdoor space, reduction in open green spaces and biodiversity, food insecurity, inadequate privacy, harmful light and noise exposure, wind tunnelling, inaccessible design, lack of services and infrastructure, social isolation and spatial inequity.

Acclaimed global architect Buchan puts it simply, *'People require a basic quality of life, which is access to outdoor spaces, sunlight, privacy and peace. If we forget those, we do that at our peril into the future. We need to think about designing apartments that have high amenity, flexibility and create vibrant communities urgently, before it's too late'*¹³.

¹³ Design critical to NZ housing intensification. (n.d.). ArchitectureNow. Retrieved October 19, 2023, from <https://architecturenow.co.nz/articles/design-critical-to-nz-housing-intensification/>

Appendix 2: The Determinants of Health and Monitoring:

The determinants of health are a range of personal, social, economic and environmental factors at different levels that influence health and wellbeing. 80% of these determinants sit outside our health system. Figure 2 below provides a broad overview of the determinants of health and wellbeing in our neighbourhoods.



Source: Barton and Grant (2006)

Figure 2: Determinants of health and wellbeing in our neighbourhoods.

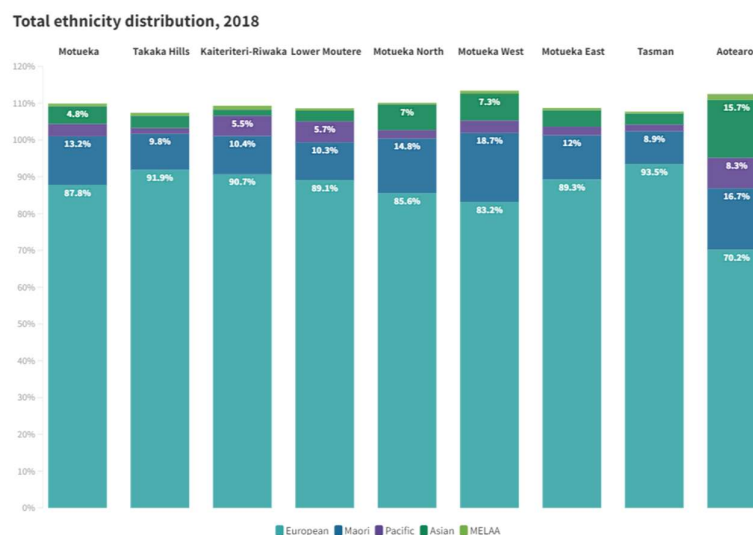
The [‘Greater Motueka Community Profile’](#), created by a Nelson Marlborough Te Whatu Ora data analyst contains data on some of the wider determinant's health in Motueka relevant to this plan change such as: population demographics and projections, levels of deprivation, rurality and social vulnerability indicators (housing, social connectedness, hazard and economic resilience). The link above takes you to the interactive profile – by hovering your mouse over the graphs you can change the graphs by population group, location etc. The figures below are screenshots from this profile showing some of the graphs.

Monitoring this data overtime (like the ‘monitoring’ section under 6.9.20) can help us to see patterns relating to our relationship with the environment we live in. Additional indicators could be added to the Tasman Resource Management Plan such as those outlined in the ‘Greater Motueka Community Profile’ which align to the purpose of the RMA: ‘to *enable people and communities to provide for their wellbeing and for their health and safety*’. This could strengthen monitoring by providing a more holistic picture. Contact NPHS-NM if you would like our input to explore this further.

Total ethnicity

Greater Motueka has more ethnic diversity than other regions in Tasman. In 2018, 88% identified as European and 13% identified as Māori.

In fact, Motueka West had a higher proportion of Māori residents (19%) compared to the national average (17%).



Source: StatsNZ 2018 Census • Total ethnicity means a person may select more than one ethnicity.

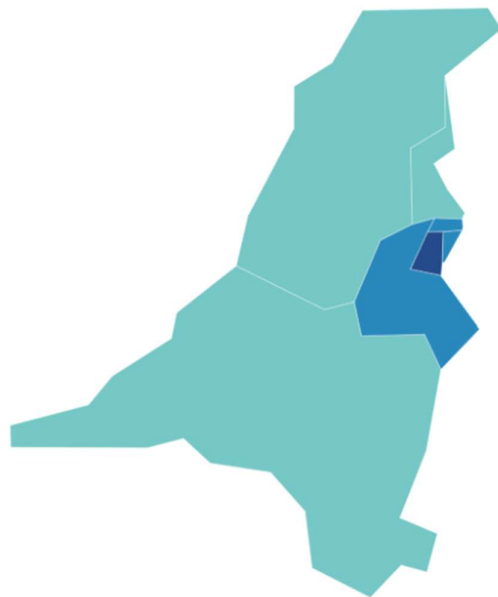
Figure 3: Total ethnicity

Deprivation

Greater Motueka NZ Deprivation Index 2018

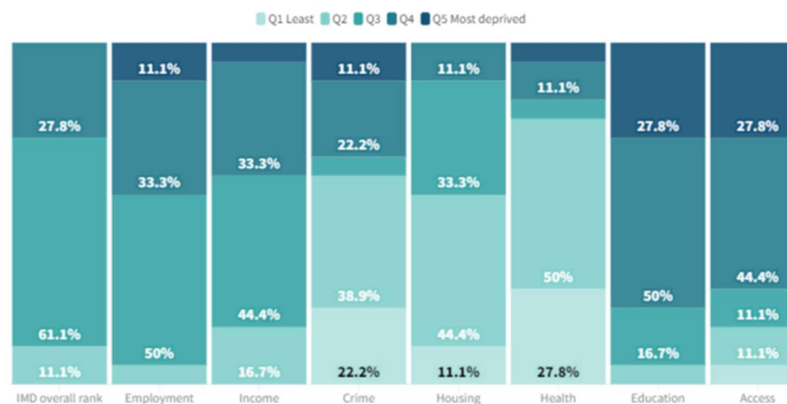
SA2 regions by NZDeprivation Index 2018 Decile. 10 = most deprived.

< 5 5-6 6-8 ≥ 8



Map: Te Whatu Ora Nelson Marlborough • Source: NZ Deprivation Index 2018 • Map data: Stats NZ • Get the data • Embed
Created with Datawrapper

2018 New Zealand Index of Multiple Deprivation (IMD18)



Source: 2018 New Zealand Index of Multiple Deprivation (IMD18); Indicators for social and health research in NZ

The New Zealand Index of Multiple Deprivation (IMD) measures deprivation at the neighbourhood level using custom-designed data zones (on average a data zone has a population of 761 people). The IMD consists of seven domains of deprivation (income, employment, crime, housing, health, education, and access to services) and includes 28 indicators which have been created using routinely-collected data from government agencies, as well as census data.

Te Whatu Ora
Health New Zealand
Nelson Marlborough

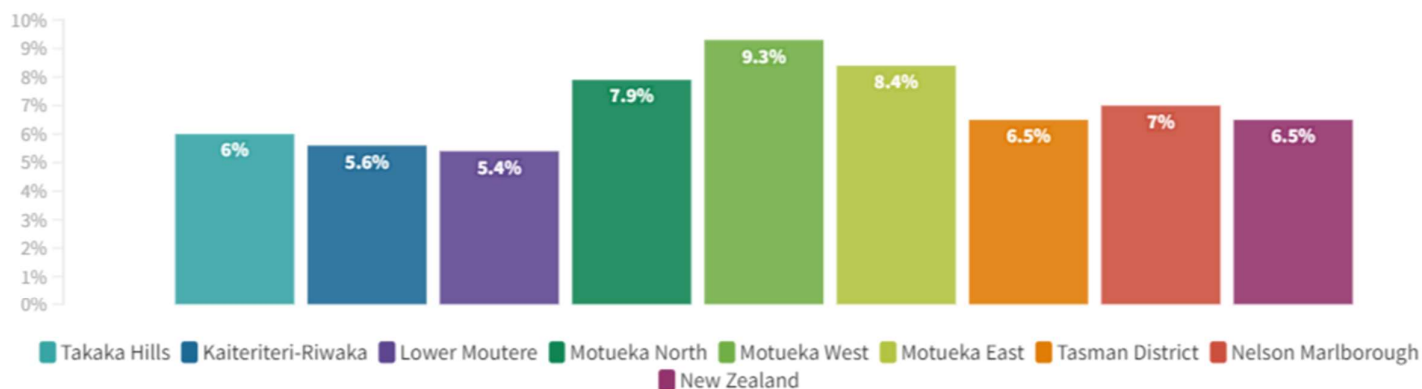
Figure 4: Deprivation - Motueka West is the dark blue area on the left-hand map indicating it is a high deprivation area. Higher levels of socioeconomic deprivation are associated with worse health¹⁴.

¹⁴ Socioeconomic deprivation profile. (n.d.). Environmental Health Intelligence New Zealand. <https://www.ehinz.ac.nz/indicators/population-vulnerability/socioeconomic-deprivation-profile/>

Populations of interest

Social vulnerability indicators (2018) - Populations

% population aged 0-4 years	% population aged 0-14 years	% population aged 5-14 years	Households with at least one child aged 0-4 years
Households with at least one child aged 0-14 years	% population pregnant (proxy)	% population aged 65+ years	
% population aged 75+ years	% population aged 85+ years	Households with an older adult (65+ years) living alone	
% population with a disability			

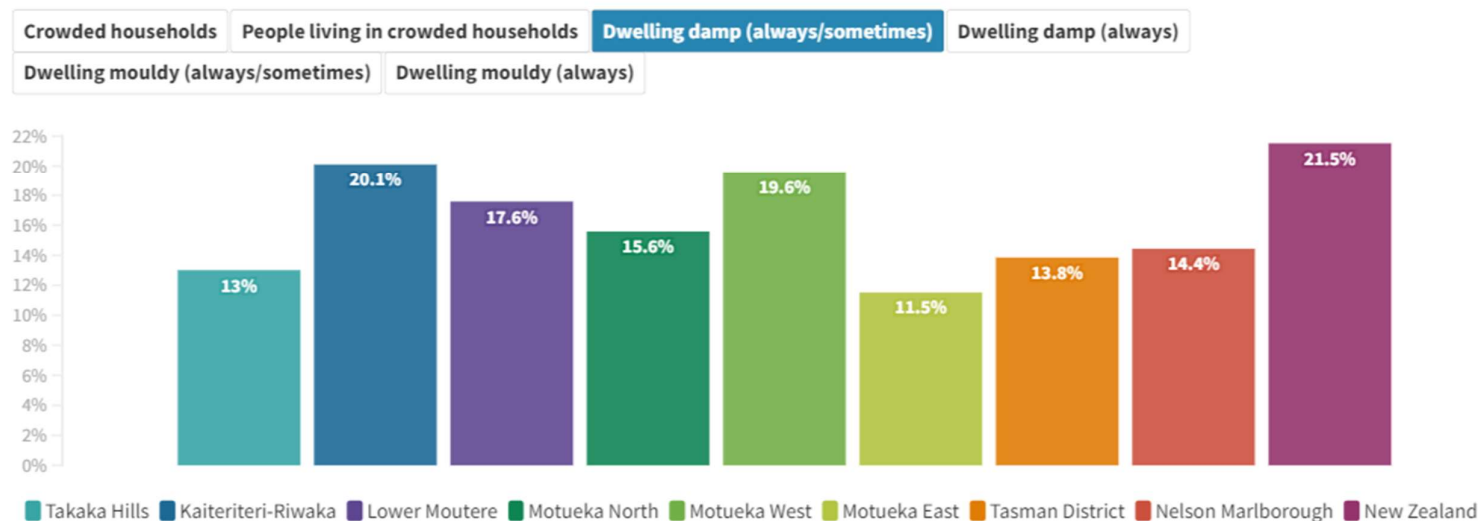


Source: [StatsNZ 2018 Census](#) • Total ethnicity means a person may select more than one ethnicity.

Figure 5: Populations of interest - Motueka West has the highest number of people with a disability in the greater Motueka area.

Housing

Social vulnerability indicators (2018) - Safe, secure and healthy housing



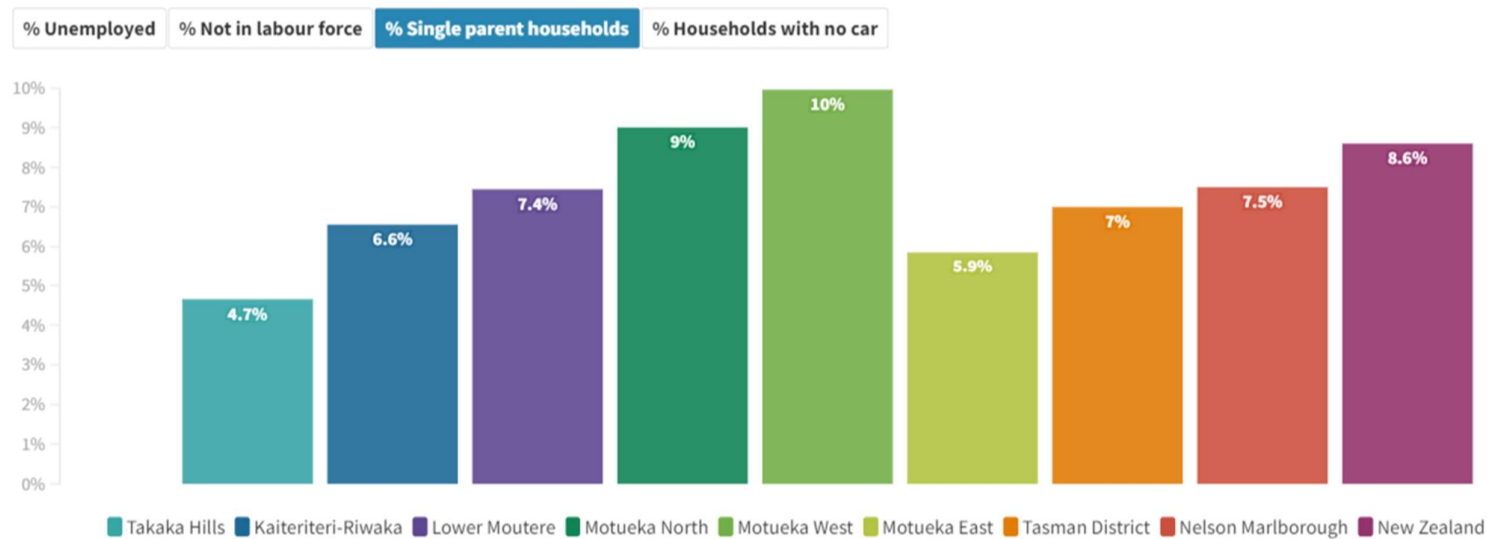
Source: [StatsNZ 2018 Census](#) • Total ethnicity means a person may select more than one ethnicity.

Figure 6: Housing - 19.6% of people living in the Motueka West area live in a dwelling that is always/sometimes damp. Damp housing is linked to the onset and worsening of respiratory issues (asthma, respiratory tract infections, chronic respiratory disease etc)¹⁵.

¹⁵ About the indoor environment and health. (n.d.). Environmental Health Intelligence New Zealand. <https://www.ehinz.ac.nz/indicators/indoor-environment/about-the-indoor-environment-and-health/>

Economic resilience

Social vulnerability indicators (2018) - Having enough money to cope with crises and losses



Source: [StatsNZ 2018 Census](#) • Total ethnicity means a person may select more than one ethnicity.

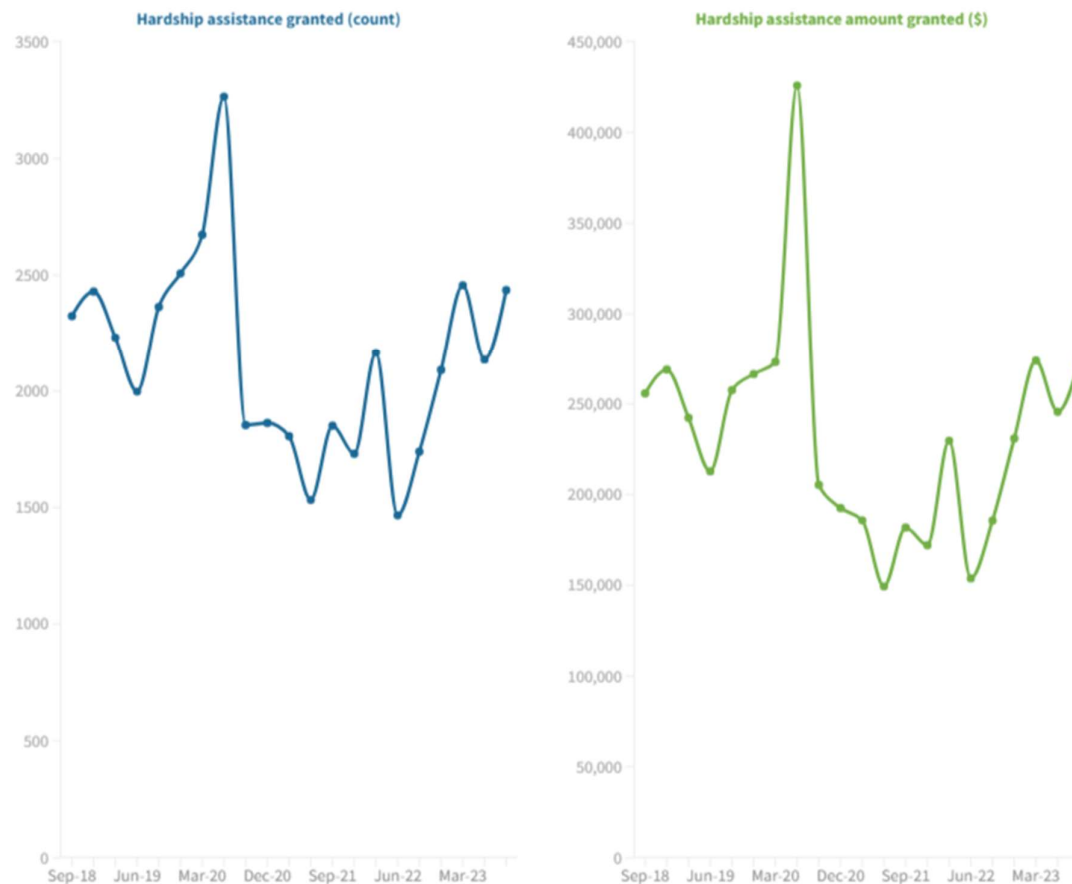
Figure 7: Economic Resilience – 10% of households in Motueka West are single parent households, this is greater than the national average (8.6%). Evidence suggests that sole parents experience higher rates of poor health outcomes¹⁶.

¹⁶ Krassoi Peach, E. and J. Cording, (2018), Multiple disadvantage among sole parents in New Zealand, Social Policy Evaluation and Research Unit, Wellington.

Food security

The greater Nelson region for MSD covers the entire Top of the South region, including Motueka. The latest available benefits factsheets show that the COVID-19 lockdown had a massive impact on food security. In the past year, hardship assistance grants for food have increased across the Nelson region. This may indicate a once again rising food insecurity issue within the region.

Hardship assistance grants - Food



Source: MSD Benefits Factsheets

Figure 8: Food Security - hardship assistance grants are increasing across the region which may indicate a rise in food insecurity.

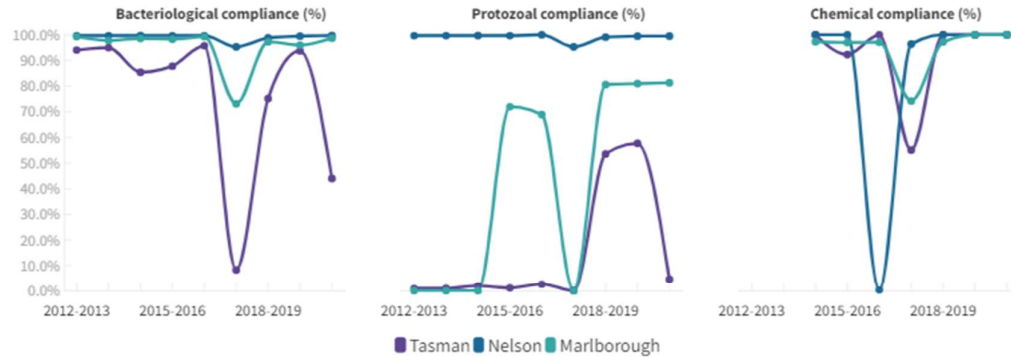
Water

The greater Tasman district has lower compliance to Ministry of Health's access to safe drinking water than neighbouring Nelson City and Marlborough District.

The groundwater quality in Tasman appears to be improving overall, with the exception of dissolved reactive phosphorous contamination, which shows that one-third of the regions monitored in the district are very likely degrading.

Access to safe drinking water

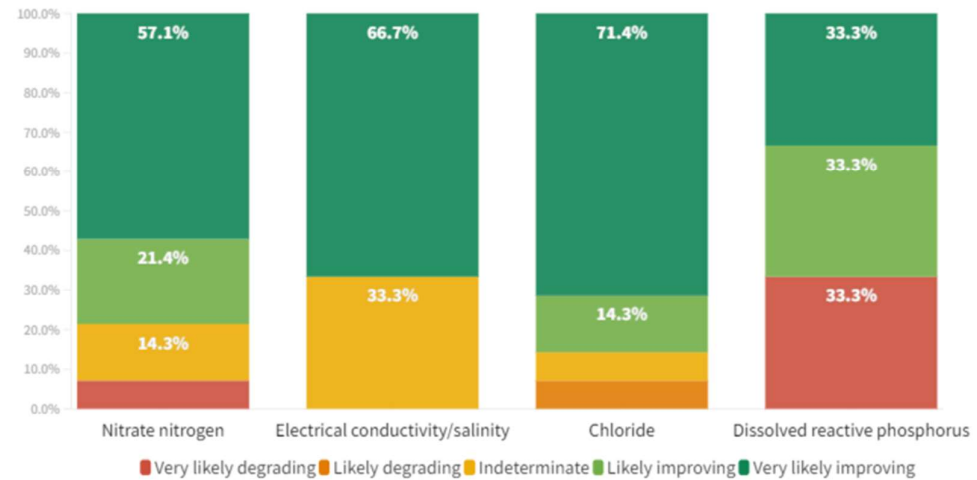
Proportion of the population whose drinking water met the Ministry of Health's compliance for safe drinking water over time.



Source: [EHINZ & NIWA](#) • 2012-2021

Te Whatu Ora
Health New Zealand
Health Marlborough

Groundwater quality



Source: [LAWA](#) • 2021

Te Whatu Ora
Health New Zealand
Health Marlborough

Figure 9: Water

Conclusion

NPHS-NM thanks Tasman District Council for the opportunity to comment on Plan Change 80.

Ngā mihi,



Vince Barry

Regional Director Public Health Te Waipounamu
National Public Health Service

ⁱ An accessible building is one which people with disabilities can use in the same way as anyone else.

ⁱⁱ All¹ includes Māori, Pacific peoples and all other ethnicities, women, children, parents and caregivers, older people and people with disabilities and the LGBTQ community.

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

Return your submission by the advertised closing date to:

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

OFFICE USE

Date received stamp:

Note:

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

Initials: _____

Submitter No. _____

Submitter Name: Wakatū Incorporation

(organisation/individual)

Representative/Contact: c/o Hayden Taylor, Planscapes (NZ) Ltd

(if different from above)

Postal Address:

Planscapes (NZ) Ltd
PO Box 99 Nelson 7040

Phone: 0210712209

Fax: _____

Email: hayden@planscapes.co.nz

Date: 5/2/2024

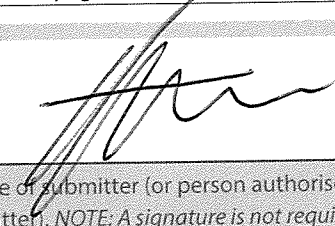
Postal address for service of person making submission:

(if different from above)

Wakatū House
28 Montgomery Square
PO Box 440
NELSON

Total number of pages submitted (including this page): 6

Signed:


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

IMPORTANT – Please state:

This submission relates to Change No.: 80

Change Title/Subject: Motueka West

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

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

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

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

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

(tick one) Yes No

05/19

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

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET

Sheet No.

of

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

OFFICE USE Submitter Number:

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

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

OFFICE USE:
Submission No.

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

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

17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:
Please see attached document	Please see attached document	Please see attached document



Te Kaunihera o
te tai o Aorere

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

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

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

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

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

Ref 2307 Wakatū PC80

5 February 2024



Tasman District Council
Private Bag 4
RICHMOND 7050

Attn: Anna McKenzie

Dear Anna

RE: Proposed Plan Change 80 - Submission on behalf of Wakatū Incorporation

Introduction

1. This is a submission prepared by Planscapes (NZ) Ltd on behalf of the Wakatū Incorporation on Plan Change 80: Motueka West ('the Plan Change'). Wakatū Incorporation own the land subject of the proposed plan change. Wakatū Incorporation is a Māori Incorporation pursuant to Te Ture Whenua Māori Act 1993. Based in Whakatū Nelson, New Zealand, Wakatū Incorporation has approximately 4,000 shareholders who are those families who descend from the customary Māori landowners of the Whakatū, Motueka and Mohua (Golden Bay) regions – Te Taihū.
2. Wakatū Incorporation wish to be heard in support of their submission and would be prepared to consider presenting their submission in a joint case with others making a similar submission at any hearings.
3. Wakatū Incorporation is not in a position to gain an advantage in trade competition through this submission, as they are the owner of the site.
4. Wakatū Incorporation supports the general intent of the Plan Change and supports in part specific aspects/ provisions of the Plan Change. Wakatū Incorporation seek amendments to specific aspects/ provisions of the Plan Change as detailed below.

Proposed Update Map 74/1

5. Wahanga 2017 Limited Partnership currently have resource consent applications before Council for a 'superlot' subdivision of the land subject of this Plan Change, and associated consents. Proposed Update Map 74/1 was prepared to reflect the roading alignment and reserve provision of this proposal, which was at concept stage at that time. Minor amendments have now been made to the concept proposal, during the resource consent process, and it is requested that Proposed Update Map 74/1 be updated to reflect the current plans as shown in Figure 1 below:



Figure 1: Proposed scheme plan showing road and reserve layout.

6. The changes are:
 - a. The western part of the east-west aligned road through the site has been shifted slightly further to the south, now adjoining the south boundary of Part Lot 2 DP 2439/ the northern boundary of Lot 1 DP 3422. ***It is requested that the indicative road alignment on Proposed Update Map 74/1 be adjusted to reflect the current proposal layout.***
 - b. The indicative reserve area shown on the Proposed Update Map 74/1 incorporates both recreation reserve and stormwater reserve elements of the current development proposal. The layout of the reserve has also altered slightly. ***It is requested that Proposed Update Map 74/1 be amended to reflect the current layout, and also to only reflect the extent of the proposed recreation reserve (not the stormwater reserve as well).***

Chapter 6 – Urban Environment Effects

7. Issue 6.9.1.10, Policy 6.9.3.16 and Method of Implementation 6.9.20.4 address potential adverse traffic and safety effects of the Motueka West Development Area on the SH60 (High Street) / Whakarewa Street / Woodland Avenue intersection and wider effects across the transport network, and require that such effects are assessed through an Integrated Transportation Assessment (ITA), presumably at resource consent stage, which identifies any required mitigation of these effects, and timing of implementation of this mitigation.
8. Wakatū are concerned that the implication behind these provisions is that the requirement for assessing and mitigating effects on this intersection falls to the developer. The genesis of Plan Change 80 and the current resource consent application by Wahanga 2017 Limited Partnership lies in an Infrastructure Acceleration Fund (IAF) agreement between Kāinga Ora

(KO), Wahanga 2017 Limited Partnership, Proprietors of Wakatū and Tasman District Council (TDC). As part of this agreement TDC are to receive funding to provide the necessary enabling infrastructure to unlock and/ or accelerate housing development on the subject land. This includes three waters and transportation infrastructure upgrades. Specifically, funding was provided for Council to upgrade the Manoy Street/ Whakarewa Street intersection. It is the Submitter's view that, in rezoning the subject land for more intensive development, it is the responsibility of Council to identify and provide for the necessary enabling infrastructure, either through its Long Term Plan, or otherwise. The current TRMP provisions relating to subdivision and development already require consideration of the traffic effects of development as part of a resource consent process, and it is considered unnecessary to include additional provisions in respect of this matter.

9. **Consequently, Wakatū seek the removal of Issue 6.9.1.10, Policy 6.9.3.16 and Method of Implementation 6.9.20.4 from the proposed Schedule of Amendments.**

Chapter 17 – Zone Rules

10. Rule 17.1.3.3 relates to building construction. This provides for buildings as a controlled activity, where accompanied by a subdivision application, and subject to various other conditions. It is understood that the intent of this rule is that all consents (land use and subdivision) are sought together to enable the development to be considered as a whole, and this intent is supported. However, if no subdivision is proposed then this should not result in a more restrictive activity status. Wakatū envisages a variety of comprehensive development typologies within the plan change area, and not all of these would involve further subdivision beyond the 'superlot' stage for which consent is currently being sought. **It is requested that the rule wording is amended to also provide for buildings as a controlled activity where no subdivision is proposed. Suggested changes are detailed at (12), below.**
11. Rule 17.1.3.3, condition (g) relates to the application of boundary controls to external boundaries. It is understood that the intent of this condition is that, where new development adjoins existing 'standard' density development, then 'standard' setback and building envelope provisions would apply to those boundaries to protect amenity. More permissive setback and building envelope controls will apply (conditions (e) and (f)) to boundaries internal to the development. The Plan Change area differs from many other development sites in the region in that the land will remain in the ownership of the Proprietors of Wakatū in perpetuity, and Wahanga 2017 Limited Partnership will partner with other parties for development of the 'superlots' proposed within it and will retain a high level of control over the outcomes for these superlots. The intent of the differing internal/ external boundary control conditions is supported; however, it is considered that some minor amendments are required to ensure the two controls are applied appropriately within the Plan Change area. In other words, the 'external boundary' controls should only apply to the boundaries of the plan change area, not any internal superlot boundaries - irrespective of how they have been developed, or if they have been developed.
12. **As such, the requested changes to Rule 17.1.3.3 (as drafted in the Schedule of Amendments) are as follows:**

~~Where a resource consent application for compact density development subdivision Construction or alteration of a building on a site within an approved subdivision plan for a compact density development in the Richmond South, Richmond West and Mapua Special development areas and the Motueka West Compact Density Residential Area, as shown on the planning maps, has been lodged concurrently, the construction or alteration of a building on a site within that proposed subdivision is a controlled activity, if it complies with the following conditions:~~

Multiple Consents

(a) All buildings are or will be located within a site that has been approved as part of a compact density subdivision under rules 16.3.3.3, 16.3.3.4 or 16.3.3.7, where subdivision is proposed.

Note: Subdivision condition 16.3.3.3(a) requires that for compact density developments both the land use and subdivision consents are lodged with Council at the same time and assessed together. However, it is acknowledged that subdivision may not always be proposed as part of a compact density development.

[...]

External Boundaries

(g) All buildings at the boundary of every allotment comply with building envelope and setback rules of permitted activity conditions 17.1.3.1(m) – (o) and 17.1.3.1(q) – (v), under the following conditions:

(i) where the land adjoining the boundary is not part of the subdivision; or

(ii) where the land adjoining the boundary is not being developed as a compact density development, ~~–except;~~

(iii) for the Motueka West Compact Density Residential Area south of Whakarewa Street, this rule shall only apply to the external boundaries of the Compact Density Residential Area.

For the avoidance of doubt, this means that every boundary of the compact density subdivision complies with permitted activity conditions relating to bulk and location where it adjoins land that is either not part of the subdivision or is being developed to a permitted activity standard within the same subdivision proposal. For the Motueka West Compact Density Residential Area south of Whakarewa Street, it is intended that the more restrictive boundary controls apply only to the boundaries of the Motueka West Compact Density Residential Area, not any boundaries internal to this area, irrespective of whether they have been developed yet, or the nature of how they have been developed.

Note: The separation between developments of different densities may be achieved by using roads or reserves. This creates a clear delineation without losing amenity values or the inefficient use of land resources.'

Yours sincerely
PLANSCAPES (NZ) LTD



Hayden Taylor
Resource Management Consultant

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

5 February 2024

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

Submission via email: tasmanrmp@tasman.govt.nz

**KĀINGA ORA – HOMES AND COMMUNITIES SUBMISSION
ON PROPOSED PLAN CHANGE 80: MOTUEKA WEST
UNDER CLAUSE 6 OF SCHEDULE 1, RESOURCE MANAGEMENT ACT 1991**

This is a submission on Plan Change 80 (“PC80”) from Tasman District Council (“the Council” or “TDC”) on the Tasman Resource Management Plan (“the Plan” “TRMP”):

Scope of submission:

The submission relates to PC80 in its entirety. Kāinga Ora supports the notified Plan Change in Part, and seeks amendments as indicated below.

The Kāinga Ora submission is:

1. Kāinga Ora generally supports the intent of PC80 and has an interest in PC80 in how it enables housing supply and residential intensification, particularly with regard to properties west of High Street.
2. Kāinga Ora recognises that there is an acute need to provide new opportunities for housing in the region, and also provide for specific housing choice for subsets of the population.
3. Kāinga Ora supports PC80 where it enables compact residential development. It is the view of Kāinga Ora that the enablement of compact residential development will help

meet the growing housing needs of the district, as well as providing for alternative residential development patterns to what has traditionally been supplied in Motueka.

4. However, Kāinga Ora seeks amendments to the notified PC80 proposal in the following topic areas:
 - i. The extent of PC80, seeking an extension of the proposed Compact Density Residential Zone, as well as addressing the relationship with the need to spatially integrate with the existing urban environment and
 - ii. Amendments to the proposed changes to the policy framework to manage development in the district.
5. These changes are sought to provide for opportunities to enable residential intensification of existing residential properties in the adjacent area, which are appropriate for intensification including those properties owned by Kāinga Ora.
6. Tasman District is a Tier 2 Authority under the National Policy Statement for Urban Development (NPSUD). The NPSUD outlines how and where urban intensification should occur. Objective 3 and Policies 1 and 5 of the NPSUD identify areas suitable for intensification being:
 - a. close to town centres and community services and amenities;
 - b. Close to public transport routes; and
 - c. In locations where there is a housing demand, including demand for a variety of housing typologies.
7. Broadly, Kāinga Ora is seeking that; within areas surrounding the Motueka West Development Area (**MWDA**) and Motueka West Compact Density Residential Areas (**MWCDRA**) (namely sites owned by Kāinga Ora), urban infill intensification is also enabled. It is the view of Kāinga Ora that these adjacent areas would be appropriate for intensification due to their proximity to the town centre and main transport routes. Consistent with the NPSUD, Kāinga Ora also considers that infill development is an appropriate planning response to increase housing capacity and provide further housing choice in already developed areas.
8. Furthermore, Kāinga Ora notes that PC80 covers some of the area identified as T-190 in the Nelson/ Tasman Future Development Strategy 2022 (**FDS**) as an area for urban

intensification. It is therefore the view of Kāinga Ora that the intensification enablement sought by Kāinga Ora in this submission is supported by the Nelson Tasman FDS.

9. Kāinga Ora does not support the approach that has been taken in the proposed plan change, in that it has failed to consider spatially the wider area and the relationships of the existing area adjacent suitable for intensification, that could be delivered alongside the area proposed as MWCDRA. Matters including urban form, infrastructure, and transport could be addressed as part of this planning process in the name of efficiency and delivering a good quality urban form.
10. Further to Kāinga Ora submission points above, specific amendments sought can be found within **Appendix 1**. These points relate to changes to the policy framework.
11. **Appendix 2** identifies the proposed mapping changes sought in this Submission.

Kāinga Ora seeks the following decision from Tasman District Council:

That the specific amendments, additions or retentions which are sought as specifically outlined in **Appendix 1**, shown in red and are struck through or underlined, and **Appendix 2**, are accepted and adopted into the TRMP, including such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission.

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

Kāinga Ora seeks to work collaboratively with the Council and wishes to discuss its submission on PC80 to address the matters raised in its submission.

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

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


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

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

Appendix 1: Decisions sought on PC80

The following table sets out the amendments sought to PC80 and also identifies those provisions that Kāinga Ora supports.

Proposed changes are shown as ~~strike~~through for deletion and underlined for proposed additional text.

Table 11

ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
General					
1.	PC80	PC80 in its entirety	Support in Part	<p>Kāinga Ora considers that PC80 should go further to enable infill intensification in existing urban areas within close proximity to the Motueka town centre and main transport routes.</p> <p>The area that Kāinga Ora seeks to be included in PC80, includes some of the existing urban area identified in the FDS as an intensification area (T-190).</p>	<p>Extend the Motueka West Compact Density Residential Area (MWCDRA) to include additional sites.</p> <p>Ensure than provisions still enable policy support for urban infill and increased density.</p>
Policies					
1.	6.9.3	<p>Policy 6.9.3.3</p> <p><i>To enable further residential development west of Grey Street and south of</i></p>	Support in Part	Kāinga Ora is concerned that the amended policy wording could create an unintended ambiguity and potential unnecessary restriction on intensification which was	<p>Amend Policy 6.9.3.3 as follows:</p> <p><i>To enable further residential development west of Grey Street and south of Whakarewa</i></p>

ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
		<p><i>Whakarewa Street with opportunities for a higher density of development on sites within walking distance of the Motueka town centre and within the Motueka West Compact Density Residential Areas.</i></p>		<p>otherwise supported by the policy framework. The concern is that the addition of '<u>and within the Motueka West Compact Density Residential Areas.</u>', would restrict further residential development in those residential areas south of Whakarewa Street, as these would not be both within walking distance of the Motueka town centres and within the MWCDRA. Under the operative plan, policy 6.9.3 would provide a level of policy support for enabling higher density development in all residential areas between Grey/ Whakarewa Streets, where it was '<i>within walking distance of the Motueka town centre</i>'.</p>	<p><i>Street with opportunities for a higher density of development on sites within walking distance of the Motueka town centre, and including and within the Motueka West Compact Density Residential Areas.</i></p>

ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
				<p>It is also the view of Kāinga Ora, the notified drafting would be inconsistent with the NPSUD as it not only restricts what is already supported through the policy framework regarding development near to town centres, but also seeks a policy outcome which is contradictory to the NPSUD. Kāinga Ora recommends a simplified wording.</p>	
Methods of Implementation					
Principal Reasons and Explanation					
8.	6.9.30	<p><u>Urban expansion is provided for within the Motueka West Development Area to the west of High Street. Identified areas of higher density residential development are provided for within the Motueka West Compact Density Residential Areas to the</u></p>	Support in Part	<p>This amendment is sought in relation to the concerns raised in the Kāinga Ora submission on Policy 6.9.3.3.</p> <p>Kāinga Ora supports the non-notification clauses relating to the MWCDRA.</p>	<p>Amend 6.9.30 to read:</p> <p><u>Urban expansion is provided for within the Motueka West Development Area to the west of High Street and urban intensification is provided for in appropriate areas.</u></p>

ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
		<p><u>east of Kerei Street and south of Whakawera Street. These areas provide for compact density development to accommodate a range of housing choice to meet the current and future needs of the community.</u></p> <p><u>Non-notification (both public (s95A) and limited (s95B)) of Compact Density Development within the Motueka West Compact Density Residential Area south of Whakarewa Street applies to Restricted Discretionary Activity applications for subdivision and Controlled Activity applications for land use. This responds to the objectives and policies in the Tasman Resource Management Plan which:</u></p>			<p><u>Identified areas of higher density residential development are provided for within the Motueka West Compact Density Residential Areas to the east of Kerei Street and south of Whakawera Street. These areas provide for compact density development to accommodate a range of housing choice to meet the current and future needs of the community.</u></p> <p><u>Non-notification (both public (s95A) and limited (s95B)) of Compact Density Development within the Motueka West Compact Density Residential Area south of Whakarewa Street applies to Restricted Discretionary Activity applications for subdivision and Controlled Activity</u></p>

ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
		<p>i. <u>Seek efficient use of land and infrastructure,</u></p> <p>ii. <u>Encourage medium density housing development of a high standard in suitable locations,</u></p> <p>iii. <u>Seek a range of living opportunities and residential densities.</u></p> <p><u>The non-notification provision is used for Compact Density Development in the Motueka West Compact Density Residential Area south of Whakarewa Street because the structure of Compact Density Development rule 17.1.3.3 g) means that Compact Density Development along the external</u></p>			<p><u>applications for land use. This responds to the objectives and policies in the Tasman Resource Management Plan which:</u></p> <p>i. <u>Seek efficient use of land and infrastructure,</u></p> <p>ii. <u>Encourage medium density housing development of a high standard in suitable locations,</u></p> <p>iii. <u>Seek a range of living opportunities and residential densities.</u></p> <p><u>The non-notification provision is used for Compact Density Development in the Motueka West Compact Density Residential Area south of Whakarewa Street because the structure of Compact Density Development rule 17.1.3.3 g) means that Compact Density</u></p>

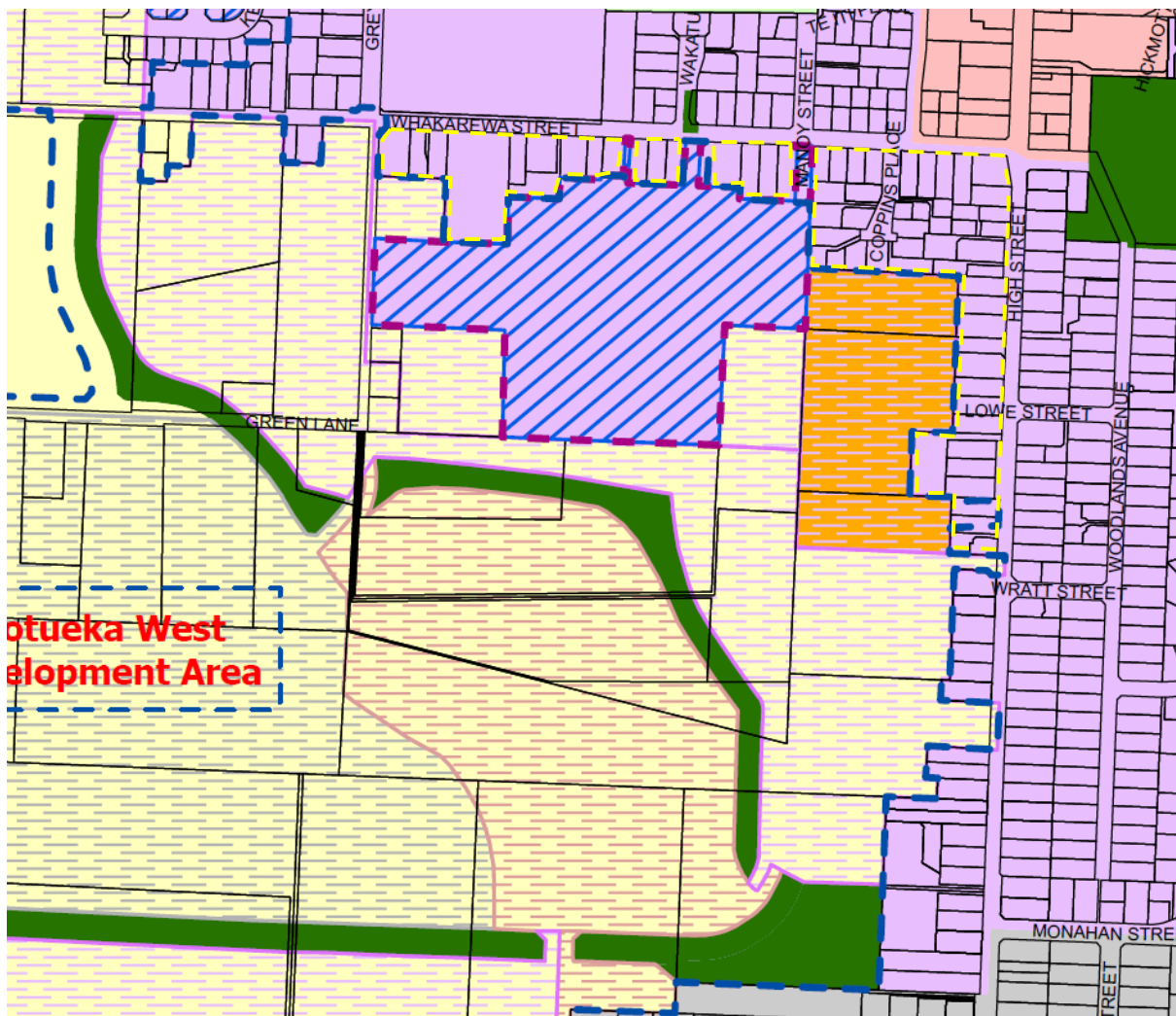
ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
		<p><u>boundaries of the development site must meet the standard permitted activity bulk and location criteria in the Tasman Resource Management Plan unless the land adjoining the specific boundary is being developed as a Compact Density Development. Therefore, any properties outside of the Compact Density Development will not experience a change in terms of the bulk and location of buildings from what could be developed under a permitted activity scenario in the Residential Zone.</u></p>			<p><u>Development along the external boundaries of the development site must meet the standard permitted activity bulk and location criteria in the Tasman Resource Management Plan unless the land adjoining the specific boundary is being developed as a Compact Density Development. Therefore, any properties outside of the Compact Density Development will not experience a change in terms of the bulk and location of buildings from what could be developed under a permitted activity scenario in the Residential Zone.</u></p>

Appendix 2: Maps

The following maps set out the amendments sought from Kāinga Ora to PC80.

Proposed changes:

Extension of the Motueka West Compact Density Residential Area is shown as a yellow dash line.



Submitter # 3452

Received 5.02.2024

David Ogilvie

From: "David Ogilvie" <d.ogilvies@xtra.co.nz>
Date: Sunday, 4 February 2024 10:36 PM
To: Anna McKenzie
Subject: Plan Change 80 ---Motueka West Development

Hello Anna,

This is a copy of my Report, comments and suggestions on the Plan Change 80—Motueka West Development Zoning Change.

Other than yourself, is there any other person or Company it needs to be sent to? If so, please let me know the person or Company, their email address, and I can forward it.

Will the Wakatu Incorporation be sent a copy?

Should an opportunity be available for a public presentation to a Hearing Panel or a Council Hearing Committee I am prepared to deliver my Report and to answer questions.

I'd be grateful if you would let me know any date and time for any Hearing. Also the date and time for when the Council or a Council Committee will debate and determine the matter.

Should there be any delays or variations in the Council process for the Plan Change, or any other factors, I'd appreciate being informed.

Regards,

David Ogilvie

Phone -0274-314-656

Email d.ogilvies@xtra.c.nz

Plan Change 80 : Motueka West

1. Residential Development on Highly Productive Soils

The Plan Change area consists of the highest quality, versatile productive soils i.e. Productive Land Classification Class A soils, according to the Council's mapping. This equates to LUC-1 under the National Policy Statement for Highly Productive Land (NPS-HPL).

The NPS-HPL demands local authorities to seriously consider the long-term economic impacts of development on LUC 1 areas – “to be protected now and for future generations”.

The Council's Section 32 analysis of the proposed Plan Change sidesteps this critical factor, relying instead on the T190 conclusion of the Future Development Strategy (FDS 2021 – 2022).

Actually, the FDS panel spent minimal time discussing T190 and this particular location.

The FDS noted the Rural 1 / Deferred Residential status for the area, and concluded the value of Highly Productive Land would be fully discussed and decided at the time of any Plan Change notification, which is now in 2024.

It should be noted that the FDS panel recommended against some proposed residential developments in Lower Moutere and in Tasman / Mariri, pointing out these areas had productive soils (LUC-2 and LUC-3) which needed to be protected for the future.

The importance of these soils for food production is without doubt. The economic benefits to Motueka, to Tasman district and even nationally are clear. The Plan Change area is of 8.75ha, but this is only the first stage of a re-zoning programme of these soils south towards King Edward Street, approximately 70 hectares.

The loss economically will be significant short and long term, surely requiring re-consideration as appropriate land for residential subdivision.

It does surprise that the Nelson Regional Development Agency (N.R.D.A.) has not expressed interest and concern relative to the NPS-HPL; even Port Nelson Ltd in the potential loss of resulting export trade, with horticultural produce.

The impact for the Port of the loss of high quality, productive soils with developments in Berryfields, the Meadows, McShane Road must be measurable?

Is it timely and appropriate to question the Wakatu Incorporation and the eight local iwi?

Is residential development on these precious soils, in association with an ample water supply, the long term objective of the Wakatu Incorporation and local iwi?

Wakatu ownership can be continued through the leasehold tenure system being suggested. The actual use of the land, the Kaitia Kitanga and associated Te Ao Maori values could be lost forever, however.

While the Council's planning managers have consulted with iwi over this Plan Change was this fundamental question asked:- are you as a Maori supportive of losing this land and what it means culturally and historically?

2. Ownership

One of the intriguing and unusual aspects of this Plan Change relates to the concept of Ownership.



It is standard practice that when a land owner develops / subdivides property, the property will progress over time:

- (a) to new owners (residents). Each resident per residential site (fee simple or freehold).
- (b) to the local authority to own and manage "community" areas e.g. roads, road reserves, parks / reserves, and infrastructure.



This Plan Change and proposed subdivision of 7.85ha (approx 200 – 250 housing sites) will remain, almost totally, in the ownership of the current existing land owner – Wakatu Incorporation.

- (a) The 200 – 250 housing sites (other than a papakainga area) will be "leased" to each new resident. The "lease" applies to the land area, and not to the dwelling, fences, driveways and other "built improvements". A current annual lease of 4% on a \$350,000 section is \$14,000. A lease is based on the land value of the particular section, and is reviewed every seven years.

3

- (b) The "community" areas will remain in the ownership of Wakatu Incorporation, not the Council.

The Plan Change reports do not indicate any "leasing" provision for these, particular terms, conditions, or costs.

This unusual non-market ownership experiment needs to be carefully considered by the Council. The Council may require "ownership" variations to meet its own needs of governance and management.

- (a) In effect, the Council is delegating governance to Wakatu Incorporation:

The Council's role and involvement with the community is reduced. There is a "3rd party" in the normal relationship with residents in discussing / determining "public good" matters. Urban planning; social housing; walking / cycling strategies; streets for people; transport choices. These and similar programmes will be limited and the sense of community with the Council distorted.

- (b) The practical, daily operational management of roads, parks / reserves, infrastructure will be difficult, and require frequent consultation with Wakatu Incorporation.

Moreover, the value of the infrastructure, as it is depreciated, will not be offset by any increase in related land values.

- (c) Risk management factors. In an emergency (Earthquake, Flood, Sea Level Rise, Wild Fires) how will the responsibility between Council and Wakatu be shared?

What insurance or emergency management fund is planned?

Suggestions

- (a) Within the subdivision there be a "split" of fee-simple (Freehold) and Leasehold sections. This could be a 50 / 50 split, or as determined.
- (b) With regards to all infrastructure, community ownership and regulation is important. For domestic water, wastewater, storm water, electricity and fibre providers (private and public) public regulation is required.

(4)

The Council (i.e. Tasman District Council) to have absolute ownership of the roads, road reserves, berms, footpaths, cycleways, parks and reserves. Similarly, with ownership of underground pipes (e.g. three waters).

The public interest for Council ownership is overwhelmingly compelling. The Council as the Local Authority involved should demand this of the Developer.

Approval of the Plan Change to depend on this.

Note

- (a) The “ownership” concerns relate to all “non-govt” developments, whether the Developer is a private or public company or Wakatu Incorporation or similar group.
- (b) The proposed Plan Change 80 relates to an 8.75 hectare development which is likely to be an initial development of the sizeable area south of Whakarewa Street leading towards King Edward Street in Motueka, approximately 70 hectares.

3. Reserve:- Motueka Swimming Pool

The Plan Change Update Map (May 2023) shows an Indicative Reserve of 1.5 to 2.5 hectares.

Across Grey Street, adjacent to the Plan Change area and also within the Motueka West Development area is land suitable for the proposed Motueka Swimming Pool.

It is close to Motueka High School and also close to the recently developed Pukekohatu subdivision (off Grey Street) exceeding 100 dwellings.

There is an opportunity for the Council to collaborate with the Wakatu Incorporation relative to the Council’s Development Impact Contributions policy for Reserves.

The Wakatu Incorporation would satisfy its Reserves DILs contribution by “gifting” this area for the Swimming Pool project.

4. Natural Hazard – Stormwater Discharge

5

Natural Hazards: Stormwater Discharge

In its analysis, the Property Group states "storm water is a significant constraint for development in Motueka. Existing storm water drains in the area are already at capacity".

This constraint should not be under-estimated. Currently, a heavy rain event (over 40mm in 24 hours) has storm water from the Plan Change area regularly affecting dwellings for 150metres along High Street, between Lowe Street and Wratt Street. (Events in August 2022; July 2022; May 2023).

The Long Term Plan (2021 – 2031) has plans for a culvert under High Street for "temporary" land drains. Consultation with iwi and property owners of High Street, Lowe Street, Wratt Street, and Woodlands Avenue are continuing, with some property easements now determined.

The proposed culvert now at a design stage and the programme likely completed during 2024 – 2025.

The discharge from this rural land will be to the Woodlands Drain, itself at near capacity during rain events. The Drain services a sizeable area, including Motueka High School and New World with their considerable roofs and hard-surface areas.



The likely 200 – 250 sections presents a serious Engineering challenge in managing the discharge. The numbers demonstrate the challenge when measured against some recent heavy rain events.

A 400m² section and rainfall of 40mm in 24 hours produces 12m³ of storm water.

The 250 sections will produce 3000m³.

Since April 2013, there have been four occasions of a heavy rain event, exceeding 70mm in one hour, within Tasman and Nelson. (Motueka mostly has avoided the extremes).

But should the above calculation be amended to 80mm or even 115mm (Nelson in 2022) there will be a "wall of water" to be managed!



The Council's responsibility is to design and plan for an extreme event, especially at the "new subdivision" stage.

6

Richmond's Borck Creek storm water facility exemplifies this responsibility and that it managed the July and August 2022 events.

Whether the Borck Creek example can be repeated in the Plan Change area is probably unlikely, as there is no stream to receive the rain water.

The Woodlands Drain offers only initial and temporary relief.

The Section 32 Report does not recommend storm water mitigation measures. The Property Group advises that "other than temporary land drains, any long-term detailed storm water mitigation depends on the resource consent application".

Is this acceptable from the Council in its assessment and analysis of the Plan Change proposed? The storm water discharge matter is current, real, and difficult to resolve.

T.R.M.P. Policy 6.1.3.1 (h) states:- "To encourage subdivision and development to incorporate sustainable urban design principles by:-

- managing storm water discharge on-site where possible and ensuring off-site storm water run-off does not increase flood risk nor adversely affect water quality..."

Suggestions:-

- Use the Borck Creek standard:- 1% AEP
- Minimum protection at 100mm in 24 hours
- Reduce hard surface areas by having narrow roads and one footpath on each street
- Soak pits and sumps to utilise natural seepage
- Reserves as detention areas
- Rain gardens; Green roofs;
- Rainwater tank of 10,000 litres per dwelling (sufficient to receive 50mm from a 200m² dwelling)
- Widen, Woodlands Drain, and purchase any land adjacent
- Consider a pumping station along the woodlands Drain.

David Ogilvie
5/2/2024

New Zealand Legislation
**Resource Management (Forms, Fees, and Procedure)
 Regulations 2003**

Form 5

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

Clause 6 of Schedule 1, Resource Management Act 1991

To [name of local authority] Tasman District Council

Name of submitter: [full name] David John Ogilvie

This is a submission ~~on the following proposed policy statement (or on the following proposed plan or on a change proposed to the following policy statement or plan or on the following proposed variation to a proposed policy statement or on the following proposed variation to a proposed plan or on the following proposed variation to a change to an existing policy statement or plan)~~ (the **proposal**): Plan Change 80 Motueka West

[name of proposed or existing policy statement or plan and (where applicable) change or variation].

I ~~could~~/could not* gain an advantage in trade competition through this submission.

*Select one.

*I ~~am~~/am not† directly affected by an effect of the subject matter of the submission that—

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

*Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

†Select one.

The specific provisions of the proposal that my submission relates to are:

[give details]. Please refer to the summary of my Submission, as well as the Submission itself
 My submission is: Refer to the detailed Submission, sent to the Council separately.

- whether you support or oppose the specific provisions or wish to have them amended; and
- reasons for your views].

I seek the following decision from the local authority: To approve the Plan Change "in principle" but to have specific provisions amended.

*I wish/~~do not wish~~† to be heard in support of my submission.

*In the case of a submission made on a proposed planning instrument that is subject to a streamlined planning process, you need only indicate whether you wish to be heard if the direction specifies that a hearing will be held.

†Select one.


~~*If others make a similar submission, I will consider presenting a joint case with them at a hearing.~~

*Delete if you would not consider presenting a joint case.

.....
 Signature of submitter
 (or person authorised to sign
 on behalf of submitter)

Email d.ogilvies@xtra.co.nz
Phone 0274-314-656
Postal P.O. Box 184, 7143, Motueka.

April 2nd, 2024


Date

(A signature is not required if you make your submission by electronic means.)

Electronic address for service of submitter:

Telephone: 0274-314-656

Postal address (or alternative method of service under [section 352](#) of the Act):

Contact person: [name and designation, if applicable]

d.ogilvie@xtra.co.nz

P.O. Box 184, 4143, Motueka

Note to person making submission

If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#). If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by [clause 6\(4\)](#) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Schedule 1 form 5 heading: amended, on 18 October 2017, by [regulation 15\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2017 (LI 2017/231).

Schedule 1 form 5 heading: amended, on 1 November 2010, by [regulation 19\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 5: amended, on 3 September 2020, by [regulation 7\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2020 (LI 2020/180).

Schedule 1 form 5: amended, on 18 October 2017, by [regulation 15\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2017 (LI 2017/231).

Schedule 1 form 5: amended, on 14 September 2017, by [regulation 15\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2017 (LI 2017/231).

Schedule 1 form 5: amended, on 1 November 2010, by [regulation 19\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 5: amended, on 1 June 2006, by [regulation 10\(2\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).

April 2nd, 2024



David Ogilvie

From: "David Ogilvie" <d.ogilvie@xtra.co.nz>
Date: Monday, 1 April 2024 12:13 PM
To: Anna McKenzie@tasman.govt.nz
Subject: Plan Change 80---Motueka West--Submission Summary

SUMMARY OF MATTERS ----- PLAN CHANGE 80---MOTUEKA WEST

1. A Little History.

During the 2010—2013 Council term, the Council noted that the area of Motueka east of High St. was leaning towards being “subdivided out”. It was opportune to consider the area west of High St. As a result, some areas were zoned Residential while other more rural areas as Rural 1--Deferred Residential. Those Residential are known locally as Te Maatu (south of Parker St) and Pukekohatu (west of Grey St), and have been developed and built on—almost completely. The Motueka Community Board (I was Chair) approved these planning actions.

2 Twelve Years Later.

Much has happened in these dozen years for Motueka. With Climate Change —Highly Productive Soils issue ---Stormwater discharge and /River flooding concerns---Wakatu Inc. interest and the /Tenths claim application---and a possible Swimming Pool.

3. Today in 2024-2025 and beyond.

The events and considerations of the last dozen years therefore require a re-consideration of the Motueka West Plan Change proposal. Definitely--- It is not straightforward. Moreover, it is the first of a series of Plan Changes for all of the 126 ha west of High St. bounded by Whakarewa St. High St., King Edward St., and Queen Victoria St. The specific Plan Change 80 area is for less than 10 ha. This is a very important Zoning and development Change for the Council to consider---and decide.

---Highly Productive Soils. These are Class A soils per the Council classification or LUC 1 classification nationally. They are precious, and nation-wide are being lost to urban development. The impact on the local, district and national productivity must be considerable.

---Stormwater discharge. This is a serious infrastructure matter which can be managed with individual onsite controls, plus Council’s own mitigation and adaptation techniques.

---Motueka River flooding. The Plan Change area is less than 4km from the River. The recent refurbishment of the Stopbanks provided a 2% AEP protection for the town. There is an extra free-board, and three secondary flow channels which should increase the protection. The flooding risk is being managed to a “reasonable” level but with the forecast heavy rain events is it sufficient?

---Climate Change —Sea Level Rise / Heavy Rain Events .The Plan Change 80 analysis does not indicate the height above Mean High Water Springs ---is the area 4.5 metres above MHWS and therefore outside the Council’s Coastal requirements.

---Wakatu Incorporation.

The subdivided areas mentioned previously---Te Maatu and Pukekohatu were along standard subdivision processes, with individual freehold sections, neighbourhood Reserves, and

roads/footpaths/berms/infrastructure owned by the District Council.

The Plan Change 80 subdivision proposal is strongly different.

The Wakatu Inc. as the owner/developer is not wanting to cede ownership, nor control of the land. Roads, footpaths land above infrastructure to remain with Wakatu Inc.

This is a critical concern that the District Council must acknowledge and resolve prior to the Plan Change being approved.

4. Conclusion.

On Form 5 of the Resource Management Regulations----The question of the "Decision" was asked. My answer is an Approval of the proposed Plan Change but to have amendments.

In No. 3 above many of the matters can be mitigated or with adaptation policies. These could be costly, and are not identified in the proposed Long Term Plan.

The intent of the submission is for the Council and the Council Planning team to consider the range of issues involved, in particular recognising the long term factors (126 hectares) and for Motueka and the District.



David Ogilvie

[Email---d.ogilvie@xtra.co.nz](mailto:d.ogilvie@xtra.co.nz)

Phone---0274-314-656

Postal---P.O. Box 184, Motueka, 7143

Appendix 3: Evidence - Bill Rice TDC Senior Infrastructure Planning Advisor Transportation

MEMORANDUM

TO: Anna McKenzie
FROM: Bill Rice
DATE: 10 October 2024
FILE NO: Plan Change 80 – Motueka
RE: Transport

Introduction

My full name is William Ronald Rice. I hold a New Zealand Certificate in Engineering (civil) from the Technicians Certification Authority, a Diploma in Highway Engineering from the New Zealand Institute of Highway Technology, and a Master of Engineering – Transportation degree from Canterbury University. I am a Chartered Professional Engineer (CPEng), and have more than 30 years' experience in transportation engineering and planning with both local authorities and consultants.

I have previously prepared evidence and appeared for Councils as an expert witness at Council and Environment Court hearings. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

Scope of Evidence

Growth Plan Change 80 was notified on 15 December 2023. Submissions were received by 5 February 2024 and further submissions by 19 April 2024. My evidence largely responds to the Matters raised in submissions as they relate to transportation. I also provide a brief summary of the transport outcomes of this plan change.

Transport Summary

The Plan Change 80 area provides good transport connections for all modes.

It is located less than 500m from key destinations in Motueka, including the town centre, High School, Parklands School, and sports grounds. Many of the employment, retail, education and recreation opportunities in Motueka are therefore in comfortable walking distance of the plan change area. All Motueka is within a comfortable 3km cycling distance. The eBus service to Mapua, Richmond, and Nelson runs along Whakarewa Street, with stops within 500m on High Street.

The addition of 200 residential properties in the plan change area will have impacts on the adjacent transport network. The proximity of key destinations within Motueka, and of public transport connections is expected to reduce reliance on private motor vehicles, and therefore minimise the impacts on the roading system. An increase in vehicle trips on the adjacent road network, is, however, still anticipated. It is therefore recommended that a full Transport Impact Assessment be developed at Resource Consent stage. This should include:

- Availability and suitability of walking and cycling connections to key destinations
- Likely additional traffic generated from the development
- Impact of additional traffic on the adjacent roading network, including:
 - Whakarewa Street, Grey Street, and High Street (SH60)
 - The intersections of subdivision roads with Whakarewa Street and Grey Street
 - The intersections of Whakarewa Street with Grey Street and High Street
- Mitigation measures to address adverse impacts. These are not limited to measures which are to be funded by the developer and may inform Council's Long Term Planning.

Table 1 includes the submissions that relate to transportation, the relief sought and recommendations;

Submission No.	Submitter	Chapter	Submission	Support/Oppose	Evidence
Topic: Chapter 2 – Meaning of Words					
1823.01	National Public Health Service – Te Whatu Ora	Chapter 2 - Meaning of Words	<p>Amend the definition of Integrated Transport Assessment to include a definition of ‘<i>all modes of transport</i>’ to ensure it includes pedestrians and micro-mobility users.</p> <p>Submitter’s Reason: It is unclear whether pedestrians and micromobility users are excluded. Including these users will ensure the needs of the whole community are considered.</p>	Support in Part	<p>“All modes of transport” includes pedestrians and micromobility. Including some specific modes runs the risk of excluding some other modes (including some currently unknown modes).</p> <p>Recommend: no change</p>
1823.04	National Public Health Service – Te Whatu Ora	Chapter 6 – Urban Environmental Effects	<p>Amend to include a pedestrian/ cycle crossing (across Whakarewa Street) from the Plan Change Area to the Motueka High School.</p> <p>Submitter’s Reason: Integrated Transport Assessments can bring together all parties with an interest in transport effects, including local and regional Councils, road controlling authorities and developers to discuss and resolve issues together. Given the proximity of the plan change to Motueka High School and the expected increase in traffic generated by future development in the plan change area, a safe route to the high school is recommended.</p>	Support in Part	<p>Agree. A safe link between the plan change area and Motueka High School would make it safer to access the school on foot or cycle, and encourage more pupils to travel that way.</p> <p>Recommend: Add a safe pedestrian crossing point on Whakarewa Street to link the indicative pedestrian/cycle path alongside Number 41 Whakarewa Street and Motueka High School.</p>
3642.03	Wakatū Incorporation	Chapter 6 – Urban Environment Effects	<p>Amend, through removal, the requirement for an Integrated Transport Assessment at the Resource Consent Application Stage.</p>	Support in Part	<p>An Integrated Transport Assessment is a key component in identifying transport issues arising from the development irrespective of</p>

			<p>Submitter's Reason: Development of the land is subject to an Infrastructure Acceleration Fund agreement between Kainga Ora, Wahanga 2017 Limited Partnership, Proprietors of Wakatu and Tasman District Council which as part of this agreement includes funding to provide the necessary enabling infrastructure to unlock and accelerate housing development on the subject land. This includes three waters and transportation infrastructure upgrades.</p>		<p>previously agreed funding arrangements, or where other funding might fall.</p> <p>Recommend: Retain requirement for an Integrated Transport Assessment</p>
Topic: Maps					
3642.01	Wakatū Incorporation	Map 74/1	<p>Amend indicative road alignment of Map 74/1.</p> <p>Submitter's Reason: It is requested that the indicative road alignment on Proposed Update Map 74/1 be adjusted to reflect the current masterplan layout.</p>	Support in Part	<p>The differences between the indicative road alignments and those in the masterplan are minor. The masterplan road alignments are considered to be consistent with the indicative alignments.</p> <p>Recommend: No change to the indicative road alignments</p>

I am happy to answer any questions.

Bill Rice

14 October 20

Appendix 4: RM240322

File: RM240322

saskia.wilson@tasman.govt.nz

Phone 543 9884

05 August 2024

Community Infrastructure
Tasman District Council
Private Bag 4
Richmond 7050

Tēnā koe Giles,

Decision on Non-Notified Resource Consent Application No. RM240322 – to discharge stormwater to land at 318 High Street, Motueka and to Woodlands Drain via the recently constructed stormwater connection.

Your application for resource consent has been granted. A copy of the Council's decision is attached. Please carefully read the conditions that have been attached to the consent and feel free to contact me if you have any questions about your consent or its conditions. My contact details are listed at the top of this letter.

Here are some matters that I need to highlight for you.

Section 357A of the Resource Management Act 1991 ("the Act") provides you with the right to lodge an objection with the Council against this decision including any of the conditions. Objections must be made in writing setting out the reasons for the objection together with a paid deposit ([please see our latest schedule of fees and charges on our website under Resource Management S357](#)), and must be lodged here within 15 working days of receiving this letter.

The final cost of processing your application has not been calculated yet. If the final cost exceeds the deposit already paid, then as we previously advised, you will be invoiced separately for the additional cost. If the final cost is less than the deposit already paid, then you will receive a refund. Where the costs are equal to the deposit already paid, no further action is required. You will receive a letter shortly about the final costs of processing your application.

Under Section 125 of the Act, your consent will lapse in 5 years unless you have given effect to it before then.

Ngā mihi



Saskia Wilson
Senior Consent Planner – Natural Resources

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

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RESOURCE CONSENT DECISION

Resource consent number: RM240322

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

Tasman District Council Council

(hereinafter referred to as “the Consent Holder”)

Activity authorised by this consent: discharge stormwater to land at 318 High Street, Motueka and to Woodlands Drain via the recently constructed stormwater connection.

Location details:

Address of property: 318 High Street, Motueka
Legal description: Pt Lots 7 & 8 DP 3257
Record of title: 11C/160
Valuation number: 1956035901
Location co-ordinates: Easting: 1600822 Northing: 5448174 (NZTM)

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

CONDITIONS

- 1 The discharge of stormwater shall be carried out in general accordance with the ‘Motueka West Interim Stormwater Discharge’ prepared by Tonkin & Taylor Ltd dated June 2024 and submitted in support of resource consent application RM240322, and Plan A attached to this consent. In the event that there is any conflict between these documents and any condition(s) of these consents, the conditions shall prevail.
- 2 Stormwater generated from 318 High Street, Motueka shall be discharged to Woodlands Drain via the existing swale, culvert and outlet structure, and to land at 318 High Street as per resource consents RM230319 and RM230546, including any subsequent variations.

Advice Note:

The Nelson Tasman Land Development Manual requires stormwater systems to be designed taking into account the effects of climate change as expected in 2090 based on climate change scenario RPC 8.5. A rainfall model for this scenario is found on NIWA’s High Intensity Rainfall Design System (HIRDS).

- 3 The consent holder shall ensure that the land and swale at 318 High Street, Motueka is grassed or vegetated as soon as is reasonably practicable following the construction of the swale and remains grassed or vegetated for the duration of this resource consent to prevent sediment discharging to the stormwater network.
- 4 If there is exposed soil in close proximity to the swale, the Consent Holder shall:
 - (a) Ensure that robust erosion and sediment control measures are applied at the site to reduce the velocity of overland flow into the swale; and
 - (b) Maintain the erosion and sediment control measures in effective operational order until the exposed soil is grassed or vegetated.

Advice Note:

The Consent Holder is not required to maintain erosion and sediment control measures when there is no exposed soil.

- 5 The discharge shall not cause or contribute to any erosion, nor damage caused by flooding on any adjacent property.
- 6 The stormwater discharge point into Woodlands Drain shall be located more than 20 metres from any bore used for potable water supply.
- 7 The discharge shall not contribute to or cause in receiving waters or wetland any of the following:
 - (a) The production of any visible oil or grease films, scums or foams, or conspicuous floatable or suspended material;
 - (b) Any emission of objectionable odour;
 - (c) Any adverse effect on aquatic life.
- 8 All aspects of the stormwater systems shall be checked on a regular basis as required to ensure full function of treatment, drainage, swale, culvert and Woodland Drain outlet structure, but not less than once every year and after extreme rainfall. Records shall be kept of each inspection and shall include the date of inspection, the name of the inspector, component(s) inspected, any issues found, and any works undertaken. This record shall be provided to Tasman District Council upon request.
- 9 All stormwater and sediment control structures associated with the discharge shall be maintained in effective operational order at all times.
- 10 The Consent Holder shall ensure that any overland flow paths within the subject site remain unobstructed, i.e., clear from landscaping, fill, fencing, debris, and buildings.
- 11 If any excavation or land disturbance associated with the swale is to occur, the Consent Holder shall ensure that all excavation and land disturbance is supervised by an iwi monitor. The Consent Holder shall advise the iwi monitor of the commencement date and likely duration of any excavation or land disturbance at least 5 working days prior to the commencement of works and invite an iwi representative to be present during any earthworks at the site.

Where the above notification is given, and an iwi monitor is unable to be present for any reason, the Consent Holder may commence works.

Advice Note:

Please note that this condition is not authorising excavation or land disturbance which is not a permitted activity under the relevant rules in the TRMP. The Consent Holder shall ensure that they hold the correct resource consents to undertake any of these works as per advice note (3).

Review of Consent Conditions

- 12 The Council may, during the month of July each year, review any or all of the conditions of the consent pursuant to section 128 of the Resource Management Act 1991 for all or any of the following purposes:
 - (a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
 - (b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or

- (c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
- (d) to allow, in the event of concerns about the quality or quantity of stormwater discharged, the imposition of compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly;
- (e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

Lapse and Expiry

- 13 Pursuant to section 125 of the Act this consent shall lapse 5 years after the date this consent is granted unless either the consent is given effect to, or the Council has granted an extension pursuant to section 125(1A)(b) of the Act.
- 14 This resource consent shall expire on 1 June 2059.

GENERAL ADVICE NOTES

- 1 Officers of the Council may carry out site visits to monitor compliance with resource consent conditions.
- 2 Access by the Council or its officers or agents to the property is reserved pursuant to section 332 of the Resource Management Act.
- 3 These resource consents only authorise the activity described above. Any matters or activities not referred to in these consents or covered by the conditions must either:
 - (a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 - (b) be allowed by the Resource Management Act; or
 - (c) be authorised by a separate resource consent.
- 4 Plans attached to this consent are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond office of the Council. Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.
- 5 Council draws your attention to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. In the event of any archaeological artefacts being uncovered, the Consent Holder shall consult with the Heritage New Zealand's Central Regional Office (email infocentral@heritage.org.nz; phone + 64 4 494 8320; post PO Box 2629, Wellington 6140), and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga approvals to damage, destroy or modify such sites have been obtained.
- 6 This site contains a piece of land on which an activity or industry described in the *Hazardous Activities and Industries List*, Wellington, Ministry for the Environment, has been undertaken. The proposed activity is to occur partially within this piece of land and so is subject to the Resource Management National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES-CS). Council draws your attention to the NES-CS and the *Hazardous Activities and Industries List*, Wellington, Ministry for the Environment, when considering any future land use on this site.

REASONS FOR THE DECISION

Background to Proposed Activity

The subject site is located at 318 High Street Motueka. It is a 3.14-hectare rural property which is located to the west of High Street. A shelter belt runs along the northern boundary of the property with residential properties located to the north and east (see Figure 1).



Figure 1 - Outline of subject property shown in blue.

The subject site is zoned Tourist Services area deferred residential and is located within Land Disturbance Area 1 and the Motueka West Development Area under the Tasman Resource Management Plan (TRMP). I note that there are no Statutory Acknowledgement Areas within the vicinity of the site. The subject site is a HAIL site and is owned by Ngāti Rārua Ātiawa Iwi Trust Board (NRAIT). The site has most recently been used for livestock grazing. The stormwater swale through the site is a 150m long, 15m wide and 1m deep grassed swale. The swale has a 5m wide base and 5H:1V side slopes.

Woodlands Creek (where the stormwater will be discharged to) flows in a southerly direction from Te Maatu/Thorp Bush to the Motueka inlet. There is a flap gate at Old Wharf Road which prevents tidal ingress from the estuary and is a barrier to fish passage.

Proposal

Tasman District Council (the applicant) is seeking resource consent to discharge stormwater to land and to Woodlands Drain from the subject site prior to the land being developed for residential purposes. The applicant has sought a duration of 17 years to align with the expiration of the global stormwater discharge consent (RM191019).

The applicant has been undertaking improvements to the stormwater network in Motueka to facilitate residential growth. In October 2023, the following resource consents were secured for the stormwater connection from 318 High Street to Woodlands Drain:

- **RM230319** – land disturbance and earthworks during construction of an open swale and stormwater culvert inlet, an outlet structure, trenching and installation of a stormwater culvert and pipes – related to soil classified as contaminated under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

- **RM230320** – water permit for the temporary taking of groundwater to dewater localised areas associated with trenching, construction and installation of stormwater culvert/pipes.
- **RM230322** – to temporarily divert Woodlands Drain during installation and construction of a pre-cast concrete (stormwater) outfall structure.
- **RM230358** - to temporarily discharge groundwater containing sediment to land and water.
- **RM230546** - land Use (riverbed) consent associated with construction and installation of a culvert outlet structure adjacent to and within Woodlands Drain exceeding 2 square metres.

I note that the stormwater connection is nearing completion.

Long-term, the applicant is proposing to discharge stormwater from the Motueka West Development Area under resource consent RM191019, a global consent held by the applicant. However, this resource consent relates to stormwater being discharged from urban land. As the subject site is currently used for rural purposes (although within the Tourist Services deferred Residential zone), a separate resource consent is required. Currently, the majority of water on the site either soaks to land or evaporates. However, during high rainfall events when the soakage capacity of the site is exceeded the swale will convey the stormwater runoff to Woodlands Drain.

Tasman Resource Management Plan (“TRMP”) Area and Rules Affected

According to the TRMP the following apply to the application site:

Zone(s): Tourist Zone deferred Residential
 Area(s): Motueka West Development Area, Land Disturbance Area 1

It is not clear whether the proposed discharge falls under the permitted activity rule for stormwater discharge in the TRMP, as the proposed discharge is from a HAIL site which is currently used for rural purposes but is zoned Tourist Services deferred Residential. The discharge from the site, while it is not developed, is not consented under the applicant’s global consent (RM191019) as this relates to discharges from urban development.

Given this, I consider that the proposal should be classified as a discretionary activity under section 87B of the Resource Management Act 1991.

Principal Issues (Actual and Potential Effects on the Environment)

The principal issue(s) associated with the proposed activity involve the actual and potential effects on the environment. For this application these were:

- (a) Effects on water quality and freshwater values
- (b) Effects on water quantity
- (c) Effects on cultural values

I consider that the consent can be granted for the following reasons:

- (a) The applicant is proposing to discharge stormwater from rural land (zoned tourist services, deferred residential) located at 318 High Street, Motueka to Woodlands Drain via a swale and culvert.

The subject site is a registered HAIL site #2255 due to historic kiwifruit orchard use and associated pesticide use and as such, there is the potential that contaminants from the soil could enter the stormwater being discharged to Woodlands Drain. Mr Warren Sharp has reviewed the contaminated land memo provided as part of the application, on behalf of the Tasman District Council HAIL team. Mr Sharp’s comments are summarised below:

- a. The applicant has used average values when 95% UCLs should have been used and they have used the ‘old background’ levels.

- b. Running the statistics on the data, the resulting 95% UCL concentrations exceed current background for arsenic, lead (just) and zinc. However, the 95% UCL values calculated are less than the appropriate Toxicant Default Values for sediment quality.
- c. Mr Sharp indicated that he could agree with the conclusion by Tonkin & Taylor that the contaminated soils at 318 High Street are unlikely to present a risk to the receiving environment via discharge of stormwater.

I agree with Mr Sharp that the low risk is predominately associated with the discharge of contaminated soil in runoff and this risk could be further reduced by the implementation of robust erosion and sediment control measures within the site. In particular, these measures should seek to maintain grass cover, minimise the extent of bare soil and reduce overland flow. I note that the applicant states that the swale and adjacent land at the subject site is already grassed and the swale was designed on a low gradient to reduce overland flow velocity. I have recommended a condition requiring the applicant to keep the site and swale grassed/vegetated. I note that the landowner has provided written approval for this application.

Based on the above assessment by the applicant, and the comments by Mr Sharp, I consider that the potential effects on water quality and freshwater values can be mitigated.

- (b) The applicant has provided an assessment of the quantity of the proposed discharge to Woodlands Drain. The applicant notes that currently, the majority of stormwater at the site either soaks into the ground or evaporates. As the use of the land is not changing, the applicant has stated that the quantity of stormwater discharging from the site is unlikely to change.

Any additional stormwater at the subject site currently discharges via overland flow to neighbouring properties. Once the swale (consented under RM230319) is complete, any additional stormwater will discharge via the swale and pipe to Woodlands Drain. The applicant considers that this amount of stormwater is minimal, and that Woodlands Drain has sufficient capacity to receive this stormwater. A Tasman District Council Development Engineer has reviewed the application and states that he considers it unlikely that there would be a network capacity issue given the discharge to Woodlands Drain flows to the estuary under Old Wharf Road. Additionally, he has stated that the swale and associated culvert is providing for existing stormwater to be discharged to Woodlands Drain and out to sea sooner than the existing scenario.

I note that long-term, it is proposed that the site will be developed for urban purposes and at this point in time the stormwater discharge will be assessed for the additional impervious area as well as being covered under the Tasman District Council global stormwater consent (RM191019).

I agree with the applicant's assessment, that the potential effects of the proposal on water quantity discharging from the site will remain unchanged and that Woodlands Drain has sufficient capacity to receive the stormwater from the swale and culvert.

- (c) The proposed discharge area is not located within a statutory acknowledgment area, although I note that the stormwater discharged to Woodlands Drain will eventually discharge to the coast which is identified as statutory acknowledgement areas. Although there will be an increased discharge in stormwater down Woodlands Drain reaching the statutory acknowledgement area, I consider that this is unlikely to have an adverse effect on the statutory acknowledgment area as the water quality reaching the SAA will only be affected by sediment loss which will be controlled at the subject site.

The proposal was sent to local iwi for comment as part of the consent process. Te Ātiawa o te Waka-a-Māui responded with a request for an iwi monitor for any earthworks which are to occur on-site. I note that all earthworks associated with

proposed activity have already occurred, and the applicant has indicated that an iwi monitor was on-site during earthworks. No further comments have been raised by local iwi with regard to this application. I have included an advice note, stating that an iwi monitor should be contacted if the applicant undertakes more earthworks, noting that these earthworks would be either a permitted activity or undertaken under the previous resource consent.

Relevant Statutory Provisions

In considering this application, I had regard to the matters outlined in Section 104 of the Act. In particular, I had regard to the relevant provisions of the following planning documents:

- (a) National Policy Statement for Freshwater Management 2020 (NPS-FM);
- (b) New Zealand Coastal Policy Statement 2010 (NZCPS)
- (c) Tasman Regional Policy Statement (TRPS);
- (d) Tasman Resource Management Plan (TRMP);

The NPS-FM came into force on 3 September 2020. The NPS-FM contains a single objective, which establishes a hierarchy in the manner in which freshwater resources are to be managed. Of relevance to this proposal are Policies 1, 2 and 5. I consider that the proposal is consistent with these policies as iwi have been asked to engage with the resource consent application. Additionally, I consider that the proposed discharge will not further degrade Woodlands Drain.

The NZCPS came into effect on 3 December 2010 and applies to this proposal as there is a proposed discharge into the coastal environment (via Woodlands Drain). Policy 23 is relevant to this proposal as it relates to the discharge of contaminants. Given the mitigation proposed, as well as the conclusions by the TDC HAIL team, I consider that the proposal is not contrary to this policy as the contaminated soil is unlikely to enter the discharge if the property remains grassed/vegetated.

Most of the objectives and policies contained within the TRPS are mirrored in the TRMP. The activity is considered to be consistent with the relevant objectives and policies contained in Chapter 33 of the TRMP.

Matters Relevant to Certain Applications (s105(1))

In addition to the matters in Section 104(1) of the Act, Section 105(1) also requires decision makers to have regard to the following matters for applications that would contravene Section 15 or Section 15B of the Act:

- (a) The nature of the discharge and the sensitivity of the receiving environment to adverse effects;*
- (b) The applicant's reasons for the proposed choice; and*
- (c) Any possible alternative methods of discharge including discharge into any other receiving environment.*

I have had regard to the above matters and note that the adverse effects of the proposed discharge are minor. The applicant's reasons for the proposed choice are:

- (a) The proposed discharge path will utilise the existing swale and culvert.
- (b) There is sufficient capacity in Woodland Drain to receive the stormwater from the subject site.

Restrictions on Grant of Certain Discharge Permits (Section 107)

Under Section 107(1) of the Act, a consent authority shall not grant a resource consent for the discharge of a contaminant into water, or onto or into land, if after reasonable mixing the discharge is likely to give rise in the receiving waters to:

- (a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:*

- (b) any conspicuous change in the colour or visual clarity:
- (c) any emission of objectionable odour:
- (d) the rendering of fresh water unsuitable for consumption by farm animals:
- (e) any significant adverse effects on aquatic life.

I consider that the discharge will not give rise to any of the effects specified in Section 107(1), and therefore consent may be granted.

Part II Matters

I have taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as presented in Section 5.

Notification and Affected Persons

The adverse environmental effects of the activity are considered to be no more than minor. The Council's Principal Planner Resource Consents has, under the authority delegated to them, decided pursuant to Section 95 of the Act that the application did not require public or limited notification.

Duration of the Consent

The applicant originally requested an expiry date of 1 June 2041, to match the expiry date of Council's global stormwater discharge consent; however, that request was subsequently amended to the maximum 35-year duration for discharge consents. That is considered to be appropriate in the circumstances and so this consent has an expiry date of 1 June 2059.

Decision

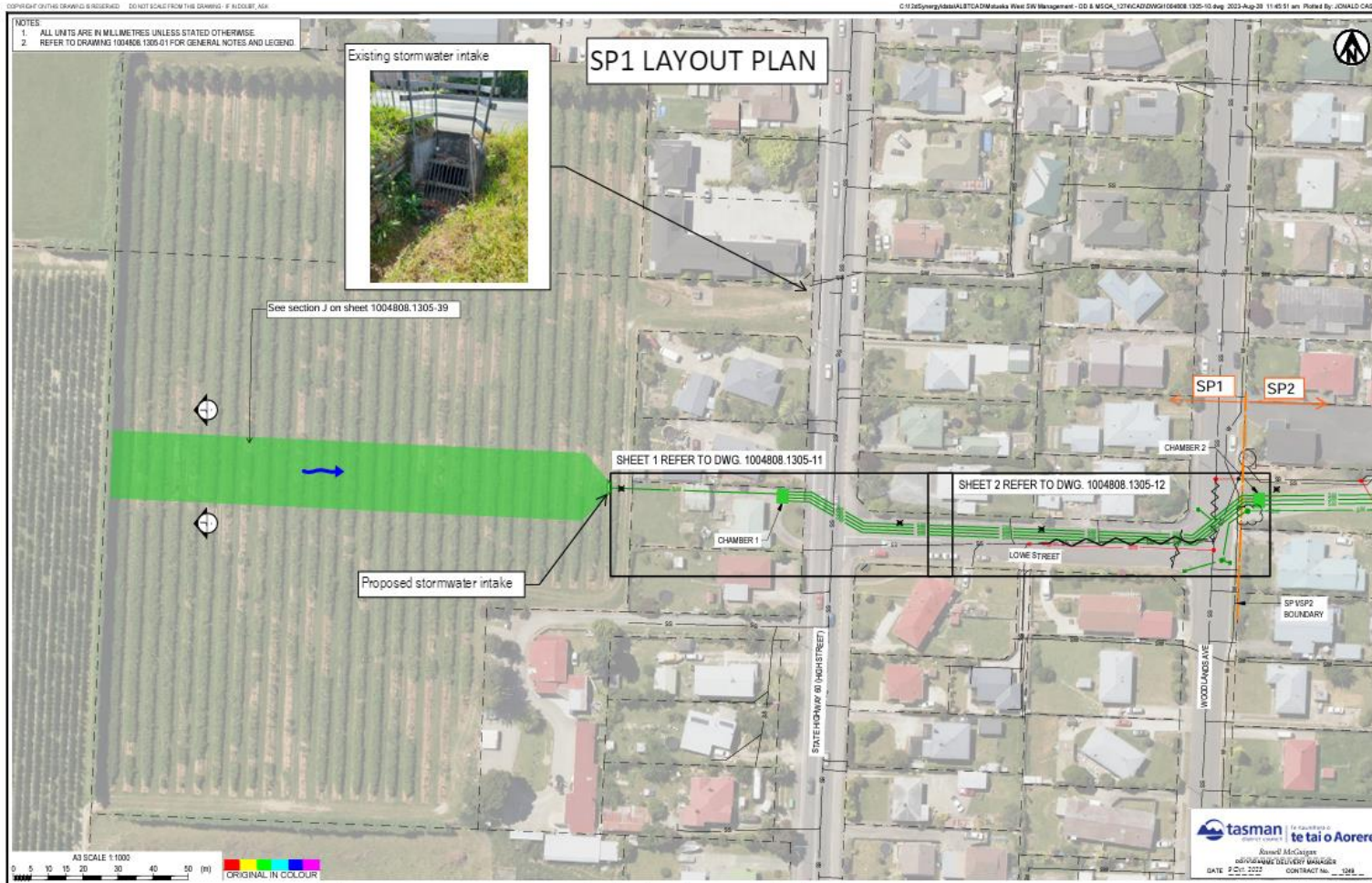
This consent is granted on 31 July 2024 under delegated authority from the Tasman District Council by:



Saskia Wilson
Senior Consent Planner – Natural Resources

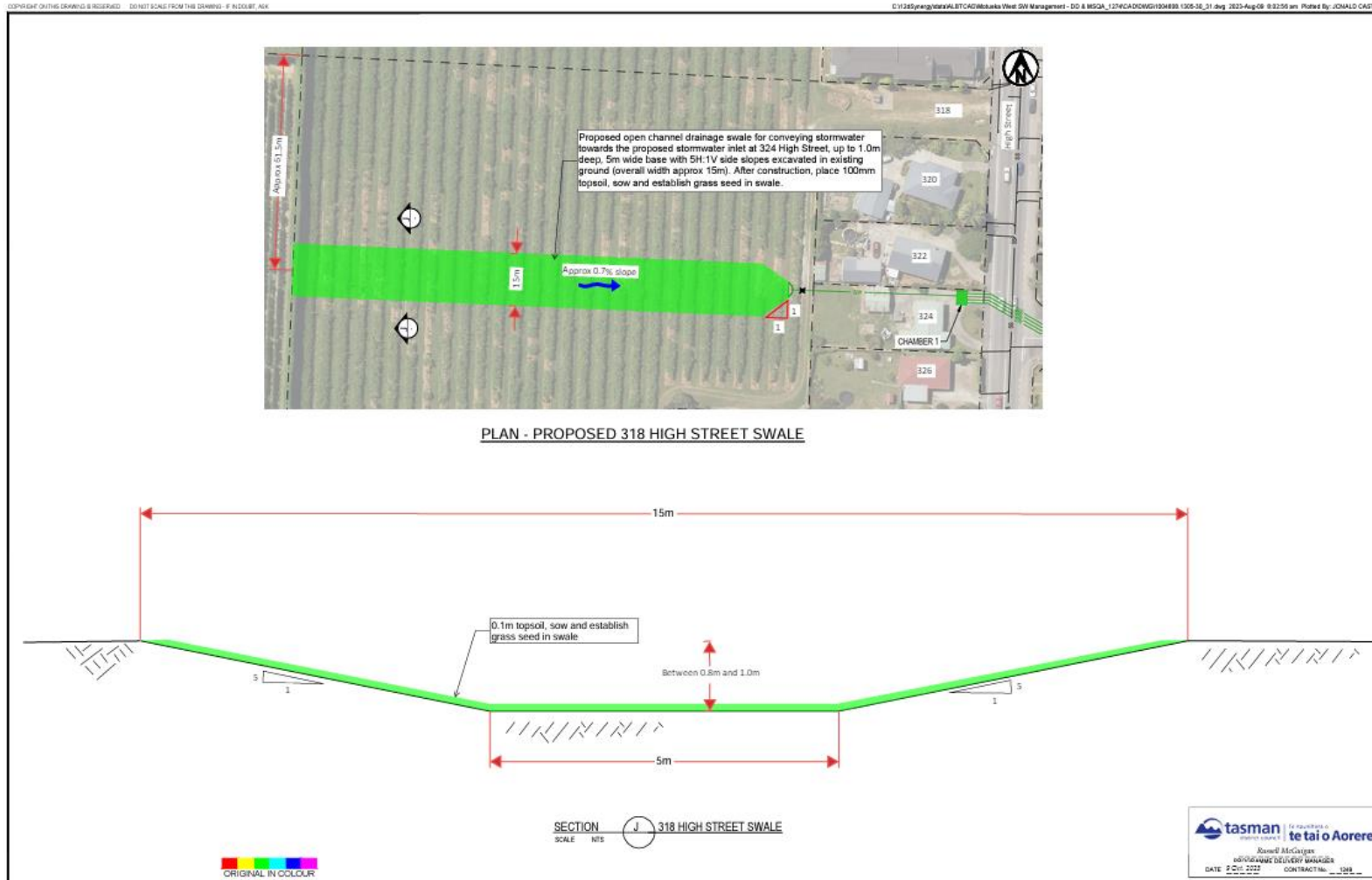


RM240322 – Plan A



DESIGNED: JALE Oct 23		DRAWING STATUS: CONSTRUCTION ISSUE		CLIENT: TASMAN DISTRICT COUNCIL	
DRAWN: LOFL Oct 23		PROJECT: MOTUEKA WEST STORMWATER		TITLE: SP1 LAYOUT PLAN - MOTUEKA WEST	
DESIGN CHECKED: NML Oct 23		DRAWING CHECKED: DJAA Oct 23		318 HIGH STREET	
DATE: Feb 24		APPROVED: DATE		SCALE (A3): 1:1000	
CAD: JALE		DATE: Oct 23		DWG No. 1004808.1305-10	
CHK: NML		DATE: Oct 23		REV: B	
DATE: Feb 24		DATE: Oct 23		DATE: 2 Oct 2022	
DATE: Oct 23		DATE: Oct 23		CONTRACT No. 1268	

RM240322 – Plan B



DESIGNED	JALE	Oct 23	DRAWING STATUS	CONSTRUCTION ISSUE		
DRAWN	LOFL	Oct 23	THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION PURPOSES UNLESS SO INDICATED AS APPROVED			
DESIGN CHECKED	NML	Oct 23				
DRAWING CHECKED	DJAA	Oct 23				
REV	DESCRIPTION	CAD	CHK	DATE	APPROVED	DATE
B	CONSTRUCTION ISSUE	JALE	NML	Feb 24		
A	TENDER ISSUE	JALE	NML	Oct 23		

CLIENT	TASMAN DISTRICT COUNCIL
PROJECT	MOTUEKA WEST STORMWATER
TITLE	STORMWATER DETAILS
	SHEET 10 - 318 HIGH STREET SWALE
SCALE (A3)	NTS
DWG No.	1004808.1305-39
REV	B