

## 9.2 REZONING OF SPECIAL HOUSING AREAS - PLAN CHANGE 74: ADOPTION AND NOTIFICATION OF DECISIONS - CONFIDENTIAL

**Decision Required**

**Report To:** Full Council  
**Meeting Date:** 16 December 2021  
**Report Author:** Mary Honey, Senior Policy Planner  
**Report Number:** RCN21-12-14

This report is confidential in accordance with the Local Government Official Information and Meetings Act 1987 (s7(2)(g)) - The withholding of the information is necessary to maintain legal professional privilege.

### 1 Summary

- 1.1 The report seeks approval to adopt and publicly notify the decisions of the hearing commissioners for proposed Plan Change 74 – Rezoning of Special Housing Areas, in accordance with the First Schedule of the Resource Management Act 1991.
- 1.2 Plan Change 74 rezones five areas within Richmond and Pōhara that have been approved and consented through the Housing Accords and Special Housing Areas Act 2013 (“HASHAA”) for residential development on land that is not currently zoned residential. The Change rezones the land so that it is appropriately zoned to reflect the approved land uses.
- 1.3 Seven submissions were received on the proposed change, five related to the Pōhara site and two to Richmond West. The submissions were heard by a panel comprising an independent Chair and Councillors Maling and Butler. One change has been made to the plan change following considerations of the submissions. The change related to one block of land in Richmond West, which will remain Rural 1 deferred Light Industrial.

### 2 Draft Resolution

**That the Full Council:**

1. **receives the report and recommendations of the hearing commissioners for proposed Plan Change 74 – Rezoning of Special Housing Areas (Attachment 1, dated 3 November 2021); and**
2. **accepts the recommended decisions for proposed Plan Change 74 – Rezoning of Special Housing Areas (Attachment 1); and**
3. **agrees to publicly notify the decisions for proposed Plan Change 74 – Rezoning of Special Housing Areas (Attachment 1) as soon as practicably possible and in accordance with the First Schedule of the Resource Management Act 1991; and**

**REZONING OF SPECIAL HOUSING AREAS - PLAN CHANGE 74: ADOPTION AND NOTIFICATION OF DECISIONS**

- 4. agrees to make Plan Change 74 – Rezoning of Special Housing Areas (Attachment 1) operative and to affix the Tasman District Council Seal to the operative plan change- where no appeals to the Environment Court are received.**

**REZONING OF SPECIAL HOUSING AREAS - PLAN CHANGE 74: ADOPTION AND NOTIFICATION OF DECISIONS****3 Purpose of the Report**

3.1 The report seeks approval to:

3.1.1 adopt and publicly notify the decisions of the hearing commissioners for proposed Plan Change 74 – Rezoning of Special Housing Areas, as soon as practicably possible and in accordance with the First Schedule of the Resource Management Act 1991 (**Attachment 1**); and

3.1.2 make operative and affix the Tasman District Council Seal to the operative plan change, where no appeals to the Environment Court are received.

**4 Background and Discussion**

4.1 Plan Change 74 rezones five areas within Richmond and Pōhara that have been approved and consented through the Housing Accords and Special Housing Areas Act 2013 (“HASHAA”) for residential development on land that is not currently zoned residential. The Change rezones the land so that it is appropriately zoned to reflect the approved land uses.

4.2 The sites included in the change are not all the sites that were approved for residential development under the HASHAA legislation. The plan change only includes SHA sites where resource consents for subdivision were granted.

4.3 Seven submissions were received on the proposed change, five related to the Pōhara site and two to Richmond West.

4.4 More than one submitter to the plan change requested that an independent commissioner hear submissions on the proposed change. This request was supported by the Council prior to the hearing and Commissioner Gary Rae was appointed by the Council to chair the panel, assisted by Council commissioners, Councillors Kit Maling and Celia Butler.

4.5 The hearing was held on 18 August 2021. As detailed in the report of the hearing commissioners (**Attachment 1**), two submitters were heard on the day, both in relation to the Pōhara site. Written statements were tabled by three submitters who could not participate in the hearing, two in relation to the Pōhara site and one in relation to Lot 1000 DP 556528, Richmond West. These statements were considered by the Panel.

4.6 The recommendations of the hearing commissioners are the same as the recommendations of the Council’s planning officer, Ms Williams, as detailed in her Section 42A report, namely to rezone the land as proposed by the plan change, except for Lot 1000 DP 556528, Richmond West, owned by Mr and Mrs Sherlock. The recommendation is that this lot remains Rural 1 deferred Light Industrial.

**5 Options**

5.1 The only appropriate option is to accept the recommendations of the hearing commissioners which, after examination, adopted the amendments to the proposed change as

**REZONING OF SPECIAL HOUSING AREAS - PLAN CHANGE 74: ADOPTION AND NOTIFICATION OF DECISIONS**

recommended by the planning officer, Ms Williams, in her Section 42A report dated 23 July 2021.

**6 Strategy and Risks**

- 6.1 There is a small risk that submitters whose requests were not accepted may appeal the plan change decision relating to the Pōhara site.
- 6.2 The RMA Schedule 1 plan change process provides a legal pathway for submitters to appeal decisions that they do not support.

**7 Policy / Legal Requirements / Plan**

- 7.1 The plan change is consistent with Council policies and will improve the effectiveness and efficiency of the Tasman Resource Management Plan in that the change rezones land to reflect the approved land uses.
- 7.2 The plan change decisions will be notified in accordance with Schedule 1 of the RMA.

**8 Consideration of Financial or Budgetary Implications**

- 8.1 The plan change is approved as part of the Environmental Policy work programme for 2020/2021. No new budget is required.

**9 Significance and Engagement**

- 9.1 Iwi, landowners and interested communities were provided with an opportunity to comment on the draft change, before the proposed plan change was publicly notified in terms of the RMA, Schedule 1. Schedule 1 codifies iwi and public engagement on plan changes and at this stage, provides a further opportunity for submitters to the change to appeal decisions they oppose.
- 9.2 People who are directly affected by the proposed changes will be interested in the decisions.
- 9.3 As the proposed change rezones land to reflect the approved land uses, it is of low significance to the wider community as demonstrated by the low level of submissions received.

	<b>Issue</b>	<b>Level of Significance</b>	<b>Explanation of Assessment</b>
1.	Is there a high level of public interest, or is decision likely to be controversial?	Low	There will be interest amongst those people who are directly affected by the decisions.

**REZONING OF SPECIAL HOUSING AREAS - PLAN CHANGE 74: ADOPTION AND NOTIFICATION OF DECISIONS**

	<b>Issue</b>	<b>Level of Significance</b>	<b>Explanation of Assessment</b>
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	Low	The plan change is rezoning land already approved for development.
3.	Is there a significant impact arising from duration of the effects from the decision?	Low	As above.
4.	Does this activity contribute or detract from one of the goals in the <a href="#">Tasman Climate Action Plan 2019</a> ?	Low	As above. The sites to be rezoned are sufficiently elevated or sufficient distance from the coast.
5.	Does the decision relate to a strategic asset?	No	
6.	Does the decision create a substantial change in the level of service provided by Council?	No	
7.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	No	The decision will not impact on rates or debt.
8.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	
9.	Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	No	
10.	Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	
11.	Does the proposal require inclusion of Māori in the decision making process (consistent with s81 of the LGA)?	Low	RMA Schedule 1 process undertaken codifies the engagement required with iwi on plan changes.

**REZONING OF SPECIAL HOUSING AREAS - PLAN CHANGE 74: ADOPTION AND NOTIFICATION OF DECISIONS****10 Conclusion**

10.1 The plan change is consistent with Council policies and will improve the effectiveness and efficiency of the Tasman Resource Management Plan for all, particularly landowners, in that the change rezones the land to reflect the approved land uses.

**11 Next Steps / Timeline**

11.1 Publicly notify the decisions of the hearing commissioners for proposed Plan Change 74 – Rezoning of Special Housing Areas (**Attachment 1**), as soon as practicably possible and in accordance with the First Schedule of the RMA.

11.2 If no appeals to the Environment Court are received, make Plan Change 74 – Rezoning of Special Housing Areas (**Attachment 1**) operative and affix the Tasman District Council Seal to the operative plan change.

**Attachments**

1. PC74 to the TRMP - Report and Recommendations of the Hearing Commissioners