

**Tasman Resource Management Plan
Efficiency and Effectiveness Evaluation**

Chapter 5: Site Amenity Effects

Final report date: 1 September 2020

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Acronyms

ARM	Avoid, Remedy, Mitigate
GIS	Geographic Information System
HFSP	Hazardous Facility Screening Procedure
HSNO	Hazardous Substances and New Organisms
LiDAR	Light Detection and Ranging - technology that provides detailed contour data
LTP	Long Term Plan
MagiQ-BI/NCS	Two related Council information systems - used to manage data, including for resource consents and service requests, including complaints.
NCS	Council's records management
NES-CS	National Environment Standards for Assessing and Managing Contaminants in Soil to Protect Human Health, 2011
NTLDM	Nelson Tasman Land Development Manual
NZTA	New Zealand Transport Agency
RMA	Resource Management Act
PTRMP	Proposed Tasman Resource Management Plan
RLAA	Resource Legislation Amendment Act (2017)
TEP	Tasman Environment Plan
SDWDA	Special Domestic Wastewater Disposal Area
TRMP	Tasman Resource Management Plan
TRPS	Tasman Regional Policy Statement

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Executive Summary

This evaluation report assesses the effectiveness and efficiency of the provisions in Chapter 5 “Site Amenity” of the Tasman Resource Management Plan (TRMP). Chapter 5 is concerned with maintaining and enhancing amenity values. The provisions apply across the district in environments such as urban, rural, coastal, and in areas of special aesthetic value.

Because the concept of amenity is so broad, the provisions of this chapter are a wide-ranging collection of objectives and policies - many of which share little relation to one another, but all have a link to amenity. As a result, the chapter includes policies on:

- site amenity (for example, privacy and sunlight);
- discharges (for example, wastewater, noise, dust, odour, glare, etc)
- shelterbelts and boundary plantings
- coastal values
- convenience and amenity in commercial areas
- natural and heritage features
- signs
- aesthetic character of special localities
- urban rural interface
- community activities in residential locations
- fire and hazardous substances

Chapter 5 deals with a certain type of effects – amenity effects – and this contrasts with other chapters which deal with specific environments, such as rural or urban or coastal. Because of this there is a significant level of repetition between the policies of Chapter 5 and the policies of other Chapters. In other words, amenity outcomes are identified in Chapter 5, but then the same or similar outcomes are identified in other chapters that relate to specific locations or environments.

Furthermore, because the objectives and policies of Chapter 5 are, in most cases, written to apply universally across the District, they are of a general nature and sometimes lack the specificity necessary to be very useful for discretionary-level decision making. Despite this, many of the objectives and policies that relate to specific site amenity effects, and cross-boundary amenity effects have strong internal links through to the rules, with clear standards and triggers for when resource consents must be obtained.

Exceptions include Objective 5.3.2, which relates to the maintenance and enhancement of the visual and aesthetic character of localities. This objective is not well reflected in the rules as the particular localities are not identified and nor are the particular visual and aesthetic characters that are to be maintained. Limited rules are in place to achieve these outcomes.

Effectiveness Outcomes

In a general sense, it can be concluded that many amenity values throughout Tasman are reasonably well protected. There are provisions in the Plan to manage potential conflicts for key activities and in key locations - such as cross-boundary effects between rural and residential activities. Provisions for buffers, screening and noise management between zones are in place and different amenity standards apply for different zones.

However, while overall amenity values are high, there are some particular matters covered by these policies that are less successful.

The TRMP has good rules for the control of noise, but there is a large gap in the policies that guide decision-making on resource consents. A policy framework for noise that dealt with the high-level principles in order to provide an appropriate noise environment may be helpful and could be investigated. In the absence of policy, it is difficult for both decision-makers, applicants and the public to know in which circumstances potential noisy activities (e.g. helicopters, weddings, events) might be appropriate.

Boundary plantings, whether shelter-belts or amenity plantings, have been identified as an issue and one which causes considerable conflict between neighbours in the District. The issues are ongoing, take up a lot of time and cause much frustration in the community.

Signs are a highly visible activity that are covered by these policies. The policy for signs operates reasonably well, but there is a substantial history of complaints and dispute over signs. Whether Tasman has got the right balance of allowing signs, but also maintaining appropriate amenity, is a matter that should be tested with the community.

There is insufficient clarity in Objective 5.3.2 (maintenance and enhancement of special visual and aesthetic character of localities) to be able to evaluate the outcomes. The objective and policies simply do not give enough information to enable an objective assessment.

Efficiency Outcomes

While many objectives and policies are broadly effective, there is a large question as to the efficiency of the policy structure. As stated above, the policies are highly diverse and cover an array of topics in a loosely structured way. There is also a very high degree of repetition with many of the same issues being covered in other chapters.

In practice the policies of Chapter 5 are often regarded as awkward add-on provisions that are difficult to assess and enforce. Because the provisions are based in a different chapter they do not function well as a cohesive policy set that can be applied in rules and to resource consent decisions in a clear and systematic way. Community frustration and compliance issues suggest that these provisions are not as efficient as they could be.

There is a need for a substantial restructure of the way that these objectives and policies fit in with other chapters, and consideration should be given to eliminating Chapter 5 and rationalising the policies with other chapters. The new plan structure mandated by the National Planning Standards provides an opportunity address structural issues and may help to also reduce some repetition. In addition, new definitions and legislative requirements to use clear and succinct language may necessitate redrafting of many objectives and policies.

Conclusion

The scope and content of the provisions of Chapter 5 have considerable merit, but require updating. There are holes in the content that need to be filled to provide policy guidance in important areas. There is also the need to consider a restructure and rationalise the content of Chapter 5 with that of other chapters.

Recommendations

The following recommendations are intended to inform the review of the Tasman District Plan. These recommendations are intended to:

- advise decision-makers about the effectiveness and efficiency of existing provisions
- indicate if there is a 'need for change', and
- inform the development of the new Tasman Environment Plan.

The recommendations must be viewed as an initial step in the plan review process. Subsequent information from elected members, iwi and the public, plus, new information and legislative change will affect the final content of any proposed changes.

The recommendations contained below are only a succinct summary. The full analysis and detailed information supporting these recommendations is contained in the body of this report.

Table 1: Recommendations for Chapter 5 Objectives and Policies

Objective Set	Recommendations
<p>General</p> <p>The key recommendation is that consideration be given to discontinuing this chapter. Homes for nearly all of the objectives and policies in this chapter can be found elsewhere in the plan. In most cases this will require a process of integrating the Chapter 5 objectives with those found in other chapters so as to develop a cohesive set. Also, in a number of cases there will be a need for duplication as general conditions that apply broadly over the district must be customised for specific environments (e.g. residential, commercial, rural). However this duplication presents an opportunity for more finely tuned policies that are responsive to the needs in each of those environments.</p>	
<p>5.1 – Adverse Off-Site Effects</p>	
<p>Objective 5.1.2</p> <p>Minimising the adverse effects from the use of land on the use and enjoyment of other land and on natural resources.</p>	<p><u>Retain with updates and Relocate</u> – The intent of this objective remains relevant and should be retained. Ensure it applies to all environments (rural, residential etc) and is integrated into other chapters that apply specifically to those environments.</p>
<p>Policy 5.1.3.1</p> <p>To ensure that any adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values, and contamination and natural hazard risks are avoided, remedied, or mitigated.</p>	<p><u>Retain with updates and Relocate</u> – This policy is generally appropriate, but should be made more directive and apply only to site amenity. Avoid, remedy or mitigate terminology should be revised.</p>
<p>Policy 5.1.3.2</p> <p>To protect the quality of groundwater and surface water from the adverse effects of urban development and rural activities.</p>	<p><u>Retain with updates and Relocate</u> – The intent of this policy is appropriate but should be located in the Regional Plan for water.</p>
<p>Policy 5.1.3.3</p> <p>To protect areas of specific resource value, such as hard rock aggregate resources, from encroachment by residential activities.</p>	<p><u>Retain with updates and Relocate</u> – This is a more recent policy from PC60 and remains relevant. The policy would be better relocated into chapter 6 (urban growth policies) or 7 (land resources and quarrying policies).</p>
<p>Policy 5.1.3.4</p>	<p><u>Retain with updates and Relocate</u> – This policy should be reframed and relocated so it sits with other policies for Discharges. With advancements in</p>

Objective Set	Recommendations
To limit the intensity of development where wastewater reticulation and treatment are not available.	wastewater treatment and discharge technology, on-site discharges are not as inherently risky as they once were. This policy should also be reviewed to take a more effects-based approach. The policy should relate to avoiding adverse effects from wastewater discharges rather than limiting intensity of development.
<p>Policy 5.1.3.5</p> <p>To ensure that the characteristics of each lot of any subdivision are suitable for sustainable on-site treatment of domestic waste in unreticulated areas.</p>	<p><u>Retain and Relocate</u> – This policy is appropriate, but ought to be located in the Regional Plan with other policies on Discharges.</p>
<p>Policy 5.1.3.6</p> <p>To limit the use of on-site domestic wastewater disposal systems in the Special Domestic Wastewater Disposal Areas (SDWDAs).</p>	<p><u>Review and Relocate</u>– A policy covering this topic should be relocated to the discharge chapter. Also, discharges in the SDWDAs are a permitted activity and therefore this policy is inappropriate.</p>
<p>Policy 5.1.3.7</p> <p>To require developers to show in an SDWDA how a transition from on-site disposal to a community disposal or reticulated scheme will be made where Council has resolved to construct such a scheme within five years of the application being made.</p>	<p><u>Delete</u> – This functions more as a rule, and makes assumptions on the provision of infrastructure by the Council.</p>
<p>Policy 5.1.3.8</p> <p>Development must ensure that the effects of land use or subdivision activities on stormwater flows and contamination risks are appropriately managed so that the adverse environmental effects are no more than minor.</p>	<p><u>Retain with updates and Relocate</u> – This policy is generally appropriate, but ought to be located in the Regional Plan with other policies on stormwater discharges; terminology will need to be updated.</p>
<p>Policy 5.1.3.9</p> <p>To avoid, remedy, or mitigate effects of:</p> <ul style="list-style-type: none"> (a) noise and vibration; (b) dust and other particulate emissions; (c) contaminant discharges; (d) odour and fumes; (e) glare; (f) electrical interference; (g) vehicles; (h) buildings and structures; (i) temporary activities; <p>beyond the boundaries of the site generating the effect.</p>	<p><u>Review and Relocate</u> – This policy is essentially a repetition of the requirement to assess effects on the environment that is established by the Act. It does not have any further effect.</p> <p>It is <u>recommended</u> that the policy be reviewed to determine whether more directive policies can be developed for each of the potential effects identified in this policy.</p> <p>In <u>particular</u>, policy to establish what are acceptable or desirable noise environments could be explored. Given the complexities of trying to regulate the noise environment any such policy framework would need to be high-level, and focus on key locations and zones such as residential amenity, zone boundaries, and recreation zone activities.</p> <p>Such policy could guide both resource consent decision-making and also compliance actions. There may be certain activities or groups of activities that may be supported or discouraged through policy. Examples may be community or commercial activities in residential areas, industrial activities in the rural area etc.</p>

Objective Set	Recommendations
<p>Policy 5.1.3.10</p> <p>To avoid, remedy, or mitigate the effects of shelter belts, spray belts, horticultural plantings, plantation forestry and other vegetation on adjoining properties and on road safety matters including visibility, shading, and icing, while acknowledging the rural area as being a working environment.</p>	<p><u>Retain with updates and Relocate</u> – The intentions of this policy are appropriate, but are repeated in chapter 7. The policy, but most particularly the supporting definitions, require improvement in order to provide sufficient certainty and enforceability. The issues are with the wider issue of boundary plantings and the use of them to adversely affect the amenity of neighbouring landowners.</p>
<p>Policy 5.1.3.11</p> <p>To avoid, remedy, or mitigate the likelihood and adverse effects of the discharge of any contaminant beyond the property on which it is generated, stored, or used.</p>	<p><u>Delete</u> – This objective does not achieve any outcome that is not already addressed either by the Act, or by the policy framework that applies to discharges.</p>
<p>Policy 5.1.3.12</p> <p>To protect the natural character of coastal land from adverse effects of further subdivision, use or development, including effects on:</p> <ul style="list-style-type: none"> (a) natural features and landscapes, such as headlands, cliffs and the margins of estuaries; (b) habitats such as estuaries and wetlands; (c) ecosystems, especially those including rare or endangered species or communities; (d) natural processes, such as spit formation; (e) water and air quality; <p>having regard to the:</p> <ul style="list-style-type: none"> (i) rarity or representativeness; (ii) vulnerability or resilience; (iii) coherence and intactness; (iv) interdependence; (v) scientific, cultural, historic or amenity value; <p>of such features, landscapes, habitats, ecosystems, processes and values.</p>	<p><u>Retain with updates and Relocate</u> – The content of this policy should be relocated to the various domains to which it applies (e.g. biodiversity, margins of coast, regional coastal plan). Policy content will require rationalisation with other policies.</p>
<p>Policy 5.1.3.13</p> <p>To avoid, remedy, or mitigate adverse effects of urban use and development on rural activities at the interface between urban and rural areas.</p>	<p><u>Relocate</u> – repeated in Chapter 6 and 7.</p>
<p>Policy 5.1.3.14</p> <p>To provide sufficient flexibility in standards, terms and methods for rural sites to allow for the wide range of effects on amenities which are typically associated with rural activities, and which may vary considerably in the short or long term.</p>	<p><u>Retain with updates and Relocate</u> – This policy should be relocated and rationalised with the policies that apply to rural areas.</p>
<p>General Recommendations for Section 5.1</p> <p>1. While much of the content of this section is appropriate and useful, it is recommended that the content be relocated into other chapters that deal with different environments (i.e. urban, rural, industrial, coastal) and be more specifically customised for each of those environments. This will allow more specific and directive policies rather than catch-all policies that overly generalised.</p>	

Objective Set	Recommendations
<p>2. More coherent policy frameworks for addressing the effects of noise should be developed. While rules are in place, the policy support for those rules is inadequate. The frameworks may be consistent or may be customised for each of the relevant environments (e.g. rural, urban, industrial).</p> <p>3. The matter of protection of views across other people’s land could be addressed more explicitly in the Plan. Assuming that the current position of not protecting views across land is continued, the rules around boundary plantings will still need to be addressed in order to maintain appropriate levels of amenity, particularly in rural areas.</p>	
5.2 – Amenity Values	
<p>Objective 5.2.2 Maintenance and enhancement of amenity values on site and within communities throughout the District.</p>	<p><u>Retain and Relocate</u> – This objective remains relevant and appropriate.</p>
<p>Policy 5.2.3.1 To maintain privacy in residential properties, and for rural dwelling sites.</p>	<p><u>Retain with updates and Relocate</u> – This matter is important, but could be customised separately for urban and rural environments.</p>
<p>Policy 5.2.3.2 To ensure adequate daylight and sunlight to residential properties, and rural dwelling sites.</p>	<p><u>Retain with updates and Relocate</u> – this is an important amenity outcome.</p>
<p>Policy 5.2.3.3 To promote opportunity for outdoor living on residential properties, including rural dwelling sites.</p>	<p><u>Retain with updates and Relocate</u> – This matter is important, but could be customised separately for urban and rural environments.</p>
<p>Policy 5.2.3.4 To promote amenity through vegetation, landscaping, street and park furniture, and screening.</p>	<p><u>Review and Relocate</u> – This policy covers only one aspect of good urban design. The content should be retained, but be included as part of a comprehensive set of urban design policies.</p>
<p>Policy 5.2.3.5 To promote amenity and convenience for people in commercial areas.</p>	<p><u>Review and Relocate</u> – This policy covers only one aspect of good urban design. The content should be retained, but be included as part of a comprehensive set of urban design policies within Chapter 6.</p>
<p>Policy 5.2.3.6 To maintain and enhance natural and heritage features on individual sites.</p>	<p><u>Review and Relocate</u> – This policy should be relocated and rationalised with the policies that apply to heritage.</p>
<p>Policy 5.2.3.7 To enable a variety of housing types in residential and rural areas.</p>	<p><u>Retain with updates and Relocate</u> – The intent of this policy is appropriate but is duplicated in Chapter 6 for urban areas and Chapter 7 for rural areas.</p>
<p>Policy 5.2.3.8 To avoid, remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural areas.</p>	<p><u>Retain with updates and Relocate</u> – This policy duplicates a policy in Chapter 11. The ‘ARM’ (Avoid Remedy Mitigate) terminology should be updated to be more directive.</p>
<p>Policy 5.2.3.9 To avoid, remedy or mitigate the adverse effects of signs on amenity values.</p>	<p>1. <u>Retain with updates and Relocate</u> – reconsideration of the level of restriction versus permission for signs. Decision making policy is relatively permissive at present, but with increasing population and commercial activity</p>
<p>Policy 5.2.3.10</p>	

Objective Set	Recommendations
To allow signs in residential, rural residential, recreation and rural areas that are necessary for information, direction or safety.	signage will increase. The settings (particularly in residential and rural areas) should be tested with the community.
<p>Policy 5.2.3.11</p> <p>To enable a range of signs in commercial and industrial areas, subject to safety and access needs and visual considerations.</p>	<ol style="list-style-type: none"> 2. The interplay between policies 5.2.3.9 and 5.2.3.10 should be examined to determine if the balance is right. 3. The ARM terminology should be updated to be more directive. 4. For Policy 5.2.3.10 Provide definitions or clarity as to the type of signs that are to be enabled.
<p>Policy 5.2.3.12</p> <p>To support the consolidation of information and “welcome to . . .” signs at the entrances to towns.</p>	<u>Retain with updates and Relocate</u> – The scope of this policy could be widened to avoid the proliferation of signs on the margins of settlements.
<p>Policy 5.2.3.13</p> <p>To limit lighting of rural and residential subdivisions and development, including rural signs, to that which is necessary for safety and security, including public safety and security.</p>	<u>Retain with updates and Relocate</u> – This policy should be expanded upon to provide greater direction to avoid unnecessary lighting. Greater weight could be given to protecting and enhancing dark night sky outcomes. The policy should be aligned with the NTLDM.
<p>General Recommendations for Section 5.2</p> <p>While much of the content of this section is appropriate and useful, it is recommended that the content be relocated into other chapters that deal with different environments (i.e. urban, rural, industrial) and be more specifically customised for each of those environments. This will allow more specific and directive policies rather than catch-all policies that overly generalised.</p>	
<p>5.3 – Visual and Aesthetic Character</p>	
<p>Objective 5.3.2</p> <p>Maintenance and enhancement of the special visual and aesthetic character of localities.</p>	<ol style="list-style-type: none"> 1. <u>Review and Relocate</u> – The intent of this policy should be retained, but there should be rationalisation and integration of policy alongside the rural and urban policy set to ensure greater efficiency. 2. Details of the special characters of localities would need to be identified in order to provide the policy with greater effectiveness.
<p>Policy 5.3.3.1</p> <p>To maintain the low or medium density residential character within the existing urban areas, except where higher residential density is provided for in specified development areas.</p>	<u>Review and Relocate</u> – This policy is covered in Chapter 6. Policies relating to housing choice and medium density development should be rationalised and located in Chapter 6.
<p>Policy 5.3.3.1A</p> <p>To enable medium density housing with a high standard of amenity in specified locations.</p>	<u>Review and Relocate</u> – This policy should be reconsidered and integrated into the broader urban development policy framework (Chapter 6).
<p>Policy 5.3.3.2</p> <p>To maintain the open space value of rural areas.</p>	<u>Review and Relocate</u> – This policy should be reconsidered and integrated into the broader rural development policy framework (Chapter 7).
<p>Policy 5.3.3.3</p> <p>To avoid, remedy or mitigate the adverse effects of the location, design and appearance of buildings,</p>	<u>Review and Relocate</u> – This policy should be reconsidered and integrated into the broader policy

Objective Set	Recommendations
signs and incompatible land uses in areas of significant natural or scenic, cultural, historic or other special amenity value.	framework that applies to high landscape value areas.
<p>Policy 5.3.3.4</p> <p>To avoid, remedy or mitigate the adverse effects of activities on the character and sets of amenity values in specific urban locations.</p>	<p><u>Review and Relocate</u> – This policy provides little clear direction as currently written. The settlement policies in Chapter 6 may be more appropriate to identify specific values that are important to each urban location.</p>
<p>Policy 5.3.3.5</p> <p>To maintain and enhance features which contribute to the identity and visual and aesthetic character of localities, including:</p> <p>(a) heritage sites and buildings; (b) vegetation; (c) significant landmarks and views.</p>	<p><u>Review and Relocate</u> – This policy should be reconsidered and integrated into the broader policy framework that applies to specific localities and settlements. A customized version of this policy could be integrated separately into urban, rural, settlement and landscape policy frameworks.</p>
<p>Policy 5.3.3.6</p> <p>To provide clear and distinctive boundaries to urban areas in relation to main highway routes.</p>	<p><u>Retain with updates and Relocate</u> to Chapter 6 as it relates to managing settlement boundaries.</p>
<p>General Recommendations for Section 5.3</p> <p>These provisions are a ‘grab-bag’ from rural and urban environments, and high landscape value sites. The policies should be relocated to other chapters and rationalised alongside the other provisions in those chapters to ensure that they are cohesive and appropriate.</p>	
<p>5.4 – Residential Activities and Community Facilities</p>	
<p>Objective 5.4.2</p> <p>Accommodation of a wide range of residential activities and accessible community facilities in urban areas.</p>	<p><u>Retain and Relocate</u> – This objective is appropriate and useful, but could be more directive as to its purpose of achieving high levels of amenity for communities.</p> <p>Relocate to Urban chapter (Chapter 6).</p>
<p>Policy 5.4.3.1</p> <p>To enable a variety of housing types, recognising different population growth characteristics, age, family and financial circumstances and the physical mobility of, or care required by, residents.</p>	<p><u>Review and Relocate</u> - This policy is a virtual duplicate of Policy 5.2.3.7 and also heavily overlaps with objectives and policies in Chapter 6. This policy should be integrated into Chapter 6 and together they should be expanded out to a set of policies that provide for the needs of the modern urban environment. The policies could also support the Future Development Strategy in terms of supporting intensification.</p>
<p>Policy 5.4.3.2</p> <p>To allow for health care, educational and cultural facilities and other local community activities, including in residential areas, providing these do not compromise the character or amenity of the residential neighbourhood.</p>	<p><u>Retain and Relocate</u> – This policy should be reviewed and retained as there is an important role for appropriate and accessible community activities in residential areas.</p>
<p>General Recommendations for Section 5.4</p> <p>The current policies are valuable and should be retained in some form. They should probably be relocated to an urban environments chapter</p>	

Objective Set	Recommendations
5.5 – Health and Safety	
<p>Objective 5.2.2 Reduction of risks to public health and safety, property and the environment, arising from fire and hazardous substances.</p>	<p><u>Retain with updates and Relocate</u> – It is appropriate to retain an objective that addresses health and safety. A wider scope of matters should be integrated into the health and safety topic, as it goes beyond just fire and hazardous substances.</p>
<p>Policy 5.5.3.1 To avoid, remedy or mitigate the likely adverse effects on land uses from fire, arising from the location of buildings or flammable vegetation.</p>	<p><u>Review and Relocate</u> – intent of policy could be included in an overarching and consolidated suite of natural hazard policies. (See Chapter 13 Evaluation report). The ARM terminology should be reviewed and updated.</p>
<p>Policy 5.5.3.2 Avoid, remedy or mitigate the likely adverse effects of facilities for the manufacture, storage, use or disposal of hazardous substances, on human health, other land use activities or the environment, including those effects arising from the location, design, construction or management of such facilities.</p>	<ol style="list-style-type: none"> 1. <u>Retain with updates and Relocate</u> – this policy still serves a useful purpose in supporting the HSNO Act requirements, but also broadening out the consideration to the wider environment. 2. The ARM terminology should be reviewed, and the wording should be reviewed to make it fit alongside the HSNO Act.
<p>Policy 5.5.3.3 To avoid, remedy or mitigate the likely adverse effects of the transport or use of hazardous substances, arising outside of any facility for their manufacture, storage or use.</p>	<ol style="list-style-type: none"> 1. <u>Retain with updates and Relocate</u> – Retain the topic of transport of hazardous substances, but update wording to be more specific. It would probably be appropriate that adverse effects from the transportation of hazardous substances be “avoided”. 2. The ARM terminology should be reviewed, and the wording should be reviewed to make it fit alongside the HSNO Act.
<p>Policy 5.5.3.4 To avoid any escape or discharge to surface water or groundwater, or drift to other property, of any hazardous substance, from within the site where it is used.</p>	<p><u>Review and Relocate</u> – this policy should be relocated to the discharges policy chapter and rationalised alongside the full set of discharge and water quality provisions. Wording will need to be reviewed as it is not feasible to “avoid” all discharges including fugitive or gaseous discharges.</p>
<p>Policy 5.5.3.5 To require adoption of land management practices that avoid the potential for creating future contaminated sites.</p>	<p><u>Retain with updates and Relocate</u> – The outcome sought by this policy is appropriate and relevant. The policy could be broadened so that it applies to more than just “land management practices” which limits the scope of the policy. It is likely that the creation of new contaminated sites should be “avoided”.</p>
<p>Policy 5.5.3.6 To require the preparation of a contingency plan to avoid, remedy or mitigate any adverse effects of an emergency discharge or accidental spill of hazardous substances.</p>	<p><u>Review and Relocate</u> – This policy is more of a rule and should be required in appropriate location(s) in the rule framework. Higher level policy requiring contingency planning in appropriate circumstances should be required.</p>
<p>Policy 5.5.3.7 To encourage the reduction in the use of hazardous substances.</p>	<p><u>Review and Relocate</u> – Refine this policy to change focus towards reducing unnecessary waste, and</p>

Objective Set	Recommendations
	also towards avoiding the harm that may be caused by the use of hazardous substances.
<p>Policy 5.5.3.8</p> <p>To account for the cumulative risk from storage and use of hazardous substances arising from the development of different scales and types of hazardous facilities locating in the Mixed Business Zone, and to account for the effects of each hazardous facility on the:</p> <ul style="list-style-type: none"> (a) adjacent land uses; (b) aggregate risk of hazardous substances on the site; (c) cumulative risk of hazardous substances across the zone and in the wider environment; (d) ability of the zone infrastructure, especially stormwater drainage networks to address cumulative impacts of stormwater discharged from hazardous facilities. 	<p><u>Retain with updates and Relocate</u> – As the Mixed Business Zone is intended to sit alongside residential zones and populated areas this policy is appropriate. Consideration should also be given to whether this policy approach should be expanded to other zones.</p>
<p>Policy 5.5.3.9</p> <p>To avoid, remedy or mitigate the adverse effects of land use activities on contaminated sites where there is a risk to human health or the environment by regulating activities being carried out on contaminated sites, particularly where there is a change in land use.</p>	<ol style="list-style-type: none"> 1. <u>Retain with updates and Relocate</u> – The intent of this policy remains appropriate. The ARM terminology should be reviewed. 2. The effect of activities on contaminated sites on the environment could be separated out and better described.
<p>Policy 5.5.3.10</p> <p>To prohibit:</p> <ul style="list-style-type: none"> (a) the generation of radioactive material; (b) the generation of energy from radioactive material or irradiating apparatus; (c) the transport, storage, or disposal of radioactive material or waste; <p>in Tasman District, except where one of the following is undertaken in accordance with the Radiation Protection Act 1965:</p> <ul style="list-style-type: none"> (i) the transport, storage, or use of radioactive material, or the use of irradiating apparatus for medical, educational, industrial or research purposes; or (ii) the disposal of radioactive material or waste. 	<p><u>Review and Relocate</u> – This policy needs to be re-evaluated and tested with the community to determine whether these activities should remain prohibited into the future.</p>
<p>Policy 5.5.3.11</p> <p>To oppose the presence of nuclear powered or nuclear equipped vessels in the waters of the Tasman District.</p>	<p><u>Review and Relocate</u> – This policy needs to be re-evaluated and tested with the community to determine whether these activities should remain prohibited into the future. Consideration should be given to linking this policy to national legislation so that if in the future the nuclear free position changes, then the policy is not out of date.</p>

Objective Set	Recommendations
<p>General Recommendations for Section 5.5</p> <ol style="list-style-type: none"> <li data-bbox="209 304 1372 394">1. Health and safety outcomes may not require a specific section. They may be better addressed through domains (e.g. transport, natural hazards, and contaminated land). Restructuring of the policies along these lines should be considered. <li data-bbox="209 412 1372 533">2. A refined set of policies that do not significantly overlap with the HSNO Act will likely focus on the environmental effects-based considerations relating primarily to discharges. It may also focus on particular issues that are of relevance to Tasman and which should be addressed in the local plan. Consideration should be given to integrating the policies into the discharges policy framework. <li data-bbox="209 551 1372 573">3. Investigate an appropriate replacement for the HFSP process that may be used in rules. 	

1. Purpose Statement

The purpose of this evaluation of the TRMP is to determine the effectiveness and efficiency of the provisions contained within it. It helps us understand if the TRMP provisions are doing what they're meant to do.

This evaluation process is a fundamental step in the policy review cycle and a requirement of the Resource Management Act. It informs good quality plan-making and helps maintain confidence and integrity in the process.

The results of this evaluation will inform the review of the Tasman Resource Management Plan.

What do the terms mean?

Effectiveness: *“assess the contribution ... provisions make towards achieving the objectives and how successful they are likely to be in solving the problem they were designed to address”*

Efficiency: *“measures whether the provisions will be likely to achieve the objectives at the lowest total cost to all members of society, or achieves the highest net benefit to all of the society”*

(Ministry for the Environment s.32 Guidance)

Key Evaluation Questions

What we need to keep in mind:

- ✓ Are we focused on the right issues?
- ✓ Have we done what we said we'd do?
- ✓ Have we achieved what we said we'd achieve?
- ✓ How do we know our actions led to the outcome observed?
- ✓ Have we achieved that outcome at reasonable cost (could we have achieved it more cheaply)? (Enfocus, 2008)

2. Scope

2.1 District Plan Provisions Reviewed

Chapter 5 is broad and touches on a wide range of amenity considerations. As the title of the chapter suggests, it focusses on ‘sites’ as the unit of consideration, and therefore the effects that can result when contaminants or emissions cross site boundaries.

But also the chapter goes beyond contaminants and cross-boundary effects. It covers matters such as visual amenity and protection of certain resources, the extraction of which could result in adverse amenity effects. The policies even branch out into consideration of natural character of coastal land.

The Chapter identifies the following issues:

- 5.2.1.1 Amenity can be compromised in site development and site use.
- 5.3.1.1 Some localities exhibit special characteristics which people wish to retain.
- 5.4.1.1 Residential and community facilities and services which enable people to provide for their social, economic and cultural well-being and for their health and safety.
- 5.5.1.1 Safety of people, property, and resources.
- 5.5.1.2 Inappropriate management and systems for manufacturing, handling, storing, using or disposing of hazardous substances can pose significant risks to the environment.

Table 2: Summary of Objectives

Chapter 5: Site Amenity Effects		
Section 5.1	Policies	Comment
Objective 5.1.2 Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.	5.1.3.1 – 5.1.3.14	There are a substantial number of policies in this section that relate to discharges, including of wastewater, dust, and other particulates and contaminants. While full evaluation of these is beyond the scope of this report, some commentary and recommendation is made. Excluded is also policy 5.1.3.12. It is considered alongside the coastal Chapter 8. The interface of urban to rural (5.1.3.13 and 5.1.3.14) is dealt with in the Chapter 7 evaluation.
Chapter 5.2	Policies	Comment
Objective 5.2.2 Maintenance and enhancement of amenity values on site and within communities throughout the District	5.2.3.1 – 5.2.3.13	These policies focus primarily on residential and site amenity. Also on addressing the potential for signs and lighting to reduce amenity.
Chapter 5.3	Policies	Comment
Objective 5.3.2 Maintenance and enhancement of the special visual and aesthetic character of localities.	5.3.3.1 – 5.3.3.6	This is an unusual mixture of policies with a wide range of matters that fall within the ambits of urban policy (Chapter 6), rural policy

		(Chapter 7) and natural and heritage values and landscapes (Chapters 9 and 10)
Chapter 5.4	Policies	Comment
Objective 5.4.2 Accommodation of a wide range of residential activities and accessible community facilities in urban areas	5.4.3.1 and 5.4.3.2	This objective and policies enable appropriate residential living and the other community activities that are often appropriate in residential areas.
Chapter 5.4	Policies	Comment
Objective 5.5.2 Reduction of risks to public health and safety, property and the environment, arising from fire and hazardous substances	5.5.3.1 – 5.5.3.11	A single policy addresses wild fire on sites. The remaining policies address hazardous substances.

Key regulatory implementation methods are:

- (i) Rules relating to the control of potential adverse effects on amenity (e.g. allotment size, shading, living space etc)
- (ii) Zones and areas that are identified on the basis of particular characteristics
- (iii) Provision of buffer areas and separations
- (iv) Standards of the NTLDM
- (v) Rules which permit a variety of residential and community activities
- (vi) Rules relating to sites involving storage, use and disposal of hazardous substances
- (vii) Chemical Hazard Area rules to restrict activities
- (viii) Rules requiring provision of water for firefighting in rural and residential settings.

2.2 Timeframe of Evaluation

March – November 2019

2.3 Summary of Methodology

Broadly, the methodology of this evaluation follows the Plan Outcomes Evaluation process. Plan Outcome Evaluation involves:

1. An examination of the outcomes being sought – what are the objectives trying to achieve?
2. Tracking how the plan has been designed to affect the outcomes – do the intentions in the objectives get carried through to the rules and methods? Are the provisions efficient?
3. Assessing if the provisions have been implemented – what evidence is there that the provisions are being applied to relevant activities?
4. Assessing relevant environmental trends and ‘on the ground’ data to conclude if the Plan has been successful in achieving its intentions. This includes consideration of the external factor influences such as legislative changes, national policy statements, case law, significant economic changes, demographics etc.

Throughout the evaluation, there is an emphasis on attributing the activities enabled or controlled by the TRMP on observed outcomes. However, attributing outcomes to the TRMP must always be viewed in the wider context of changes. These are noted where known, but it is beyond the scope of this evaluation to capture all of the changes and influences that affect outcomes in our communities and environment.

Limitations with the Plan outcome evaluation approach also arise where environmental outcome data is poor, or where there a multiple factors driving outcomes. Time, resourcing and quality of data also affects the comprehensiveness of the evaluation.

To address some of these limitations, the evaluation process has included a ‘rapid assessment’ technique. The technique draws on the combined knowledge and expertise of local TDC staff, residents, community leaders, and topic experts to create an understanding of plan implementation, efficiency and outcomes. The rapid assessment outputs are supplemented with:

- Environmental data or expert reports where available
- Council data (e.g. property and asset information, consenting and compliance database information, models)
- Mapping and imagery (e.g. GIS, aerial imagery, LiDAR)
- Information or reports prepared during plan change processes (e.g. s.32 Reports, Issues and Options papers, technical reports, submissions, community meetings)

The evaluation may also draw on the results of the TRMP Use-ability Survey (TDC, 2013), where relevant.

For this topic the following data sources have been used to inform the evaluation:

Table 3: Resources and Data Used

Data source/s:	Details and Notes
Rapid Assessment	Discussion and assessment of key amenity topics arising out of Chapter 5 with the following staff: Katrina Lee, Team Leader – Land Use Consents Graham Caradus, Team Leader – Environmental Health Dugald Ley, Development Engineer Carl Cheeseman, Team Leader – Monitoring & Enforcement Pauline Webby, Policy Planner – Natural Resources Maxine Day, Team Leader – Urban & Rural Development Policy Leif Pigott, Team Leader – Natural Resources, Consents
Council reports	Public Health and Safety Activity Management Plan 2018 Reserves and Facilities Activity Management Plan 2018
Council records (MagiQ-BR/NCS/databases)	Consents Database - Privacy metrics - Daylight metrics - Outdoor living and other amenity metrics - Signs - Resource consents for illuminated signs - Shelter belts - Community activities in the Residential Zone Service Request database (complaints) - Signs

	<ul style="list-style-type: none"> - Community activities - Shelter belts - Noise
Legislation	<p>National Policy Statement – Urban Development Capacity Draft National Policy Statement – Urban Development National Environmental Standard – Contaminated Sites</p>
Google Street View	Photos of town entrances and signage

2.4 Summary of Consultation

The following consultation has been undertaken during the preparation of this evaluation.

2.4.1 Tasman District Councillors

A workshop with elected Councillors was held on 27 May 2020 discussing key issues and recommendations identified for this chapter. No additional matters were raised that affected the recommendations of this report. All recommendations were supported.

However, comment was made by the Councillors that there are sources of noise in the community that remain problematic, such as motocross.

2.4.2 Tasman Environmental Policy Iwi Working Group

The iwi of Te Tau Ihu, as tāngata whenua, have a unique relationship with Tasman District Council. There are a number of legislative requirements which oblige us to engage more collaboratively with iwi and Māori - including provisions in the Resource Management Act, Local Government Act and Treaty of Waitangi settlement legislation. To support this a separate section 35 report with a focus on iwi/Māori provisions has been prepared. Please refer to that chapter for a record of consultation undertaken.

3. Effectiveness and Efficiency Evaluation

3.1 Context

The primary legislation driving the management of amenity is the Resource Management Act 1991. Other legislation that also plays a role in achieving the objectives in Chapter 5 include, the Property Law Act 2007 (relating to such things as views, fencing (privacy) etc); Hazardous Substances and New Organisms Act (HSNO) 1996; Radiation Safety Act 2016; and Electoral Act 1993 (Signs).

3.1.1 Legislation Changes

A number of changes to the RMA have been made that have influenced outcomes from Chapter 5:

- Resource Management Amendment Act 2003 which created a new matter of national importance under section 6(f) for the protection of historic heritage.
- In 2017 the Resource Legislation Amendment Act 2017 made significant changes to five different Acts. Notable for Chapter 5 TRMP is that “The management of significant risks from natural hazards” became a new matter of national importance in Section 6 RMA. The

explicit function for Councils to control hazardous substances was also removed from the RMA.

- The 2017 also brought in a significant change to consenting processes when it defined (in Section 87AAB) the concept of a “boundary activity”. With Chapter 5 strongly concerned with sites and amenity values on and between sites it is relevant that the 2017 Amendment Act allowed for “boundary activities” which would otherwise have required a resource consent to be permitted if the affected neighbour’s written approval is provided.
- The promulgation of the New Zealand Coastal Policy Statement 2010 which replaced the 1994 document also marked a significant change in coastal management and amenity values.
- Several National Environmental Standards have been issued which are relevant, namely National Environmental Standards for Air Quality 2004, and National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011. Both have implications for the rules and implementation of the TRMP.

3.1.2 Relevant Plan Changes

The TRMP has had a constant programme of rolling reviews (variations and plan changes) since it was first notified. The changes have been introduced to address unintended outcomes, new issues, new priorities and legislative requirements. The plan changes relevant to this topic are outlined in Table 4 below.

Where a plan change has been recently introduced (i.e. <3 years) its impact will be difficult to determine with any accuracy as:

- there may have been limited uptake of the plan provisions (i.e. not many activities undertaken that trigger the new rule set) and/or
- the impact of existing use rights and previously consented activities continue
- the impacts may not be highly visible until there is a cumulative uptake of the provision.

For those reasons, the implementation of plan changes less than 3 years old (from operative date) have not been fully assessed for effectiveness or efficiency.

In regards to Chapter 5 there have been relatively few plan changes, and none which have made any significant changes to the intent or functioning of the Chapter. There has been no whole scale review of the chapter since it was first drafted and notified in 1996.

Nevertheless, there are some minor and relevant changes that should be noted.

Table 4: Relevant Plan Changes

Plan Change or Variation	Description of change and key matters
Variations 49 & 50 (PC5)	<p>Variations 49 and 50 introduced the Richmond South Development Area and Sustainable Urban Development Provisions.</p> <p>This resulted in only a small change to Chapter 5, where policy 5.3.3.1 (then 5.3.1) was amended to maintain low or medium density residential character, but to enable higher residential density in specified development areas. These development areas now include:</p> <ul style="list-style-type: none"> • the Richmond Intensive Development Area; • the Richmond South Development Area; • the Richmond West Development Area; and

	<ul style="list-style-type: none"> the Motueka West Development Area. <p>The bulk of the variation focused on policy, rule and information provision changes to Chapter 6 to enable the implementation of the RSDA.</p>
Variation 56 (PC7)	<p>Variation 56 amended the stormwater provisions of the TRMP to encourage a greater level of consideration of stormwater management within land use and subdivision activities. The approach was to recognise the link between changes in land uses and the flow, quality and sedimentation effects that they can have on stormwater.</p> <p>The Variation introduced a new policy 5.1.3.8 (then 5.1.3D) to require that the effects of land use or subdivision activities on stormwater flows and contamination risks are appropriately managed so that the adverse environmental effects are no more than minor. Several methods were also introduced.</p>
Variations 61, 62, 63 (PC10)	<p>These variations introduced the Richmond West Development Area into the TRMP. The Mixed Business zone was a new feature.</p> <p>The only implication for Chapter 5 was the introduction of policy 5.5.3.8 (then 5.4.4CA) that specifically sought “to account for the cumulative risk from storage and use of hazardous substances arising from development of different scales and types of hazardous facilities locating in the Mixed Business Zone ...”. A particular rule for the Mixed Business Zone was also introduced.</p>
Plan Change 60	<p>This Plan Change introduced a number of changes that have implications for site amenity.</p> <p>Firstly, a performance standard was introduced into the Permitted and Controlled Activity rules for dwellings and habitable buildings in the Rural Zones that requires 30 metre setbacks from any adjoining sites that are greater than 2,500 square metres in area. This method is to reduce adverse cross-boundary amenity effects between habitable buildings and rural land uses.</p> <p>Secondly, temporary activities that are construction, maintenance or demolition work were provided with a specific rule that allowed for the compliance with NZS6803:1999 Acoustics – Construction Noise. This essentially allows for noisier activities to occur so long as they are temporary.</p>

3.1.3 Relevant Case law

Combined Rural Traders Society Limited and Metlifecare Oakwoods v Tasman District Council C056/08 (Kenderdine J presiding) was a successful appeal by Metlifecare against the TDC grant of consent to CRT for a commercial development on a site in Lower Queen Street. The appeal focussed on issues of amenity, precedent and the ongoing integrity of plan provisions which related to residential matters in the zone. The Court noted that the matter was finely balanced with the applicant (CRT) arguing the area was in transition and could easily absorb a commercial development and the appellant (Metlifecare which owned a residential village and hospital adjacent to the site) emphasising the strong residential amenities which maintained the zone and locality of the site.

The Court considered the TRPS and PTRMP provisions (including the objectives and policies of the PTRMP pertaining to the residential zone and urban environment). It found the proposal was contrary to most of the key provisions. The Court found that the area of the site on the

southwestern side of Queen Street was essentially residential in character and that if formed part of a linear stretch of residential activity that was physically and visually separated from the industrial/commercial land uses to the south east by the intersection with Stratford Beach Road and the drainage culvert opposite (to the rear of the commercial/industrial zoned land fronting Gladstone Road). The Court granted the appeal and cancelled the consent because the adverse effect on the residential amenity of the neighbourhood outweighed the positive effect. The proposal would cause a major adverse effect on the amenity of the locality.

Blyth v Tasman District Council C015/2005 (Sheppard J presiding) Court upheld an appeal of a subdivision consent for residential development on Rural 1 land near Takaka. The Court considered the relevant objectives and policies in the PTRMP concerning the Rural zoning. It found that the grant of consent would have adverse effects on rural amenity values and was inconsistent with the relevant objectives and policies in the PTRMP.

3.1.4 Other Factors

Population Change

Tasman District has experienced significant population and demographic changes since the TRMP was first notified in 1996.

Population growth has resulted in a significant expansion of development areas, particularly around the urban boundary of Richmond and Motueka. Suburban growth in Richmond South and Richmond West areas have shifted the urban boundary.

The population growth pressure has also seen development of an increasingly urban land product, with smaller lot sizes which has implications for the amenity of residential sites, as well as the urban boundary. Recent work by the Council has also confirmed a strong public preference for intensification of existing settlements. Although it should also be noted that rural lifestyle living also remains very popular.

We have also seen an increase in the size of houses being constructed. This, combined with increasing pressure on land availability may have led to smaller outdoor areas, more pressure on Amenity values, particularly in relation to boundary setbacks and living court areas.

Economic Drivers

The strong economic growth may lead to an overall increase in economic activity which, either singularly or combined, may result on effects on site amenity. For example, increased economic activity may result in phenomena such as the proliferation of signs, which have a strong presence in Chapter 5. Road traffic, and particularly heavy vehicle use, is strongly linked to economic growth. It should be recognised that in this regard amenity outcomes may be significantly influenced by economic conditions.

New Zealand Standards

The rules in Chapters 16, 17 and 18 that implement the amenity matters covered in Chapter 5 make reference to a number of New Zealand Standards. These standards provide methods for measuring and assessing a range of matters and, through being referenced in the rules, have a considerable and important influence on the rules and therefore on the permitted activities that may be able to be carried out by the people of Tasman. The standards that apply are summarised in Table 5.

Table 5: New Zealand Standards referenced in the TRMP

NZ Standard referenced in rules	Title	Activities affected
AS/NZS 1547:2012	On-Site Domestic Wastewater Management standards	Chapter 36 – On-site wastewater discharges
AS/NZS 1158:2010	Lighting for Roads and Public Spaces	Lighting and night time amenity. Now implemented through the NTLDM
NZS 2772.1:1999 and AS/NZS 2772.2:2016	Radiofrequency Fields	Chapter 16.6 – Rules for network utilities and public works
NZS8409:1999	Code of Practice for the Management of Agrichemicals	Chapter 16.7 – Rules for the storage and use of hazardous substances
	Code of Practice for Design, Installation and Operation of Underground Petroleum Storage Systems	Chapter 16.7 – Rules for the storage and use of hazardous substances
	Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand	Chapter 16.7 – Rules for the storage and use of hazardous substances
AS/NZS 1596:1997	Storage and handling of Liquefied Petroleum Gas	Chapter 16.7 – Rules for the storage and use of hazardous substances
NZS6803:1999	Acoustics – Construction Noise	Chapter 17 Zone rules – Temporary Activities
NZS6807: 1994	Noise Management and Land Use Planning for Helicopter Landing Areas	Chapter 17 Zone rules –Assessment of noise from helicopter landing areas
NZS6801:2008	Acoustics – Measurement of Environmental Sound	Chapter 17 Zone rules – Measurement of noise
NZS6802:2008	Acoustics – Environmental Noise	Chapter 17 Zone rules – Measurement of noise
NZS 4517:2010	Fire Sprinkler Systems for Houses	Chapter 17 Zone rules – Fire-fighting

3.2 Internal Consistency of Provisions

This chapter deals with a diverse range of effects from a diverse range of activities. In simple terms it is about the off-site and cross-boundary relationship of an activity and its surrounding environment. Other chapters also deal with many of the same effects and activities, and so the policies tend to zero-in on key activities that have off-site effects not otherwise captured by other chapters, for example ‘signs’ and ‘health and safety’.

This section considers how well objectives and policies are implemented through rules and methods.

Table 6: Assessment of internal consistency of provisions

Chapter 5 – Site Amenity Effects		
Objective	Internal Consistency	Comment
<p>5.1.2 Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.</p>	Strong	<p>Overall, this is an eclectic set of policies ranging from the very broad “off-site effects” (e.g 5.1.3.1) to the very narrow “SDWDA” (e.g. 5.1.3.7). Where implementation of the specific policies track to land use rules in Part II, there is a clear pathway. General policies are so broad that multiple rules give effect to them in the general and specific sense.</p> <p>The issues and activities raised in this policy set are largely repeated in general terms elsewhere in the Plan.</p> <p>Policy 5.1.3.10 is a particular policy dealing with plantings that can affect cross boundary amenity. In the rural zones there are rules that implement the policy. However there are considerable gaps and uncertainties principally arising from the definitions of “shelter belt” etc. These are addressed further below. The policy also includes the words “and other vegetation” when there are no other rules that apply to vegetation that is not either shelter belt, spray belt, horticultural planting or plantation forestry.</p> <p>Policy 5.1.3.12 lists details of those features that contribute to coastal character, and the values and qualities that are associated with them. The tracking of each through to rules is varied: some of well represented, some are poorly reflected.</p> <p>An observation from the mapping of the Tasman Regional Policy Statement to the TRMP¹ suggested that there are no overarching policies addressing the effects of noise in urban areas as required by Policy 5.7 of the TRPS. While there are permitted activity standards, there is little policy that addresses noise in a coherent sense.</p>
<p>5.2.2 Maintenance and enhancement of amenity values on site and within communities throughout the District.</p>	Strong	<p>This set deals with amenity values at a range of scales and degrees of specificity. Most track clearly to rules that give effect to them. Where there is some weakness, the policy is specific to an or effect management response that could be applied across the district, but the implementation of it is narrow, applying to a single Zone or type of activity (e.g. 5.2.3.4)</p> <p>Several policies in this set relate to amenity through design, particularly of commercial and public areas. These have only a moderate connection to rules. Amenity is general well understood in the Plan and comprehensively addressed in general and specific terms. However, “convenience” may not be well represented. Providing amenity and convenience is more a function of good urban design which is provided for in the provisions of Chapter 6.</p> <p>With perhaps the exception of the policies relating to signage, the matters raised in policies in this section are largely repeated in other chapters.</p>

¹ Stage 1 of Tasman Regional Policy Statement Efficiency and Effectiveness Review: Integrated Management, p19

Chapter 5 – Site Amenity Effects		
Objective	Internal Consistency	Comment
		The rules for signage are important as they are very commonly used throughout the district, and by a wide range of people. Advice from staff is that the rules are relatively clear and are not problematic for enforcement. One mismatch is between policies that support signage in recreational areas, but do not provide a permitted activity rule for doing so. This is expected to be fixed through an upcoming plan change.
5.3.2 Maintenance and enhancement of the special visual and aesthetic character of localities.	Moderate	This policy set is varied in the strength of internal consistency. The policies such as those seeking low or medium density residential character, and medium density housing in specified locations can be traced through to subdivision rules. There are also rules that, to a moderate extent, implement other policies. However, what is evident is that this policy set is very vague, particularly on the matter of special visual and aesthetic character. Settlement policies are provided in Chapter 6 which provide some site specific direction, but only in relation to settlements. Other areas of natural, scenic, cultural, or amenity value are not identified and therefore not reflected in rules. It is recommended that much greater specificity be provided and that risks and outcomes be identified for localities of special visual and aesthetic value.
5.4.2 Accommodation of a wide range of residential activities and accessible community facilities in urban areas.	Moderate	Only two policies belong to this set. Each is moderately connected to rules that may be able to give effect to it. The key “problem” perceived in Policy 5.4.3.1 is the inclusion of social-cultural outcomes that are not and cannot be implemented through development-based rules in the TRMP. Policy 5.4.3.1 repeats the content of Policy 5.2.3.7 almost word for word, but then also references a set of demographic and societal factors.
5.5.2 Reduction of risks to public health and safety, property and the environment, arising from fire and hazardous substances.	Strong	Policies are specific to key health and safety issues, which are generally well catered for in rules (e.g. HS rules, radioactive substances). However, some, for example seeking a reduction in the use of hazardous substances is more of a non-regulatory outcome that is not well mapped through to rules.

3.2.1 Efficiency

The provisions in this Chapter cover a wide mix of considerations ranging from very broad to quite specific.

There is inefficiency here due to the very broad and non-specific nature of some policies. For example, policy 5.1.3.1 and 5.1.3.9 provide little more than seeking to “avoid, remedy or mitigate” a series of stated potential effects on the environment. This outcome is already a mandatory assessment for resource consents under the Act. Further policies in this space add little except complexity to resource consent assessments.

There are certain provisions in Chapter 5 which are useful and may be an efficient way of achieving certain outcomes. These policies are further evaluated later in this report. The policies have been grouped in this Chapter because they all relate to “amenity” and cross-boundary issues. A more cohesive and efficient approach may be to provide policies about amenity on more of a spatial or zonal basis. For example, urban amenity issues are better grouped with other urban objectives and policies. Rural amenity issues are better grouped with other rural issues.

3.3 Evidence of Implementation

In this section information and evidence of the implementation of the Chapter 5 is examined in order to inform the evaluation of the objectives and policies.

As the chapter relates to amenity matters and is, in many cases supported by clear performance standards in the Chapter 17 zone rules, the main source of data for this evaluation has come from common resource consent application topics, public complaints, and the experiences of Council staff in dealing with amenity considerations. All such data is useful in determining which issues are of particular importance and the extent to which objectives and policies are effective and efficient.

3.3.1 Objective 5.1.2 - Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.

A wide range and disparate group of policies are grouped under this objective. The policies all address different land uses (and indirectly, discharges) that may cause a reduction in the use or enjoyment of other land.

Policy 5.1.3.1 is a broad catch-all policy that does not provide any particular guidance beyond the avoidance, remedy or mitigation of adverse effects.

Likewise Policy 5.1.3.9. This policy is well implemented by performance standards (conditions) within the permitted activity rules for each zone. Matters such as noise, light spill, buildings and structures, and temporary activities are all well represented in the performance standards of permitted activity rules. However, the policy provides no differentiation between what noise environments might be appropriate or acceptable or desirable across the various environments in the district. The “policy” only exists in the rules.

Council staff advise that sources of noise (typically brought to the notice of officers through complaints) are seldom assessed or measured against the permitted activity standards of the TMRP rules. This may be for a number of reasons including the predictability of the noise or the difficulties with the wider noise environment. The standards in the rules have been used in certain circumstances, such as when a noise is predictable and can be measured (e.g. stock cars, ongoing industrial noise).

Shelter Belts, Spray Belts, Horticultural Plantings etc

Policy 5.1.3.10 directly addresses the cross boundary effects that shelter belts, spray belts, horticultural plantings, plantation forestry and other vegetation can have on adjoining properties, and also on road safety via visibility, shading and icing.

The zone rules in Chapter 17 include limits on the proximity of such plantings from boundaries in order to avoid cross-boundary amenity effects. A search of the Council's database yielded only a small number of resource consents (approximately 20) that specifically sought not to comply with those permitted activity rules. It is anticipated that there are a significant number of plantings in existence that do not comply with the rules and for which no resource consent is held, but no data is held on this.

Council staff have encountered difficulties with assessing and enforcing the rules for such shelter belt plantings. The difficulties principally relate to the definition which results in plantings only being considered shelter belts if they were planted for the purpose of providing shelter. It is very difficult to determine the purpose for which plantings occurred, and therefore in determining whether certain plantings are subject to the relevant rule. From an effects point of view, whether a belt of vegetation was established specifically for the purposes of shelter or not, does not change the effects that it may have.

Plan Change 60 amended the definition by more closely tying the purpose of a shelter belt to stock and agricultural or horticultural purposes. However, the issues of the purpose of establishment have not been resolved and recommended amendments to the definitions have been logged.

Only a small number (fewer than 20) complaints about adverse effects arising from such vegetation were found, but it is recognised that considerable difficulties in interpretation and enforcement have arisen. There may also be amenity effects arising indirectly from spray discharges from horticultural plantings. Cross-boundary spray effects are of considerable concern to many and reduces residential amenity.

Wastewater Discharges

Policies 5.1.3.5 to 5.1.3.7 all relate to discharges of wastewater in different settings.

On this topic, it is important to be aware that on-site wastewater treatment and disposal has come a very long way since these policies were first included in the TRMP over 20 years ago. Requirements nationwide for improved on-site effluent discharges have driven an industry improvement and the widespread availability of secondary (and tertiary) treatment systems. On-site systems are now better designed for the site-by-site conditions. Council also better monitors on-site systems. As a result many of the adverse effects that can result from poorly performing systems are now less of an amenity issue. Policy outcomes are likely required for wastewater discharges, but will need to be reviewed in light of modern techniques of wastewater treatment and management.

Chapter 33 TRMP (Section 33.4) is the regional part of the Plan that contains the policies that apply specifically to on-site disposal of wastewater. While Chapter 33 is beyond the scope of this assessment, it is useful to compare the Chapter 5 policies to those in Chapter 33. For context it is also important to note that when Chapter 5 was drafted, Chapter 33 did not exist. It is evident that Chapter 33 has superseded and overlapped with some of the policies in Chapter 5.

Policy 5.1.3.5 specifically relates to subdivision or development sites where on-site wastewater discharges will be necessary. The policy is unusual in that it has only an indirect link to actual amenity values. Instead it attempts to direct subdivision outcomes. The policy compliments those in Chapter 33, but would be better placed within a Chapter that applies to rural matters (currently Chapter 7 TRMP).

Effects of Urban Land Use and Development on Rural Activities

Policy 5.1.3.13 is to avoid, remedy, or mitigate adverse effects of urban use and development on rural activities at the interface between urban and rural areas. This policy largely crosses over with matters covered in Chapter 6 (see Policies 6.2.2.1, 6.2.3.5, 6.5.3.6), and this summary is adopted from the evaluation of that Chapter.

If cross boundary effects are not actively managed through plan methods such as zoning and setbacks for particular activities, the use of productive land can be sterilised through complaints resulting in reverse sensitivity effects.

Over the years the urban development plan changes, systematically, have applied the planning technique of clustering zones providing for activities with similar effects (residential and commercial) and separating those with incompatible effects (residential and industrial) through the use of buffers such as open space and infrastructure networks or mixed use zones where the nature of the effects is carefully regulated (such as the Richmond West Mixed Business and Motueka Mixed Use zones).

The complaint information together with the consistent use of buffering techniques between incompatible activities in urban development plan changes shows that policies of Chapter 6 (which support the Chapter 5 outcomes) are largely effective in managing the effects of urban growth.

3.3.2 Objective 5.2.2 - Maintenance and enhancement of amenity values on site and within communities throughout the District.

In contrast to the first objective, this second objective in Chapter 5 focusses on maintaining and enhancing the amenity of sites and communities.

On-site Amenity

The first three policies are particularly relevant to individual residential properties, and rural dwelling sites:

- 5.2.3.1 *To maintain privacy in residential properties, and for rural dwelling sites.*
- 5.2.3.2 *To ensure adequate daylight and sunlight to residential properties, and rural dwelling sites.*
- 5.2.3.3 *To promote opportunity for outdoor living on residential properties, including rural dwelling sites.*

A range of evaluations have been undertaken looking at the implementation of these policies. Sunlight and outdoor living space requirements are required through residential zone performance criteria. This includes standard density right through to intensive developments within the Richmond Intensive Development Area.

With regard to policy 5.2.3.1, an interrogation of the Council's service requests that relate to complaints, showed very few that related to privacy concerns.

With regard to policy 5.2.3.2 a sample of 25 consents were taken from the database of applications to breach daylight recession plains. In all cases the breach was either extremely minor, or where it was more significant the amenity of the neighbouring property was considered and written approvals were sought and provided. In all assessments the amenity of the neighbouring properties

were taken into account. It therefore appears that amenity is being appropriately considered through consent processes.

Finally, with regard to policy 5.2.3.3, rules requiring outdoor living are in place for all levels of residential development. Few resource consents have been sought to avoid the provision of complying outdoor living requirements.

Commercial Amenity

The following policies promote amenity in public and commercial areas:

5.2.3.4 To promote amenity through vegetation, landscaping, street and park furniture, and screening.

5.2.3.5 To promote amenity and convenience for people in commercial areas.

These policies will affect both the Council as the asset owner of these environments, and also private applicants who may be developing commercial buildings and facilities. In some cases NZTA has responsibility for main urban thoroughfares. Such outcomes are now progressed more efficiently through the LTP and AMP processes than was previously the case when these policies were drafted.

Amenity and convenience, as well as a good street infrastructure is well provided in most Tasman settlements. Richmond has been subject to a full main street redevelopment. But nevertheless, there is private commercial space along the frontage which is dominated by car-parking that reduces the central business amenity. The development of central open spaces such as Sundial Square is a positive urban space for achieving these outcomes.

In Motueka, street trees have been planted, and there has been improvements in the amenity of public areas such as Decks Reserve and the addition of the Kaka beak sculpture. Overall though, the High Street of Motueka has not changed a great deal and could be regarded as somewhat dated and tired. Undergrounding of powerlines along High Street has improved the visual amenity significantly.

In Takaka there have been plantings and public and private initiatives to improve the amenity, vegetation and furniture of the commercial and business areas.

Redevelopment of Brightwater's main street is currently underway.

Other settlements with commercial areas such as Wakefield, Mapua, Murchison and Tapawera have also changed little but present a reasonable level of amenity and convenience.

In addition a single policy relates to the potential for traffic to cause adverse effects on amenity:

5.2.3.8 To avoid, remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural areas.

This policy has a singular focus on traffic as the source of potential adverse effects. But the effects of traffic inherent in the policy are broad (noise, visual, air quality, safety, lights, etc). But the policy also attempts to cover three very different environments: residential, commercial and rural. The nature of effects, and the tolerances in each of those environments are quite different.

This policy is an almost exact repeat of Policy 11.1.3.4 in the Transportation Chapter (Chapter 11).

Until recently, public works on streets, commercial areas, parks and landscaping has been guided by various Council documents. However, the Nelson Tasman Land Development Manual is now the

authoritative document for such design and implementation work. Streetscaping is contained within Chapter 4 (specifically Section 4.15 of the NTLDM) and sets new standards in relation to vegetation, trees, and street furniture.

Regarding the amenity effects of traffic, there have been significant changes in attitudes to traffic since the 1990s. The NTLDM promotes a more modern approach of promoting alternative modes of transport including walking, cycling and public transport. Nevertheless, private mobility transport will remain prominent in the transportation system. Economic conditions of the day have a strong effect on traffic volume. Advancing technology into electric mobility is also expected to significantly reduce many adverse effects of traffic, particularly noise and emissions. The NTLDM does not address all types of traffic effects, and they remain resource management matters. However, it is considered that the Transportation chapter would be the appropriate place.

Variety of Housing Types

Policy 5.2.3.7 and Policy 5.4.3.1 both seek a variety of housing types. The plan gives effect to these policies through provisions for: (A) a range of minimum lot sizes on subdivision, (B) provisions for more than one dwelling on a site; provisions for medium density residential development (Comprehensive development as the default method with Compact density and Intensive development in specified locations); and a variety of locations.

Signs

Signs are a significant amenity issue when they are in inappropriate locations, inappropriately sized or designed, or in sufficient density to adversely affect amenity.

There are four policies that are relevant here:

- 5.2.3.9 *To avoid, remedy or mitigate the adverse effects of signs on amenity values.*
- 5.2.3.10 *To allow signs in residential, rural residential, recreation and rural areas that are necessary for information, direction or safety.*
- 5.2.3.11 *To enable a range of signs in commercial and industrial areas, subject to safety and access needs and visual considerations.*
- 5.2.3.12 *To support the consolidation of information and “welcome to . . .” signs at the entrances to towns.*

The first policy – 5.2.3.9 – is restrictive and addresses the adverse effects of signs. A reading of 5.2.3.9 in conjunction with 5.2.3.10 would seem to generally restrict signs where they cause adverse amenity values, but to preferentially allow signs where they are for “information, direction or safety”. It is assumed that “information” relates more to public good information, as opposed to advertising and the like. Policy 5.2.3.11 is fully enabling of signs in commercial and industrial zones, (subject to conditions).

The explanation states:

“Signs are an important part of the District in their role in giving information and advertising products. However, they affect safety and visual amenity if not properly designed and located, especially at the entrance to townships.

Signs are generally acceptable in the commercial and industrial areas because they are needed to advertise products and services. For this reason there is a more liberal

approach to signage in these areas. However, signs on roofs and verandahs are restricted for amenity reasons.

Advertising in rural, recreation and residential areas is often a detraction from the amenity of these areas and in these areas, signs are restricted as to scale and positioning.”²

A variety of signs are permitted by TRMP rules, depending on the zone.

Resource Consents for Signs

Approximately 236 resource consents have been issued for signs that do not comply with the permitted activity performance criteria. Many signs also predate the TRMP and will therefore hold existing use rights.

Table 7: Resource Consents Issued for Signs

Zone	Number of consents	For “information, direction or safety” (viz policy 5.2.3.10)
Central Business / Commercial / Industrial	71	N/A
Conservation / Open Space / Recreation	8	5 (63%)
Residential	61	5 (8%)
Rural 1 / R2 / R3 / Rural Industrial / Rural Residential	85	7 (8%)

Excluding the reserve zones, the number of consents for which resource consents are sought is relatively evenly spread over other types of zones.

Policy 5.2.3.10 supports signs that are for the purposes of information, direction or safety. The latter two criteria are relatively straightforward, but the term “information” is ambiguous. Does it include signage that provides information about commercial enterprises? Would it include events, whether commercial or otherwise? Not for profit activities? Or does it just relate to information that is for “the public good”? It is difficult to know what was intended and it is anticipated that resource consent decision makers would also have difficulty resolving this terminology.

For the purposes of assessing the number of consents in the Council’s record it has been assumed that information is limited to:

- Signs providing names (e.g. for towns, marae, etc)
- Signs for public schools, recycling centres, swimming pools and other such public facilities
- Information panels boards
- Public announcement or information campaign signs and billboards.

Considering the low numbers it is anticipated that many signs have been erected under permitted activity rules, or else some may possibly have been erected without consent and have never attracted complaints that may trigger further investigation.

The data shows 163 signs that have been consented in locations outside business zones. Of these only 18 are for information, direction or safety. The remaining 145 are generally for commercial purposes. Within the business zones there are 71 signs that are consented.

² TRMP p5/7

On first blush, it is notable how few of the signs in the non-business zones are for the purposes of information, direction or safety. However, the interplay between policies 5.2.3.9 and 5.2.3.10 do not actively discourage signs that are not of that type. Instead they seek to avoid, remedy or mitigate signs that have adverse effects on amenity values. It is anticipated that resource consent applications are assessed in this regard. Therefore, the high proportion of signs that are **not** for the purposes of information, direction or safety is not indicative of failed policy.

Signage is enabled in business zones, and this is implemented through permitted activity rules.

Signage along roads and state highway corridors has been identified as an issue for safety. NZTA commonly raises concerns about state highway signage.

Complaints Regarding Signs

An interrogation of the Council’s complaints database yielded 354 complaints about signs since 2000. A visual survey of the results indicated public concern in a range of areas including most notably:

- Reduction of amenity of rural and residential areas
- Compromising road safety by signs causing distraction or reducing visibility
- Obstruction of footpaths by sandwich boards, street advertising and flags
- Cumulative impacts where a number of signs are placed
- Excessive and non-compliant real estate signs
- Excessive electoral signs

A sample of 35 of the complaints (10% of the total) were surveyed. All except one of the 35 sampled complaints were found to be genuine. The outcomes of compliance investigations are shown in Figure 1. The results show that the majority of complaints related to an unconsented sign. In the sample taken these were universally resolved through informal compliance action, meaning the sign was either removed by request of a compliance officer or a resource consent was obtained; more often the former.

Six were found to be permitted activities, and four were found to be only very slight breaches that were deemed negligible and no further action was taken.

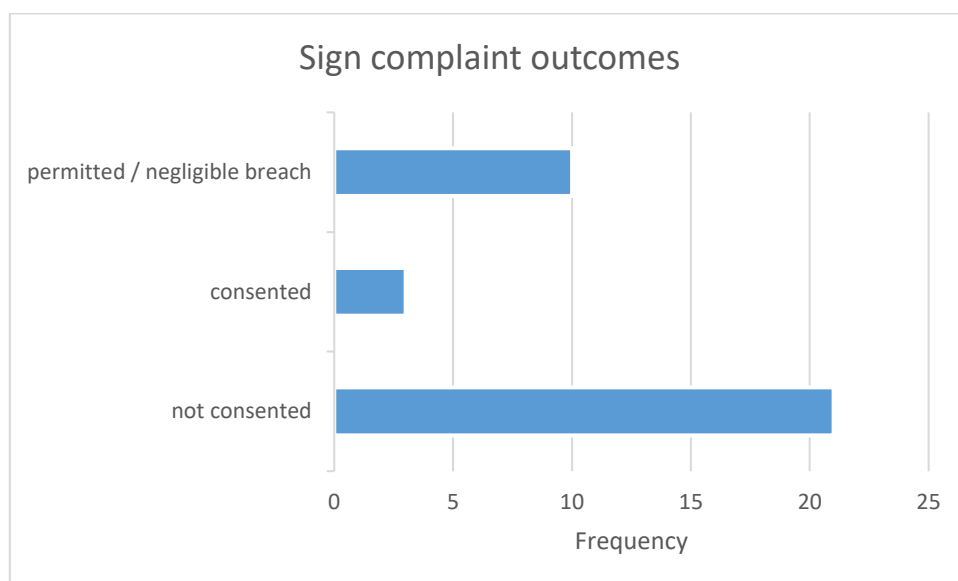


Figure 1: Outcomes of complaints regarding signs

Some examples of the signs that were complained about are shown in Figure 2.



Figure 2: Examples of signs that triggered complaints

The complaints indicate that there is considerable interest in signage, and potential non-compliances. This seems intuitive as signage is a highly visual activity and one that is designed by its very nature, to capture the attention of the public.

What these results do not tell us, given the implementation of the current TRMP permitted rules, resource consents and compliance actions, is how comfortable the public is with the extent of signage in the District. Further research to gauge this would be useful through the plan review process.

Entrances to Towns

The final policy relating to signs relates to a specific outcome of consolidation of signs at the entrances to towns.

Signage at town entrances was reviewed. This was done using Google Streetview where the photos were taken within the last three years, or otherwise by site visits. Excludes road safety signs and advertising.

Table 8: Signage at town entrances

Wakefield	SH6 – southern approach	SH6 – northern approach	Pigeon Valley Road approach
Brightwater	SH6 – southern approach	SH6 – northern approach	Waimea West Road, River Terrace Road
Richmond	SH6 – southern approach	SH6 – northern approach	Lower Queen Street
Motueka	SH60 – eastern approach	SH60 – western approach	College Street
Takaka	SH60 – eastern approach	SH60 – western approach	
Collingwood	SH60 – eastern approach	Collingwood Bainham Main Road	Collingwood Puponga Main Road
Kaiteriteri	Riwaka-Kaiteriteri Road	Kaiteriteri Sandy Bay Road	
Marahau	Sandy Bay Marahau Road		
Tapawera	Motueka valley Hwy – southern approach	Motueka Valley Hwy – northern approach	
Murchison	SH6 – eastern approach	SH6 – western approach	Matakitaki Road – southern approach
Mapua	Mapua Drive	Stafford Drive	
Tasman	Aporo Road – southern approach	Aporo Road – northern approach	
Pohara	Abel Tasman Drive – eastern approach	Abel Tasman Drive – western approach	
Riwaka	SH60 – south eastern approach	SH60 – north western approach	
St Arnaud	SH63 – eastern approach	SH63 – western approach	
Upper Moutere	Moutere Hwy – northern approach	Moutere Hwy – eastern approach	

More than four unconsolidated sign locations
Between two and four unconsolidated sign locations
One consolidated sign location
No information or “welcome to” signs

The assessment of signs at town entrances shows that signage is well consolidated.

Lighting

Policy 5.2.3.13 is relevant:

5.2.3.13 To limit lighting of rural and residential subdivisions and development, including rural signs, to that which is necessary for safety and security, including public safety and security.

Excessive or unnecessary lighting can be intrusive in rural and rural-residential areas. Like street design and street furniture, lighting has been controlled by engineering standards documents.

The new NTLDM contains two relevant performance outcomes:

“Streetlighting has been provided to ensure personal and traffic safety” and

“... streetlights [are] in keeping with the amenity and character of the environment”

The NTLDM contains further guidance about appropriate levels of streetlighting to minimize the impact on properties and the environment. The NTLDM states the Council's support for the dark night sky concept.

Council staff are aware of situations where more recent developments that have featured very low levels of lighting have been criticised for not adequately providing for safety and security.

However, it is also evident that there have been concerns about the over-lighting of certain sites and subdivisions in the past. Council's engineering staff advised that newer subdivisions in appropriate locations now have considerably less lighting with fewer lights, more directional LEDs and lower lantern heights. Lights have been removed in locations such as Ironworks Road in Golden Bay. Overall, Council is now actively managing the adverse amenity effects that can occur as a result of new and existing lighting.

However, with the NTLDM setting new development standards to support the policy around lighting, a full audit and assessment of past lighting is not considered necessary. Nevertheless, it is recommended that TRMP policy continue to support caution in the use of lighting, and policy support for the NTLDM and for enhancing dark night-sky amenity. The level of detail in the NTLDM should support the adequate lighting of areas where necessary and appropriate.

From the Council's database of resource consents for signs, only 5 specify in the description that they are for illuminated signs.

3.3.3 Objective 5.3.2 – Maintenance and enhancement of the special visual and aesthetic character of localities

Many of the policies in this section of Chapter 5 overlap with other Chapters of the TRMP, particularly Chapter 6, 7 and 8.

Policy 5.3.3.1 and 5.3.3.1A are urban outcomes that are evaluated through the Chapter 6 evaluation.

Section 7.4 is particularly closely related and contains an objective and a set of policies for rural character and amenity values. For example, policy 5.3.3.2 could readily be subsumed into policy 7.4.3.3:

Policy 5.3.3.2 To maintain the open space value of rural areas.

Policy 7.4.3.3 To provide for the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation, style and scale of structures

Policy 5.3.3.4 seeks to avoid, remedy or mitigate the adverse effects of activities on the character and sets of amenity values in specific urban locations. This policy does not achieve a great deal as does not specifically identify the urban locations, nor the character or amenity values that are relevant.

Policy 5.3.3.5 is similar. It does not specify outcomes, but seeks at a high level to protect the heritage sites, buildings, vegetation and landmarks or views which contribute to the identity and visual and aesthetic character of localities.

These policies effectively link through to the settlement policies in Chapter 6. The National Planning Standards, to which the TRMP must conform, takes a more zone and spatial basis to setting policies. It is recommended that policies such as these be integrated with specific policies for the relevant

urban locations in order to create a more specific and cohesive set of directions for specific areas and locations.

Policy 5.3.3.6 is relatively simple and seeks to provide clear and distinctive boundaries to urban areas in relation to main highway routes. The policy appears to support consolidated growth at the margins of towns, particularly at highway routes. An assessment of the relative clarity of the boundaries of urban areas has been undertaken.

Table 9: Assessment of distinctiveness of town boundaries

Wakefield	SH6 – southern approach	SH6 – northern approach	
Brightwater	SH6 – southern approach	SH6 – northern approach	
Richmond	SH6 – southern approach	SH6 – northern approach	SH60 – western approach
Motueka	SH60 – southern approach	SH60 – northern approach	College Street
Takaka	SH60 – southern approach	SH60 – northern approach	
Collingwood	SH60 – southern approach		
Kaiteriteri	Southern approach	Northern approach	
Marahau	Southern approach		
Tapawera	Southern approach	Northern approach	
Murchison	SH6 – southern approach	SH6 – northern approach	
Mapua/Ruby Bay	SH60 – southern approach	Stafford Drive approach	
Tasman	SH60 approach	Aporo Road approach	
Pohara	Approach from Takaka	Approach from Tarakohe	
Riwaka	SH60 – southern approach	SH60 – northern approach	
St Arnaud	Wairau Valley approach	Kawatiri approach	
Upper Moutere	Southern approach	Northern approach	

No discernible boundary – confusing and/or indistinct

Boundary evident but blurred (not clear or distinctive)

Boundary is clear and distinctive

The smaller settlements in the district are generally more distinctive at their road corridor boundaries. Rural character areas often end at sharp boundaries where residential activities commence. Larger settlements tend to have more blurred boundaries. Mapua/Ruby Bay and Richmond would be the worst performing in this regard as a result of difficult wayfinding and indistinct boundaries.

3.3.4 Objective 5.4.2 – Accommodation of a wide range of residential activities and accessible community facilities in urban areas

Policy 5.4.3.1 duplicates policy 5.2.3.7, but also adds some demographic and societal drivers as justification. Commentary on this was provided above.

Policy 5.4.3.2 provides direct support for community activities to establish and operate. The policy provides support in general, but particularly mentions residential areas, subject to consideration of the character and amenity of neighbourhoods.

This is a useful and relevant policy as community activities are unusual in that they are non-residential but often seek to be located within the residential community areas that they serve. Early childcare centres are a common community activity that is sought.

Community activities are permitted in the Residential Zone where the number of vehicle movements (combined with other permitted activities) does not exceed 30 per day on any one day. This allows for a range of small scale community activities to be integrated into the community without causing adverse effects. Community activities in rural zones are not permitted and require resource consent. A search of the database based on key words yielded 45 resource consents for community activities in residential, rural residential or commercial zones.

A sample of 20 of those consents was investigated in further detail, including a site visit and search to see whether there had been any complaints.

The sample was almost exclusively made up of early childhood care and education facilities, churches and associated services. There was also a retirement facility. Five (25%) had been publicly notified, while two (10%) had been limited notified, and the remainder non-notified. The decisions were all viewed and only two made specific reference to Policy 5.4.3.2, one of which was part of a substantial decision on a publicly notified application. Virtually all others made reference to the policies of Chapter 5 in a general sense.

Significantly, none of the sample had been declined. Comments in some of the decisions suggested that there was a recognition amongst decision makers (both delegated and otherwise) of the importance of allowing for community activities in residential areas. Four complaints have been received by the council. However, two were for noise associated with construction works (as opposed to the operation of the activities themselves) and the remaining two were from a single complainant regarding a daycare facility.

A visual assessment of the activities and the sites did not reveal any which were markedly out of character with their surrounding residential environment.

Advice from Council staff is that activities of this sort generate very few, if any, complaints and are by and large well accepted into communities once they are established and operating.

3.3.5 Objective 5.5.2 – Reduction of risks to public health and safety, property and the environment, arising from fire and hazardous substances

Fire

The Chapter 13 Evaluation Report provides a comprehensive review of the policies that relate to wild fire. There are two policies which specifically consider wild fire (located in Chapters 5.5 (health and safety) and 8.2 (natural character)).

The Chapter 13 Evaluation Report concludes that the rules of the TRMP and the resource consents issued that relate to this matter have all been generally effective in addressing the risk of wildfire.

Hazardous Substances / Hazardous Facilities

Prior to the Resource Legislation Amendments in 2017, regional and district councils had an explicit function to control the adverse effects of the storage, use, disposal or transportation of hazardous substances under the RMA. Since that function was first included in the RMA in 1991, the Hazardous

Substances and New Organisms Act 1996 and the Health and Safety at Work Act 2015 have been passed. This has resulted in duplication of controls. The RLAA 2017 removed the control of hazardous substances as an explicit function of councils. However Council's may still choose to place extra controls on hazardous substance use under the RMA.

The policies in Section 5.5.3 where they relate to the storage and use of hazardous substances can be grouped and assessed in several topics:

1. Discharges and effects of hazardous substances, including:
 - a. Avoiding, remedying or mitigating the effects of facilities on human health, other activities and on the environment (policy 5.5.3.2)
 - b. Avoiding, remedying or mitigating the effects of the transport or use of substances outside (policy 5.5.3.3);
 - c. Avoidance of the potential for creating future contaminated sites (policies 5.5.3.4 and 5.5.3.5)
 - d. Addressing the effects of existing contaminated sites on human health (policy 5.5.3.9)
2. Contingency planning for where hazardous substances are used (policy 5.5.3.6); and
3. Reducing the use of hazardous substances (policy 5.5.3.7)
4. Prohibition of certain high-risk activities

These are addressed in turn.

Discharges and Effects of Hazardous Substances

The land use rules (Chapter 16) contain a permitted activity rule (16.7.2.1) that is based on the Hazardous Facility Screening Procedure (HFSP). This is a tool that was developed and utilized by some Councils. It is understood that it was particularly embraced by the Top of the South Councils.

The HFSP rules in Section 16.7 are solely focused on the assessment and consenting of hazardous facilities where hazardous substances are used and stored. The matters of control and discretion relate to environmental effects on and around the site, potential for explosions, potential for effects on health, etc.

As stated above, the policies and rules are strongly supported by the Hazardous Substances and New Organisms Act 1996 (the HSNO Act), which overlaps to a large degree in its scope and matters of consideration and discretion. The HSNO Act requires certification of sites and users through a rigorous process. However, the HSNO Act does not address offsite effects in the same way, or as thoroughly, as the rules of the TRMP.

Staff have advised that an assessment of the risks of transportation of hazardous substances does occur. Also that conditions around transportation are considered in order to avoid potential adverse effects.

Contingency Planning

Policy 5.5.3.6 requires contingency planning. The requirement for contingency plans and environmental monitoring is a normal requirement of resource consents issued by the consents team. The approach to HF consent documents is relatively well developed and implemented. There are clear triggers for contingency plans in the matters relevant to the various rules in Section 16.7.

Reducing the Use of Hazardous Substances

Policy 5.5.3.7 seeks a reduction in the use of hazardous substances. The storage and use of hazardous substances is a necessary part of a number of industries in Tasman. Some relate to the

use of the land for food and animal production. Others relate to industrial activities. Others relate to control of pest plants and animals.

It is arguable whether the policy of encouraging the reduction of the use of hazardous substances is appropriate, given that development of high value industries and effective land management may utilize such substances without adverse effects on the environment. In other words, the policy is not particularly effects-based and as a result may have unintended consequences.

There is no evidence of direct or explicit encouragement by the Council to reduce hazardous substance use.

Were the policy to be more effects-based and focus on **avoiding harm** from hazardous substances then there is considerable evidence of non-regulatory activities. The Council has:

- Organized regular farm collections of agrichemicals to collect hazardous, and potentially dangerous chemicals;
- More latterly, contributed to a national programme of agrichemical recovery funded by Central Government.
- Provided for free disposal of household hazardous chemicals (up to 2.5kg) and subsidised disposal for larger quantities.

These initiatives were effective and netted large volumes of deregistered or unwanted chemicals. Without such efforts there would be large volumes of hazardous substances still stored. Whether or not these chemicals would ever have been **used** (per policy 5.5.3.7) is unknown, but even if not used they could do harm at some stage in the future.



Figure 3: Promotional material from hazardous substance recovery programme

Mixed Business Zone

Policy 5.5.3.8 relates solely to the Mixed Business Zone and addresses cumulative risk. Only one resource consent authorizing hazardous substance storage and use has been granted. Therefore cumulative risk is not yet relevant.

Prohibition of High-Risk Activities

Policy 5.5.3.10 has a clear prohibition of the use, transport, storage and disposal of radioactive material. There is no evidence that any such activities have been undertaken. The policy has been effective.

3.4 Effectiveness

This section provides an analysis of the efficiency and effectiveness of the TRMP. It focuses on the achievement of objectives contained within the Plan. The analysis draws on the information in earlier chapters, as well as environmental data, council records, experienced plan users, as well as public and stakeholder opinion.

Table 10: Assessment of Effectiveness of Provisions

Objective	Analysis	Rating of Achievement
<p>5.1.2 Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.</p>	<p>Policies under this objective vary considerably over a range of different topics, including privacy and daylight to wastewater discharge, boundary plantings, natural character of the coast and protection of hard rock aggregate resources.</p> <p>Overall, the topics covered by the policies are largely all relevant and address some very important matters that are central to maintaining amenity values and giving effect to the Act (noting Section 7(c) RMA).</p> <p>While the matters covered are all relevant and important, the fragmented and piecemeal nature of the policies appears to result in them being given less weight. The policies would benefit from being teased out and applied to the different environments (e.g. residential, rural, commercial) in a more bespoke way.</p> <p>Standards and expectations of amenity in relation to cross-boundary activities and effects vary between urban and rural locations. The recent rural review (Plan Change 60) identified cross-boundary effects in the rural area as a significant issue to be addressed. It was identified that increasing the setbacks from boundaries to habitable buildings was a key measure in reducing such effects. Setbacks were increased, but it is not yet clear what effects this has, or will have. The boundaries between different zones, where the zones have markedly different permitted activities and expectations (e.g. rural to residential), are a common location for conflict over amenity values.</p> <p>There will inevitably be specific locations and instances where adverse effects on the use and enjoyment of land is compromised by other activities. These instances tend to be resolved through consent processes and/or enforcement action. The objective and policies appear to be effective in supporting these processes.</p> <p>Complaints about noise are common, and no particular policy framework exists to guide decisions on noise. However, the additional tool of Section 16 RMA and the Best Practicable Option (BPO) test is available in order to support the avoidance of unreasonable noise. Noise standards in rules have been used successfully in some circumstances.</p>	<p>Partial achievement</p>

	<p>Performance standards for noise tend to function differently to others as they are contestable, and it is often uncertain if, by how much, and how often the performance standards will be breached. They therefore tend to operate as a backup in order to maintain an appropriate level of amenity. Even in residential areas, noise limits are typically exceeded by lawnmowers. Therefore the rules are only enforced where there is a demonstrable need to do so.</p> <p>Shelter-belts and boundary plantings are a key set of definitions, rules and policies which have not been effective. There are a people in rural residential and Rural 3 areas who may object to buildings on other properties and will plant lines of big high trees in order to obscure views. The provisions are currently ineffective in dealing with adverse amenity effects arising from boundary plantings in whatever form they may take.</p> <p>Some matters covered in the policies, such as those relating to wastewater, are obsolete.</p>	
<p>5.2.2 Maintenance and enhancement of amenity values on site and within communities throughout the District</p>	<p>Residential activities are generally able to maintain privacy, sunlight and outdoor living opportunities. There have been few challenges to these rules, and when resource consents have been sought they have been found to be appropriate and with the consent of neighbours where necessary.</p> <p>Commercial areas in settlements appear to have a moderate to high level of amenity. Albeit there are some amenity and urban design short-comings and some settlements which have not received much in the way of street furniture and vegetation. Chapter 6 contains several objectives and numerous policies that promote quality urban form. The evaluation of Chapter 6.7 found insufficient evidence to be able to determine progress.</p> <p>Signs do not appear to be dominant within the Tasman residential, rural or rural residential areas. Although the policy framework is not clear or very strong in terms of seeking a “low signs environment” the District does not appear to suffer from a reduction in amenity overall.</p> <p>While information, direction and safety signs in non-business areas are preferred, there is the ability to provide for other signs. With signs being highly visible, and often of concern to residents, it does not seem that there is a dominance by signage.</p> <p>However, it is recognized that at certain times (summer tourist season) signs can proliferate with temporary and seasonal businesses. Compliance and enforcement actions are required to ensure that signage does not proliferate to inappropriate levels. This appears to occur satisfactorily to date.</p>	<p>Partial achievement</p>
<p>5.3.2 Maintenance and enhancement of the special visual and aesthetic character of localities.</p>	<p>This objective, and the set of policies that support it, suffer from a lack of specificity or information that would enable its effective implementation. The provisions focus on unspecified visual and aesthetic character, and then applies it to unspecified localities. The resulting uncertainties make it very difficult to evaluate.</p>	<p>Unable to determine progress</p>

	<p>In locations such as St Arnaud there are particular sets of rules that have been found to be effective in maintaining the amenity of the area. However, without further rules or more specific rules in relation to protection of certain values and localities, identification of vegetation, identification of landmarks and views (per Policy 5.3.3.5) it is not possible to provide accurate evaluation.</p> <p>Where more specific outcomes are identified (e.g. Policy 5.3.3.6) then they have been found to be successful.</p>	
<p>5.4.2 Accommodation of a wide range of residential activities and accessible community facilities in urban areas</p>	<p>Largely this objective is being achieved in settlements that have benefited from integrated urban plan changes. Most of the settlement urban plan changes listed in the above section 3.1.2 - Relevant plan changes - have provided additional land for residential development and for a variety of residential form.</p> <p>Ongoing changes to the TRMP will continue to focus on allowing for more medium density housing products. There are few limits on the sizes of houses.</p> <p>Retirement home companies have provided, and continue to provide, options for the aging population.</p> <p>However, there are some challenges to available and affordable housing supply, particularly in Richmond where housing is highly unaffordable. There is a very small community of landowners, developers and housing companies which provides little competition in the market. Private covenants requiring minimum houses sizes have limited the provision of smaller homes that may be more affordable.</p> <p>There is clear demand for different forms of housing to address affordability constraints, including co-housing and tiny houses.</p> <p>Housing availability is limited in both rural and urban areas, and efforts to intensify some urban areas in the future will increasingly provide for the achievement of this objective. Compact development rules for residential areas have been available but have had very little uptake. The Richmond Intensive Development Area (RIDA) is recently been implemented and is showing signs of increasing uptake.</p> <p>The objective has supported the development of a range of community activities in urban residential areas. For example these may include childcare facilities, churches, IHC houses, Oranga Tamariki houses etc. These facilities have been found to be appropriate for residential areas as long as noise and traffic is adequately assessed and provided for. It is generally recognised that there are community activities that have an important place being located and imbedded within the communities in which they are based.</p> <p>Despite some objections from existing residents, this policy has been successful in providing for these activities and typically very few, if any, complaints are received about them.</p>	<p>Partial achievement</p>
<p>5.5.2 Reduction of risks to public health and safety, property and</p>	<p>Fire is considered to be a natural hazard and is addressed in the Chapter 13 Evaluation Report. Overall it is found that appropriate fire protections are provided for in the rules of the Plan.</p>	<p>On track to achieve</p>

<p>the environment, arising from fire and hazardous substances</p>	<p>There is a high level of protection against the potential adverse effects arising from hazardous substances. The Council has rules and consent processes that enable a high level of confidence.</p> <p>The policies in Section 5.5.3 are now well supported by the NES-CS, as well as the requirements of the HSNO Act. There are now overlapping layers of regulation which are effective, but perhaps not efficient.</p> <p>Due to duplications of regulation there are significant requirements on industries and users of hazardous substances. In light of recent amendments to the RMA that remove the requirement for Council's to regulate hazardous substance storage and use, it will be necessary to reassess and rationalise the controls that are retained in the TRMP so that they remain appropriate and efficient.</p> <p>It is anticipated that the policies that remain will be more environmentally effects-based and focus less on the process and requirements for storage and use of substances. Those latter matters will be better dealt with under the HSNO Act. As a result it is anticipated that the hazardous substance policies may be better integrated into the discharges chapter.</p>	
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Appendix 1: Key Data

Daylight angle resource consents

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Outdoor living resource consents

P:\Policy\TRPS & TRMP Plan Review\TRMP Review 1\s35 Assessments and Data\Chapter Evaluations\Chapter 5 Site Amenity\Data\5-2-3-3 Outdoor living

Signs data

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Community activities data

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