

Tasman Resource Management Plan

# **Plan Change 75: Brightwater Growth Plan Change**

# **FINAL**

# Decision Report

**Pursuant to Clause 10 of the  
First Schedule of the Resource Management Act 1991**

**9 March 2023**

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# 1 Introduction

This report provides the decision of Tasman District Council (Council) for the Brightwater Growth Plan Change (Plan Change 75). The decisions on the Plan Change and reasons for those decisions can be found in Section 6 of this report. The specific changes to the Tasman Resource Management Plan (TRMP) arising from this Plan Change can be found in Appendix 1: Schedule of Amendments (TRMP Text). Changes made to the notified plan change provisions as a result of this decision are highlighted. No changes have been made to the Plan Change maps from what was notified. The maps are included in Appendix 2: Schedule of Amendments (Maps) for completeness.

## 2 General-Hearing Timeline

- 2.1 The Hearing Panel consisted of Cr Maling (chair) and Crs Bryant and MacKenzie.
- 2.2 The hearing (Hearing 81) was held at the Tasman District Council Chambers on 16 December 2022 at 10am. The hearing related solely to proposed Plan Change 75. A hearing (Hearing 82) for the Murchison Growth Plan Change (Plan Change 77) was held on the same day.
- 2.3 Submitters present: Garrick Batten (Submitter Number 336), and Hayden Taylor (consultant planner representing Herman and Agnes Seifried, Submitter Number 2782)
- 2.4 Council officers present: A McKenzie (reporting officer), J Butler, M Langford, G Stevens and R Peterson (consultant planner) and N White (consultant planner)
- 2.5 The deliberations were held and finalised on 16 December 2022.
- 2.6 The hearing was closed on 16 December 2022.
- 2.7 No site visit was undertaken by the Commissioners as they are familiar with the site and area.
- 2.8 The recommendations of the Hearing Panel were approved by the Strategy and Policy Committee on the 9 March 2023.

## 3 Decision Overview

The submissions received on Plan Change 75 and evidence presented at the hearing were mixed in support and opposition to specific aspects of the Plan Change. Two submissions were from the landowners of the plan change site and were in support of Plan Change 75. One submission was from Waka Kotahi NZ Transport Agency (Waka Kotahi) and supported the Plan Change in part, requesting changes in relation to accessibility and reverse sensitivity matters. One submission was from Garrick Batten, opposed to the Plan Change due to concerns around the loss of highly productive land.

Having had regard to the issues raised by the submitters, the evidence presented at the hearing, and the statutory requirements, the decision of Council regarding Plan Change 75 is to **Accept with Modification** in response to specific submission points. A copy of Plan Change 75 incorporating the modifications can be found in Appendix 1: Schedule of Amendments (TRMP Text). No changes have been made to the Plan Change maps from what was notified. The maps are included in Appendix 2: Schedule of Amendments (Maps) for completeness.

After considering the recommendations of the Hearing Panel, the Strategy and Policy Committee made the decision to accept Plan Change 75 with modification on the 9 March 2023.

## 4 Background

### 4.1 The Plan Change

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Plan Change 75 comprises of two components; the first relates to a zoning correction on Waimea West Road and the second involves zone and policy changes to provide for residential growth in Brightwater. These two Plan Change components are outlined below. The submissions received related only to the zone and policy changes to provide for residential growth in Brightwater. No submissions were received in relation to the rezoning on Waimea West Road.

#### 4.1.1 Waimea West - Rezoning

The Waimea West Road component of Plan Change 75 involves changing the current Tasman Resource Management Plan (TRMP) zoning to align with the property boundaries at 366 and 368 Waimea West Road. One of the subject properties is Council owned, while the other is in private ownership. A subdivision boundary adjustment, consented in 2007, has resulted in a misalignment of the zoning in relation to the property boundaries and the corresponding land-uses – one being rural and the other recreation on a public reserve. This component of the Plan Change is seeking to rationalise the existing zoning by aligning it with the property boundaries and land use activities.

The change includes:

- The rezoning of land added to Council owned 366 Waimea West Road via the 2007 subdivision boundary adjustment from Rural 1 to Recreation Zone to match the zoning of the rest of the title; and,
- The rezoning of land added to privately owned 368 Waimea West Road via the 2007 subdivision boundary adjustment from Recreation to Rural 1 to match the zoning of the rest of the title.

No submissions have been received on this component of the Plan Change.

#### 4.1.2 Brightwater – Rezoning, Development Area, and Compact Density Provisions

The objective of the Plan Change is to provide additional land for residential housing, encourage intensification and ensure a variety of housing densities within an area of land in Brightwater. The Plan Change is responding to the direction given in the 2019 and 2022 Nelson Tasman Future Development Strategies which identified the site for residential growth, and to region-wide issues around the need to provide for population growth and a variety of housing options, and to ensure efficient land use.

The area comprises of 18 hectares of land on the southwestern fringe of the Brightwater Township, located between Pitfure Stream, State Highway 6, the Lord Rutherford Memorial Reserve (council reserve land) and an established residential area. Part of the land is an area of 'Rural 1 deferred Residential' zoned land (deferred subject to reticulated water supply). The remainder of the site is currently zoned Rural 1. The Plan Change site is identified in Appendix 2: Schedule of Amendments (Maps).

The key components of the proposed Plan Change are summarised as follows:

- To create a new development area, entitled the 'Brightwater Development Area', comprising of the Plan Change site.

- To encourage medium density<sup>1</sup> housing by applying the TRMP’s existing Compact Density provisions to the site, with an additional non-notification provision to incentivise the use of the Compact Density provisions.
- To require a percentage of allotments to be smaller than standard residential allotments for the subdivision of sites greater than 2 hectares within the proposed Brightwater Development Area.
- To include the following existing and new indicative items:
  - An existing indicative road connecting Wanderers Avenue to Lord Rutherford Road;
  - Removing an existing indicative walkway connecting to the Lord Rutherford Memorial Reserve;
  - An extension to the Lord Rutherford Memorial Reserve;
  - A new indicative road connecting the existing indicative road to 33 Main Road Spring Grove;
  - A new indicative reserve running along the true right bank of Pitfure Stream;
  - A new indicative reserve extending from Main Road Spring Grove (SH6) to Pitfure Stream;
  - An indicative walkway along-side the new indicative reserve from Main Road Spring Grove (SH6) to Pitfure Stream, to provide an active transport connection; and
  - A new indicative reserve (neighbourhood park), located centrally within the proposed development area.
- To include reverse sensitivity provisions to mitigate noise and vibration effects from the state highway on the inhabitants of any new or altered dwellings developed within 100m of the state highway corridor.
- To include the proposed Brightwater Development Area in the deferred Fire Sensitive Area overlay to manage potential adverse amenity effects from the discharge of contaminants from outdoor burning.

### 4.1.3 Plan Change timeline

On 18 August 2022, the Strategy and Policy Committee resolved that Plan Change 75 be notified. On 16 September 2022, Plan Change 75 was publicly notified. The period for making submissions closed on 17 October 2022. Four submissions were received.

The Summary of Submissions was publicly notified on 28 October 2022 with the further submission period closing on 11 November 2022. One further submission was received from one of the original submitters.

A hearing (Hearing 81) was held at the Tasman District Council Chambers on 16 December 2022 at 10am. The hearing related solely to proposed Plan Change 75. The deliberations were held and finalised on 16 December 2022. The hearing was closed on 16 December 2022.

A site visit was not undertaken by the Hearing Panel as the panel members are familiar with the site and area.

## 5 Statutory Context

### 5.1 Introduction

The Resource Management Act 1991 (RMA) provides the statutory framework for decision-making on plan changes and Part 1 of Schedule 1 applies. After considering a plan change, Clause 10 of Schedule

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<sup>1</sup> *Medium Density, as defined in the Tasman Resource Management Plan – ‘means residential development with a dwelling density between 20 – 30 dwellings per hectare on sites averaging between 200 – 300 square metres in extent, including Compact Density, Comprehensive and Intensive housing development.’*

1 requires Council to give a decision on the provisions and matters raised in the submissions. The decision must include the reasons for accepting or rejecting submissions and must include a further evaluation of the plan change in accordance with section 32AA (if changes are made); and may include consequential alterations and any other matter relevant to the plan change arising from submissions. Council is not required to address each submission individually in the decision however, in the case of this decision on Plan Change 75, each submission is responded to individually. This is due to each submitter generally raising issues specific to their own properties or interests.

Council has delegated the authority to make decisions on plan changes to the Strategy and Policy Committee, and by resolution on 9 March 2023 the Strategy and Policy Committee accepted the recommendations from the Hearing Panel and approved notification of this decision.

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

## **5.1.1 Resource Management Act 1991**

### **5.1.1.1 Section 30 and 31**

The Section 32 report, in assessing the Plan Change Objective states *'The objective of this Plan Change assists Council with carrying out its statutory functions by ensuring that there is sufficient development capacity for housing – RMA s30(1)(ba) and s31(1)(aa).'* In making this decision, the Committee has considered that Plan Change 75 has been prepared to assist with Council's requirement to meet these provisions.

### **5.1.1.2 Section 32 and Section 32AA**

A detailed Section 32 report accompanied the Plan Change and the matters raised in the Section 32 report were further considered in the Section 42A report and in the deliberations. Section 32AA requires a further evaluation of any changes that have been made to Plan Change 75 after the Section 32 report was completed. This must be at a level of detail that corresponds to the scale and significance of the changes.

The Committee has decided to accept the majority of the Plan Change without modification. Where modifications occurred, the Section 32AA report was undertaken as part of the decision-making process. It is noted in this report in accordance with S32AA(1)(d)(ii) as the changes made are minor in nature. A copy of the Section 32AA report was included in the s42A report and is attached to this decision in Appendix 3.

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

- National Policy Statement on Urban Development (NPS-UD) 2020
- National Policy Statement for Freshwater Management (NPS-FM) 2020
- Proposed National Policy Statement for Highly Productive Land (NPS-HPL). Noting that this was not in force at the time the section 32 report was drafted but was at the time the hearing was held and this decision is made. This status is covered in section 2.3.2.1 of the s42a report.

## **5.1.2 Tasman Regional Policy Statement and Tasman Resource Management Plan**

The section 32 report has identified the relevant objectives, policies, and methods within the Tasman Regional Policy Statement (TRPS) and the Tasman Resource Management Plan (TRMP). This

assessment found that the Plan Change was consistent with the relevant provisions of the TRPS and the TRMP.

### 5.1.3 Other relevant documents

The section 32 has also extensively covered other relevant documents including iwi management plans, Council and Central Government strategies, policies, and actions plans, along with legislation such as the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, and the Government Roding Powers Act 1989.

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

## 6 Decision and Reasons for the Decision

This section contains a summary of submissions, summary of evidence, the decision, and the reasons for the decision. Each topic within Plan Change 75 that has received submissions is addressed in turn in this section. This is in the same order as the Section 42A report and provides the decision and reasons for specific changes sought through the submissions. A consolidated copy of the Plan Change, including any changes arising from the decisions, can be found in Appendix 1: Schedule of Amendments (TRMP Text) and Appendix 2: Schedule of Amendments (Maps).

The decisions on submissions are separated into nine topics, as follows:

- Section 6.1 – Topic 75.0 General
- Section 6.2 – Topic 75.1 Productive Land and Natural Hazards
- Section 6.3 – Topic 75.2 Definitions
- Section 6.4 – Topic 75.5 Site Amenity Effects
- Section 6.5 – Topic 75.6 Urban Environment Effects
- Section 6.6 – Topic 75.16 Subdivision
- Section 6.7 – Topic 75.17 Zone Rules
- Section 6.8 – Topic 75.19 Information Required
- Section 6.9 – Topic 75.20 Part II – Appendix 2 Urban Design Guidelines

The tables below identify the submissions and further submission points and which section these are discussed in.

*Table 1: Section 6.1 – Topic 75.0 General*

Submitter Number	Submission Point(s)	Submitter Name	Ref	Further Submitter Number	Further Submitter Name	Ref
4205	75.0.1-1	Damien Prendergast	6.1.2	n/a	n/a	n/a
2782	75.0.1-2	Herman and Agnes Seifried	6.1.3	n/a	n/a	n/a

*Table 2: Section 6.2 – Topic 75.1 Productive Land and Natural Hazards*

Submitter Number	Submission Point(s)	Submitter Name	Ref	Further Submitter Number	Further Submitter Name	Ref
336	75.0.2-1, 75.0.3-1	Garrick Batten	6.2.1	FC75.2782.1	Herman and Agnes Seifried	6.2.1
4206	75.6.18-1	Waka Kotahi	6.2.2	n/a	n/a	n/a



Table 3: Section 6.3 – Topic 75.2 Definitions

Submitter Number	Submission Point(s)	Submitter Name	Ref	Further Submitter Number	Further Submitter Name	Ref
4206	75.2-1	Waka Kotahi	6.3.1	n/a	n/a	n/a

Table 4: Section 6.4 – Topic 75.5 Site Amenity Effects

Submitter Number	Submission Point(s)	Submitter Name	Ref	Further Submitter Number	Further Submitter Name	Ref
4206	75.5-1	Waka Kotahi	6.4.1	n/a	n/a	n/a

Table 5: Section 6.5 – Topic 75.6 Urban Environment Effects

Submitter Number	Submission Point(s)	Submitter Name	Ref	Further Submitter Number	Further Submitter Name	Ref
4206	75.6.1-1, 75.6.2-1, 75.6.3-1, 75.6.4-1, 75.6.5-1, 75.6.7-1, 75.6.8-1, 75.6.9-1, 75.6.10-1, 75.6.11-1, 75.6.12-1 <sup>2</sup> , 75.6.13-1, 75.6.14-1, 75.6.15-1, 75.6.16-1, 75.6.17-1, 75.6.19-1, 75.6.20-1, 75.6.21-1, 75.6.22-1	Waka Kotahi	6.5.1	n/a	n/a	n/a

Table 6: Section 6.6 – Topic 75.16 Subdivision

Submitter Number	Submission Point(s)	Submitter Name	Ref	Further Submitter Number	Further Submitter Name	Ref
4206	75.16.1-1, 75.16.2-1, 75.16.4-1, 75.16.6-1(1) <sup>3</sup> , 75.16.6-1(2) <sup>3</sup> ,	Waka Kotahi	6.6.1	n/a	n/a	n/a

<sup>2</sup> Note that there is a numbering error in the Summary of Submissions with two submission points numbered 75.6.17-1. One of these submissions (which supports the Plan Change in full) is referred to as 75.6.12-1 in the s42A report. This submission numbering is retained in this decision.

<sup>3</sup> Note that there is a numbering error in the Summary of Submissions with submission point numbered 72.16.6.1 starting with '72' instead of '75'. This has been remedied by referring to 75.16.6.1 as 75.16.6.1(1) and 72.16.6.1 as 75.16.6.1(2) in this decision document.

Submitter Number	Submission Point(s)	Submitter Name	Ref	Further Submitter Number	Further Submitter Name	Ref
	75.16.7-1, 75.16.8-1, 75.16.10-1, 75.16.3-1, 75.16.5-1, 75.16.9-1					

Table 7: Section 6.7 – Topic 75.17 Zone Rules

Submitter Number	Submission Point(s)	Submitter Name	Ref	Further Submitter Number	Further Submitter Name	Ref
4206	75.17.1-1, 75.17.2-1, 75.17.3-1, 75.17.4-1, 75.17.5-1, 75.17.6-1	Waka Kotahi	6.7.1	n/a	n/a	n/a

Table 8: Section 6.8 – Topic 75.19 Information Required

Submitter Number	Submission Point(s)	Submitter Name	Ref	Further Submitter Number	Further Submitter Name	Ref
4206	75.19.1-1	Waka Kotahi	6.8.1	n/a	n/a	n/a

Table 9: Section 6.9 – Topic 75.20.1-1 Part II – Appendix 2 Urban Design Guidelines

Submitter Number	Submission Point(s)	Submitter Name	Ref	Further Submitter Number	Further Submitter Name	Ref
4206	75.20.1-1	Waka Kotahi	6.9.1	n/a	n/a	n/a

## 6.1 Topic 75.0 General

### 6.1.1 Introduction

This decision considers the two submissions made which relate to Plan Change Topic 75.0 General.

### 6.1.2 Submitter 4205 – Damien Prendergast

Submission Point 75.0.1-1, Support in Full: The submitter supports the Plan Change in full and seeks its retention.

#### 6.1.2.1 Summary of the Section 42A Report

Submission Point 75.0.1-1, Support: It was recommended that the Hearing Panel accept this submission in support of the Plan Change.

#### 6.1.2.2 Summary of Evidence Presented at the Hearing

No evidence was presented at the hearing regarding submission point 75.0.1-1.

### **6.1.2.3 Decision**

Submission Point 75.0.1-1: Accept.

### **6.1.2.4 Reasons**

Submission point 75.0.1-1 is in support of the Plan Change and is therefore accepted. This submission does not require any modifications to the Plan Change.

## **6.1.3 Submitter 2782 – Hermann and Agnes Seifried**

Submission Point 75.0.1-2, Support: The submitter supports the Plan Change in full and seeks its retention.

### **6.1.3.1 Summary of the Section 42A Report**

Submission Point 75.0.1-2: It was recommended that the Hearing Panel accept this submission in support of the Plan Change.

### **6.1.3.2 Summary of Evidence Presented at the Hearing**

Hayden Taylor (consultant planner) spoke on behalf of the submitters, Hermann and Agnes Seifried, in relation to submission point 75.0.1-2. Mr Taylor advised that he, in his professional planning opinion, concurred with the submission of Hermann and Agnes Seifried to support the Plan Change.

### **6.1.3.3 Decision**

Submission Point 75.0.1-2: Accept. No change to Plan Change 75 arising from this submission point.

### **6.1.3.4 Reasons**

Submission points 75.0.1-2 is in support of the Plan Change and is therefore accepted. This submission does not require any modifications to the Plan Change.

## **6.2 Topic 75.1 Productive Land and Natural Hazards**

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### **6.2.1 Submitter 336 – Garrick Batten**

Submission Point 75.0.2-1 Oppose in Part: The submitter opposes the loss of productive land and seeks that the Rural 1 zoned land be removed from the Plan Change.

Submission Point 75.0.3-1 Oppose in Part: The submitter considers that flood hazard is not adequately addressed in the Section 32 report.

Further Submission FC75.2782.1, Opposed: Submitters Hermann and Agnes Seifried (Submitter Number 2782) opposed original submission points 75.0.2-1 and 75.0.3-1 made by Mr Batten (Submitter Number 336).

### **6.2.1.1 Summary of the Section 42A Report**

Submission Point 75.0.2-1: It was recommended that the Hearing Panel reject this submission, given that the site is not considered as highly productive land under the National Policy Statement for Highly Productive Land 2022 (NPS-HPL), the site's constraints which limit productive capacity, existing policy support in the Tasman Resource Management Plan (TRMP), and the site's natural defensible boundaries which avoid further expansion.

The Section 42A report explains that land is not considered to be highly productive under the NPS-HPL if it is identified for future urban development or subject to a Council initiated and notified Plan Change

to rezone the land to urban. Despite being classified as highly productive under the Land Use Classification system, the Plan Change site meets both of these exceptions, having been identified in the 2019 and 2022 Nelson Tasman Future Development Strategies for residential growth and being the subject of this Plan Change which was notified prior to the NPS-HPL coming into force on 17 October 2022. The NPS-HPL is therefore not relevant to the Plan Change site.

The site's productive capacity is considered to be limited by fragmentation, physical constraints, and the existing deferred Residential Zoning within the site. The site comprises of two titles in separate ownership and is constrained by Main Road Spring Grove (State Highway 6) to the south, Pitfure Stream to the north-west, and existing Residential zoning to the north-east. A significant portion of the Plan Change site is already zoned Rural 1 deferred Residential and will be zoned Residential once servicing is in place (irrespective of this current Plan Change).

The Plan Change site has readily defined, defensible boundaries created by Pitfure Stream and Main Road Spring Grove which reduce the potential for further expansion. The TRMP includes direction in Policy 6.16.3.1 to manage the effects of urban expansion on highly productive land by providing for future urban growth within the Plan Change site. This is to protect other areas, that are less constrained and have higher productive capacity, from urban development. This is not to say that the Plan Change site does not have productive capacity, but that the productive capacity is lower than other rural sites due to the site's constraints.

The Plan Change is seeking to make efficient use of land, by encouraging Compact Density development.

Submission Point 75.0.3-1: It was recommended in the Section 42A report that the Hearing Panel reject this submission. The Plan Change site is bordered to the west by Pitfure Stream which has been known to flood in high rainfall events. Council's Senior Resource Scientist, Glenn Stevens, has advised that it is feasible to mitigate this flood hazard, and that this can be addressed at the time of resource consenting. Supporting evidence from Mr Stevens is included in Appendix 4 of the Section 42A report.

The Plan Change includes provisions to ensure that flood hazard is addressed as part of the development of this site. This includes policy direction in Chapter 6 of the TRMP and a flood hazard information requirement in Chapter 19 of the TRMP. It also includes two new indicative reserves; one along Pitfure Stream to provide a flood hazard management function (as well as public access) and another centrally through the site for similar purposes. The exact detail, including dimensions for these reserves, will be determined at the subdivision stage.

Overall, the potential flood hazard is recognised and can be addressed at the time of consenting. The Plan Change includes provisions to support this.

Further Submission FC75.2782.1: The Section 42A report did not make a recommendation on Further Submission FC75.2782.1. We consider it clear that, in recommending opposing original submission points 75.0.2-1 and 75.0.3-1, the s42a Officers recommendation is therefore to accept the further submission.

### **6.2.1.2 Summary of Evidence Presented at the Hearing**

Submitter 336, Garrick Batten – Submission Point 75.0.2-1: Garrick Batten spoke at the hearing in relation to submission point 75.0.2-1. Mr Batten introduced himself as a Brightwater local who has lived in the area since 1973 and farmed land in the area for 21 years.

In relation to productive land, Mr Batten discussed:

- Highly productive land as a limited resource, which cannot be easily replaced, moved, or established elsewhere.

- The highly productive land value of the Plan Change site. Mr Batten advised that the site contains heritage soils which have been used for primary production for over 100 years. Mr Batten also advised of the need for highly productive land to be retained in locations such as the Plan Change site which are close to the transport network and other services, and that smaller, fragmented land parcels can still be productive.
- The uniqueness of the Brightwater township's demographic and population structure. Mr Batten considers Brightwater to be largely unchanged over time and to act like a suburb of Richmond, lacking its own social centre. Because of these factors, Mr Batten advised that he considers it inappropriate to apply the same growth population model to Brightwater that is used elsewhere in the region.
- The direction set in the National Policy Statement for Highly Productive Land and the Tasman Regional Policy Statement to avoid the loss of productive land.
- The ability to retain the portion of the Plan Change site that is currently zoned Rural 1 as rural land. Mr Batten accepted that the decision had already been made on the Rural 1 deferred Residential portion of the site.

Overall, Mr Batten advised that land in Brightwater (particularly flat productive land) should not be used for housing.

Submitter 336, Garrick Batten – Submission Point 75.0.3-1: In relation to flood hazard, Mr Batten advised that the Plan Change site is subject to flood hazard, both from flooding of the Pitfure Stream and overland flows from Watertank Hill/ Gardeners Hill. Mr Batten noted that a bund had been constructed in the past to protect the existing housing on the edge of the Plan Change site, reflecting flood issues.

Further Submission FC75.2782.1: Hayden Taylor (consultant planner) spoke in relation to further submission point FC75.2782.1 on behalf of submitters Hermann and Agnes Seifried. Mr Taylor advised that he, in his professional planning opinion, concurred with the further submission made by Hermann and Agnes Seifried.

In response to the submission point 75.0.2-1 regarding productive land, Mr Taylor accepted the expert advice from Council's Team Leader – Soils and Land Use, Mirka Langford and concurred with the findings in the s32 report. Mr Taylor also concurred that the NPS-HPL does not apply to the site as it is identified in the 2019 and 2022 Nelson Tasman Development Strategies and is a Council initiated plan change. Mr Taylor advised that the landowners have had difficulties using the land for productive purposes due to reverse sensitivity effects. Mr Taylor clarified that this is not to the extent that the land cannot be used for production, but that there are challenges associated with this.

In response to the submission point 75.0.3-1 regarding flood hazard, Mr Taylor accepted the expert advice from Council's Senior Resource Scientist, Glenn Stevens, and concurred with the findings in the s32 report. Mr Taylor also advised that submitters Hermann and Agnes Seifried recognised the constraint of flood hazard and the need to address this in the development of their land.

Expert Advice, Ms Langford – Submission Point 75.0.2-1: Ms Langford clarified that the classification of highly productive land does not take land fragmentation into account. This means that a land parcel can be classified as highly productive, irrespective of how small and fragmented the land parcel is. The Plan Change site is classified as highly productive land under the Land Use Classification system.

However, factors like fragmentation, as well as defensible boundaries, are considered when looking at the most appropriate locations for development. The Plan Change site was assessed through a multi-criteria analysis as part of the 2019 and 2022 Nelson Tasman Future Development Strategies and found to be appropriate for development, given the constraints of fragmentation and the natural defensible boundaries which protect surrounding rural land from urban expansion.

Expert Advice, Mr Stevens – Submission Point 75.0.3-1: Mr Stevens spoke at the hearing in relation to flood hazard. Mr Stevens advised that flood hazard from Pitfure Stream and overland flows from Watertank Hill/ Gardeners Hill have been considered and are able to be mitigated at the time of development.

Mr Stevens highlighted that it should not be interpreted that housing can be built up to the edge of Pitfure Stream. The Plan Change includes an indicative reserve along Pitfure Stream and another running through the site from Main Road Spring Grove to Pitfure Stream for the purpose of managing flood hazard. The details of this mitigation and the exact reserve width can be determined through the resource consent process. Mr Stevens noted that the land on the opposite side of Pitfure Stream is also owned by Hermann and Agnes Seifried and that this may be helpful in terms of being able to mitigate flood hazard within the Plan Change site.

### **6.2.1.3 Decision**

Submission Points 75.0.2-1: Reject. No change to Plan Change 75 arising from this submission point.

Submission Points 75.0.3-1: Reject. No change to Plan Change 75 arising from this submission point.

Further Submission FC75.2782.1: Accept. No change to Plan Change 75 arising from this submission point.

### **6.2.1.4 Reasons**

Submission Point 75.0.2-1: Council is currently faced with the issues of needing to provide for housing (in line with the direction of the National Policy Statement on Urban Development 2020 (NPS-UD)), and the need to protect highly productive land (in line with the NPS-HPL). These issues can be conflicting. They are both of significance to the Tasman region and need to be carefully considered when rezoning land for urban development.

The NPS-UD sets out objectives and policies for well-functioning urban environments. The NPS-UD requires Tier 1 and 2 Council's (including Tasman) to provide sufficient housing development capacity to meet expected demand over the next 30 years. As part of this, these Council's must prepare a Future Development Strategy to identify demand and capacity. Tasman District Council prepared (jointly with Nelson City Council) a Future Development Strategy in 2019 and 2022. The Plan Change site was identified – based on a multicriteria analysis – for residential development in both of these strategies.

The NPS-HPL has the sole objective of ensuring that highly productive land is protected for land-based primary production, both now and for future generations. The Plan Change site is not classified as highly productive land under the NPS-HPL due to it being identified for urban development and the subject of this notified Plan Change, meaning that the protections of the NPS-HPL do not apply and the site can be rezoned residential. However, the site is still classified as highly productive under the Land Use Classification system, meaning that the productive capability should be considered under existing policies in the TRMP.

The site is considered to be suitable for development as its productive capacity is limited by existing fragmentation, and the site has a defensible boundary which avoids urban expansion without limits. This is supported by the existing policy direction in the TRMP, with TRMP Policy 6.16.3.1 seeking manage the effects of urban expansion on highly productive land by providing for future urban growth within the Plan Change site.

If Council does not rezone any land for residential development, then land values will generally increase and contribute to housing unaffordability. This can have the effect of discouraging expansion as well as intensification through brown-fields development, as land prices become too

high for the redevelopment of sites to be financially viable. This is supported by the 2020 Sense Partners report, 'Understanding the impacts of releasing greenfields land', which was included in Appendix 7 of the s42A report.

The Plan Change is seeking to ensure that, where productive land is used for urban development, it is done in an efficient manner. The Plan Change is seeking to do this through enabling the existing TRMP Compact Density provisions (which provide the ability to develop at an increased level of density) and encouraging the use of these provisions through a non-notification clause. The Plan Change also requires a percentage of lots to be smaller than standard residential density to ensure a variety of section sizes is created.

Overall, it is recognised that the site is classified as highly productive, however, the rezoning is considered to be the best option for Brightwater when faced with both the need to provide for housing and the need to protect productive land. This decision is made while taking into account the land's protective capacity.

Submission Points 75.0.3-1: Flood hazard from Pitfure Stream and runoff from the small catchment behind houses on Lord Rutherford Road South have been considered and are able to be mitigated at the time of development.

A flood hazard assessment will need to be undertaken as part of the consenting process, and appropriate mitigation measures put in place. The Plan Change includes provisions to ensure that this occurs. This includes policy direction in Chapter 6 of the TRMP and a flood hazard information requirement in Chapter 19 of the TRMP. It also includes an indicative reserve along Pitfure Stream and another running through the site from Main Road Spring Grove to Pitfure Stream for the purpose of managing flood hazard. The exact details, including the dimensions for the indicative reserves, will be determined at the subdivision stage.

Further Submission FC75.2782.1: Further submission FC75.2782.1 is accepted for the reasons outlined under original submission points 75.0.2-1 and 75.0.3-1 above.

## **6.2.2 Submitter 4206 – Waka Kotahi**

Submission Point 75.6.18-1, Support in Part: The submitter supports Policy 6.16.3.3A in part, and considers that flood hazard will need to be mitigated so that flooding does not affect State Highway 6. The submitter seeks that Council continues to work with them to mitigate any adverse effects on the state highway network.

### **6.2.2.1 Summary of the Section 42A Report**

Submission Point 75.6.18-1: It was recommended in the Section 42A report that the Hearing Panel accept this submission. Council's Senior Resource Scientist, Glenn Stevens, has advised that it is feasible to mitigate flood hazard, and that this can be addressed at the time of resource consenting. The Plan Change includes provisions to ensure that this occurs. Addressing the flood hazard at the site will prevent flooding effects beyond the site boundary and therefore to State Highway 6.

### **6.2.2.2 Summary of Evidence Presented at the Hearing**

No evidence was presented at the hearing regarding this submission.

### **6.2.2.3 Decision**

Submission Point 75.6.18-1: Accept. No change to Plan Change 75 arising from this submission point.

### **6.2.2.4 Reasons**

It is important to avoid adverse flooding effects on the state highway. Flood hazard has been considered as part of this Plan Change and is able to be mitigated at the time of resource consenting. The Plan Change includes provisions to ensure that this occurs. Addressing the flood hazard at the site will prevent flooding effects beyond the site boundary, including effects on State Highway 6. In the event that there is deemed to be minor or more than minor adverse effects on the state highway, Waka Kotahi would be consulted as part of the resource consent process. This is considered to achieve the outcome sought by the submitter.

## **6.3 Topic 75.2 Definitions**

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### **6.3.1 Submitter 4206 – Waka Kotahi**

Submission Point 75.2-1, Support: The submitter supports the definition of the 'Brightwater Development Area' as this clearly defines the site.

#### **6.3.1.1 Summary of the Section 42A Report**

Submission Point 75.2-1: It was recommended in the Section 42A report that the Hearing Panel accept this submission in support of the 'Brightwater Development Area' definition.

#### **6.3.1.2 Summary of Evidence Presented at the Hearing**

No evidence was presented at the hearing regarding this submission.

#### **6.3.1.3 Decision**

Submission Point 75.2-1: Accept. No change to Plan Change 75 arising from this submission point.

#### **6.3.1.4 Reasons**

Submission Point 75.2-1: This submission point is in support of the definition of the 'Brightwater Development Area'. No other submissions have been received in relation to this aspect of the Plan Change, and no changes to the definition have been sought. It is therefore considered appropriate to accept this submission.

## **6.4 Topic 75.5 Site Amenity Effects**

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### **6.4.1 Submitter 4206 – Waka Kotahi**

Submission Point 75.5-1, Support: The submitter supports the addition of enabling medium density development in specified Development Areas as this reflects the need to use land more efficiently where expansion does occur and aligns with the Future Development Strategy.

#### **6.4.1.1 Summary of the Section 42A Report**

Submission Point 75.5-1: It was recommended in the Section 42A report that the Hearing Panel accept this submission in support of the Plan Change.

#### **6.4.1.2 Summary of Evidence Presented at the Hearing**

No evidence was presented at the hearing regarding this submission.

#### **6.4.1.3 Decision**

Submission Point 75.5-1: Accept. No change to Plan Change 75 arising from this submission point.

#### **6.4.1.4 Reasons**



Submission Point 75.5-1: This submission point is in support of enabling medium density development in specified Development Areas. No other submissions have been received in relation to this aspect of the Plan Change, and no changes have been sought. It is therefore considered appropriate to accept this submission.

## **6.5 Topic 75.6 Urban Environment Effects**

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### **6.5.1 Submitter 4206 – Waka Kotahi**

Submission Point 75.6.1-1, Support: The submitter seeks that 6.1.1 be retained as notified.

Submission Point 75.6.3-1, Support: The submitter supports Brightwater being in the policy (6.1.3.1(A)) for medium density housing developments.

Submission Point 75.6.4-1, Support: The submitter supports the inclusion of this policy (6.1.3.1(B)) to align with the urban design guide as it specifies good design requirements for liveable communities.

Submission Point 75.6.5-1, Support: The submitter supports the wording in 6.2.3.2 for enabling smaller residential lot sizes in Brightwater as it is in line with the Future Development Strategy and growth near the town centre.

Submission Point 75.6.7-1, Support: The submitter supports the inclusion of Brightwater in Policy 6.2.3.2B to encourage medium density development in this area.

Submission Point 75.6.9-1, Support: The submitter supports 6.2.20.1(a) and (b). The wording is in line with the Future Development Strategy purpose as the area should be up-zoned to the fullest extent possible to provide for local services for people who will be living in the walkable catchments. Enabling additional densities in these areas will also support provision of public transport and active transport infrastructure in the future by concentrating population.

Submission Point 75.6.10-1, Support: The submitter supports 6.2.20.1(be). This is in line with the Future Development Strategy purpose as the area should be up-zoned to the fullest extent possible to provide for local services for people who will be living in the walkable catchments. Enabling additional densities in these areas will also support provision of public transport and active transport infrastructure in the future by concentrating population.

Submission Point 75.6.12-1<sup>2</sup>, Support: The submitter supports the inclusion of Figure 6.8A to show the range of housing provided in the Brightwater Development Area.

Submission Point 75.6.14-1, Support: The submitter supports 6.16.1.7. The council / developer would have to work closely with Waka Kotahi to ensure a safe and appropriate noise attenuating structure was in place alongside the state highway to protect the future residents from noise / health effects.

Submission Point 75.6.15-1, Support: The submitter supports 6.16.3.1A. It is in line with the Future Development Strategy that greenfield land is used efficiently for a mix of uses at medium and higher densities, to reduce pressure on further greenfield expansion in the long term.

Submission Point 75.6.19-1, Support: The submitter supports Policy 6.16.3.8 in regard to reverse sensitivity and mitigation methods at the time of subdivision and building.

Submission Point 75.6.8-1, Support in Part: The submitter supports Policy 6.2.3.2B in part. The submitter supports the policy for enabling higher density housing, however, seeks that the wording around 'higher density housing' be amended for clarity as the word 'high' could be confused with high density housing.

Submission Point 75.6.13-1, Support in Part: The submitter supports Policy 6.16.1.2A in part. The submitter supports the intent of the policy, but considers that the word ‘higher’ could be confused with high density housing.

Submission Point 75.6.16-1, Support in Part: The submitter supports Policy 6.16.3.1A in part. The submitter supports the intent of the policy, but considers that the word ‘higher’ could be confused with high density housing.

Submission Point 75.6.17-1, Support in Part: The submitter supports Policy 6.16.3.1B in part. The submitter supports the intent of the policy, but considers that the word ‘higher’ could be confused with high density housing.

Submission Point 75.6.20-1, Support in Part: The submitter supports Policy 6.16.30 in part. The submitter supports the wording included in the explanation to retain land as rural or recreational where flood effects cannot be managed, and seeks that the ‘higher density’ wording be changed or clarified to avoid confusion with high density housing.

Submission Point 75.6.22-1, Support in Part: The submitter supports Policy 6.16.20.1(e) in part. The submitter supports the wording included in the explanation to retain land as rural or recreational where flood effects cannot be managed, however, seeks that the ‘higher density’ wording be changed or clarified to avoid confusion with high density housing

Submission Point 75.6.2-1, Support in Part: The submitter supports 6.3.1(j) in part and seeks clarification as to where the ‘cycling’ distance component of ‘walking and cycling distance’ has arisen from.

Submission Point 75.6.11-1, Support in Part: The submitter supports the inclusion of Brightwater in 6.2.30, however, seeks clarification as to where the ‘cycling’ distance component of ‘walking and cycling distance’ has arisen from.

Submission Point 75.6.21-1, Support in Part: The submitter supports the rule to manage road noise in Method of Implementation 6.16.20.1(f), however, seeks that the wording be amended to include reverse sensitivity so that vibration is also included.

### **6.5.1.1 Summary of the Section 42A Report**

Submission Points 75.6.1-1, 75.6.3-1, 75.6.4-1, 75.6.5-1, 75.6.7-1, 75.6.9-1, 75.6.10-1, 75.6.12-1, 75.6.14-1, 75.6.15-1, and 75.6.19-1: It was recommended in the Section 42A report that the Hearing Panel accept these submission points in support of the Plan Change. These submissions were not discussed in detail in the Section 42A report as they were in support of the Plan Change.

Submission Points 75.6.8-1, 75.6.13-1, 75.6.16-1, 75.6.17-1, 75.6.20-1, and 75.6.22-1: It was recommended in the Section 42A report that the Hearing Panel accept these six submission points in support of the Plan Change. These submission points are all seeking amendment to the term ‘higher density’ to avoid confusion with high density housing. The submitter supports the direction of the relevant policies, however, considers that the term ‘higher density’ could be confusing.

The term ‘higher density’ is used in the Plan Change to explain a shift from standard residential development to medium density development under the Compact Density provisions, which is enabled and encouraged by the Plan Change. It is also used in relation to the requirement for a certain number of allotments to be below the standard residential allotment size, to ensure that (as a minimum) some increased density is achieved and to provide a variety of housing options. These outcomes relate to the objective of the Plan Change.

It is acknowledged, however, that this could be confused with the 'High Density Residential Zone' included in the National Planning Standards. It is therefore considered appropriate to amend the wording from 'higher density' to 'increased and varied housing densities and types'. This wording is considered to achieve the intent of the relevant policies without creating confusion.

Submission Points 75.6.2-1, and 75.6.11-1: It was recommended in the Section 42A report that the Hearing Panel reject these submission points. Walking and cycling are active transport modes as defined in the National Policy Statement – Urban Development (NPS-UD). Good accessibility between housing, jobs, community services, natural and open spaces, including by way of public and active transport, is considered to contribute to well-functioning urban environments. This is supported in Policy 1 of the NPS-UD.

It is acknowledged that the distance that can be cycled will be different to the distance that can be walked when accessing local facilities and services. The Plan Change wording allows for both modes to be considered when determining areas suitable for more intensive residential development, and is therefore considered to be appropriate.

Submission Point 75.6.21-1: It was recommended in the Section 42A report that the Hearing Panel accept this submission point. A change to the method statement 6.16.20.1 (f) is considered appropriate as both noise and vibration do fall within the category of reverse sensitivity effects from the State Highway and the Plan Change includes provisions to mitigate both of types of effects. It was recommended that 'road noise' be replaced with 'reverse sensitivity effects'.

### **6.5.1.2 Summary of Evidence Presented at the Hearing**

No evidence was presented at the hearing regarding this submission.

### **6.5.1.3 Decision**

Submission Points 75.6.1-1, 75.6.3- 1, 75.6.4-1, 75.6.5-1, 75.6.7-1, 75.6.9-1, 75.6.10-1, 75.6.12-1, 75.6.14-1, 75.6.15-1, and 75.6.19-1: Accept. No change to Plan Change 75 arising from these submission points.

Submission Points 75.6.8-1, 75.6.13-1, 75.6.16-1, 75.6.17-1, 75.6.20-1, and 75.6.22-1: Accept. The wording of the relevant policies has been amended to address the concern raised by this submitter. A modified version of the text is included in Appendix 1: Schedule of Amendments (TRMP Text) – refer to TRMP Sections 6.2.3, 6.2.20, 6.16.1, 6.16.3, 6.16.20, and 6.16.30 for the amended text.

Submission Points 75.6.11-1, and 75.6.2-1: Reject. No change to Plan Change 75 arising from these submission points.

Submission Point 75.6.21-1: Accept. The wording of Method of Implementation 6.16.20.1(f) has been amended to address the concern raised by this submitter. A modified version of the text is included in Appendix 1: Schedule of Amendments (TRMP Text) – refer to TRMP Section 6.16.20 for the amended text.

### **6.5.1.4 Reasons**

Submission Points 75.6.1-1, 75.6.3- 1, 75.6.4-1, 75.6.5-1, 75.6.7-1, 75.6.9-1, 75.6.10-1, 75.6.12-1, 75.6.14-1, 75.6.15-1, and 75.6.19-1: These submissions in are support of the Plan Change. No other submissions have been received in relation to these aspects of the Plan Change, and no changes have been sought. It is therefore considered appropriate to accept these submission points.

Submission Points 75.6.8-1, 75.6.13-1, 75.6.16-1, 75.6.17-1, 75.6.20-1, and 75.6.22-1: It is acknowledged that the term 'higher density' could be confused with the 'High Density Residential

Zone' included in the National Planning Standards. It is therefore considered appropriate to amend the wording from 'higher density' to 'increased and varied housing densities and types'. This wording is considered to achieve the intent of the relevant policies without creating confusion.

Submission Points 75.6.11-1, and 75.6.2-1: It is acknowledged that the distance that can be cycled will be different to the distance that can be walked when accessing local facilities and services. The Plan Change wording allows for both modes to be considered when determining areas suitable for more intensive residential development, and is therefore considered to be appropriate.

Submission Point 75.6.21-1: A change to the method statement 6.16.20.1 (f) is considered appropriate as both noise and vibration do fall within the category of reverse sensitivity effects from the State Highway and the Plan Change includes provisions to mitigate both of types of effects.

## **6.6 Topic 75.16 Subdivision**

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### **6.6.1 Submitter 4206 – Waka Kotahi**

Submission Point 75.16.1-1, Support: The submitter supports 16.3.3.1(a) as this is in line with the Future Development Strategy.

Submission Point 75.16.2-1, Support: The submitter supports the inclusion of Brightwater in Rules 16.3.3.1(i) and (m).

Submission Point 75.16.4-1, Support: The submitter supports the inclusion of Brightwater Development Area in Rule 16.3.3.1(n) as this aligns with the Future Development Strategy. The submitter also supports that the road does not allow any direct access to State Highway 6.

Submission Point 75.16.6-1(1)<sup>3</sup>, Support: The submitter supports Rule 16.3.3.1(A) as it aligns with the Future Development Strategy.

Submission Point 75.16.6-1(2)<sup>3</sup>, Support: The submitter supports Rule 16.3.3.1(B) as it aligns with the Future Development Strategy.

Submission Point 75.16.7-1, Support: The submitter supports the Restricted Discretionary Activity status and rules in 16.3.3.2C.

Submission Point 75.16.8-1, Support: The submitter supports the inclusion of Brightwater in 16.3.3.3. The submitter also supports rule (j) that no direct access is gained via State Highway 6, and rule (vi) as it addresses reverse sensitivity

Submission Point 75.16.10-1, Support: The submitter supports the Restricted Discretionary Activity status and rules in 16.3.3.4.

Submission Point 75.16.3-1, Support in Part: The submitter supports 16.3.3.1(me) in part. The submitter supports having a rule regarding reverse sensitivity, however, seeks that the following vibration standard is also included:

*'New buildings or alterations to existing buildings containing noise sensitive activities, in or partly within 40 metres from the state highway edge line must be designed, constructed and maintained to achieve road traffic vibration levels complying with class C of NS 8176E:2005'*

Submission Point 75.16.5-1, Support in Part: The submitter supports 16.3 and 16.3.3.1(o) in part. They support having a rule regarding noise and vibration, however, consider that ‘manage’ is not a strong enough word and that it should be replaced with ‘mitigate’.

Submission Point 75.16.9-1, Support in Part: The submitter supports the intention of 16.3.3.3(32A), however, considers that ‘manage’ is not sufficient and should be replaced with ‘mitigate’.

#### **6.6.1.1 Summary of the Section 42A Report**

Submission Points 75.16.1-1, 75.16.2-1, 75.16.4-1, 75.16.6-1(1), 75.16.6-1(2), 75.16.7-1, 75.16.8-1, and 75.16.10-1: It was recommended in the Section 42A report that the Hearing Panel accept these 7 submission points in support of the Plan Change. These submissions were not discussed in detail in the Section 42A report as they were in support of the Plan Change.

Submission Point 75.16.3-1: It was recommended in the Section 42A report that the Hearing Panel reject this submission point. The Plan Change includes provisions to mitigate reverse sensitivity effects within 100 metres of the state highway, including a 20 metre building setback distance to mitigate vibration. These provisions were developed based on early consultation with Waka Kotahi.

Submission Points 75.16.5-1<sup>4</sup> and 75.16.9-1: It was recommended in the Section 42A report that the Hearing Panel accept these submission points. The use of the word mitigate is consistent with wording under S17 of the RMA to avoid, remedy and mitigate adverse effects. It is therefore considered appropriate to amend the wording as proposed by submission points 75.16.5-1 and 75.16.9-1.

#### **6.6.1.2 Summary of Evidence Presented at the Hearing**

No evidence was presented at the hearing regarding this submission.

#### **6.6.1.3 Decision**

Submission Points 75.16.1-1, 75.16.2-1, 75.16.4-1, 75.16.6-1 (1), 75.16.6-1(2), 75.16.7-1, 75.16.8-1, and 75.16.10-1: Accept. No change to Plan Change 75 arising from these submission points.

Submission Point 75.16.3-1: Reject. No change to Plan Change 75 arising from this submission point.

Submission Points 75.16.3-1 and 75.16.9-1: Accept. The wording of 16.3.3.1(o) and 16.3.3.3(32A) have been amended to address the concerns raised by this submitter. A modified version of the text is included in Appendix 1: Schedule of Amendments (TRMP Text) – refer to TRMP Sections 16.3.3.1 and 16.3.3.3.

#### **6.6.1.4 Reasons**

Submission Points 75.16.1-1, 75.16.2-1, 75.16.4-1, 75.16.6-1(1), 75.16.6-1(2), 75.16.7-1, 75.16.8-1, and 75.16.10-1: These submissions in are support of the Plan Change. No other submissions have been received in relation to these aspects of the Plan Change, and no changes have been sought. It is therefore considered appropriate to accept these submission points.

Submission Point 75.16.3-1: The Plan Change includes provisions to mitigate reverse sensitivity effects within 100 metres of the state highway, including a 20 metre building setback distance to mitigate vibration. These provisions were developed based on early consultation with Waka Kotahi. No evidence has been provided to support the need to include this additional vibration condition.

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<sup>4</sup> Note that the s42A report refers to submission point 75.16.3-1 in the recommendations instead of 75.16.5-1, however, it is clear that this is a typo and that s42A Officer’s recommendation is for submission point 75.16.5.1 to be accepted with 75.16.6.1.

This is not something that is currently included within the TRMP, and is likely to be better address on a region-wide basis in the new Tasman Environment Plan.

Submission Points 75.16.5-1 and 75.16.9-1: The use of the word mitigate is consistent with wording under S17 of the RMA to avoid, remedy and mitigate adverse effects. It is therefore considered appropriate to amend the wording as proposed by submission points 75.16.5-1 and 75.16.9-1.

## **6.7 Topic 75.17 Zone Rules**

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### **6.7.1 Submitter 4206 – Waka Kotahi**

Submission Point 75.17.1-1, Support: The submitter supports the inclusion of reverse sensitivity provisions for the construction or alteration of a building in 17.1.3.1.

Submission Point 75.17.2-1, Support: The submitter supports the inclusion of reverse sensitivity provisions and matters of control in 17.1.3.2e.

Submission Point 75.17.3-1, Support: The submitter supports the inclusion of reverse sensitivity provisions in 17.1.3.3.(n) and 12.

Submission Point 75.17.4-1, Support: The submitter supports the inclusion of reverse sensitivity provisions and providing for a variety of housing density options in 17.1.3.4B.

Submission Point 75.17.5-1, Support: The submitter supports the inclusion of Brightwater and noise provisions. The submitter also supports the inclusion of Brightwater Development Area in the planning maps.

Submission Point 75.17.6-1, Support in Part: The submitter supports 17.14A in part. As part of the Plan Change, the zoning of the land is deferred and will not be lifted until Council is satisfied with stormwater and catchment management. Waka Kotahi submits that it also be deferred until Council and Waka Kotahi are both satisfied with the transport related effects – particularly the intersection of State Highway 6 and Lord Rutherford Road. Waka Kotahi also submitted an Integrated Transport Assessment (ITA) would assist with managing the potential cumulative traffic and safety impacts.

#### **6.7.1.1 Summary of the Section 42A Report**

Submission Points 75.17.1-1, 75.17.2-1, 75.17.3-1, 75.17.4-1, 75.17.5-1: It was recommended in the Section 42A report that the Hearing Panel accept these 7 submission points in support of the Plan Change. These submissions were not discussed in detail in the Section 42A report as they were in support of the Plan Change.

Submission Point 75.17.6-1: It was recommended in the Section 42A report that the Hearing Panel reject submission point 75.17.6-1 in part. The reporting officer considered that it was not appropriate to include an additional reason for deferral which requires approval from a third party, however, did recognise that there may be cumulative traffic and safety effects on Lord Rutherford Road North and the State Highway 6 intersection from the new road (and subsequent development) connecting to Lord Rutherford Road North. The Section 42A report recommended that amendment be made to the Plan Change provisions to recognise potential adverse traffic and safety effects on the transport network and for an ITA to be provided as supporting information for a resource consent application.

#### **6.7.1.2 Summary of Evidence Presented at the Hearing**

No evidence was presented at the hearing regarding this submission.

#### **6.7.1.3 Decision**

Submission Points 75.17.1-1, 75.17.2-1, 75.17.3-1, 75.17.4-1, 75.17.5-1: Accept. No change to Plan Change 75 arising from this submission point.

Submission Point 75.17.6-1: Reject in part. The Plan Change provisions have been amended to recognise potential adverse cumulative traffic and safety effects and to require a ITA to be prepared by the applicant as part of the resource consent process. Amendments have been made to the Plan Change provisions to include a new issue and policy under 6.16.1 and 6.16.3 and an additional information requirement under Section 19.2, and a new definition to provide a clear meaning of an ITA. A modified version of the text is included in Appendix 1: Schedule of Amendments (TRMP Text) – refer to TRMP Sections 6.16.1, 6.16.3, 19.2, and Chapter 2.

#### **6.7.1.4 Reasons**

Submission Points 75.17.1-1, 75.17.2-1, 75.17.3-1, 75.17.4-1, 75.17.5-1: These submissions in are support of the Plan Change. No other submissions have been received in relation to these aspects of the Plan Change, and no changes have been sought. It is therefore considered appropriate to accept these submission points.

Submission Point 75.17.6-1: It is not considered to be appropriate for the rezoning to be deferred subject to a third party approval. However, it is recognised that there may be cumulative traffic and safety effects and that these should be managed. The ITA is considered to be an appropriate way of achieving this. This is supported by Council’s Consultant Transport Engineer, whose comments are included in the Section 42A report.

Section 32AA: An additional evaluation of the amendments made in relation to this topic under Section 32AA of the Resource Management Act 1991 is included in Appendix 6 of the Section 42A report and attached in Appendix 3 of this decision. This decision adopts that additional evaluation made under Section 32AA for the changes made in relation to submission point 75.17.6-1.

## **6.8 Topic 75.19 Information Required**

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### **6.8.1 Submitter 4206 – Waka Kotahi**

Submission Point 75.19.1-1, Support: The submitter supports the information requirement in 19.2.2. In particular, the submitter supports the requirement for the reverse sensitivity information and information on how a variety of housing options, including higher density housing options, is achieved, or – where this is not practicable – justification of why.

#### **6.8.1.1 Summary of the Section 42A Report**

Submission Point 75.19.1-1: It was recommended in the Section 42A report that the Hearing Panel accept submission point 75.19.1-1 as it is in support of the Plan Change.

#### **6.8.1.2 Summary of Evidence Presented at the Hearing**

No evidence was presented at the hearing regarding this submission.

#### **6.8.1.3 Decision**

Submission Point 75.19.1-1: Accept. No change to Plan Change 75 arising from this submission point.

#### **6.8.1.4 Reasons**

Submission Point 75.19.1-1: This submission point is in support of the requirement in 19.2.2 for the applicant to provide reverse sensitivity information and information on how a variety of housing options, including higher density housing options, is achieved. No other submissions have been

received in relation to this aspect of the Plan Change, and no changes have been sought. It is therefore considered appropriate to accept this submission point.

## **6.9 Topic 75.20.1-1 Part II – Appendix 2 Urban Design Guidelines**

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### **6.9.1 Submitter 4206 – Waka Kotahi**

Submission Point 75.20.1-1, Support: The submitter supports the changes to Part II Appendix 2 – Urban Design Guidelines to include the Brightwater Development Area and the provisions for a variety of lot sizes, increased density, and a quality living environment.

#### **6.9.1.1 Summary of the Section 42A Report**

Submission Point 75.20.1-1: It was recommended in the Section 42A report that the Hearing Panel accept this submission in support of the changes to Part II Appendix 2 – Urban Design Guidelines.

#### **6.9.1.2 Summary of Evidence Presented at the Hearing**

No evidence was presented at the hearing regarding this submission.

#### **6.9.1.3 Decision**

Submission Point 75.20.1-1: Accept. No change to Plan Change 75 arising from this submission point.

#### **6.9.1.4 Reasons**

Submission Point 75.20.1-1: This submission point is in support of the changes to Part II Appendix 2 – Urban Design Guidelines. No other submissions have been received in relation to this aspect of the Plan Change, and no changes to the definition have been sought. It is therefore considered appropriate to accept this submission.



## **Appendix 1: Schedule of Amendments (TRMP Text)**

*[Under separate cover]*

## **Appendix 2: Schedule of Amendments (Maps)**

*[Under separate cover]*

## **Appendix 3: Section 32AA Report**

*[Under separate cover]*