

Tasman Resource Management Plan

Proposed Plan Change 68 Omnibus Amendments

Section 32 Evaluation Report

1. Introduction

The purpose of this Plan Change – **PC 68 Omnibus Amendments** – is to carry out a number of changes to the items in the table in Section 3 below. These items are all contained within the Tasman Resource Management Plan (TRMP). The changes are included within a single plan change process for administrative efficiency.

The changes are minor amendments to outdated text, the correction of errors or anomalies, or simple adjustments to improve clarity of jurisdiction, interpretation or enforcement. Others relate to zoning and overlay changes that correct errors or anomalies that have generally been created through other changes to the TRMP; or through sale, subdivision, or development of the affected land.

As each item in the plan change is discrete from the others this Section 32 report sets out each change in turn. The full required analysis under Section 32 will be carried out for each change in these sections.

The scope of the plan change is limited to those provisions proposed or amended within this Section 32 Evaluation Report.

2. Resource Management Act 1991 (the Act)

2.1 Section 32 Evaluation Report

Before a proposed Plan Change is publicly notified, the Council is required under Section 32 of the Act to evaluate whether the objectives of the proposal are the most appropriate way of achieving the purpose of the Act; whether the provisions in the proposal are the most appropriate way to achieve the objectives; to assess the efficiency and effectiveness of the options considered, and to consider the costs and benefits of implementation.

Section 32 states:

- (1) *An evaluation report required under this Act must –*
 - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –*
 - (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*

- (iii) summarising the reasons for deciding on the provisions; and
 - (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- (2) An assessment under subsection 1(b)(ii) must –
- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for –
 - (i) economic growth that are anticipated to be provided or reduced; and
 - (ii) employment that are anticipated to be provided or reduced; and
 - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
 - (c) assess the risks of acting or not acting if there is insufficient information about the subject matter.

Clauses (3) and (4) are not relevant to this plan change; however, Clauses (4A), (5) and (6) are:

- (4A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must –
- (a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and
 - (b) summarise the response to that advice, including any provisions of the proposal that are intended to give effect to the advice.
- (5) The person who must have particular regard to the evaluation report must make the report available for public inspection –
- (a) as soon as practicable after the proposal is made (in the case of a standard or regulation); or
 - (b) at the same time as the proposal is notified.
- (6) In this section, –
- objectives** means, –
- (a) for a proposal that contains or states objectives, those objectives:
 - (b) for all other proposals, the purpose of the proposal
- proposal** means a proposed standard, statement, National Policy Standard, regulation, plan or change for which an evaluation report must be prepared under this Act
- provisions** means, –
- (a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:
 - (b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

3. List of Plan Change Items

The following table is a list of the plan change items for reference. The evaluation of these items then occurs in the following section of this report.

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4. Consultation

The consultation on this plan change has primarily consisted of targeted engagement with those identified as being potentially directly affected by the change proposed. This has been carried out through letters and relevant information including maps being distributed. Follow up correspondence and discussions were then held with various parties when these were requested. Specific consultation actions are outlined in more detail within the evaluation section of each plan change item.

Workshops have also been held with the Tasman District Councillors to discuss the changes proposed and refine some of the possible options for the changes.

General advice of the plan change will also be included within TDC's fortnightly publication 'Newsline'.

The draft Plan change has also been circulated to Te Tau Ihu iwi for comment as there is a need for particular regard to be had to their feedback. Any specific matters raised will be addressed through the discussion on the relevant plan change topic.

The results of these consultation actions have assisted with the development and confirmation of the changes proposed through this Plan Change.

5. Evaluation of the Plan Change Item – PC 68

This evaluation is undertaken in three main steps for each of the changes proposed. These steps are:

- The first step **describes the provisions**, and background to the Plan Change item and for context any relevant objectives and policies from the TDC Plan or Regional Policy Statement and from any relevant National planning instruments. It also sets out the reasons for, and the objectives of the Plan Change.

- The second step evaluates whether the proposed provisions are the most appropriate way to achieve the objective of the Plan Change **by considering other reasonably practicable options.**
- Taking into account the actual and potential effects of each option, the third step looks at the **costs, benefits and risks associated with alternative ways of implementing the provisions.** As there are no new TRMP objectives proposed in this plan change, we are required to evaluate whether the provisions achieve the objective of the plan change.

5.1 Plan Change 68.1 - Protected Tree Schedule updates

5.1.1 Step 1: Description of the Provisions

The proposed plan change seeks to both add and remove trees from the schedule of protected trees in the TRMP. These changes, plus the reasons, are set out in the tables below and involve updates to TRMP Schedule 16.13B and the associated planning maps:

Tree ID	Category	Species Common name	Property Location	Valuation No.	Area Map	Reason for removal
T226	C	<i>Juglans regia</i> Walnut	27 Green Tree Road, Riwaka	1933020100	84	Poor health (development in root zone)
T374	C	<i>Magnolia grandiflora</i> Magnolia	3 Staples St, Motueka	1955003001	114	Poor condition
T415	C	<i>Acer pseudoplatanus</i> Sycamore	19 Pah St, Motueka	1956026800	116	Poor health (development in root zone)
T447	C	<i>Chamaecyparis lawsoniana</i> Lawson Cypress	39 Fearon St, Motueka	1955016800	115	Poor condition
T451	C	<i>Acer palmatum</i> ' <i>Atropurpureum</i> ' Japanese Maple	21 Fearon St, Motueka	1955017003	114	Poor condition
T785	C	<i>Melia azedarach</i> China Berry	413 Main Road, Hope	1943039303	131	Poor condition (storm damage)
T786	C	<i>Arbutus unedo</i> Strawberry Tree	413 Main Road, Hope	1943039303	131	Poor health and condition

Table 1 PC68.1 Trees deleted

Tree ID	Category	Species Common name	Property Location	Valuation No.	Area Map	Reasons for inclusion
T915	C	<i>Podocarpus totara</i> (4) Totara <i>Podocarpus dacrydiodes</i> (1) Kahikatea	39 Fearon St, Motueka	1955016800	117	STEM assessment meets category C criteria
T177	C	<i>Podocarpus totara</i> Totara	1900 Takaka Valley Highway	1871040301	50	Totara: large tree possible remnant of native bush cover. Ash: very large uncommon tree
T178	C	<i>Fraxinus excelsior</i> European Ash				
T179	B	<i>Cupressus sempervirens</i> Mediterranean cypress	1908 Takaka Valley Highway	1871040300	50	Cypress: 1880's tallest known specimen in the world. Norfolk Island Pine: rare tree of this age. Both trees associated with original settlers.
T180	A	<i>Araucaria heterophylla</i> Norfolk Island pine				

Tree ID	Category	Species Common name	Property Location	Valuation No.	Area Map	Reasons for inclusion
T917	B	<i>Quercus robur</i> English or Common Oak	276 Whakarewa St, Motueka	1933061600	52	Largest specimen in the South Island, planted c.1875
T894	B	<i>Podocarpus totara</i> totara	Reservoir Creek, Forestry area, Richmond	1943046202	135	Very old tree, approx. 400yrs, named Kupe by Ngati Kuia.
T895	B	<i>Prumnopitys taxifolia</i> Matai	Jimmy Lee Creek, Kingsland Forest, Richmond	1943046202	134	Substantial tree
T896	B	<i>Dacrycarpus dacrydioides</i> Kahikatea	Reservoir Creek, Forestry area, Richmond	1943046202	135	Approx 500 years old, named Kereopa by Ngati Kuia.
T897	A	<i>Eucalyptus regnans</i> Mountain ash	Reservoir Creek, Forestry area, Richmond	1943046202	135	Second tallest tree in NZ. Named Barrington Gum after the farm in this area. On notable tree register #687.
T264	B	<i>Sequoia sempervirens</i> Coast redwood	Legal Road – 1660 Motueka River Westbank Road	Legal Road	18	Very large, prominent tree planted by Keith McGaveston c 1935.
T914	B	<i>Cupressus macrocarpa</i> Monterey cypress	Awaroa Road – Legal Road	Legal Road	11	Largest single stemmed specimen in the world, On notable tree register #686 with international significance rating.

Table 2 PC68.1 Trees added

Why the change is necessary and what is the objective?

The objective of the change is to ensure that only trees which meet the required standard are included in this schedule. This involves adding or removing those trees in the schedule listing and also adding or removing the corresponding tree symbol on the relevant planning maps. This ensures that the Tree Schedule is up to date and credible as a list of trees meeting the standard required for protection.

All trees have been assessed by a qualified arborist experienced in tree assessment. The assessment methodology follows the Standard Tree Evaluation Method (STEM) as is standard practice for tree assessment in the Tasman District. The trees to be removed were found to be in poor health or condition for reasons such as storm damage or human intervention, and no longer meet the

standard required to be included on the Protected Tree Schedule. The trees to be included meet the standard required to be added to the schedule. The reasons are summarised in Table 2 above and include specimens that are internationally, nationally or locally significant. The more significant trees are the Awaroa Monterey Cypress which is the largest single stemmed specimen in the world, the Barrington Gum is the second tallest tree in New Zealand, the trees in Reservoir Creek are 4 – 500 years old and the Oak at 276 Whakarewa St is the largest in the South Island.

Consultation

Consultation has been carried out with the parties affected by the removal of the trees from the Protected Tree Schedule. These parties are the property owners. Comments received have been supportive of the removal of these trees.

In relation to trees to be added to the schedule consultation has been undertaken with the property owners and with other potentially affected parties such as neighbouring property owners. The responses from neighbouring property owners have been positive towards tree protection and in some cases requesting additional information and clarification. These matters have been resolved.

Cultural Considerations

This Plan Change item has no identified adverse effects on cultural matters and no comment has been made by iwi of Te Tau Ihu during the pre-notification consultation period.

5.1.2 Step 2: Options, and their Appropriateness in Achieving the Objective of the Plan Change

Option 1: Update listings

This option involves adding and removing trees in the schedule of protected trees when they have been assessed by a qualified and experienced arborist as either meeting, or no longer meeting, the criteria for inclusion in this schedule.

This proposal is consistent with the existing objectives of the plan in particular those set out in chapter 10 for protected trees (Objective 10.2.2), and chapter 5 for amenity matters.

Option 2: No change

This option involves retaining trees on the schedule after the initial assessment has deemed them suitable for inclusion. This is regardless of the changing condition of the tree over time.

This option is not appropriate as it does not achieve the objective of the plan change and retains trees on the list which are no longer worthy of this classification. This is an ineffective way of maintaining a protected tree schedule.

This option would make it impossible to add suitable trees to the schedule as no action would be taken.

Recommendation: Option 1 (update listings)

This is an appropriate method for achieving the objectives of the plan change as when trees have been assessed as no longer meeting the required standards they are removed from the schedule. Equally trees that meet the criteria and have been put forward for inclusion can be incorporated in the list. This is an effective and efficient means of maintaining a credible protected tree list. This represents sustainable management in terms of the current TRMP method of tree protection and achieves this purpose of the Act.

Step 3 below sets out the benefits and costs of implementing this recommended option.

5.1.3 Step 3: Benefits, Costs and Risks associated with implementing the Provisions

The benefits, costs and risk assessment are derived from the discussion of options above.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Update list of protected trees	<p>Less requirements and costs for tree owners to seek resource consents to remove the tree</p> <p>Less administration for Council to process such resource consents</p> <p>Tree owners can manage or remove the tree as they see fit if they are no longer on the list</p> <p>Tree which are added receive statutory protection through the TRMP</p> <p>The protected tree schedule retains credibility</p>	<p>Cost of undertaking the plan change process</p>	<p>The trees have all been individually assessed by a qualified and experienced arborist who has recommended their addition or removal from the list. The information is therefore adequate to enable an informed decision to be made with no risk remaining.</p>

The proposed plan change item to remove trees does not have any effect on the opportunities for economic growth and employment. In some cases trees that are being added have the potential to adversely impact the ability to use neighbouring land if the tree is close to the boundary. As an example it may be more difficult to grow crops or grass near to the tree. On the positive side they may offer shade and shelter for stock. Neighbouring property owners have been given the opportunity to comment on these impacts and no concern has been raised. Overall there is considered to be no adverse effect on the opportunities for economic growth and employment.

5.2 Plan Change 68.2 - Odour and Dust provision review

5.2.1 Step 1: Description of the Provisions

Various changes are made to ensure that odour and dust provisions are consistent with current best practice guidance from the Ministry for the Environment on these topics. These changes occur within the permitted activity conditions of a number of zones within Chapter 17 of the TRMP. Changes are not made to the provisions of Rural 1, Rural 2 or Rural 3 Zones as the dust and odour provisions have previously been removed through Plan Change 60.

As an example rule 17.2.2.1 i) Permitted Activities in the Central Business and Commercial Zone states:

- i) No activities may emit dust or offensive or pervasive odours discernible beyond the site;*

The key proposed change is to amend the provision to focus on there being an adverse effect generated rather than the odour or dust just being discernible. The text of the change is sourced from the Good Practice Guide for Assessing and Managing Dust (Ministry for the Environment, 2016a) and the Good Practice Guide for Assessing and Managing Odour (Ministry for the Environment, 2016b). Section 3.2.1 of both these documents include the provision below which has had both dust and odour incorporated for inclusion in the TRMP:

There shall be no noxious, dangerous, offensive or objectionable odour or dust to the extent that it causes an adverse effect at or beyond the boundary of the site.

Continuing with the above example a related change is made to rule 17.2.2.1 j):

- j) Open areas of land and stockpiles of loose material are contained or maintained to prevent materials ~~or dust~~ moving onto other sites and so that dust does not cause an adverse effect at, or beyond, the boundary of the site.*

Why the change is necessary and what is the objective?

This change is necessary to improve consenting and compliance outcomes when working with the TRMP provisions. The current wording, in particular as it relates to the odour or dust being 'discernable', is a very high test. Effectively this means that if the odour or dust is detected then the activity is no longer permitted even if no adverse effect is actually created.

The proposed change reflects best practice as set out the MfE Good Practice Guidance documents noted above and enables an activity to remain permitted provided there are no adverse effects from dust or odour created beyond the site boundaries.

The objective of the changes are to bring the TRMP in line with current good practice guidance to improve consenting and compliance outcomes.

Consultation

No targeted consultation has been undertaken in relation to this change as no specific groups or individuals are identified as having an interest greater than the general public. Any person who has a specific interest will be able to make submissions when the Plan Change is notified.

Cultural Considerations

This Plan Change item has no identified adverse effects on cultural matters and no comment has been made by iwi of Te Tau Ihu during the pre-notification consultation period.

5.2.2 Step 2 Options, and their Appropriateness in Achieving the Objective of the Plan Change

Option 1: Make changes to reflect current good practice guidance

This option involves making the changes set out above and in the Plan Change document. These changes are designed to improve consenting and compliance in relation to dust and odour matters and therefore directly achieve the objectives of the Plan Change.

This change will enable a higher level of discharge of odour or dust over a neighbouring boundary. Currently the trigger relates to the discharge being discernible whereas the change is that it cannot cause an adverse effect. This provides more flexibility for the producer of the discharge but retains control of the effect on the receiver.

The changes are consistent with good practice guidance produced by the Ministry for the Environment and are therefore considered to be an appropriate method of achieving the objective of the Plan Change.

Option 2: No change

This does not enable any improvement in the identified consenting and compliance issues with the current wording. Making no change also results in the TRMP remaining out of step with current good practice guidance from the Ministry for the Environment.

This option is therefore no considered to be appropriate and it does not achieve the objective of the Plan Change.

Recommendation: Option 1

This option is appropriate as it follows current best practice guidance. For this reason the change is efficient and effective. This option assists Council, and land users, to meet the sustainable management purpose of the Act.

5.2.3 Step 3: Benefits, Costs and Risks associated with implementing the Provisions

The benefits, costs and risk assessment are derived from the discussion of options above.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Change permitted provisions around odour and dust production	<p>Better and more certain consenting outcomes in relation to odour and dust</p> <p>Improved enforcement and compliance outcomes</p> <p>Consistent with national good practice guidance</p> <p>More flexibility for producers of odour and dust</p> <p>Maintains control for receivers of odour and dust</p>	<p>Cost for the Plan change process</p> <p>Potential for an increased level of dust of odour to be received over a boundary before this is considered to cause an adverse effect</p>	<p>Adequate information is available to make the proposed changes to the TRMP. No risk remains based on the adequacy of the information</p>

The proposed plan change item is a simple clarification of existing provisions in keeping with current Ministry for the Environment Good Practice Guidance. It does not have any effect on the opportunities for economic growth and employment.

5.3 Plan Change 68.3 - Clarify application of network utility rules

5.3.1 Step 1: Description of the Provisions

These changes reflect the correction of inconsistencies and improve plan interpretation in the network utility rules within the TRMP. This applies to both chapter 16.6 Network Utilities and Public Works and to some zones within Chapter 17. The changes are:

Rule 16.6.2.1 c)

Add to list of exclusions allowing for network utilities in the Conservation Zone:

- v) upgrading and replacement of below ground and ancillary above ground stormwater facilities

Rule 16.6.2.1 e)

Add street lights, and otherwise compliant telecommunication and radio-communication facilities to the list of exclusions which are not required to be screened by planting or landscaping:

- iii) street lighting
- iv) telecommunication and radio-communication facilities compliant with the exclusions under rules 17.2.2.1 g) and h), 17.4.2.1 i), and 17.12.2.1(s)(i)(a).

Rule 16.6.2.1 j)

To improve rule interpretation the cross-sectional area requirements are better defined for attached infrastructure and a maximum diameter of supporting tower, mast, pole is added:

Any free standing tower, mast, pole, line, aerial, or antenna and attached infrastructure does not exceed a height of 10 metres and (excluding the antenna and attached infrastructure) a diameter of 1m. ~~and~~ Infrastructure (such as antenna, shrouds, lights or other equipment) attached to a free standing tower, mast or pole does not exceed a horizontal or vertical cross-sectional area of 4 square metres measured around a notional outline of the external parts of the infrastructure, except for the following:

Chapter 17:

Add a reference note to a number of zones referring to rules 16.6 for setback requirements.

Why the change is necessary and what is the objective?

The current rules have a number of interpretation issues and inconsistencies which this plan change seeks to address. The objective of the Plan Change is to ensure that the rule provisions are clarified. Each item is addressed in turn below.

Rule 16.6.2.1 c): This current rule states that no network utility or public work is located in the Conservation Zone. The rule then goes on to provide a list of items that are exempt from this and can be located in the Zone. Rule 17.11.2.1 f) in Chapter 17 Conservation Zone sets out that stormwater from buildings and impervious surfaces shall discharge to a stormwater drainage network and this network is physically and legally protected from future development. Rule 17.11.2.1 f) therefore envisages that there can be a stormwater network in the Conservation Zone but this is not allowed as an exemption in 16.6.2.1 c). This change allows for the continued upgrading and replacement of that network to occur and therefore corrects this inconsistency.

Rule 16.6.2.1 e): This rule requires that sites are landscaped or planted for amenity purposes to screen all structures, parking areas and storage areas from roads and public places. It then provides a list of items that this requirement does not apply to. These exemptions include lines and structures used solely to support lines (such as power poles) and radio-communication antennas and structures used solely to support antenna. It does not include streetlights (which are defined as a network utility). This change is to add street lights to the list of structures which do not need to be

screened from roads or public parks. A further change is to provide a specific reference to rules in chapter 17 which relate to amenity planting and telecommunication and radio-communication facilities.

Rule 16.6.2.1 j): The primary issue being resolved through this change is to clarify how the 4 square metre cross-sectional area applies. Historically this was primarily an issue for antenna, shrouds, and related infrastructure for telecommunication structures. These are now managed through the National Environmental Standard for Telecommunication Facilities (NESTF). This provision is still being clarified for network utilities which do not fall under the scope of NESTF.

The change clarifies that the 4 square metre cross-section limitation applies in both the horizontal and vertical plane and that it is measured as a notional outline around the exterior of the attached infrastructure.

A maximum 1 metre diameter for the tower, mast, pole, line, or aerial is added as the current rule does not include a diameter limitation for these items when they are not within the zones specified in 16.6.2.1.j) ii) and iii).

Mast and Pole are added to this provision for consistency with existing text in the remainder of the rule.

Chapter 17: A number of zone rules within this chapter state that network utilities such as telecommunication and radio-communication below a certain size and height are exempt from setback requirements in those sections of the TRMP. They are however still subject to the setbacks in rule 16.6.2.1 j) ii) and iii) for the zones specified. A reference note is to be added ensuring that TRMP users are directed to this setback requirement. Note that telecommunication facilities are now managed through the NESTF and this requirement is not applicable to them.

Consultation

No specific consultation has been carried out for these changes as they are clarifications of existing TRMP requirements to assist with rule interpretation. The changes provide an increased consistency between the various provisions.

Cultural Considerations

This Plan Change item has no identified adverse effects on cultural matters and no comment has been made by iwi of Te Tau Ihu during the pre-notification consultation period.

5.3.2 Step 2: Options, and their Appropriateness in Achieving the Objective of the Plan Change

Option 1: Make changes to improve clarity and consistency of existing provisions (as proposed)

This change involves clarifying existing provisions of the TRMP to ensure they are consistent with other rules and are more clearly understood and applied. The changes therefore achieve the objective of the Plan Change and are an appropriate method of achieving this. The changes are efficient and effective as they rely on existing requirements in the rules but make it clearer when or how these are to apply. An example is the 4 square metre limitation on the size of attached infrastructure which is stated to apply to both the horizontal and vertical planes. This is consistent with the existing application of this rule by Council staff.

Option 2: No change

Making no change retains the current confusion and difficulties in interpreting, and applying, these provisions. Some of the necessity for the change has been removed with the introduction of the

NESTF which means the TRMP does not apply to telecommunication facilities. Historically these facilities were the most common network utility to be considered under these rules. However the need for the change still exists as other network utilities are still assessed against these TRMP requirements. It would therefore not be appropriate to make no changes to the rules.

Recommendation: Option 1

To improve the efficiency and effectiveness of the TRMP provisions and to achieve the objectives of the plan change option 1 is recommended. This has benefits of clarifying current provisions and removing conflicting provisions of the TRMP. It also assists with achieving the sustainable management purpose of the Act.

5.3.3 Step 3: Benefits, Costs and Risks associated with implementing the Provisions

The benefits, costs and risk assessment are derived from the discussion of options above.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
<p>Clarify application of network utility rules</p>	<p>Improved clarity in the existing TRMP provisions</p> <p>Removes conflicting provisions by providing clear cross referencing</p> <p>Works with existing provisions and standards in the TRMP</p>	<p>Cost for the Plan change process</p>	<p>Adequate information is available to make the proposed changes to the TRMP. No risk remains based on the adequacy of the information</p>

The proposed plan change item results in improvements to existing provision interpretation and the clarification of duplicating or conflicting provisions. It does not have any effect on the opportunities for economic growth and employment.

5.4 Plan Change 68.4 - Update References to Iwi Management Plans

5.4.1 Step 1: Description of the Provisions

This is a minor change to improve the consistency of the TRMP with the RMA, in particular RMA Sec 66 2A(a). The changes are within Chapter 1 'Introduction' and refer to the RMA requiring Council to 'take into account' Iwi Management Plans which are lodged with Council.

The changes proposed are to change the term 'have regard to' to 'take into account' as per RMA Sec 66 2A(a) and to reference which Iwi Management Plans are lodged with Council.

Currently there is only one Iwi Management Plan lodged with Council and this is intended to be included within a new schedule to the TRMP. Other management plans lodged in the future will be added to this schedule.

Why the change is necessary and what is the objective?

The change is necessary to ensure the TRMP is consistent with the legal requirements of the RMA. This is also the objective of the Plan Change.

Consultation

This change has been included in the draft Plan Change as circulated to iwi authorities and entities of Te Tau Ihu. Specific support has been received from Ngai Tahu and Ngati Waewae in relation to this plan change item. No other targeted consultation has been carried out in regard to this item as the change is for consistency with other applicable legislation.

Cultural Considerations

This is an administrative change which improves the references to Iwi Management Plans in the TRMP.

5.4.2 Step 2: Options, and their Appropriateness in Achieving the Objective of the Plan Change

Option 1: Update TRMP text for consistency with the Act

This is effectively an administrative change to reflect the wording of the Act. This ensures that the content of the iwi planning documents are stated to be taken into account as per Sec 66 2A(a) of the Act. It therefore achieves the objective of the Plan Change as it provides consistency and improves the ability to achieve improved environmental and cultural outcomes in particular.

Option 2: No change

This option retains the current text in the TRMP which is inconsistent with the Resource Management Act. This does not achieve the objective of the Plan Change and is therefore not an appropriate option.

Recommendation: Option 1 (update TRMP)

5.4.3 Step 3: Benefits, Costs and Risks associated with implementing the Provisions

The benefits, costs and risk assessment are derived from the discussion of options above.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Update references to iwi management plans	Improved consistency of the TRMP with the RMA. Improves references to the planning documents which are recognised by iwi and lodged with Council	Cost of undertaking the plan change process	Adequate information is available to make the recommended change to the TRMP. No risk therefore remains based on the adequacy of the information.

The proposed plan change item is a simple text change for consistency with provisions of the RMA. It does not have any effect on the opportunities for economic growth and employment.

5.5 Plan Change 68.5 - Election signage

5.5.1 Step 1: Description of the Provisions

Add specific reference in the TRMP to both the Electoral Act 1993 and the Electoral (Advertisements of a Specified Kind) Regulations 2005 to improve clarity around the application of these pieces of legislation.

Delete the limitation to a maximum number of signs per candidate or party contained within TRMP rule 16.1.6.1 b) vii).

Why the change is necessary and what is the objective?

Local and National election signage is currently controlled by both the TRMP and national legislation. This has led to some confusion over which set of rules takes precedent when there are conflicting provisions. In addition the existing provision relating to the maximum number of signs within the district is difficult to enforce. This is mainly because it is not feasible to monitor the number of election signs across a District as large as Tasman for an individual candidate or party at any one time. Also there is no limitation on the number of signs in national legislation.

The objective of the change is to allow established national legislation to apply and to still retain consistency with other temporary signage provisions where possible. This improves enforcement ability and clarity, while recognising that election signage is of a short term duration and for a recognised public purpose.

Consultation

The change is to confirm the application of existing national legislation. There are no identifiable persons impacted by this aspect of the change and therefore the formal consultation processes under Schedule 1 of the RMA will be followed.

Specifically the item around the removal of the limits on the number of signs permitted from the TRMP will be of interest to people across the district. Relying on the formal consultation process allows submissions to be received from any person.

Aside from circulation of the draft Plan Change to iwi, no specific consultation has been carried out.

Cultural Considerations

This Plan Change item has no identified adverse effects on cultural matters and no comment has been made by iwi of Te Tau Ihu during the pre-notification consultation period.

5.5.2 Step 2: Options, and their Appropriateness in Achieving the Objective of the Plan Change

Note:

- 1) In all options below the New Zealand Transport Agency retains an additional level of control for election signs within or adjacent to State Highways as they are the road controlling authority. This is through the Electoral Act 1993, the Electoral (Advertisements of a Special Kind) Regulations 2005, the Transport Agency Signs on State Highways Bylaw 2010, The Transport Agency Advertising signs and road safety design and location guidelines, and the Transport Agency Traffic Control Devices Manual Part 3 Advertising Signs.

- 2) Additionally both Council and the NZ Transport Agency commonly prepare information sheets outlining election signage requirements. These are made available to candidates and play a significant role in clarifying the rules and assisting with compliance.

Option 1: Combination of TRMP and national legislation control

This option involves both specific local control within the TRMP, and utilising the existing provisions of national legislation. In this case local control is retained around sign size and height for consistency with other temporary signage in the district. The national legislation controls many other aspects such as advertising content, lettering size, duration, sign design, materials and illumination. In most cases these items do not need to be repeated within the TRMP and with the changes proposed do not conflict with the TRMP. This option improves clarity of the TRMP provisions and removes any conflict with national legislation. It therefore achieves the objective of the Plan Change while retaining local control of size and height of signage for consistency with other temporary signage. For these reasons this is considered to be an appropriate change.

This option also includes the removal of the maximum number of signs for a single party or candidate within the Tasman region. As noted above this is difficult to enforce. This change is considered to be appropriate, and minimises the adverse effects, as the signs are for a temporary duration (9 weeks) and the recognised public purpose. It is also consistent with national legislation that does not control the number of signs.

Option 2: Status Quo

The current situation of having inconsistent provisions, and unclear direction, within the TRMP has resulted in interpretation and enforcement difficulties for both candidates and the Council. Developing internal practices and guidance notes could assist with improving clarity but would still retain the enforcement difficulties relating to the number of signs permitted throughout the district.

This option is not appropriate as it only partially resolves the issue while retaining enforcement difficulties.

Option 3: Rely solely on national legislation

This option involves removing all control of election signs from the TRMP. This is effective, and to a degree appropriate as it ensures election signs are solely governed by existing national legislation. It does however mean any local input to size and height restrictions is removed. This introduces a level of inconsistency with other temporary signage. This is particularly relevant within the urban area where the maximum sign size of the TRMP is current 1.44m² while under the Electoral Act 1993 it is 3m².

This option does achieve the majority of the objectives of the plan change but loses local control over sign size and height which is not an appropriate outcome.

Recommendation: Option 1

Option 1 is an effective and efficient way of achieving the objective of the plan change by providing for local control and the application of existing national legislation. With the non-regulatory information prepared for candidates the requirements will be clear and enforceable. The key change in environmental effects relates to the removal of a limitation on the number of signs permitted for any one candidate or party. While this provides the potential for more signs to be erected throughout the district these are for a recognised public purpose and are of a limited duration. The public service and information provided in relation to candidates and parties is considered to be a positive benefit of signage that outweighs adverse effects of additional signage. The significant time and costs savings in terms of enforcement of signage numbers is of an economic benefit to Council and therefore to the community.

Social effects are positive as the signage is providing information for an election as a key part of a democratic society.

Council is aware that election signage, and signage in general, can be a point of contention for some people. This has been taken into account in considering the plan change recommendation and the short term duration and public purpose is considered to outweigh the potential adverse visual effects.

Aside from the number signs all other controls remain in place around traffic safety, sign size and style, and lettering. This is both through the TRMP and the national legislation. In addition is land owner and road controlling authority controls which also manage signage.

These changes are considered to assist with achieving the sustainable management purpose of the Act.

Step 3 below sets out the benefits and costs of implementing this recommended option.

5.5.3 Step 3: Benefits, Costs and Risks associated with implementing the Provisions

The benefits, costs and risk assessment are derived from the discussion of options above.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Combination of TRMP and national legislation control	Effective management of election signage consistent with national legislation Allows for candidates to advertise effectively Resolves the impracticability of enforcement of the number of signs throughout the district Retains local control over the size and height of signage	Cost of undertaking the plan change process Provides the potential for an increased number of election signs throughout the district	There is adequate information available to minimise the risk of acting on this plan change.

The proposed change in itself has no identifiable negative impact on opportunities for economic growth and employment.

5.6 Plan Change 68.6 - Multiple sided sign changes

5.6.1 Step 1: Description of the Provisions

The TRMP currently includes a definition of signage which states that signs can be double sided. The change proposed is to separate out this portion of the definition into a separate item. This will define that when the rules include a reference to a sign area this is referring to more than one side of the sign. The definition allows for signage with multiple sides (such as a 3D panel sign where signage may be located on the sign edge, or a 3D triangular sign). It does this by stating that the sign area is that viewed from any one direction. The overall total sign area (on all sides) is limited to twice that permitted in the rules.

The proposed definition is:

Sign area (also referred to as display area)—in relation to a multiple sided sign, sign area is the area when viewed from any one direction, providing that the total area of all faces of a sign do not exceed twice that permitted in the relevant signage rules.

Why the change is necessary and what is the objective?

The objective of the change is to improve the clarity of the rules relating to signage area. This ensures that plan users understand that when a sign area is set out within the signage rules this refers to that same area on both sides of the sign, and can include multiple sided signs. This change is most relevant to freestanding, projecting and under verandah signs that are designed to be viewed from either side.

The change is necessary as the current inclusion of the statement within the sign definition stating that signage may be double sided gives rise to interpretation and application difficulties.

Consultation

No targeted consultation has been carried out as this is a matter of clarifying and improving a provision that already applies.

Cultural Considerations

This Plan Change item has no identified adverse effects on cultural matters and no comment has been made by iwi of Te Tau Ihu during the pre-notification consultation period.

5.6.2 Step 2: Options, and their Appropriateness in Achieving the Objective of the Plan Change

Option 1: Status Quo

Leaving the current 'double sided sign' provision within the definition of a sign is not appropriate as this does not resolve the interpretation issue and therefore does not achieve the objective of the Plan Change. This could partially be resolved through the use of an internal practice note but that does not resolve the issue or provide clarity for external TRMP users.

Option 2: Make change regarding signage area within TRMP rules

This option would involve making a change within each rule that specifies a signage area. The change would improve clarity that signage area can apply to both sides of a sign. However this would involve unnecessary repetition of text within a number of signage rules. This provision would also only be relevant to signs which are visible from both sides and therefore may add confusion for the majority of signs which are single sided. This option is not appropriate to achieving the objective of the plan change.

Option 3: Include change regarding signage area within TRMP definitions

This option is to add a definition of ‘signage area’ to confirm that this can include all sides of a sign visible from a single location. When taken in total all sides of a sign cannot exceed twice the permitted area. This allows for a double sided sign but also provided for a 3D panel type sign to have signage on the edges provided the overall area is no greater than the permitted area when viewed from a single location.

Recommendation: Option 3

This change is efficient and effective as it clarifies existing provisions and makes allowance for multiple sided signs. This assists with achieving the sustainable management purpose of the Act.

Step 3 below sets out the benefits and costs of implementing this recommended option.

5.6.3 Step 3: Benefits, Costs and Risks associated with implementing the Provisions

The benefits, costs and risk assessment are derived from the discussion of options above.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Include change regarding signage area within TRMP definitions	Greater clarity of how to apply permitted signage areas within the signage rule Is consistent with the current provisions and clear makes an allowance for signage with more than 2 sides.	Cost of undertaking the plan change process	There is adequate information available to minimise the risk of acting on this plan change.

The proposed plan change item is a simple text change for consistency with provisions of the RMA. It does not have any effect on the opportunities for economic growth and employment.

5.7 Plan Change 68.7 - Sandwich Boards

5.7.1 Step 1: Description of the Provisions

The TRMP currently includes the control of sandwich boards on the legal road adjacent to business in various commercial zones. The proposal is to remove sandwich board controls from the TRMP and rely on Section 13 'Advertising on roads' of the Traffic Control Bylaw 2016, or subsequent bylaws, to manage these.

Why the change is necessary and what is the objective?

The objective of the change is to ensure more flexible control is available to Council when dealing with sandwich boards. The TRMP currently allows for one sandwich board on the footpath adjoining each premises. Section 13 of the Traffic Control Bylaw 2016 also allows for sandwich boards but states as a proviso:

(1) No person shall place an advertising sign, notice, or marker on a road which presents a safety hazard for road users.

The proposed change removes the permitted status of having one sign per premises under the TRMP and therefore allows Council to control any signs on a road through the bylaw. This has particular importance where sandwich board signage is causing a safety hazard for road users. This demonstrates the current conflict between the two regulatory instruments. Ensuring control is maintained within the bylaw, or any subsequent bylaw, and supporting guidelines and policies allows Council greater ability to manage safety on the legal road.

Consultation

No targeted consultation has been carried out in regard to this change as this is a matter of clarity around what provision applies in regard to sandwich boards. The bylaw directly managing traffic safety is the stricter control and this is remaining unchanged.

Any future change to the bylaw, or new bylaw, in regard to sandwich boards will require its own public consultation process under the Local Government Act 2002.

Cultural Considerations

This Plan Change item has no identified adverse effects on cultural matters and no comment has been made by iwi of Te Tau Ihu during the pre-notification consultation period.

5.7.2 Step 2: Options, and their Appropriateness in Achieving the Objective of the Plan Change

Option 1: Retain sandwich board controls in the TRMP and bylaw (Status Quo)

This option involves retaining the current provisions in the TRMP regarding the control of sandwich boards. This does not achieve the objective of the plan change as it retains the conflict between control under the Traffic Control Bylaw and the TRMP. The current provisions does allow the owner of a business to have a sandwich board outside their premises but it makes it more difficult for Council to manage this if it is causing a traffic safety hazard for road users.

This option is not appropriate as it does not resolve the identified issues of controlling signage within the legal road through two separate documents.

Option 2: Removing sandwich boards from the Traffic Control Bylaw 2016 and retaining control in the TRMP

This option would sit outside of the Plan Change process and require an amendment to the Bylaw under the Local Government Act 2002. If completed then all control of sandwich boards would be through the TRMP. This would not allow sufficient control of sandwich board placement for road user safety reasons unless every sandwich board required a resource consent. This would then enable Council to consider the merits of each location from a traffic safety perspective.

This option is not appropriate as to achieve control of signage on the legal road from a traffic safety perspective would result in all these signs requiring resource consent.

Option 3: Removing control of sandwich boards from the TRMP

This option involves removing control of sandwich boards from the TRMP. This then places their control with Section 13 of the Traffic Control Bylaw 2016. This is an efficient and appropriate option as it ensures that the road controlling authority is able to manage the signage more effectively from a road user safety point of view.

Recommendation: Option 3

This is an efficient and effective option that ensures sandwich boards (on legal road) are able to be managed in terms of road user safety. This assists with achieving the sustainable management purpose of the Act.

Step 3 below sets out the benefits and costs of implementing this recommended option.

5.7.3 Step 3: Benefits, Costs and Risks associated with implementing the Provisions

The benefits, costs and risk assessment are derived from the discussion of options above.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Remove sandwich board control from the TRMP	More effective and flexible control of sandwich boards from a road user safety perspective Allows both TDC and NZ Transport Agency road controlling authorities to manage signage as required on the legal road	Cost of undertaking the plan change process Business owners lose the ability to have one sandwich board outside their premises if there is a road user safety issue	There is adequate information available to minimise the risk of acting on this plan change.

The proposed change in itself has minimal impact on opportunities for economic growth and employment. Many businesses do state the importance of sandwich boards to their economic wellbeing but this change does not necessarily remove the ability for them to have a sandwich board. It does however make it easier for the road controlling authority to remove or prevent the use of a sandwich board if there is a road user safety issue. These decisions on any removal are independent to this Plan Change any impact should be considered within that process as required by the applicable legislation.

5.8 Plan Change 68.8 - Heritage Sites in the Coastal Environment Area

Proposal

To include a matter of control relating to sites of cultural importance within the Coastal Environment Area.

Why the change is necessary and what is the objective?

This change has importance as the majority of cultural sites are found within the Coastal Environment Area and a number of these are not formally recorded.

New building construction, and building extensions beyond certain limits, within the Coastal Environment Area, require a controlled or restricted discretionary activity resource consent.

For restricted discretionary activity consents the matters that Council has restricted its discretion to includes:

18.11.3.2 (3) The effects on a site of cultural significance to Maori

However this same requirement is not included as a matter of control for controlled activity consents.

The result is building works that require a controlled activity consent cannot be assessed in regard to the effects on a cultural site within the Coastal Environment Area. Whereas those works that require a restricted discretionary activity consent can. Note that where the cultural site is listed within the TRMP schedule 16.13C there are specific rules within TRMP section 16.13.6 that apply regardless. Therefore the objective of this change is for consistency between the matters of control and the matters to which discretion is restricted and ensures unlisted sites also have an increased degree of protection.

Note that this change does not impact on the legal requirements in relation to Heritage New Zealand Pouhere Taonga Act 2014.

Consultation

This change has been included in the draft Plan Change as circulated to iwi authorities and entities of Te Tau Ihu. Specific support has been received from Ngati Kuia and Ngati Apa in relation to this plan change item.

Cultural Considerations

This change enables increased consideration and assessment of effects on cultural sites located within the Coastal Environment Area. This increases the level of protection of cultural sites and as a result is considered to have positive effects.

5.8.1 Step 2: Options, and their Appropriateness in Achieving the Objective of the Plan Change

Option 1: Status Quo

The current provisions do not allow consideration of some cultural sites within the Coastal Environment Area during the processing of controlled activity resource consents. This does not enable Council to ensure that the purpose of the RMA around providing for cultural well-being is achieved (RMA Part 2, Section 5), or to recognise and provide for matters of national importance such as RMA Part 2, Section 6 e), f) and g). These matters relate to Maori cultural sites, protection of historic heritage and the protection of customary rights.

This option does not therefore meet the objective of the Plan Change of resolving the lack of ability to consider the effects of a proposal on some cultural sites in the Coastal Environment Area.

Option 2: Add item to the matters of control

Adding the item enabling consideration of the effects on sites of cultural significance to Maori will improve the outcomes for these sites.

This option is both efficient and effective in achieving the plan change objective of improving the application of existing provisions in the TRMP and improving consistency with other applicable legislation. This option is therefore considered to be the most appropriate method of achieving the objectives of the plan change.

Option 3: Map all cultural sites to allow protection under existing rules

Mapping all sites and including them in TRMP Sch. 16.3C would enable the effects of any activity on them to be considered through a resource consent under existing rule 16.13.6.1. TDC does currently and periodically get site information from NZ Archaeological Association (NZAA) to carry out updates to the TRMP however this has limitations as the information is not always current or complete. Also iwi are not always able to share the location of sites of special significance to them in a fully public way, and the location of all sites that may exist are not known.

This option does not therefore meet the objective of the Plan Change of resolving the lack of ability to consider the effects of a proposal on some cultural sites in the Coastal Environment Area.

Recommendation: Option 2

Step 3 below sets out the benefits and costs of implementing this recommended option.

5.8.2 Step 3: Benefits, Costs and Risks associated with implementing the Provisions

The benefits, costs and risk assessment are based on the plan change option determined to be the most appropriate way of achieving the objectives of the plan change. The benefits and costs encompass environmental, economic, social and cultural effects.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Include effects on cultural sites as a matter of control	Improves application of TRMP provisions in regard to the consideration of the effect on cultural sites within the Coastal Environment Area Simple change that is consistent with the existing restricted discretionary matters in the same rule series	Time and financial costs of the Plan Change process Additional compliance costs for applicants in some situations	Adequate information is available to add the proposed matter of control to the TRMP. No risk therefore remains based on the adequacy of the information.

The proposed plan change item is a simple change to matters of control and does not have any effect on the opportunities for economic growth and employment.

5.9 Plan Change 68.9 - Rezoning 18 Rata Ave, Tapawera

5.9.1 Step 1: Description of the Provisions

Change the zoning of 18 Rata Ave, Tapawera from Open Space Zone to Residential Zone.

Why the change is necessary and what is the objective?

This property was originally Crown owned as has historically been used and maintained in the same way as nearby Council-owned areas of Open Space zoned land. It is however now privately owned as a result of Treaty Settlement processes which were settled in 2014 in the Te Tau Ihu area. The objective of the change is to ensure this property has a zoning that is more appropriate for privately held land in this area and reflects that this property was included in the Treaty Settlement process as a commercial redress property. The change to Residential Zone will enable this land to be used for residential purposes which is consistent with the surrounding area.

The objective of rezoning this property is consistent with the purpose of Act as it enables the private owners of this property to provide for their economic wellbeing through utilisation of this land. As a further factor the land was part of the Treaty Settlement lands resulting in the ownership by local iwi. The Ngati Tama Ki Te Tau Ihu Deed of Settlement 20 April 2013, Property Redress Schedule, Table 2 lists 18 Rata Ave as a Commercial Redress Property. The economic gains of being free to develop this land therefore has a strong social and cultural benefit reflecting the Treaty Settlement process and reasonable expectations of a commercial redress property.

The objective of the Plan Change does enable development to occur thereby removing an area of Open Space Zone from Tapawera. This does have an effect on neighbouring properties and the community which will lose an area of Open Space Zoning that has been enjoyed over the years. However as private land, the current owners could fence it off completely as of right, or could apply for resource consent to develop the land regardless of the zoning. On balance the adverse environmental (amenity) effects are outweighed by the sustainable management outcomes achieved through enabling the treaty settlement commercial redress intent to be realised.

Consultation

Consultation has been carried out with the local community association, and with neighbouring and nearby residents to 18 Rata Ave. The results of this consultation has shown support from the owner of 18 Rata Ave and from a nearby landowner. Other responses from neighbours have raised concerns around:

- loss of open space and children's play space
- development leading to noise and removal of trees
- Tapawera is a planned town with open space being a feature (different to other towns park space)

These concerns are recognised. However the property is now privately owned and able to be fenced, or an application made to develop it through resource consent as a discretionary activity. This means that its character as an area of open space is no longer under the management of Council or the ownership of Her Majesty the Queen (LINZ).

It is also acknowledged that Tapawera has a planned and established pattern of open space that differs from other towns in the region. As noted above this assumption on this block of land has however changed now that it is effectively privately owned as cultural redress land.

Cultural Considerations

Cultural considerations were undertaken during the Treaty Settlement process and agreements. This proposal to rezone the land enables the commercial redress status of the land to be realised in this case. For this reason the cultural matters relevant to this proposal are considered to be addressed.

Ngati Tama Ki Te Waipounamu Trust, as owners of 18 Rata Ave have provided support for this change.

5.9.2 Step 2: Options, and their Appropriateness in Achieving the Objective of the Plan Change

Option 1: Change zoning from Open Space to Residential

As noted above this proposal achieves the objective of the Plan Change in making the zoning change. This is considered to be appropriate due to the status of the land as a commercial redress property through the Treaty Settlement process. The change in zoning enables the current iwi owners (Ngati Tama) to develop the land in accordance with that in the surrounding area and to realise gains from this land. As private owners iwi are able to utilise the land in any manner that they choose provided this complies with the TRMP and any encumbrances on the title.

Option 2: Status Quo

This would retain the current zoning of the land as Open Space. This option is not appropriate as it does not achieve the objective of the plan change. It also does not reflect the current private ownership of the land. Retaining the zoning would frustrate the intent of the commercial redress aspect of the deed of settlement. The owners could still apply for resource consent to develop the land as a discretionary activity and this could include for residential activity as consistent with the surrounding neighbourhood. The land could also be fenced by the current owners which negates the open space amenity that the current zoning seeks to achieve.

Recommendation: Option 1

This option is efficient and effective in achieving the objectives of the Plan Change. It changes the zoning to residential which enables future development to occur which is compatible with the surrounding and existing residential properties. This can realise positive economic, social and cultural effects for Ngati Tama Ki Te Waipounamu Trust as the owners through Treaty Settlement. Environmentally it provides an increased ability to develop the land thereby reducing the open space in the immediate area. Tapawera is currently well serviced for reserves and open space areas.

5.9.3 Step 3: Benefits, Costs and Risks associated with implementing the Provisions

The benefits, costs and risk assessment are derived from the discussion of options above.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Change Zoning from Open Space to Residential	Enables the commercial redress intent of the Treaty Settlements land to be realised more effectively. Results in a zoning appropriate to the surrounding neighbourhood.	The financial cost of the plan change process Results in a zoning which can more directly lead to the loss of open space historically enjoyed in the neighbourhood	Adequate information is available to propose the rezoning of the land. No risk therefore remains based on the adequacy of the information.

The proposed plan change item is a change to zoning of a single property in a residential environment. It does not have any effect on the opportunities for economic growth and employment.

5.10 Plan Change 68.10 - Rezoning Rototai Reserve, Nees Rd, Takaka

5.10.1 Step 1: Description of the Provisions

Change the zoning of Rototai (Pine Tree) Reserve (32 Nees Road, Rototai) from Rural 1 to Open Space.

Why the change is necessary and what is the objective?

This change is to ensure that a zoning is applied to the reserve which reflects its actual purpose and usage – this is also the objective of the Plan Change. Rural zoning is intended for land used for Rural activities. These activities are not carried out, nor intended to be carried out, within this reserve. The reserve is managed in accordance with the Golden Bay Ward Reserves Management Plan 2003 for reserves purposes. It is noted to be an area at the mouth of the Motupipi River estuary and separates Nees Road from the estuary. It is grassed with a plantation of Eucalypt trees at the northern end and native plantings including those along the estuary margin. It is noted for its important wildlife and recreation values.

This change ensures that only those uses permitted within an Open Space Zoned reserve are able to be carried out as a permitted activity. These uses are set out in Chapter 17.9 Open Space Zone rule 17.9.2.1 Permitted Activities. The uses are:

- playground, picnic facility, public shelter or neighbourhood open space;
- a public garden and accessory buildings;
- a walkway or cycleway.

The change will assist Council with the sustainable management of the reserve for its intended purpose.

Consultation

Consultation has been carried out with neighbouring property owners. This included those with direct frontage to the road running along the reserve boundary and other properties with access near to the reserve.

A number of replies have been received which express concern about the reasons for, and implications of, this change. This includes a letter signed by people representing six separate properties. The concern raised focusses on the differences between Rural 1 and Open Space zoning, in particular what would the new zoning allow to occur on the reserve. Following clarification of the purpose of the zone change a number of residents advised they supported the change in zoning and saw this as a positive move.

As this change is a correction to ensure the reserve has a zoning consistent with its current use the proposed change is retained. The Open Space zoning has a more restrictive list of activities which are permitted to occur and is consistent with the use of the reserve as set out in the relevant Reserve Management Plan.

Cultural Considerations

This Plan Change item has no identified adverse effects on cultural matters and no comment has been made by iwi of Te Tau Ihu during the pre-notification consultation period.

5.10.2 Step 2: Options, and their Appropriateness in Achieving the Objective of the Plan Change

Option 1: Change the zoning from Rural 1 to Open Space

This option involves changing the current Rural 1 zoning to Open Space zoning to reflect the use and purpose of the reserve. This change achieves the objective of the plan change and does not result in any changes to how the reserve is currently managed. It also places a more restrictive set of permitted activities on the reserve. This change is considered to be appropriate as it ensures that the correct zone is applied. This is also consistent with other reserves of a similar nature throughout the Golden Bay and the wider district.

Option 2: Retain current Rural 1 zoning

This option is to retain the current Rural 1 zoning. While this zone does not prevent TDC from managing this area as a reserve it is inconsistent with other reserves of a similar nature. This is not an appropriate option as this inconsistency can lead to administrative problems. As an example under the TRMP rules an activity or management practice that is permitted in the Rural 1 Zone but not in the Open Space Zone could occur at this site as a permitted activity. It would however require resource consent at another reserve which is more correctly zoned Open Space.

Recommendation: Option 1

Option 1 is recommended as it ensures that this reserve has a zoning that reflects its purpose and use. It is also consistent with the Golden Bay Ward Reserve Management Plan 2003. This consistency is efficient for Council in the management of reserves and provides certainty for public. It also assists in achieving the sustainable management purpose of the Act.

5.10.3 Step 3: Benefits, Costs and Risks associated with implementing the Provisions

The benefits, costs and risk assessment are derived from the discussion of options above.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Change the zoning from Rural 1 to Open Space	<p>Results in consistency of zoning across Council owned reserves</p> <p>Improved efficiency for management of the reserve as one set of rules apply across the Open Space zoned reserve network</p> <p>Improve certainty for the community as the same rules apply across all Open Space zoned reserves</p>	Cost of undertaking the plan change process	There is adequate information available to minimise the risk of acting on this plan change.

The proposed plan change item is a change to zoning of a reserve in a semi-rural location. It does not have any effect on the opportunities for economic growth and employment.

5.11 Plan Change 68.11 - Overlay adjustment St Arnaud Landscape Priority Area

5.11.1 Step 1: Description of the Provisions

Extend the Landscape Priority Area to the Conservation Zone boundary at the rear of properties located at Glacial Terrace and Wairau Valley Highway, St Arnaud.

Why the change is necessary and what is the objective?

The area around St Arnaud has been identified as having sensitive and important landscape features which could be degraded by inappropriate development and planting. The TRMP gives the St Arnaud and Upper Buller Valley as an example due to the glacial and vegetation features that form part of the landscape character. The Landscape Priority Area is the method in the TRMP for protecting these areas.

This plan change is necessary as the Landscape Priority Area above the Glacial Terrace area, and in an area to the east of this, does not extend to the rear boundaries of the properties concerned. The result is privately held land that is available for development is not subject to the controls of the Landscape Priority Area. The objective of this change is to extend the Landscape Priority Area to the rear boundary of these properties to ensure that future development is appropriately and consistently controlled.

This change is consistent with the current priority area intent in the TRMP and encompasses land that has been further subdivided for development since this provision was put in place. Due to this consistency the extension is considered to meet the sustainable management principles of the RMA. In particular this is through avoiding adverse visual effects on an area of identified visual amenity.

Consultation

Consultation has been carried out with property owners directly affected by a change to the Landscape Priority Area on their property. Most landowners did not reply but the three that provided a written response were supportive of the proposal and agreed to the change. One landowner verbally advised that they did not support additional controls on their property. This comment was not followed up with any written response setting out any further clarification or rationale for this position.

Cultural Considerations

This Plan Change item has no identified adverse effects on cultural matters and no comment has been made by iwi of Te Tau Ihu during the pre-notification consultation period.

5.11.2 Step 2: Options, and their Appropriateness in Achieving the Objective of the Plan Change

Option 1: Change the extent of the Landscape Priority Area

This option involves modifying the boundary of the Landscape Priority Area to include additional land in St Arnaud. This option achieves the objective of the plan change by including an area of land within the Priority Area that is not currently protected by the TRMP from development which could have adverse visual effects on the identified landscape values in the area.

The area of land concerned is a continuation of the current slope that does have this protection. While no specific landscape evaluation has been undertaken it is clear that this portion of the slope has the same values as the area currently within the Priority Area. Incorporating the additional land

within the Priority Area is therefore an appropriate action to achieve the objective of the Plan Change.

Option 2: Retain current Landscape Priority Area extent

Making no changes to the Priority Area extent is not an appropriate response as it leaves this land without formal acknowledge or protection of landscape values. The majority of the land has been subdivided and while some sites have already been developed other vacant sites are available for development. Therefore there is a risk that development will not have its visual effect managed as per other sites within this same area. This can lead to inappropriate outcomes which are not consistent with other development in the same landscape.

Recommendation: Option 1

Option 1 is recommended as it ensures that future development in this area will be managed in a consistent manner with other development in the same landscape area. This will assist with the protection of the identified landscape values in the St Arnaud / Upper Buller Valley area.

5.11.3 Step 3: Benefits, Costs and Risks associated with implementing the Provisions

The benefits, costs and risk assessment are derived from the discussion of options above.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
<p>Change the extent of the Landscape Priority Area</p>	<p>Results in consistency of rule application across this landscape area</p> <p>Improved outcomes for the management of visual effects in St Arnaud</p> <p>Removes anomaly of sites lower on the hill on the same street having the landscape priority area applying when higher and more visible sites do not</p>	<p>Cost of undertaking the plan change process</p> <p>Additional rule requirements applying to individual sites in this subdivision and on adjacent land</p>	<p>There is adequate information available to minimise the risk of acting on this plan change</p>

The proposed plan change item is a change to the extent of the landscape priority area. It does not have any effect on the opportunities for economic growth and employment.

5.12 Plan Change 68.12 - Zone changes, Charlottes Lane, Brightwater

5.12.1 Step 1: Description of the Provisions

Change the zoning of Charlotte Lane, Brightwater, and the accessway from Charlotte Lane through to the carpark behind the Brightwater 4 Square. The current zoning is Rural 2 and the proposed zoning is to be a mix of Commercial, Open Space and Residential Zones depending on what the current operative zone is on either side of the road and accessway. This ensures the zoning of the road consistent with the approach taken throughout the TRMP.

Why the change is necessary and what is the objective?

The change is necessary to correct an error in the current zoning of the TRMP. There is no rational reason for part of the roading network to be zoned Rural 2 in the middle of the Brightwater urban area. The TRMP sets out that the adjacent zoning should apply to the centre of the legal road. This provided the direction for the plan change. The objective is to ensure that Charlotte Lane is treated the same as other parts of the road network. While the accessway is not legal road it is Council owned and for the purpose of zoning and use is treated the same as the legal road.

The objective is to ensure these areas have an appropriate zoning for their location and use within the centre of Brightwater. This will assist TDC with sustainable management of the road network.

Consultation

Consultation has been carried out with neighbouring property owners directly affected by a change to the zoning of these areas. The landowners who did reply were supportive of the proposal or requested other actions which were not directly related to the Plan Change. These are being addressed independently to the plan change process and included the possibility of purchasing a portion of the Council owned land and removing right of ways from the access leg. No changes to the proposal were required to address the outcomes of the consultation.

Cultural Considerations

This Plan Change item has no identified adverse effects on cultural matters and no comment has been made by iwi of Te Tau Ihu during the pre-notification consultation period.

5.12.2 Step 2: Options, and their Appropriateness in Achieving the Objective of the Plan Change

Option 1: Change the zoning of Charlotte Lane and access way

This option is to change the zoning of Charlotte Lane and the accessway to be consistent with the adjacent zones and also consistent with how legal road is zoned in all other parts of the district. Due to this consistent approach the change is considered to be an appropriate way of achieving the objective of the Plan Change. The change assists with allowing Council to sustainably manage activities on the legal road and accessway in a manner consistent with other parts of the network.

Option 2: Retain current Rural 2 zoning

The current zoning results in a setback requirement from the current Rural 2 zone boundary which is not required and is not consistent with the use of this land in the centre of Brightwater. The zoning is also inconsistent with the normal approach to zoning within legal road and accessways throughout the district. While retaining the Rural 2 zoning is an option it is not appropriate as it does not resolve the identified error and does not assist with sustainably managing the road network.

Recommendation: Option 1

Option 1 is recommended as it ensures that a consistent approach for zoning of legal roads and accessways throughout the district. This corrects an error in the application of the current zoning.

5.12.3 Step 3: Benefits, Costs and Risks associated with implementing the Provisions

The benefits, costs and risk assessment are derived from the discussion of options above.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Change the zoning of Charlotte Lane and access way	Results in a consistent approach to zoning of legal road and access ways within TDC Removes conflicting setback requirements in relation to the Rural 2 zone and the residential environment	Cost of undertaking the plan change process	There is adequate information available to minimise the risk of acting on this plan change.

The proposed plan change item is a change to the zoning of an area of legal road and associated access way. It does not have any effect on the opportunities for economic growth and employment.

5.13 Plan Change 68.13 - Rezoning Conservation land

5.13.1 Step 1: Description of the Provisions

Change the zoning of a number of Department of Conservation owned land parcels to Conservation Zone. The land parcel locations are shown in the maps within the Plan change documentation and are outlined below for clarity:

Property Address	Legal Description	Current Zone	Proposed Zone	Map number
Kaihoka Lakes Road, Whanganui Inlet. No address - Crown owned Scenic Reserve.	Lot 1 DP 449491, CT 571111	Rural 2	Conservation	TRMP Zone Map 2 Omnibus Map 1
Kaihoka Lakes Road, Whanganui Inlet. No address - Crown owned Scenic Reserve.	Lot 5 DP 449491, CT 571111	Rural 2	Conservation	TRMP Zone Map 2 Omnibus Map 1
Kaihoka Lakes Road, Whanganui Inlet. No address - Crown owned Scenic Reserve.	Lot 1 DP 18255, CT 12B/55	Rural 2	Conservation	TRMP Zone Map 2 Omnibus Map 1
Dry Road, Whanganui Inlet. No address - Crown owned Scenic Reserve.	Sec 10 Blk V Pakawau SD, NL43/212	Rural 2	Conservation	TRMP Zone Map 4 Omnibus Map 1
1906 Takaka-Collingwood Highway. Milnthorpe Park Scenic Reserve	Pt Lot 1 DP 10728, CT 8C/969	Rural 2	Conservation	TRMP Zone Map 5 and 72 Omnibus Map 2
Packard Road, Motupipi.	Lot 1 DP 7148, CT 13B/180	Rural 2	Conservation	TRMP Zone Map 10 and 51 Omnibus Map 3
Awaroa Crown owned - Abel Tasman National Park	Lot 1 DP 6218, NL1A/80	Rural Residential Closed	Conservation	TRMP Zone Map 11 and 79 Omnibus Map 4
Awaroa Crown owned - Abel Tasman National Park	Section 1 (Awaroa) Square 10, NL49/200	Rural 2	Conservation	TRMP Zone Map 11 Omnibus Map 4a

Property Address	Legal Description	Current Zone	Proposed Zone	Map number
Awaroa Crown owned - Abel Tasman National Park	Section 11 Square 10, NL72/200	Rural 2	Conservation	TRMP Zone Map 11 Omnibus Map 4a
Awaroa Crown owned - Abel Tasman National Park	Section 11 Square 10, NL72/200	Rural 2	Conservation	TRMP Zone Map 11 Omnibus Map 4a
Awaroa Crown owned - Abel Tasman National Park	Section 14 Square 10, NL72/200	Rural 2	Conservation	TRMP Zone Map 10 & 11 Omnibus Map 4a
Awaroa Crown owned - Abel Tasman National Park	Section 38 Square 10, NL2D/948	Rural 2	Conservation	TRMP Zone Map 10 Omnibus Map 4a
Awaroa Crown owned - Abel Tasman National Park	Section 37 Square 10, NL2D/948	Rural 2	Conservation	TRMP Zone Map 10 Omnibus Map 4a
Awaroa Crown owned - Abel Tasman National Park	Section 11 BLK VI Totaranui SD, NL47/160	Rural 2	Conservation	TRMP Zone Map 10 & 11 Omnibus Map 4a
Awaroa Crown owned - Abel Tasman National Park	Section 10 BLK VI Totaranui SD, NL6A/238	Rural 2	Conservation	TRMP Zone Map 10 & 11 Omnibus Map 4a
Awaroa Crown owned - Abel Tasman National Park	Pt Section 2, NL65/262	Rural 2	Conservation	TRMP Zone Map 10 & 11 Omnibus Map 4a
Awaroa Crown owned - Abel Tasman National Park	Pt Section 6 Square 10, NL65/262	Rural 2	Conservation	TRMP Zone Map 10 & 11 Omnibus Map 4a
Awaroa Crown owned - Abel Tasman National Park	Pt Section 6 Square 10, NL39/111	Rural 2	Conservation	TRMP Zone Map 10 & 11 Omnibus Map 4a
Sandy Bay-Marahau Road, Marahau	Pt Sec 5 SQ 9,	Rural 2	Conservation	TRMP Zone Map 15 & 82

Property Address	Legal Description	Current Zone	Proposed Zone	Map number
	NL2C/1085			Omnibus Map 5
Takaka Hill	Sec 2 Blk XII Takaka SD, NL109/247	Rural 2	Conservation	TRMP Zone Map 14 Omnibus Map 6

Why the change is necessary and what is the objective?

The Department of Conservation (DoC) has a number of parcels of land around the Tasman District that are in their ownership but are not currently zoned 'Conservation'. These have been periodically acquired by DoC and are held for conservation purposes. The properties are generally adjacent to other existing properties owned and managed for the same purpose.

The Conservation Zone is included within the TRMP to allow land owned or administered by DoC, with Conservation zoning, to be used for that purpose.

These more recently acquired properties still have a zoning which allows for activities which would not necessarily be compatible with a conservation purpose. The objective of the change is therefore to update the TRMP planning maps to ensure the zoning of these parcels of land are consistent with the purpose the land is held. This provides consistency for DoC as the landowner when managing this land.

Consultation

Consultation has been carried out with DoC and neighbouring property owners. DoC is supportive of the proposed changes. The consultation with neighbouring property owners showed a number were in support and of those that had concerns this was around property access and DoC land management matters. These matters have been responded to independently of this plan change. The change of zoning proposed has no impact on the matters of concern raised. As an example DoC can use 1080 poison in accordance with relevant national regulations (Resource Management (Exemption) Regulations 2017) regardless of the zoning that applies to the land. No changes to the proposal were required to address the outcomes of the consultation.

Cultural Considerations

This Plan Change item has no identified adverse effects on cultural matters and no comment has been made by iwi of Te Tau Ihu during the pre-notification consultation period.

5.13.2 Step 2: Options, and their Appropriateness in Achieving the Objective of the Plan Change

Option 1: Change the zoning the identified DoC land

This option involves changing the zoning of the various identified DoC properties to Conservation Zone. This is an appropriate action which achieves the objectives of the Plan Change as it recognises the ownership and management of the land for conservation purposes. This enables DoC to manage their land consistently with a common zoning. In addition the Conservation Zone is specifically included within the suite of zones in the TRMP for this purpose. Changing the zone is an efficient and effective way of reflecting the ownership and management of the land concerned.

Option 2: Retain current zoning

This option involves retaining the current zoning of the parcels of land owned by DoC. This option is not appropriate as it does not achieve the objective of the Plan Change and leaves DoC land managed for conservation purposes in a variety of zonings. This increases management complexity

as a variety of rules apply and does not provide ongoing surety for neighbouring properties in relation to activities that can be undertaken on that land.

Recommendation: Option 1

Option 1 is recommended as it ensures that a consistent approach for zoning of conservation land throughout the district. This also assists with achieving the sustainable management purpose of the Act, and in particular assist with recognising and providing for a number of the matters of national importance as set out in Section 6 of the Act.

5.13.3 Step 3: Benefits, Costs and Risks associated with implementing the Provisions

The benefits, costs and risk assessment are derived from the discussion of options above.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Change the zoning of identified DoC owned land to Conservation	<p>Results in a consistent approach to zoning of identified DoC owned land within TDC area</p> <p>Enables more efficient management of the land by DoC</p> <p>Clarifies the intended purpose of the land as being for conservation outcomes</p>	<p>Cost of undertaking the plan change process</p> <p>Additional building setback requirements of 20m from the property (zone) boundary of neighbouring properties in some zones</p>	<p>There is adequate information available to minimise the risk of acting on this plan change.</p>

The proposed plan change item is a change to the zoning of properties currently in Department of Conservation ownership. It does not change the use of the properties and therefore does not have any effect on the opportunities for economic growth and employment.

5.14 Plan Change 68.14 - Overlay adjustment Fire Ban and Fire Sensitive Areas

5.14.1 Step 1: Description of the Provisions

Change the extent of the Fire Ban and Fire Sensitive Areas (including deferred areas) which apply to various urban areas within the Tasman District. The extent of these changes are set out in maps in the Plan Change documentation associated with this Section 32 document.

Why the change is necessary and what is the objective?

The Fire Ban and Fire Sensitive Areas delineate the area to which specific outdoor burning rules apply. This applies in and around urban areas within the Tasman District. These rules have been included to control or reduce the effects from the discharge of smoke or odour from outdoor burning in urban areas. The discharge of smoke and odour can cause significant adverse effects to neighbouring properties and the community, including health, amenity, and nuisance effects.

This proposed Plan Change is necessary as developed urban areas in the Tasman district have grown significantly since the outdoor burning rules were last reviewed. In addition new areas have been identified for future growth. The Plan Change proposes to change the TRMP mapping to include the new urban areas and areas zoned for further growth within the Fire Ban or Fire Sensitive Areas.

In some areas the Fire Ban or Fire Sensitive Areas are applied as deferred areas. This occurs when the underlying zoning is also deferred. As an example in the case where a property is zoned Rural 1 deferred Residential the Fire Ban or Fire Sensitive Area does not apply until the deferral on the zoning is lifted which enables development to occur.

The objective of the change is to ensure that outdoor burning rules are consistently applied throughout the urban areas. This in turn means that the associated health, amenity and nuisance effects are consistently managed in these areas.

Consultation

Consultation has been undertaken with all parties who own properties in areas impacted by the proposed changes.

The majority of the replies received have been in support of the changes. Many stated that they had assumed this was already the case and saw that this was a sensible provision in developed areas. A number of people also raised the need for additional controls around other emission sources such as camp fires, BBQ's, hangi and in particular, fireworks. The scope of this plan change is to change the extent of the areas to which the existing rules apply. Changing the rules themselves are outside of this scope and will be considered in an upcoming Air Quality Plan Change.

A further point raised by a single property applies when the property concerned has been rezoned to Rural Residential in full, ie it is not a deferred zoning. In this case the Fire Sensitive Area provisions apply in full on notification of the plan change, even though the property is still used for rural purposes. No adjustment has been made to the proposed plan change. The property has a number of developed Rural Residential lots to which the rules do apply and the Fire Sensitive Area only prevents burning as a permitted activity during the months of June, July and August (with limited exceptions). Outside of this time burning can still occur with the appropriate fire permit in place from Fire and Emergency NZ (Rural Fire Network). This permit will have provisions applied which take into account the weather and fire conditions at the time to ensure burning can occur safely.

In one further case a large property is zoned Residential with the Fire Ban Area proposed to apply. This would prevent all outdoor burning year round (with limited exceptions). No adjustment has been made for this situation as the property is surrounded by land that is in the process of being developed and enabling outdoor burning to occur here would have adverse effects on neighbouring properties that are inconsistent with the rest of the area. There are other methods of green waste disposal available.

Cultural Considerations

There are no cultural matters considered to be relevant to this change. The rules related to the Fire Ban and Fire Sensitive Areas already allow for cultural practices such as a hangi and fires for ahi ka purposes. These are not proposed to be changed through this Plan Change process.

This Plan Change item has no identified adverse effects on cultural matters and no comment has been made by iwi of Te Tau Ihu during the pre-notification consultation period.

5.14.2 Step 2: Options, and their Appropriateness in Achieving the Objective of the Plan Change

Option 1: Extend the Fire Ban and Fire Sensitive Areas to new urban zone boundaries

This option involves extending the Fire Ban and Fire Sensitive Areas to reflect the extended urban boundaries within the Tasman District Council area. This change achieves the objective of the Plan Change as it ensures that the existing outdoor burning rules apply consistently across the urban areas. This is appropriate as it does not adjust the rules themselves but ensures that they are applied consistently to newly developed or zoned areas. This is an effective and efficient method of ensuring consistent application of existing rules within an urban area.

Option 2: Do not extend the Fire Ban and Fire Sensitive Areas (Status Quo)

This option effectively allows the expansion of the urban area without the associated outdoor burning rules moving to the new boundaries. This is not an appropriate option as it results in an inconsistent application of outdoor burning rules within an urban area. A newer property would be able to produce adverse effects that have previously been determined to be inconsistent with the environment and amenity sought within the urban area.

Option 3: Change the outdoor burning rules and the extent they apply to

This option would involve both moving the boundaries of the Fire Ban and Fire Sensitive Areas and changing the rules that apply. Some of the consultation responses received had asked for changes to the allowance for outdoor burning or emissions (such as camp fires and fireworks) so this option reflects those requests.

The scope of this Plan Change is to simply reflect the growing urban areas within the extent of the Fire Ban and Fire Sensitive Area to ensure consistency of rule application. That is the objective of the Plan Change and therefore a wider change would not achieve this objective. Any wider changes will need to be considered as part of a wider Air Quality Plan Change that will be considered as a future package of work. This separate process will be able to assess the need for, and appropriateness of, wider changes in relation to air quality.

This option is not recommended.

Recommendation: Option 1

Option 1 is recommended as an appropriate way of ensuring a consistent application of the rules in relation to outdoor burning in urban areas. It is efficient and effective as it applies existing rules

consistently within the urban areas where these applies. The extended areas are proposed to apply to zones in a manner consistent with how they are currently applied within each urban area. This also assists with achieving the sustainable management purpose of the Act.

5.14.3 Step 3: Benefits, Costs and Risks associated with Alternative Ways of Implementing the Provisions

The benefits, costs and risk assessment are based on the plan change option determined to be the most appropriate way of achieving the objectives of the plan change. The benefits and costs encompass environmental, economic, social and cultural effects.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Extend the Fire Ban and Fire Sensitive Areas to new urban zone boundaries	<p>Results in the consistent application of existing outdoor burning rules within urban areas of the Tasman District</p> <p>Improves the ability to consistently apply and enforce these rules</p> <p>Achieves improved health, amenity and environmental outcomes within new urban areas</p> <p>Creates a 'level playing field' for property owners within the same urban environment</p>	<p>Cost of undertaking the plan change process</p> <p>Restricts the ability of property owners to carry out outdoor burning, in particular when they are on larger properties which are not yet developed for residential purposes but have the zoning in place to do so.</p>	<p>Adequate information is available to make the recommended change to the extent of the outdoor burning rules in urban areas. No risk therefore remains based on the adequacy of the information.</p>

The proposed plan change item is a change to the extent of the Fire Ban and Fire Sensitive Areas. This applies to properties zoned for urban uses and does not have any effect on the opportunities for economic growth and employment. It is acknowledged that there may be some impact on the costs for green waste management on larger properties, or those properties still used in a manner more consistent with rural zones.

5.15 Plan Change 68.15 - Rezone Recreation Zone Mapua

5.15.1 Step 1: Description of the Provisions

Change the zoning of the Local Purpose Reserve near Hari Way and Topi Way, Mapua from Rural 1 deferred Residential, to Recreation Zone.

Why the change is necessary and what is the objective?

The change is necessary to ensure that the reserve in this area is appropriately zoned to reflect its use as a Local Purpose Reserve. The objective is therefore to see the correct zoning applied. Earlier TRMP planning map for this area had showed the indicative reserve boundaries in a different location. The boundaries have now been finalised through subdivision process and issue of title and it is appropriate to update the planning maps to reflect their final position.

Consultation

Consultation has been carried out with neighbouring property owners directly affected by the change to the zoning in this area. All replies were in support of the change.

Cultural Considerations

This Plan Change item has no identified adverse effects on cultural matters and no comment has been made by iwi of Te Tau Ihu during the pre-notification consultation period.

5.15.2 Step 2: Options, and their Appropriateness in Achieving the Objective of the Plan Change

Option 1: Change the zoning of reserve land at Hari Way and Topi Way, Mapua

This option is to change the current Rural 1 deferred Residential Zone to Recreation Zone. This change is appropriate as it directly achieves the objective of the Plan Change and is consistent with the zoning of other similar reserves in the district. This ensures Council can sustainably manage their reserves network with a common set of rules applying.

Option 2: Retain current deferred residential zoning

The current zoning is inconsistent the purpose and use of the reserve. This does not achieve the objective of the plan change and can lead to inefficient management of the area.

Recommendation: Option 1

Option 1 is recommended as it ensures that a consistent approach for zoning of reserves is applied.

5.15.3 Step 3: Benefits, Costs and Risks associated with implementing the Provisions

The benefits, costs and risk assessment are derived from the discussion of options above.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Change the zoning of reserve land at Hari Way and Topi Way, Mapua	Results in a consistent approach to zoning of similar reserves within TDC Allows for more consistent management and decision making by Council in regards to the reserve	Cost of undertaking the plan change process	There is adequate information available to minimise the risk of acting on this plan change.

The proposed plan change item is a change to the zoning of a reserve. It does not have any effect on the opportunities for economic growth and employment.

5.16 Plan Change 68.16 – Rezone 104 Waimea West Road, Brightwater

5.16.1 Description of the Provisions

Rezone a 3500m² portion of 104 Waimea West Road, Brightwater (Legal description: Part Sec 33 Waimea Sth Dist Blk IX Waimea S D - St Pauls Church) from Conservation Zone to 'Rural 1 deferred Residential Zone' (see Map 1 below).

The deferred Residential zone indicates the future intended urban use of that portion of the site.

The balance area of the title is to remain as Conservation Zone, due to the expectation that this land will be incorporated into Snowden's Bush Reserve.

This change includes amendments to TRMP Schedule 17.14 to insert a reference to the land on which the deferred zone applies and reason for deferral – being for water supply.

Amend Planning Map 272 to apply the Deferred Fire Sensitive Area to the Rural 1 Deferred Resident zone. See Plan Change Topic PC68.14 Overlay adjustments Fire Ban and Fire Sensitive Areas.

Why the change is necessary and what is the objective?

In 1996, the land was zoned Conservation Zone through the Tasman Resource Management Plan (TRMP) process. The Conservation Zone is applied to land owned or formally administered by the Department of Conservation (DoC).

Prior to 1996 the land was zoned Rural A in the Waimea County Council Planning Scheme. At that time the land was 'Protected Private Land for Scenic Purposes' under the Reserves Act 1977, known as 'St Paul's Scenic Reserve' and owned by the Nelson Diocesan Trust.

Maintenance of the land has been informally and jointly shared by the Department of Conservation and Council's Community Development department. The land has been available for - and used by - the public during this period, despite no obligations on the private landowner for such use.

In more recent times the Church has presented Council's Reserves team and the Department of Conservation with options for gifting or selling part of the land, and in 2016 the status of 'private scenic reserve' was removed by the Department of Conservation via the Reserves Act 1977. The land is now unencumbered and remains privately owned.

The proposal to remove the Conservation Zone from a portion of the land is appropriate because the formal status of the land has changed and there is no formal arrangement for administration of the land by the Department of Conservation. Under the Conservation Zone, the TRMP permitted activity rules only apply where there is a Conservation Management Plan. All other activities are Discretionary.

The owners have stated that the balance area is to be gifted to the Department of Conservation and therefore Council is proposing it remains as Conservation Zone. This will provide protection of the existing vegetation adjoining the road frontage on the western boundary, being the entrance to Snowdens Bush Scenic Reserve and to Brightwater Township.

The portion of land proposed as Rural 1 deferred Residential zone is an extension to the directly adjacent Residential Zone within Brightwater, and within the 50km/hour speed zone. Schools, community facilities and commercial amenities are in close proximity.

Rural 1 deferred Residential is the most appropriate zone because there are limited development or subdivision opportunities for small Rural 1 titles, and the deferred status indicates the zone will change to Residential once services are available. A rural title is however entitled to a single dwelling, by way of controlled activity resource consent; and sheds or garages as permitted activities, subject to meeting the Rural 1 standards for development, such as setbacks, height etc.

A change to the zone will enable the land to be used and managed by the owners until the Residential Zone is in place following the supply of reticulated water. Water supply in Brightwater is constrained, like other settlements supplied from the Waimea catchment, until a decision on, and construction of, the Waimea Community Dam is made; or an alternative water source for the reticulated system is in place.

Council's Engineering department have advised that no other network infrastructure constraints apply to this area of land.

A legally binding mechanism for transferring the balance land that is to remain as Conservation Zone should be established prior to a decision being made on the rezoning.

Consultation

The landowners requested the change of zoning via Plan Change 57 submission process. At that time, Council determined the submission request to be out-of-scope. This subsequent Omnibus Amendments Plan Change allows a full RMA Schedule 1 process to be carried out, including consultation with the public.

Prior to the notification of this Omnibus Amendments Plan Change, the land owners, potentially affected neighbours, and the Brightwater Community Association were notified by letter of the proposed change. Their feedback was considered by staff and councillors prior to notification of this proposal.

Issues relating to public access, concerns over securing land ownership prior to the change, impacts on amenity and views when entering Brightwater, access, appropriate use of land, and tree protection were among the issues raised. Following the feedback Councillors wished to proceed with the statutory process and allow public submissions on the proposal.

Cultural Considerations

The land does not contain any identified archaeological sites, however, the land has a long association with the Brightwater Community as a Private Scenic Reserve and is connected to the St Pauls Church.

The land has been available to and used by the public for some time, in conjunction with Snowden's Bush Reserve (owned by the Department of Conservation).

This Plan Change item has no identified adverse effects on Maori cultural matters and no comment has been made by iwi of Te Tau Ihu during the pre-notification consultation period.

5.16.2 Step 2: Options, and their Appropriateness in Achieving the Objective of the Plan Change

Option 1: Rezone to Rural 1 deferred Residential (with associated Deferred Fire Sensitive Area)

The portion of land proposed for residential rezoning (being approx. 3500m²) was originally proposed by the owner's representative through the Plan Change 57 process (Evidence of Jackie McNae, Staig & Smith, May 2017). This option therefore reflects that original request.

Council's Reserve Planner has advised the following:

Although this site adjoins land owned by the Department of Conservation and any vesting of land would be in the Department, Council have previously indicated support in principle for the proposed rezoning of a portion of the eastern area of this land to residential and the retention of the Conservation Zone for the balance of the land. The reason for that are to protect the existing vegetation adjoining the road frontage, entrance to Snowdens Bush Scenic Reserve and this entrance to Brightwater Township. Protection of the existing totara trees within any residential zoning has also been supported in principle for the same reasons.

Flood modelling has been carried out for this area by SFM in 2013. This land was not shown to be subject to overland flow in a Q100 event. No other specific hazards are known to affect this site.

In terms of engineering considerations the site has limitations in terms of water supply and as such the Rural 1 deferred Residential Zone is proposed to apply allowing Council control over further residential development until sufficient water supply is able to be provided. Waimea West Road is a Distributor Road in the TRMP Rooding Hierarchy, with a speed zone of 50km in this vicinity.

Like other residential zone developments, services and access will need to be provided to the site in accordance with the TRMP and Engineering Standards. Consideration of applicable development standards will occur at the time of development of the site.

Option 2: Rezone Conservation deferred Residential

There is an option to create a new zone called ‘Conservation deferred Residential Zone’. This is inappropriate for two key reasons. It would mean the Conservation Zone rules continue to apply, and the landowner would be heavily constrained in all activities that could be undertaken under the TRMP rules. A resource consent would be required for most activities. Secondly it is administratively inefficient to create a new zone.

Option 3: No Change

Option 3 is to retain the existing Conservation Zone and make no change. For the reasons outlined above, this is not considered an appropriate option.

Recommendation: Option 1

Option 1 is recommended to provide for reasonable land use by the landowner and community benefits arising from the balance land being transferred into public ownership.

5.16.3 Step 3: Benefits, Costs and Risks associated with implementing the Provisions

The benefits, costs and risk assessment are derived from the discussion of options above.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Rezone a portion of Nelson Diocesan Trust land at Brightwater – Deferred Residential	Community benefits from secured public right to access of balance bush area Protects larger area of Brightwater township entrance on Waimea West Road Provides conservation benefits Enables reasonable use of land by owner	Cost of undertaking the plan change process Loss of perceived public access rights to the portion of the private land that is proposed to be rezoned Rural 1 deferred Residential Introduces more houses adjacent to Conservation Area, with associated risks of fire, pests and predation by domestic animals Potential damage to lowland mature titoki and totara trees Cost of the plan change	There is a risk relating to no confirmation yet being given of the legal mechanism for transferring ownership from the Church to the Department of Conservation. This would need to be supplied prior to a decision being made on the rezoning.

The proposed plan change item is a change to the zoning of an area currently zoned Conservation. It does not have any adverse effect on the opportunities for economic growth and employment but does produce a positive effect in terms of providing increased development ability of this land.

5.17 Plan Change 68.17 - Overlay update, Fault Rupture Risk Areas

5.17.1 Step 1: Description of the Provisions

This proposal is a refinement of the location and extent of the Fault Rupture Risk Area (FRRRA) in relation to the Waimea Fault in the eastern part of Richmond covering the section between Cushendall Rise and Champion Road. The proposed relocation of the boundaries is shown on the maps within the Plan Change document associated with this section 32 report.

Note:

- there are no changes to the wording of the rules associated with the FRRRA.
- the FRRRA does not show the fault line location but outlines the corridor within which the fault line is known, absolutely, or with a high degree of certainty, to occur.

Why the change is necessary and what is the objective?

Information regarding fault line locations is continually being improved as further development occurs, or slips and erosion expose new areas. This knowledge has been collated by Council and was reviewed by MWH/Stantec in a report dated 28 September 2016. The review of the available material resulted in a revised location of the FRRRA that is now presented in this proposed Plan Change. The MWH/Stantec report and map is included as Attachment 1 to this Section 32 report.

This improved certainty of the fault position has allowed Council to propose a narrowing of the FRRRA in some locations – the minimum width proposed is 20m as this allows for the 10m setback either side of the fault as set out in the FRRRA rule (18.13.3.1 b ii)). Other changes have meant a different location for the FRRRA to reflect the actual fault location.

The change is necessary as Councils have an obligation to provide accurate information in relation to hazards where this is known to Council. The objective of the Plan Change is to accurately locate the FRRRA in relation to the latest information held on the fault line locations.

Consultation

Consultation has been undertaken with all parties who own properties in areas impacted by the proposed changes in location and extent of the FRRRA.

Most responses have been supportive or have wanted additional information and explanation before offering support. Some individual property owners have questioned the FRRRA location and the need or directive behind the changes. The changes are based on the latest knowledge of the fault locations as summarised in the attached MWH / Stantec report. This is a factual, rather than subjective finding, and is based on known locations of the fault lines. No evidence has been provided of the fault lines being in a different location and as such the Plan Change remains as proposed.

Cultural Considerations

This Plan Change item has no identified adverse effects on cultural matters and no comment has been made by iwi of Te Tau Ihu during the pre-notification consultation period.

5.17.2 Step 2: Options, and their Appropriateness in Achieving the Objective of the Plan Change

Option 1: Change the Fault Rupture Risk Area location in the area being considered

This option involves making changes to the location of the FRRR in the area being considered. These changes are based on the most recent knowledge obtained on the fault line positions. This is an appropriate option as it achieves the objective of the Plan Change. The locations have been determined by a review of geotechnical reports produced as a result of subdivision and land development and from observations of various geotechnical features as exposed by slips or erosion. This improved accuracy has allowed a better understanding of the fault location and is reflected in the proposed FRRR location. This is an efficient and effective method of achieving the Plan Change outcome and reflecting Councils most up to date knowledge of this hazard.

Option 2: Do not change the Fault Rupture Risk Area (Status Quo)

This option retains the current position of the FRRR despite recent knowledge showing that this is incorrect, or too wide, in some locations. This is not transparent and can lead to some properties having to carry out investigations that are not required, or other properties not carry out these investigations when they should. This option does not achieve the Plan Change outcomes and is not an efficient or effective way of highlighting the requirements around managing the earthquake hazard. This option is not recommended.

Recommendation: Option 1

This option is the only appropriate option as it involves representing the most recent knowledge of the fault line locations. This is efficient and effective as it ensures the FRRR is as accurate as it can be in the portion which forms part of this plan change. This assists Council in achieving the sustainable management purpose of the Act.

5.17.3 Step 3: Benefits, Costs and Risks associated with Alternative Ways of Implementing the Provisions

The benefits, costs and risk assessment are based on the plan change option determined to be the most appropriate way of achieving the objectives of the plan change. The benefits and costs encompass environmental, economic, social and cultural effects.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Change the Fault Rupture Risk Area location in the area being considered	<p>Ensures accurate knowledge is represented on the TRMP maps</p> <p>Ensures obligations imposed through the FRRR rules only apply to the areas near where a fault is located</p> <p>Removes those requirements from areas where the FRRR should not apply</p> <p>Ensures Council meets its obligations regarding making knowledge around hazards available to property owners and the public</p>	<p>Cost of undertaking the plan change process</p> <p>Additional obligations on a small number of properties that previously did not have the FRRR applying</p>	<p>Adequate information is available to make the recommended change to the location of the FRRR. No risk therefore remains based on the adequacy of the information.</p>

The proposed plan change item is a change to the extent of the Fault Rupture Risk Area along the Waimea Fault in the eastern part of Richmond covering the section between Cushendall Rise and Champion Road. This does not have any effect on the opportunities for economic growth and employment.

5.18 Plan Change 68.18 - Correction to Conservation Zoning adjacent to specified Marginal Strips

5.18.1 Step 1: Description of the Provisions

Change the zoning of a portion of the land at Rainy River Road (Sec 4 SO 14847 and Sec 5 SO14847) from Conservation Zone to Rural 2 Zone. This applies to areas of those land parcels that are outside of the marginal strips administered by the Department of Conservation (DoC).

The proposed rezoning is shown on the map within the Plan Change document associated with this section 32 report.

Why the change is necessary and what is the objective?

This change is necessary as the Conservation Zone has been inadvertently applied beyond the area of land administered by DoC. The land that is intended to be zoned Conservation is the marginal strip along the property boundary adjacent to the local watercourse.

Marginal strips are special conservation areas administered by the Department of Conservation. These strips are mainly derived from former Crown land and, in accordance with the Royal instructions, remain 'reserved from sale or other disposition. Subject to conservation purposes, the strips are for public recreational use and to enable public access to adjacent watercourses or bodies of water. As per the Conservation Act marginal strips are 20m wide.

When a 20m wide marginal strip is applied to these land parcels it left a balance area that should have retained its Rural 2 zoning. The objective of this Plan Change is to amend that error and reinstate Rural 2 zoning to this balance area.

Consultation

Consultation has been carried out with neighbouring property owners to the property proposed to have a zoning change. The Department of Conservation was also provided with a map and information about the proposed change. All replies were in support of the change.

Cultural Considerations

This Plan Change item has no identified adverse effects on cultural matters and no comment has been made by iwi of Te Tau Ihu during the pre-notification consultation period.

5.18.2 Step 2: Options, and their Appropriateness in Achieving the Objective of the Plan Change

Option 1: Change the zoning of land beyond the marginal strip

This option is to change the Conservation Zone to Rural 2 Zone beyond the marginal strip that applies to Sec 4 SO 14847 and Sec 5 SO14847. This change is appropriate as it directly achieves the objective of the Plan Change and corrects a historical error where the Conservation Zone was applied beyond the land that is administered by the Department of Conservation.

Option 2: Retain current Conservation Zone location

This is not an appropriate option as it retains the Conservation Zone on land that is not administered by DoC. The retention of the zone also places increased constraints on the use of the privately held land. This option would allow this historic error to remain in the Plan.

Recommendation: Option 1

Option 1 is recommended as it ensures that the Conservation Zone only applies to the area of land that is administered by the Department of Conservation. This assists with achieving the sustainable management purpose of the Act.

5.18.3 Step 3: Benefits, Costs and Risks associated with implementing the Provisions

The benefits, costs and risk assessment are derived from the discussion of options above.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Change the zoning of land beyond the marginal strip	Ensures that the Conservation Zone only applies to the area of land that is administered by the Department of Conservation Ensures that the privately managed portion of the land parcels is zoned Rural 2 which is consistent with other land in this area	Cost of undertaking the plan change process	There is adequate information available to minimise the risk of acting on this plan change.

The proposed plan change item is a change to the zoning of two smaller parcels of land in the Rainy River area. It does not have any effect on the opportunities for economic growth and employment.

6.0 Conclusion

The options that have been evaluated and put forward for the Schedule 1 statutory notification of the Proposed Plan Change – Omnibus Amendments (PC68) are considered appropriate methods for achieving the objectives of the Plan Change, and also the sustainable management purpose of the RMA.