

Tasman Resource Management Plan

Proposed Plan Change 73 Omnibus 2 Amendments

Section 32 Evaluation Report

1. Introduction

The purpose of this Plan Change – **PC 73 Omnibus 2 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.

Changes 73.1 – 73.11 are minor amendments to correct errors or anomalies, or simple adjustments to improve clarity of interpretation or implementation. Others relate to removing redundant items from the TRMP where these are no longer required.

Changes 73.12 – 73.73 are changes to rules which result in different permitted activity allowances for various activities. These typically reflect experiences of TDC staff and external applicants where current rules result in unnecessary resource consent processes. The changes relate to minor activities that can be adequately managed through permitted activity standards. Other items relate to zone updates, the removal of unnecessary rules and adjusting the locations of some mapped Plan items.

Changes 73.26 – 73.31 are changes to site specific rules applying to defined properties which are now redundant due to subdivision being undertaken, or legal property references changing over time. In some cases, ancillary related changes are also proposed.

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.

The items within the scope of this proposed Plan Change do not introduce any Objectives or Policies into the TRMP, nor does it seek to amend any existing Objectives or Policies.

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.*
- (3) *If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to –*
 - (a) *the provisions and objectives of the amending proposal; and*
 - (b) *the objectives of the existing proposal to the extent that those objectives –*
 - (i) *are relevant to the objectives of the amending proposal; and*
 - (ii) *would remain if the amending proposal were to take effect.*

Clause (4) is 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.

Plan Change Ref.	Action	Title	Page
73.1	Clarify	Extent of activities excluded from the Residential Zone	
73.2	Rectify	Inconsistent setbacks in the Golden Edge Industrial Zone	
73.3	Clarify	Setback rule provisions for accessory buildings, including carports, in the Residential Zone	
73.4	Update	Protected Tree Schedule – Additions, Removals and Edits	
73.5	Rectify	Omission of a pole height rule in the Mixed Business Zone	
73.6	Rectify	Inconsistency between Fire Ban and Fire Sensitive Area restrictions	
73.7	Rectify	Inconsistency of various terms used for a road boundary	
73.8	Clarify	Sleepout provisions in Rural 3 Zone	
73.9	Remove	Redundant Road Area and resultant rezoning	
73.10	Clarify	Co-operative living rule status	
73.11	Clarify	Richmond Intensive Development Area (RIDA) rules	
73.12	Clarify	Building extension provisions in the Coastal Environment Area (Height)	
73.13	Modify	Building extensions in the Coastal Environment Area	
73.14	Modify	Remediation of relocated building sites in the Coastal Risk Area	
73.15	Modify	Exemptions to height and daylight controls for solar panels	
73.16	Modify	Protection of indicative road and reserves, and updating positioning and existence	
73.17	Modify	Deferred zone rules to enable automatic removal of indicative road, reserves and walkways once vested	
73.18	Modify	Automatic lifting of fire ban and fire sensitive area deferral	
73.19	Modify / New	Permitted activity rule for accessory structures in the Tourist Services, Recreation and Open Space Zones and the Coastal Environment Area	
73.20	New	Signage in Recreation, Open Space and Conservation Zones as a permitted activity – specific rule	
73.21	New	Permitted activity rule for activities included in the Reserve Management Plans in Open Space and Recreation Zones	
73.22	Modify	Relocated buildings as a permitted activity	
73.23	Remove	Remove rule requiring rainwater collection systems for toilet flushing in Mapua and Ruby Bay.	
73.24	Modify	Rezoning 397 Lower Queen St and Mapua Waterfront Park	
73.25	Modify	Rezone existing reserve land as Open Space or Recreation	
73.26	Modify	Site specific provisions - Little Kaiteriteri (Talisman Heights)	
73.27	Modify	Site specific provisions - 32 Broadsea Ave, Ruby Bay	

Plan Change Ref.	Action	Title	Page
73.28	Modify	Site specific provisions - Golden Hills Rd, Waimea West	
73.29	Modify	Site specific provisions - Milnthorpe Residential Zone	
73.30	Modify	Site specific provisions - Closed Rural 2 Zone Pupu Springs Road	
73.31	Modify	Site specific provisions - 580 Lower Queen Street	

4. Consultation

The consultation on this proposed Plan Change has primarily consisted of targeted engagement with those identified as being potentially directly affected by any individual change proposed. This has been carried out through letters and relevant information including maps being distributed. Follow up correspondence and discussions were held with various parties when requested. Specific consultation actions are outlined in more detail within the evaluation section of each proposed 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 proposed Plan Change will also be included within Council's fortnightly publication 'Newsline'.

A draft of the proposed 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. A draft was also provided to the Ministry of the Environment. Any specific matters raised will be addressed through the discussion on the relevant proposed Plan Change topic.

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

5. Evaluation of the Plan Change Item – PC 73

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 (or the purpose) of the proposed Plan Change. This objective is also considered in terms of achieving the purpose of the Act. As noted, the changes in this Omnibus Plan Change are minor in nature and do not change the objectives of the TRMP, or in most cases the methods used within the TRMP to achieve the purpose of the Act.
- The second step evaluates whether the proposed provisions are the most appropriate way to achieve the objective (or the purpose) 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, Council is required to evaluate whether the provisions achieve the objective (or the purpose) of the Plan Change. For some topics this also includes evaluation of the change against existing Objectives of the TRMP.

5.1 Plan Change 73.1 - Extent of activities excluded from the Residential Zone

5.1.1 Step 1: Description of the Provisions

The TRMP includes a list of activities which are not permitted to occur within the Residential Zone. In particular this includes the following items under 17.1.2.1 a) iv):

spray painting, motor vehicle repairs or dismantling, fibre-glassing, sheet-metal work, bottle or scrap storage, rubbish collection, motor body building, or fish or meat processing

The TRMP also includes provisions relating to home occupations in rule 17.1.2.2 which provide various controls over the type and location of activity that can be carried out as a permitted 'home occupation' activity on any property in the Residential Zone.

In addition to these provisions the TRMP controls the effects of activities on site through the following rules:

- 17.1.2.1 a) i) odour beyond boundary,
- 17.1.2.1 a) iii) a restriction on industrial and commercial activities,
- 17.1.2.1 d) and e) dust control,
- 17.1.2.1 m) noise.

The proposal is to move the list of activities that are not permitted in the Residential Zone (rule 17.1.2.1 a) iv)) to the home occupation section (rule 17.1.2.2) as activities not permitted as a home occupation. To reflect this change 'odour, dust and visual impact' are proposed to be added to the matters which Council restricts its discretion for home occupations. In addition, a change is proposed in section 17.1.20 'Principal Reasons for Rules' to reflect these changes.

Why the change is necessary and what is the objective?

The current positioning of the excluded activities within the list of activities not permitted within the Residential Zone unnecessarily constrains normal residential use of a property. An example is someone repairing their vehicle at home is technically in breach of the TRMP and a resource consent is required. The same would apply to processing fish or meat from fishing and hunting trips.

This situation has resulted in enforcement action being required in the past and normal residential activities being constrained. The lack of these activities being listed as restrictions in the specific home occupation rules (17.1.2.2 a) – k)) can result in a rule interpretation that the activities are permitted to occur as a home occupation.

The objective of this proposed Plan Change is to allow small scale activities to be undertaken as part of normal residential activities on a property. The effects of these activities would be controlled through amenity controls within the TRMP and the Resource Management Act. The options below consider the possible ways this change can be achieved. The second objective of the proposed Plan Change is improved clarity of the rules of the TRMP. These objectives are consistent with the purpose of the Act and result in no significant change to the existing method within the TRMP to achieve this purpose.

There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objectives of the proposed Plan Change are consistent with the purpose of the Act and result in no significant change to the existing method within the TRMP to achieve this purpose.

Consultation

No targeted consultation has been carried out in regard to this item as the change is considered to retain the same intent as expressed in the TRMP and is consistent with other applicable legislation.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Place the list of activities in 17.1.2.1 a) iv) within the Home Occupation rules.

The current list of activities which are not permitted in the Residential Zone is moved to the home occupation rules in 17.1.2.2. This is with the intent of enabling them to occur as part of a residential activity on a property but ensuring they are explicitly restricted from being undertaken as part of a home occupation within the zone.

If any of the activities are carried out as part of a residential activity the effects will be managed by existing amenity rules (noise, dust, odour, light spill) in the TRMP and the requirements of s.16/17 and s.326/327 of the RMA. These sections of the RMA relate to the duty to avoid unreasonable noise and to avoid, remedy or mitigate adverse effects; and gives Councils the ability to manage excessive noise.

This option achieves the objectives of the proposed Plan Change by enabling these activities to be carried out as part of the residential use of a site, and ensures they are restricted from being carried out as a commercial activity through the home occupation rules.

Option 2: Leave list in place but allow if they are part of the residential use of the site

This option retains the list of restricted activities in the current position but places a qualifier at the end of the list stating:

'...unless the activity occurs as part of the residential use of the site'

In many ways this achieves the same outcome as Option 1 but with less clarity. It does not explicitly place these within the home occupation rules and by retaining the specific list within the Residential Zone places unnecessary prominence on these items. There is also a degree of uncertainty and conflict introduced between the existing home occupation rules, and requiring a decision to be made on whether an activity is being carried out as part of the residential use of a site.

This option is not appropriate as it only partially achieves the objectives of the plan change and introduces some uncertainty and conflict between plan provisions.

Option 3: Retain status quo

This option retains the current wording and positioning of the excluded activities within the residential zone rules of the TRMP. This does not achieve the objectives of the proposed Plan Change as it retains the restriction on these activities being undertaken as part of the residential use of a site.

Recommendation

Option 1 (Place the list of activities in 17.1.2.1 a) iv) within the Home Occupation rules)

This option is both efficient and effective in achieving the plan change objectives to ensure the TRMP rules provide certainty of application and importantly do not unintentionally restrict legitimate activities commonly carried out as part of residential activities on a property. This option is therefore considered to be the most appropriate method of achieving the objectives of the plan change.

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
<p>Place the list of activities in 17.1.2.1 a) iv) within the Home Occupation rules</p>	<p>Improves the application of rules relating to uses within the Residential Zone.</p> <p>Enables these activities to be carried out if they are part of a residential use of a site – but retains control if they are carried out as a home occupation. This assists with improved social outcomes through enabling legitimate use of properties to occur.</p> <p>Reduces compliance costs related to enforcing a rule which unnecessarily constrains legitimate activities.</p> <p>Improves the application of the home occupation rule as it will specifically exclude these activities from the scope of that rule.</p>	<p>Relies on existing amenity rules and applicable provisions of the RMA to control effects of these activities if undertaken as part of a residential activity.</p> <p>Cost of undertaking the plan change process</p>	<p>Adequate information is available to make the recommended change to the TRMP. No risk therefore remains based on the adequacy of the information.</p>

The proposed Plan Change item does relate to activities that have the potential to be carried out commercially and therefore play a role in creating opportunities for economic growth and employment. However, the focus of this proposed Plan Change is on ensuring these activities can be carried out as part of the residential use of a property and not on a commercial or home occupation basis. The residential zone is not intended to accommodate these activities on a commercial or home occupation basis. Other zones do provide for these activities.

5.2 Plan Change 73.2 - Inconsistent setbacks in the Golden Edge Industrial Zone

5.2.1 Step 1: Description of the Provisions

The Golden Edge Rural Industrial Zone is located in Lower Queen St in the area identified in purple (Rural Industrial Zone) in the image below. This image is taken from TRMP planning map 57.

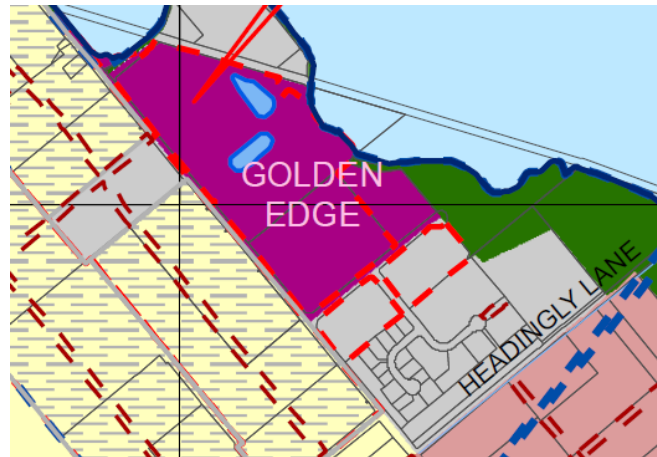


Figure 1: Golden Edge Rural Industrial Zone – TRMP Planning map 57.

TRMP rule 17.12.2.1 p) iv) refers to a 15m building setback from Mean High Water Springs (MHWS) which applies to the whole Golden Edge Rural Industrial Zone. The TRMP also has a rule (18.11.3.1 d) within Chapter 18 which refers to this setback applying only to Lot 1 DP 18146 in the Golden Edge Rural Industrial Zone.

The first of the two issues are Lot 1 DP 18146 no longer exists due to past subdivisions, and also the former Lot 1 DP 18146 did not cover all of the area that is currently zoned Golden Edge Rural Industrial Zone. The image below shows (in yellow outline) the area of land which is zoned Golden Edge Rural Industrial Zone and was formerly Lot 1 DP 18146. The current legal description is Lot 6 DP 415418.

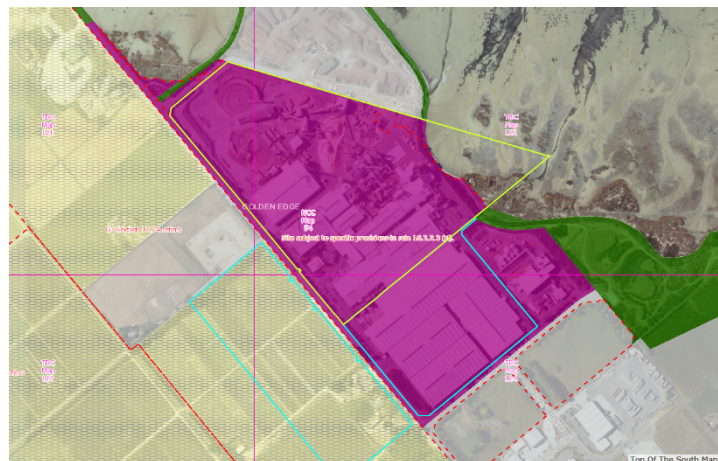


Figure 2: Golden Edge Rural Industrial Zone – Top of the South Maps.

The second of the two issues is that one of the applicable rules applies to the whole zone while the other refers to a specific lot. This results in uncertainty and inconsistent application of setback provisions.

Why the change is necessary and what is the objective?

A change is necessary to resolve the inconsistency identified in the TRMP where one rule refers to a specific lot where the specified setback applies while the other refers to the wider zone. In any case the lot referred to no longer has that legal description.

The objective of the change is to correct the legal description reference and secondly to ensure the specified setback only applies to the area of the original lot reference. This is a 15m setback from MHWS while the

remainder of the zone has a 30m setback (as per rule 18.11.3.1 b) iv)). The specified 15m setback (18.11.3.1 d) is an exemption to the 30m provision applying to the other zones which includes the Golden Edge Industrial Zone.

There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objectives of the proposed Plan Change are consistent with the purpose of the Act and result in no significant change to the existing method within the TRMP to achieve this purpose.

Consultation

There are only two properties which are impacted by this rule clarification. Those are Nelson Pine Industries (Lot 6 DP 415418) and AICA NZ Ltd (Lot 3 DP 18918). Nelson Pine Industries have confirmed their support for the clarification of the rule application. This results in no change to the current rule application on their site. AICA NZ Ltd seek that the 15m setback is confirmed as applying to their property as well. This request has not been progressed as the TRMP provisions demonstrate that the 15m setback was only intended to apply to the Nelson Pine Industries land (Lot 6 DP 415418) and that the general setback for the remainder of this zone would be 30m.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Correct legal description and limit 15m setback area to specified lot

This option involves updating the legal description that is now obsolete to refer to the new legal description. This is within rule 18.11.3.1 d). This is a controlled activity rule applying to new buildings within the Coastal Environment Area.

A second change is to introduce this same legal description into rule 17.12.2.1 p) iv) to ensure the setback only applies to the intended lot as set out in rule 18.11.3.1 d).

This change is an appropriate method of achieving the objective of the proposed Plan Change by correcting the obsolete legal description and ensuring the 15m building setback only applies within the intended lot. The remainder of the Golden Edge Rural Industrial Zone will retain a 30m building setback requirement as per rule 18.11.3.1 b) iv).

Option 2: Apply 15m setback to the whole zone

The building set back subject to the rule with the changed legal description is 15m from MHWS. Removing the legal description reference completely would result in this 15m setback applying to the whole zone. There is one property outside of the original legal description, but within the zone, where it could be argued that the setback that applies is 30m as per existing rules.

As the existing TRMP specifically refers to an individual property, by way of legal description, it is reasonable to conclude that 15m setback was only ever intended to apply to this specific property and not to other properties within the Golden Edge Rural Industrial Zone. In addition, the other property concerned does not have a boundary within 15m of Mean High Water Springs so the rule is not applicable.

This option is not appropriate as it incorrectly applies the 15m setback across the whole zone and not just to the identified lot as intended.

Option 3: Retain status quo

This option retains an obsolete legal description and retains an inconsistency in setback requirements within the Golden Edge Rural Industrial Zone. This option is not appropriate and does not achieve the objectives of the proposed Plan Change.

Recommendation

Option 1 (Correct legal description and limit 15m setback area to specified lot)

This option is both efficient and effective in achieving the plan change objectives to update the legal description and ensure the setback requirements are corrected for the zone. This option is therefore considered to be the most appropriate method of achieving the objectives of the plan change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Correct legal description and limit 15m setback area to specified lot	<p>Updates an obsolete legal reference within the TRMP.</p> <p>Improves certainty of setback requirements within the Golden Edge Rural Industrial Zone, including the property that was not within the specified lot.</p> <p>Retains intended status quo in regard to setbacks applied through the Coastal Environment Area rules.</p>	<p>Cost of undertaking the plan change process.</p> <p>Property outside of the originally specified lot would have setback required confirmed as 30m rather than 15m as could be interpreted through the rules.</p>	<p>Adequate information is available to make the recommended change to the TRMP. No risk therefore remains based on the adequacy of the information.</p>

The proposed Plan Change item does not relate to the provision of economic growth and employment. The setbacks are already in place as requirements in the TRMP and the changes are to correct the obsolete legal description and to confirm where the setback requirements do apply.

5.3 Plan Change 73.3 - Setback rule provisions for accessory buildings, including carports, in the Residential Zone

5.3.1 Step 1: Description of the Provisions

The TRMP includes a rule in the Residential Zone that sets out permitted conditions around accessory buildings when they are within 1.5m of a property's side or rear boundaries. This is rule 17.1.3.1 t) and is copied below:

- (t) *Accessory buildings are set back at least 1.5 metres from side and rear boundaries, but less than 1.5 metres if all of the following apply:*
 - (i) *the wall of the building adjacent to the boundary contains no windows;*
 - (ii) *any accessory building adjacent to the boundary does not exceed 7.2 metres in length or 50 percent of the length of the boundary, whichever is the lesser;*
 - (iii) *stormwater is contained within the site.*

An issue has been identified in the application of this rule where item i) and in particular ii) have uncertainty in how to apply these if there is more than 1 accessory building along a single boundary. A change is sought to clarify this matter.

As a second related matter rule 17.1.3.1 r) iii) allows garages and carports to be closer than otherwise required to a side or rear boundary provided the requirements for accessory buildings (in rule 17.1.3.1 t)) are met. The issue is item i) of this rule assumes the building has a wall whereas if it is a carport there is potential it may not. A change is sought to provide clarity around this by stating that if the accessory building has a wall then this is not permitted to have a window if within 1.5m of the boundary. This allows for situations where a carport may be erected within 1.5m of the boundary with no inference from the rule that it should have a wall with no window.

The proposed changes to rule 17.1.3.1 t) to clarify these two matters are:

Accessory buildings are set back at least 1.5 metres from side and rear boundaries, but less than 1.5 metres if all of the following apply:

- i) Where any accessory building has a wall adjacent to the boundary that wall contains no windows;*
- ii) Any accessory buildings adjacent to the an individual boundary does not exceed a cumulative total of 7.2 metres in length or 50 percent of the length of the boundary, whichever is the lesser;*
- iii) Stormwater is contained within the site.*

Why the change is necessary and what is the objective?

As noted above changes are sought to ensure that multiple accessory buildings are clearly managed by rule 17.1.3.1 t), and that the rule also appropriately manages carports.

The objective of the proposed Plan Change is clearer interpretation and application of the existing provisions of the TRMP.

There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objective of the proposed Plan Change is consistent with the purpose of the Act and results in no significant change to the existing method within the TRMP to achieve this purpose.

Consultation

No targeted consultation has been carried out in regard to this item as the change is considered to retain the same intent as expressed in the TRMP.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Make changes to manage multiple accessory buildings and carports

The proposed changes to rule 17.1.3.1 t) are to provide a clearer statement on how the rule applies to multiple accessory buildings. The changes also ensure that specific provisions are included to allow for structures such as carports without a wall which fall within the scope of this rule. This is appropriate and achieves the objective of the proposed Plan Change by improving the interpretation and application of these provisions in the TRMP.

Option 2: Status Quo

This option is to leave the current provisions in place which therefore retains the current interpretation issues around multiple accessory buildings and car ports. This option is not appropriate and does not achieve the objectives of the proposed Plan Change.

Recommendation

Option 1 (Make changes to manage multiple accessory buildings and carports)

This option is both efficient and effective in achieving the plan change objectives of improving the application of this rule. This option is therefore considered to be the most appropriate method of achieving the objectives of the plan change.

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
Make changes to manage multiple accessory buildings and carports	<p>This change improves the interpretation and application of the existing rule within the TRMP.</p> <p>The intent of the existing rule is unchanged as the numerical restrictions are retained.</p> <p>Carports are more accurately managed by rule 17.1.3.1 t) as intended by rule 17.1.3.1 r).</p>	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 does not relate to the provision of economic growth and employment. The control around accessory buildings is already in place as requirements in the TRMP. The changes are to ensure these provisions are more accurately applied to different situations.

5.4 Plan Change 73.4 - Protected Tree Schedule – Additions, Removals and Edits

5.4.1 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:

Table 1 – PC73.4: Trees to delete

Tree ID	Category	Species Common name	Property Location	Valuation No.	Area Map	Reason for removal
T004	C	<i>Metrosideros robusta</i> Northern rata	1 km from end of McShane Road on right, Wainui Bay.	1871004403	10	Hollow stem and leaning on PT005. Crack in stem, fungal bract, stock rubbing, decay
T021	C	<i>Leptospermum ericoides</i> Kanuka	Abel Tasman Drive, past Takapou on roadside, Wainui	Legal Road	78	Damaged in storm-decay
T033	C	<i>Juglans regia</i> Walnut	Abel Tasman Drive, Takapou Village, Wainui Bay	1871005908	78	Poor health, significant deadwood in the canopy
T057	B	<i>Metasequoia glyptostroboides</i> Dawn redwood	83 Motupipi Street, Takaka	1874008503	112	Dramatic deterioration in condition since 2010. Significant decay to 2/3 of the base of the tree. V. Poor condition herbicide likely.
T071	C	<i>Metrosideros umbellata</i> Southern rata	176 Commercial Street, Takaka	1874010330	112	Root damage and decline. Approx. 90% is dead
T077	B	<i>Populus deltoides</i> Eastern Cottonwood <i>Poplar</i>	DOC Reserve, Paynes Ford	1871040304	50	V. Poor health, river erosion undermined roots
T124	B	<i>Elaeocarpus dentatus</i> Hinau	Parapara peninsula historic reserve, Bishop Rd, Parapara	1862044812	73	Tree is decayed
T127	B	<i>Metrosideros robusta</i> Northern Rata	11 Haven Road, Collingwood	1862010500	72	Risk of falling on adjacent building, tree assessed as being below standard required for protection
T142	C	<i>Quercus rubra</i> Northern Red Oak	Collingwood-Bainham Main Rd, Rockville, M25 787529	1862021100	4	V. Poor condition. Decay and disease
T157	B	<i>Corynocarpus laevigatus</i> Karaka	Pupu Springs Road. In centre of paddock below old milking shed	Legal Road	75	Split (broken branches) + suffered serious stock damage.
T168	C	<i>Acer palmatum</i> Japanese Maple	388 Abel Tasman Drive, near	1871028400	76	Very poor health-poor

Tree ID	Category	Species Common name	Property Location	Valuation No.	Area Map	Reason for removal
			Motupipi Butcher Shop, N26 972390			structural form and instability is suspected
T169	C	<i>Schinus mole</i> Pepper Tree	387 Abel Tasman Drive, Takaka	1871026902	76	Very poor health- large fungal bract at the base and the canopy has thinned
T323	B	<i>Aesculus hippocastanum</i> European Horse Chestnut	318 High St, Motueka	1956035901	116	Central leader of the tree appears to have died.
T497	C	<i>Acer palmatum</i> Japanese Maple	6 Saxon St, Motueka	1955007800	116	Very poor condition- decay

Table 2 – PC73.4: Tree listings to edit

Tree ID	Category	Species Common name	Property Location	Valuation No.	Area Map	Proposed Change*
T125	B	<i>Metrosideros umbellata</i> Southern rata	End of Gibbs Road beside walkway down to town and 24 Gibbs Road, Collingwood 1862012500 and Legal Road'	1862012500	72	Amend location to 'End of Gibbs Road beside walkway down to town and <u>24 Gibbs Road, Collingwood 1862012500 and Legal Road'</u> .
T230	B	Totara, Rimu, Kahikatea, Birch, Phoenix palm	494 Main Road, Riwaka	1933029100	84	Remove 3 trees from listing due to poor health or shape. Totara, Rimu, Kahikatea, Birch, Phoenix palm
T363	C	<i>Eucalyptus</i> <i>Corymbia ficifolia</i> Red Flowering Gum	423 High St, Motueka	1955033300	119	Correct nomenclature to <u><i>Eucalyptus Corymbia ficifolia</i></u>
T500	<u>C</u> B	<i>Quercus coccinea</i> Scarlett Oak	Central Road, Lower Moutere	1928035000	18	Category reassessed at owner's request. Increased from C to B listing.
T849	C	<i>Magnolia x soulangeana</i> Saucer or Chinese Magnolia	Fern Flat, Murchison	1915002000	33	Correct nomenclature to <u>Magnolia x soulangeana</u>

Table 3 – PC73.4: Trees to add

Tree ID	Category	Species Common name	Property Location	Valuation No.	Area Map	Reasons for inclusion
T859	B	<i>Quercus robur</i> English Oak	110 Abel Tasman Dr	1871035300	113	STEM assessment meets category B criteria
T860	A	<i>Sequoia sempervirens</i> Redwood	395 Main Road Lower Moutere	1928033500	19	STEM assessment meets category A criteria

* The proposed change to listings in TRMP Schedule 16.13B is shown in underline (text added) and ~~strikethrough~~ (text removed) format.

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. While the trees are removed from the TRMP Schedule this does not mean they will be physically removed. Their future care, or removal, will be at the discretion of the landowner, and in some cases this may result in their removal as a permitted activity. The trees which are to be included in the Schedule have been put forward by the landowners and have been assessed to meet the standard required.

There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objective of the proposed Plan Change is consistent with the purpose of the Act and results in no change to the existing method within the TRMP to achieve this purpose.

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. The limited response that was received has been supportive of the removal of these trees from the Schedule.

In relation to trees to be added to the schedule these have been put forward by the property owners, therefore no specific consultation was required with them. In one case a potentially affected neighbouring property owner was contacted as the tree to be protected was near to their boundary. Contact was made by that property owner and they did not express any opposition to the proposed protection of the tree.

Cultural Considerations

The Council has sought general feedback from Te Tau Ihu iwi. None was provided in general terms in relation to this topic and Council is not aware of any other relevant cultural considerations. A specific letter was also sent to Ngati Tama ki te Waipounamu Trust as the owners of the land that this tree is located on. No response was received.

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

Option 1: Update listings

This option involves adding, removing and updating 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. Or otherwise require editing of the listings.

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. It is also consistent with the objective of this Plan Change to ensure that only trees which meet the required standard are included in this schedule.

Option 2: Status Quo

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. It also does not allow new trees to be added to the schedule.

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.

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

The benefits, costs and risk assessment is 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>Trees 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. Overall there is considered to be no adverse effect on the opportunities for economic growth and employment.

5.5 Plan Change 73.5 - Omission of a pole height rule in the Mixed Business Zone

5.5.1 Step 1: Description of the Provisions

The TRMP allows for 'slimline, self-supporting masts and poles' to have a different height limit than that specified for other buildings in the Plan. This ensures that infrastructure such as antenna and power poles are able to be erected at a greater height than for typical buildings.

The TRMP establishes this regime by referring to the specific rules relating to Network Utilities and Public Works (section 16.6 of the TRMP) from within the height rules of selected zones. This is the case for the following zones:

- Industrial
- Rural Industrial
- Rural 1
- Rural 2
- Central Business

The Mixed Business Zone rule 17.3.3.1 c) i) also has the reference to 16.6.2.1 j) however the key difference is that 16.6.2.1 j) has no provision for limits specific to that zone. Therefore, the intent of the Mixed Business Zone rule to provide a different height, diameter and setback allowances for 'slimline, self-supporting masts and poles' has not been achieved.

The proposal is to add specific height, diameter and setback limits for the Mixed Business Zone to 16.6.2.1 j) as per other zones with the reference to this rule.

The size allowance for 'slimline, self-supporting masts and poles' in the Mixed Business Zone are considered to most closely relate to that currently provided for the Central Business Zone. These are:

Maximum Height	20m
Maximum Diameter	450mm
Minimum setback from any Zone Boundary	3m

In determining which height and width standards should apply the following points are considered from 17.3.20 reasons for rules:

The mixed business zone effectively acts as a buffer between the Residential Zone and Industrial zones.

Industrial activities of a scale, nature and intensity that result in low emissions (eg, noise, odour) and contribute to maintaining and enhancing high amenity values within the zone and at the boundary of the zone are provided for in the Mixed Business Zone.

In conjunction with one another, provisions relating to building design and appearance, building coverage, fencing, amenity plantings and setbacks provide an integrated rule framework for the Mixed Business Zone, designed to promote a high standard of amenity with a low impact on the surrounding people and environment.

It is clear the Mixed Business Zone is intended have a level of amenity greater than in the Industrial zones but not provide a level of amenity that would be found in the Residential Zone.

Changes are sought to the TRMP to ensure that the intent of the Mixed Business Zone rule relating to the height of 'slimline, self-supporting masts and poles' is achieved.

Why the change is necessary and what is the objective?

As noted above the change is sought to ensure the intent of the Mixed Business Zone is achieved within the TRMP.

The objective of the proposed Plan Change is clearer interpretation and application of the existing provisions of the TRMP. There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objective of the proposed Plan Change is consistent with the purpose of the Act and results in no change to the existing method within the TRMP to achieve this purpose.

Consultation

Network Tasman has been consulted on this change as they have previously made submissions on this topic in past Plan Changes and operate infrastructure within this zone to which this rule relates. The proposed changes within the Mixed Business Zone are compatible with the infrastructure Network Tasman uses, and expects to use within this zone. It therefore has their support.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Make changes to include specific height, diameter and setback limits in the Mixed Business Zone

This option provides a specific set of limitations on the dimensions of '*slimline, self-supporting masts and poles*' in the Mixed Business Zone. This corrects an omission in the TRMP where the zone rule refers to the Network Utility rule, however the Network Utility rule does not provide for this particular zone.

The applicable limitations proposed to apply are those which currently apply to the Central Business Zone for the reasons set out in section 5.5.1 above. The limits for the Industrial zones of 20m in height and 1m in diameter were also considered, as were those in the Residential Zone where the default height of 10m and 1m width applies. However as has been noted the Central Business Zone is considered the most comparable and those limits are proposed in this option.

Option 2: Status Quo

This option is to leave the current provisions in place which therefore retains the current issue. This option is not appropriate and does not achieve the objectives of the proposed Plan Change.

Option 3: Remove reference to the Network Utility rule from the Zone rule

This option would involve removing the reference to Network Utility rule 16.6.2.1 j) from the Mixed Business Zone height rule 17.3.3.1 c) i). This would result in '*slimline, self-supporting masts and poles*' being limited to the default 10m height limit. This is not the intent of the TRMP and removing the provision unnecessarily limits Network Utility infrastructure within the Mixed Business Zone.

This option is not appropriate and does not achieve the objectives of the proposed Plan Change.

Recommendation

Option 1 (Make changes to include specific height, diameter and setback limits in the Mixed Business Zone)

This option is both efficient and effective in achieving the plan change objectives of clearer interpretation and application of the existing provisions of the TRMP. This option is therefore considered to be the most appropriate method of achieving the objectives of the plan change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Make changes to include specific height, diameter and setback limits in the Mixed Business Zone	<p>This change improves the application of the existing rule within the TRMP.</p> <p>Network Utility operators can more efficiently plan and operate their infrastructure in a manner consistent with other zones.</p> <p>Reduce unnecessary resource consent applications relating to <i>'slimline, self-supporting masts and poles'</i> in the Mixed Business Zone.</p>	<p>Cost of undertaking the plan change process.</p>	<p>Adequate information is available to make the recommended change to the TRMP. No risk therefore remains based on the adequacy of the information.</p>

The proposed Plan Change item does not directly relate to the provision of economic growth and employment. Enabling a more consistent application of rules in relation to *'slimline, self-supporting masts and poles'* does improve the ability of network utility operators to run their network. This does have some limited positive effect on those infrastructure providers.

5.6 Plan Change 73.6 - Inconsistency between Fire Ban and Fire Sensitive Area restrictions

5.6.1 Step 1: Description of the Provisions

To assist with managing air quality health effects and for general amenity the TRMP sets out Fire Ban and Fire Sensitive Areas around the various settlements in the Tasman region. These areas have specific provisions relating to outdoor burning with the Fire Ban Area having restrictions which apply year-round while the Fire Sensitive Area has restrictions applying during the months of June to August (inclusive).

Both the Fire Ban and Fire Sensitive areas have some outdoor burning activities which are exceptions from the general restrictions. These are copied below:

36.3.2.3 Discharge of Contaminants from Outdoor Burning

The discharge of any contaminant to air from outdoor burning, including burning in an incinerator, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) *The discharge is not from:*
- (i) *any property or place in the Fire Ban Area shown on the planning maps; or*
 - (ii) *the foreshore of the coastal marine area;*
except where the discharge is from:
 - *fireworks;*
 - *small fires used for food cooking purposes such as barbecues, hangis, and small camp fires that are no bigger than 1 square metre at the base;*
 - *candles, lamps or similar small-scale burners or tools;*
 - *outdoor fireplaces, including braziers or fires for ahi ka purposes;*
 - *celebratory fires in Open Space Zone or Recreation Zone;*
 - *any forge or kiln.*

and;

- (g) *There is no discharge during the months of June to August (inclusive) in the Fire Sensitive Area, except where:*
- (i) *the presence of disease on a horticultural crop requires that plant waste be burnt to manage the risk of the disease spreading; or*
 - (ii) *the discharge is from a kiln or forge.*

The issue is the inconsistency between these exclusion lists which results in the Fire Sensitive Area having stricter provisions than the Fire Ban Area during the winter months. The Fire Ban Area is located in the central portion of Richmond and Motueka and is the area more likely to exceed air quality standards.

There is no rationale for the Fire Sensitive Area to have stricter provisions. Therefore, the proposed Plan Change seeks to ensure the exceptions list currently in the Fire Ban Area is replicated within the Fire Sensitive Area during the winter months. For clarity the Fire Sensitive Area will have the same exemptions with the exception of also retaining its current exemption for burning of diseased crops.

The exemption list is shown in the bullet points in the list under 36.3.2.3 a) ii) above.

Why the change is necessary and what is the objective?

It is not logical for the Fire Ban Area to be more enabling than the Fire Sensitive Area during the winter months. This change is therefore necessary to correct this anomaly in the TRMP and allow for some specified outdoor burning to occur in the Fire Sensitive Area in the winter months. This also recognises it is highly likely that many of these activities already occur within these areas. Any greater controls, or changes to the exclusions, that may be required would be outside of the scope of this proposed Plan Change.

The objective of the proposed Plan Change is the correction of an anomaly in the existing provisions of the TRMP, and more consistent and logical application of rule provisions.

There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objective of the proposed Plan Change is consistent with the purpose of the Act and results in no significant change to the existing method within the TRMP to achieve this purpose.

Consultation

Fire and Emergency NZ has been contacted regarding this change. They consider this to be more of an amenity and health matter and have no concern about the changes to the exemptions that are proposed. No other external consultation has occurred regarding this change.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Correct inconsistency between fire ban and fire sensitive area exclusions

This option has been discussed above and involves the existing Fire Ban Area outdoor burning exclusion list being incorporated into the Fire Sensitive Area exemption list. This change is appropriate as it rectifies the anomaly where during the winter months the Fire Ban Area is more enabling of outdoor burning than the Fire Sensitive Area.

This change is also appropriate as many of these activities already occur as enforcement rarely occurs on this item, and other rules in the TRMP ensure that any burning does not have adverse effects on neighbouring properties. See rules 36.3.2.3 b) – e) in particular.

This change achieves the objective of the proposed Plan Change by ensuring the exemptions are applied in a consistent and logical manner.

Option 2: Remove exclusion list from Fire Ban Area

This option would result in there being no outdoor burning activities allowed within the Fire Ban Area at any time and would retain the two limited exemptions in the Fire Sensitive Area. While this change would make the two areas more consistent and have more stringent controls in the Fire Ban Area, it is a substantial change that is outside of the scope of this proposed Plan Change. This option is not appropriate for the Omnibus Plan Change.

Option 3: Status Quo

This option is to leave the current provisions in place which therefore retains the current issue. This option is not appropriate and does not achieve the objectives of the proposed Plan Change.

Recommendation

Option 1 (Correct inconsistency between fire ban and fire sensitive area exclusions)

This option is both efficient and effective in achieving the plan change objectives of correcting an anomaly in the existing provisions of the TRMP, and more consistent and logical application of rule provisions. This option is therefore considered to be the most appropriate method of achieving the objectives of the plan change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
<p>Correct inconsistency between fire ban and fire sensitive area exclusions</p>	<p>The change provides a more logical set of provisions in the TRMP where the Fire Ban Area is not more enabling than the Fire Sensitive Area during the winter months.</p> <p>People can legitimately carry out these activities on their properties.</p> <p>This change improves the application of the existing rules within the TRMP.</p>	<p>Outdoor burning activities which are technically excluded from the Fire Sensitive Area would be permitted.</p> <p>Cost of undertaking the plan change process.</p>	<p>No modelling of any change to emissions and impact on compliance with air quality standards has been undertaken. It is apparent that these activities current occur and limited enforcement is undertaken. Allowing them as permitted activities is not expected to lead to increased outdoor burning. Also Council’s monitoring data shows compliance with air quality standards in the Fire Sensitive Areas. No risk therefore remains based on the adequacy of the information.</p>

The proposed Plan Change item does not relate to the provision of economic growth and employment.

5.7 Plan Change 73.7 - Inconsistency of various terms used for a road boundary

5.7.1 Step 1: Description of the Provisions

The rule 17.1.3.4.C (fc) contains wording that suggests a front boundary is not necessarily a road boundary. Wording in other provisions within the Plan such as 'front boundary' and 'road front boundary' are also used to refer to road boundaries.

The relevant definitions in the plan clarify that a 'front boundary' is always intended to be seen as a road boundary.

For ease of reference the relevant definitions are set out below:

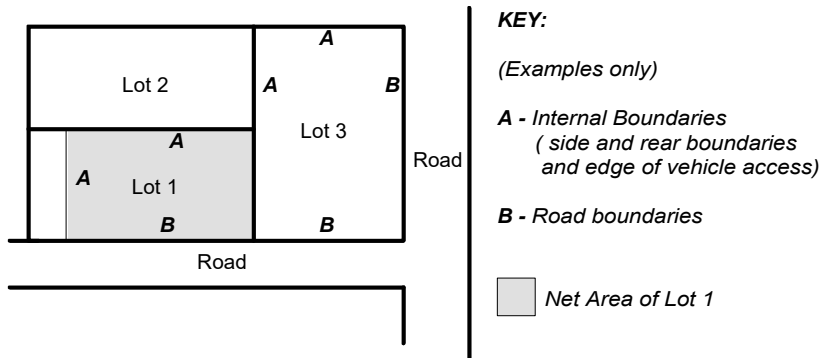
'Frontage – means any boundary of a site that abuts a legal road, other than an access way or service lane, or abuts a road designation'

'Road boundary – means any boundary of a site that abuts a legal road, other than an access way or service lane, or abuts a road designation. **Frontage** or **road frontage** have the same meaning as **road boundary**.'

There is no definition of front boundary.

Boundary – means any boundary of the net area of a site and includes any road boundary, side or internal boundary.

Boundaries:



The boundary definition includes side, internal and 'road boundary'. For consistency this should be the terminology used in the Plan provisions that refer, using varying terms, to the Road Boundary.

Why the change is necessary and what is the objective?

Using a variety of terms to refer to the same boundary of a property leads to confusion when interpreting the TRMP provisions. This is issue is of particular concern in rules such as 17.1.3.4C (fc), where the wording '...front boundary or a boundary to a road...' is used. This duplication uses terminology not defined in the TRMP and implies there are separate boundaries which should be considered. The change to use consistent terminology throughout the TRMP when referring to Road Boundaries, and removing this duplication is necessary to improve plan interpretation.

The objective of the proposed Plan Change is to improve consistency of Plan interpretation and use of definitions. There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objective of the proposed Plan Change is consistent with the purpose of the Act and results in no significant change to the existing method within the TRMP to achieve this purpose.

Consultation

No external consultation has been required as this change simply corrects wording in the TRMP and relies on existing definitions.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Correct for consistency various terms used for a road boundary

This option has been discussed above and involves correcting the various terms used in the TRMP to refer to Road Boundaries.

This change is appropriate as it improves plan interpretation with no change in effect of rules due to the reliance on existing definitions and rule structure.

This change achieves the objective of the proposed Plan Change by improving consistency of Plan interpretation and use of definitions.

Option 2: Status Quo

This option is to leave the current provisions in place which therefore retains the current issue of multiple terms being used to describe a single item. This option is not appropriate and does not achieve the objectives of the proposed Plan Change.

Recommendation

Option 1 (Correct for consistency various terms used for a road boundary)

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

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Correct for consistency various terms used for a road boundary	The affected TRMP provisions will use a consistent term that is already defined. This change improves the application of the existing rules within the TRMP.	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 does not relate to the provision of economic growth and employment.

5.8 Plan Change 73.8 - Sleepout provisions in Rural 3 Zone

5.8.1 Step 1: Description of the Provisions

Sleepouts are defined in the TRMP as:

***Sleepout** – means a detached bedroom (with or without ablution facilities) occupied exclusively as part of the principal dwelling on the site and containing no kitchen or cooking facilities.*

Rural 1 and 2 Zones provide for sleepouts as a permitted activity within limits provided in the zone rules. The Rural 3 Zone also includes provisions related to sleepouts but specifically identifies these as controlled activities through rule 17.7.3.2 ia) – k).

The matter to be resolved through this proposed Plan Change relates to the Rural 3 Permitted Activity rule 17.7.3.1 b) where the title of the rule includes reference to sleepouts however the actual rule does not refer to sleepouts. Due to this omission sleepouts can be seen to be a permitted activity.

The Rural 3 Zone has intentionally included sleepouts as a controlled activity. This is consistent with the fact dwellings also require resource consent with specific policies relating to landscaping, natural and rural character which might be relevant to the location of a habitable building. Note the definition of habitable building includes any which ‘...is intended to be, or is capable of being ... routinely occupied’. This includes sleepouts and workers accommodation.

The proposed change is to clarify that sleepouts are not a permitted activity in the Rural 3 Zone by including sleepouts in the list of items which are not permitted in rule 17.7.3.1 b).

Why the change is necessary and what is the objective?

The change is necessary to resolve the current interpretation issue where sleepouts are specifically provided for in the TRMP as a controlled activity however they are not excluded from being permitted activities. The change will specifically exclude these activities from being permitted and retain the existing controlled activity status.

The objective of the proposed Plan Change is to improve consistency of Plan interpretation. There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objective of the proposed Plan Change is consistent with the purpose of the Act and results in no significant change to the existing method within the TRMP to achieve this purpose.

Consultation

No external consultation has been required as this change corrects wording in the TRMP and relies on the existing structure and consent status.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Exclude sleepouts from permitted activity standards in Rural 3 Zone

This option has been discussed above and involves explicitly excluding sleepouts from being a permitted activity in the Rural 3 Zone. This then relies on the existing controlled activity rules for this activity. There is no change in outcome through the clarification being made.

This change is appropriate as it improves plan interpretation with no change in effect of rules due to the reliance on existing rule structure.

This change achieves the objective of the proposed Plan Change by improving consistency of Plan interpretation and use of definitions.

Option 2: Change status of sleepouts to permitted

This change would involve removing the controlled activity standard rules and inserting permitted activity provisions for this matter. This change would be fundamental to the way this matter is managed in the TRMP and not in keeping with the way other habitable buildings are managed in the zone. It could also allow outcomes inconsistent with the relevant policies for the zone relating to landscaping, natural and rural character which may be relevant to the location of a habitable building.

This option is not appropriate and does not achieve the objectives of the proposed Plan Change.

Option 3: Status Quo

This option is to leave the current provisions in place which therefore retains the current issue of multiple terms being used to describe a single item. This option is not appropriate and does not achieve the objectives of the proposed Plan Change.

Recommendation

Option 1 (Exclude sleepouts from permitted activity standards in Rural 3 Zone)

This option is both efficient and effective in achieving the plan change objectives of improving the interpretation of the existing provisions of the TRMP. This option is therefore considered to be the most appropriate method of achieving the objectives of the plan change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Exclude sleepouts from permitted activity standards in Rural 3 Zone	<p>This change reinforces the existing rule structure of the TRMP.</p> <p>This change improves the application and interpretation of the existing rules within the TRMP.</p>	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 does not relate to the provision of economic growth and employment.

5.9 Plan Change 73.9 - Redundant Road Area and resultant rezoning

5.9.1 Step 1: Description of the Provisions

The TRMP includes a planning overlay on Council roads within the district. This is called the 'Road Area'. Activities within this area are subject to specific rules set out Chapter 18 Special Area Rules, section 18.8. The Road Area rules allow any land use provided it '*...does not prevent or hinder the construction, reconstruction, maintenance or use of the road.*' The Road Area also provides a set of rules which relate to the laying out, construction or reconstruction of any road. The road has been legally stopped in the area shown below and therefore this proposal is to remove the Road Area as this is now redundant.

The boundary between Rural 1 and Rural 2 zones is located within the Road Area subject to this proposed change. This is zone boundary is proposed to be moved to the existing and formed Teapot Valley Road.

Why the change is necessary and what is the objective?

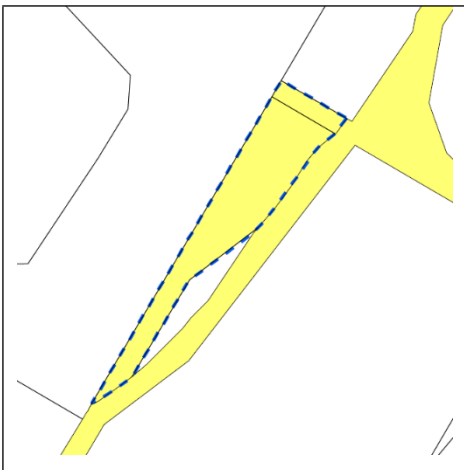
The area of land concerned was previously Legal Road held by Tasman District Council. The land was not required for roading purposes and therefore the legal road status on this land has been formally removed by stopping the road. The image below shows the areas of land involved.

Section 2, SO 484272: The land within the red outline has had the road legally stopped and the property is now owned by the neighbouring property owner. Note that the area within the green outline (Lot 1 DP 508552) was not Legal Road.

Section 1, SO 484272: The land within the yellow outline has also had the road legally stopped and is held by Tasman District Council as a Fee Simple Title.



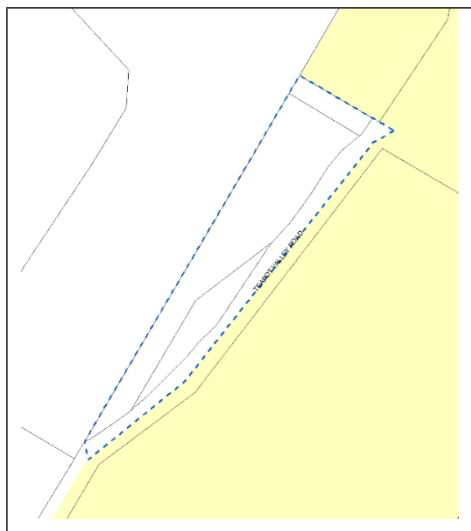
The figure below shows the current Road Area (yellow) within the TRMP which applies to these lots. The area to be removed is shown with blue dashed out line.



The removal of the Road Area from these lots (Section 1, SO 484272 and Section 2, SO 484272) is required as the lots are no longer legal road and as such the Road Area rules should not apply. The objective is to ensure TRMP provisions and rules are applied to the correct locations throughout the district.

The associated change relates to the zoning of the area. The TDC standard is that when zones are different on either side of a legal road the centre of the road is the official boundary between the two zones. As the legal road has been stopped in this location the zone boundary should now be the centre of the legal road which contains the existing and formed Teapot Valley Road. This change is also appropriate due to the sloping nature of the land and the soil type which is compatible with neighbouring land which is already zoned Rural 2.

The proposed change is shown in the image below, with the blue dashed outline indicating the area of existing Rural 1 Zone proposed to be changed to Rural 2 Zone. The area of land proposed to be changed is approximately 6400m². This area excludes the portion of land on the existing legal road (Teapot Valley Road).



There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objective of the proposed Plan Change is consistent with the purpose of the Act and results in no significant change to the existing method within the TRMP to achieve this purpose.

Consultation

The landowner has been contacted however no reply was received. No other parties have been consulted in relation to this proposed change.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Remove Road Area and associated zoning change

This option involves removing the Road Area from land which is no longer legal road and is for the purpose of ensuring TRMP provisions and rules are applied to the correct locations throughout the district. In addition, there is an associated zoning change. This meets the objectives of the Plan Change and also those of the TRMP itself as this land is no longer identified as legal road or required for a roading purpose.

Option 2: No action – retain Road Area

This option involves retaining the Road Area in the TRMP regardless of the changing status of the land.

This option is not appropriate as it does not achieve the objective of the plan change and retains a superseded plan overlay on land that is no longer legal road. This is an ineffective way of maintaining an accurate set of Plan provisions across the district.

Recommendation

Option 1 (Remove Road Area and associated zoning change)

This option is both efficient and effective in achieving the plan change objective to ensure the TRMP provisions and rules are applied to the correct locations throughout the district. This option is therefore considered to be the most appropriate method of achieving the objectives of the plan change.

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
<p>Remove redundant Road Area and associated zoning change</p>	<p>Improved consistency of the application of the Road Area within the TRMP.</p> <p>Ensures Road Area is not located on private property or other property which is not legal road. This reduces unnecessary administration and consideration of a redundant plan area in the future.</p> <p>The change of zoning ensures consistency with the remainder of the property and the TDC practice of zone changes applying at the legal road centreline.</p>	<p>Cost of undertaking the plan change process.</p>	<p>Adequate information is available to make the recommended change to the TRMP. No risk therefore remains based on the adequacy of the information.</p>

The proposed plan change item is a simple change in the location of the Road Area for consistency with provisions of the RMA. The area of land to be changed from Rural 1 to Rural 2 zone is approximately 6400m² and sloping, the change in zoning does not impact on its ability to be used for productive rural purposes. Overall the changes do not have any effect on the opportunities for economic growth and employment.

5.10 Plan Change 73.10 - Co-operative living rule status

5.10.1 Step 1: Description of the Provisions

The TRMP includes a set of plan provisions setting out a consent path, and supporting objectives and policies, for 'Cooperative living'. Cooperative living is defined in the TRMP as:

***Cooperative living** – means the use of land and buildings, including three or more dwellings, where a legal arrangement exists for the collective ownership or use of the land and buildings.*

Plan Change 60 Rural Land Use and Subdivision amended the Plan Cooperative Living provisions by:

- i) strengthening the policy framework for co-operative living (7.2.3.8)
- ii) introducing rules into Rural 1, 2 and the Rural Residential zones to guide decision makers on applications for co-operative living.

At the decision stage of Plan Change 60 the consent status for Cooperative Living changed from restricted discretionary to discretionary. The decision report notes:

A discretionary level consent pathway for a co-operative living land use application similar to the consent pathway for regular land use and building development reduces the incentive for activities that are not cooperative in purpose to make use of the consent pathway for co-operative living and provides equivalent opportunities for both 'regular' and co-operative living land use and building activity'.

The issue is the current rule provisions have inadvertently resulted in inconsistencies around the activity status of Co-operative Living in the TRMP. The discretionary activity rules require compliance with permitted rule conditions. However, one of the permitted conditions is that the activity cannot be Co-operative Living. This results in the activity being considered as a non-complying activity when it is clear from the Plan Change 60 decisions that the intended activity status was discretionary. This inconsistency needs to be corrected in the TRMP.

In addition, application of the provisions relating to Co-operative Living by Council staff has resulted in reconsidering the current requirement of complying with all permitted and controlled provisions to remain as a discretionary activity. The change to discretionary activity status allows the activity of Co-operative Living to be assessed against all matters that are relevant to any individual proposal. A Co-operative Living activity is by nature a different living arrangement than that which typically occurs. Therefore, by nature some of the existing permitted and controlled provisions may not be met or be appropriate. The intent of PC60 was to provide a pathway for this activity to be considered with relevant matters and suitability being part of that consideration as a discretionary activity. The step to non-complying activity was not intended by PC60, or the provisions that the Plan Change introduced such as the enabling policy 7.2.3.8.

Other related items are an issue in the Rural Residential Zone, where the activity was not excluded from being a Permitted activity, despite its Discretionary level status. Also, the Permitted provision which excludes sleepouts that are part of a cooperative living activity was omitted from the Rural Residential Zone. This was in error and the change will be made as a Schedule 1, Clause 20 change. It is included here for completeness.

Why the change is necessary and what is the objective?

The proposed Plan Change is necessary to ensure the intent of PC60 which addressed Co-operative Living is achieved in the TRMP. The current provisions unnecessarily trip this activity into a non-complying activity status whereas the intent was for the activity to be considered through a discretionary activity consent. Other more minor corrections are also sought to rectify errors in the TRMP where they relate to Co-operative Living.

The objective of the proposed Plan Change is to improve the existing rules relating to Co-operative Living and to better reflect the intent of Plan Change 60 decisions.

There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objective of the proposed Plan Change is consistent with the purpose of the Act and results in no significant change to the existing method within the TRMP to achieve this purpose.

Consultation

This proposed Plan Change relates to existing provisions within the TRMP. It does not change the intended outcomes or activity status and therefore no targeted consultation was undertaken.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Co-operative living rule correction confirming discretionary activity status

This option involves making changes to ensure Co-operative Living activities retain a discretionary activity status as intended by policies introduced through Plan Change 60 and the decisions made on that Plan Change.

Any aspect of a Co-operative Living proposal that does not comply with any permitted or controlled provision can be considered on its own merits rather than resulting in the activity status of the Co-operative Living activity changing to non-complying.

This change is appropriate as it improves the existing rules relating to Co-operative Living and better reflects the intent of Plan Change 60 decisions. It achieves this objective of the proposed Plan Change while still retaining the existing rule structure.

Option 2: Co-operative living rule correction as a non-complying activity

This option would involve adjusting the existing rules to more clearly provide a rule cascade through to a non-complying status. The current trigger points do not intend this outcome to occur and this is reflected through the decisions on Plan Change 60.

This option is inconsistent with the intent of Plan Change 60 and therefore does not achieve the objectives of this proposed Plan Change.

Option 3: Status Quo

This option of leaving the existing identified omissions and unintended consequences in the TRMP is not appropriate. Co-operative Living activities would retain plan provisions which do not function as intended.

This option is not appropriate in achieving the objective of the Plan Change.

Recommendation:

Option 1 is recommended as this is an appropriate way of achieving the objective of the Plan Change which is to improve the existing rules relating to Co-operative Living and to better reflect the intent of Plan Change 60 decisions.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Co-operative living rule correction confirming discretionary activity status	Improved structure and application of rules within the TRMP relating to Co-operative Living Removal of identified aspects of the TRMP which do not give the outcomes intended. Rules which more clearly achieve the intent of Plan Change 60, and reflect the enabling policies introduced through that Plan Change.	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 involves changes to existing plan provisions within the TRMP to better reflect the intended outcomes of Plan Change 60 and to correct omissions and unintended consequences. It does not have any effect on the opportunities for economic growth and employment.

5.11 Plan Change 73.11 - Richmond Intensive Development Area (RIDA) rules

5.11.1 Step 1: Description of the Provisions

The Richmond Intensive Development Area (RIDA) provides for residential intensification through a combination of infill and redevelopment in the existing central residential area close to Richmond town centre. It provides for residential intensification through a combination of infill in and redevelopment of the existing area. In addition to standard density development, medium density development in the form of Intensive development is provided through specific standards.

In RIDA, Intensive housing with a high standard of amenity is provided for through adherence to minimum standards for density, height, setbacks, bulk and scale of the housing relative to its context, and adjacent land uses, including streets.

These provisions were included in the TRMP through Plan Change 66 'Richmond Housing Choice' which became operative on 15 December 2018. Implementation of the provisions has highlighted a few discrete areas where changes are required for clarity and to ensure that the intended outcomes are achieved.

The areas of proposed change are:

Subdivision rules 16.3.3.1A(d) and 16.3.3.2B(a) – the change sought is to correct the incorrect cross reference. Currently this references a permitted standard for building construction within standard density developments. This should refer to specific standards for restricted discretionary building construction in the RIDA area.

Subdivision rule 16.3.3.1A (e) – add a new item outlining the steps to undertake in relation to boundaries around existing buildings on a site. The same change is also added to 16.3.3.2B.

Minimum allotment area rule 17.1.3.4C(c) – This rule sets a minimum allotment size of 200m² within the land use rules relating to RIDA. It is not common practice in the TRMP to manage allotment areas within the land use rules. This 200m² minimum requirement already correctly exists in subdivision rule 16.3.3.1A(a). This proposal is to delete the repeated requirement within land use rule 17.1.3.4C(c).

Building rule 17.1.3.4C (ea) – (eg). Existing rules from 17.1.3.3 are added here to avoid cross referencing within the TRMP.

Setback rule 17.1.3.4C (faa), (fab) and (fb) – Additional text, and other amendments added to clarify setback requirements.

Building envelope rules 17.1.3.4C (fd) – rules added relating to building envelopes, and side and rear boundary setbacks for buildings when there is a property boundary with a dwelling which is not part of an intensive development.

Setback rules 17.1.3.4C (fe), (ff) and (fg) – rules relating to specific setbacks from zone boundaries, rivers and dwellings are added.

Wall recess rule 17.1.3.4C (h) – the rule requires a 3m by 3m recess to be created within any exterior wall that is longer than 12m. It is unclear if this refers to depth and length, or height and length. The rule is proposed to be clarified to reflect the intention that the recess dimension refer to depth and length.

A general change is also proposed to repeat TRMP rule provisions rather than rely on cross referencing in some cases. This is simply for plan usability reasons and makes no change in the provisions themselves.

Why the change is necessary and what is the objective?

The change is necessary to improve the application of the TRMP provisions relating to development within the Richmond Intensive Development Area. This is to ensure the rules function correctly as was intended by the original plan change. The changes are set out above and relate to subdivision, setback, allotment area and wall recess requirement rules. Current cross-referencing for to specific rules in the TRMP also makes it difficult to use, where repeating may improve usability.

The objective of the proposed Plan Change is to ensure the original intent of Plan Change 66 is achieved and to improve the interpretation and usability of this section of the TRMP.

There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objective of the proposed Plan Change is consistent with the purpose of the Act and results in no significant change to the existing method within the TRMP to achieve this purpose.

Consultation

This proposed Plan Change relates to existing provisions within the TRMP. It does not change the intended outcomes or activity status and therefore no targeted consultation was undertaken.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Richmond Intensive Development Area (RIDA) rule clarifications and improvements

This option involves a number of changes to improve the interpretation of existing rules to be clear and consistent with the original Plan Change 66 intent, or to correct errors in plan drafting. Similarly, the use of cross-referencing which was included to reduce the length of the plan and to provide an obvious connection between similar sets of provisions, however this is proving to reduce the usability of the TRMP.

This option is considered to be an appropriate method of achieving the objective of the proposed Plan Change to ensure the original intent of Plan Change 66 is achieved and to improve the interpretation and usability of this section of the TRMP.

Option 2: Status Quo

This option would retain the existing provisions within the TRMP which have been identified as being unclear and confusing. This is not an appropriate option and does not achieve the objective of the Plan Change.

Recommendation

Option 1 (Richmond Intensive Development Area (RIDA) rule clarifications and improvements)

This option is effective in improving the usability of the Plan through using more specific wording to avoid ambiguity and replacing unnecessary cross-referencing. This option is therefore considered to be the most appropriate method of achieving the objective of the plan change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Richmond Intensive Development Area (RIDA) rule clarifications and improvements	Improved structure and application of rules within the TRMP relating to the Richmond Intensive Development Area Removal of identified aspects of the TRMP which do not give the outcomes intended. Rules which more clearly achieve the intent of Plan Change 66.	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 involves changes to existing plan provisions within the TRMP to better reflect the intended outcomes of Plan Change 66 and to correct omissions and unintended consequences. It does not have any effect on the opportunities for economic growth and employment.

5.12 Plan Change 73.12 - Building extension provisions in the Coastal Environment Area (Height)

5.12.1 Step 1: Description of the Provisions

The TRMP has specific provisions (rule 18.11.2.1) relating to new buildings, or building extensions, within the Coastal Environment Area. This area is delineated on the planning maps for the purposes of guiding the management of the District's coastal environment. The provisions do not allow new buildings as a permitted activity but do allow extensions to an existing building within some specified limits. One of these limits is that to remain a permitted activity the extension does not increase the existing building height. Therefore, an existing building which is over the permitted height limit can be extended up to the same height as a permitted activity. However, if an extension is to be above the existing building height then it is treated the same as a new building with applicable height limits and consent status applying.

The intent of the existing rule was to enable development of existing buildings recognising that they are already located within the Coastal Environment Area and therefore many of the effects of this are already present. This is reflected in the current rule structure.

The issue is the current rule is ambiguous in terms of a height limit on controlled activity building extensions.

The proposed change seeks to clarify the height limit controls relating to building extensions. The proposed change adds extensions into the existing controlled activity provisions:

18.11.3.1

- (f) *The maximum height of new buildings, and building extensions, in the Rural 1, Rural 1 Coastal, Rural 2, Rural 3, Rural Residential and Residential Zones ...*

Matter of control

- (1) *The effects of the location, design and appearance of the building, or building extension, including its scale, height (in the Richmond West Development Area except in the Light Industrial Zone location at Beach Road as shown on the planning maps), materials, landscaping and colour, on the amenity and natural character of the locality, having regard to the effects on:*
- a)
 - b)

Why the change is necessary and what is the objective?

The proposed change is necessary to improve the application of the existing rule by removing ambiguity around the application of height limits to controlled activity building extensions and matters of control in the Coastal Environment Area. The change clarifies that the height requirements apply to building extensions that are above the height of the existing building and that the matters of control do relate to the effects of the height of extensions to existing buildings.

The objective of the proposed change is to improve the clarity and application of existing rules within the TRMP.

There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objective of the proposed Plan Change is consistent with the purpose of the Act and results in no significant change to the existing method within the TRMP to achieve this purpose.

Consultation

No targeted consultation has been carried out in regard to this item as the change is considered to retain the same intent as expressed in the TRMP and is consistent with other applicable legislation.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Amend controlled activity rule and matter of control relating to building extension provisions in the Coastal Environment Area

The current wording of the TRMP leaves some ambiguity in relation to the management of building extensions in the Coastal Environment Area. This particularly applies to the height of building extensions. The proposed change provides a simple improvement to the application of the rule by directly relating the existing height limits and matter of control around the effects of the building's height and scale, amongst other items, to building extensions. This is an appropriate response to achieving the objective of the Plan Change.

Option 2: Treat building extensions the same as new buildings in terms of height allowance

This option would involve removing the permitted activity allowance for building extensions to be no higher than the existing building. Any extension would require resource consent and be limited to the existing height limits for new buildings within the controlled activity rules.

This change is beyond the scope of that intended for an Omnibus Plan Change as an existing building which is over the height limits would not be able to be extended at its full height as a permitted activity. In effect it changes the activity status of those extensions.

While this may be an option to progress in future plan changes it is not an appropriate method of achieving the objective of this Plan Change.

Option 3: Retain status quo

This option retains the existing wording of the rule and the matters of control and therefore does not resolve any of the ambiguity existing within the rule. This does not achieve the objectives of the proposed Plan Change.

Recommendation

Option 1 (Amend controlled activity rule and matter of control relating to building extension provisions in the Coastal Environment Area)

This option is both efficient and effective in achieving the plan change objective to remove ambiguity within the existing rule as it relates to building extensions and consideration of their height. This option is therefore considered to be the most appropriate method of achieving the objective of the plan change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Amend matter of control relating to building extension provisions in the Coastal Environment Area	Improves the application of rules within the Coastal Environment Area. Removes ambiguity around the height of extensions to existing buildings within the Coastal Environment Area.	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 does not relate to the provision of economic growth and employment.

5.13 Plan Change 73.13 - Building extensions in the Coastal Environment Area

5.13.1 Step 1: Description of the Provisions

The TRMP has specific provisions relating to building extensions within the Coastal Environment Area. This area is delineated on the planning maps for the purposes of guiding the management of the District's coastal environment. The provisions allow extensions to an existing building within some specified limits. One of these limits is the extension does not reduce the setback of the building from mean high water springs (MHWS) – see rule 18.11.2.1 b) ii).

The result of this permitted activity requirement is a number of proposals for building extensions require resource consent due a reduction in setback from MHWS. Council has found many of these have little or no adverse effect on the coastal environment due to their small scale or distance from the actual coast.

The Coastal Environment Area is set as a line generally 200m inland from MHWS. The existing controlled activity rules provide setbacks for new buildings from between 10 and 100m from MHWS depending on the zone and location – see rule 18.11.3.1 b) – e). If the new building is within those setbacks the consent moves from controlled to restricted discretionary.

The proposed Plan Change item is to enable extensions to existing buildings as permitted activities if the setback from MHWS is not reduced to less than the existing setback requirements for new buildings in rule 18.11.3.1 b) – e). If the extension is within those setbacks, then a controlled activity consent is required. This is different to the activity status for a new building within those setbacks. This is intentional as the majority of the actual or potential effects on coastal values have already been generated by the existing building which is proposed to be extended in a manner which brings it closer to MHWS.

The proposed change is:

18.11.2.1

- b) *The activity is an extension to an existing building that does not:*
- i)
 - ii) reduce the existing building setback to mean high water springs in cases where part or all of the extension is within the setbacks specified in conditions 18.11.3.1 b – e).

The change has taken into account the New Zealand Coastal Policy Statement, in particular Policy 6 Activities in the coastal environment item 1) i) *set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment.*

This change reinforces the existing setbacks in the TRMP and responds to the existing measures in the TRMP to protect the various values of within the coastal environment. The change is therefore also considered to be consistent with the applicable TRMP objectives and policies as the extensions are limited to existing setback requirements of the TRMP and are associated with buildings which already exist and influence the existing values of the coastal environment. The most relevant of which are:

Policy 8.2.3.8

To preserve natural character of the coastal environment by avoiding sprawling or sporadic subdivision, use or development.

Policy 8.2.3.16

To manage the location and design of all buildings in the coastal environment to ensure they do not adversely affect coastal landscapes or seascapes.

Why the change is necessary and what is the objective?

The change set out above is necessary to create a more effective and necessary permitted activity trigger point. The current trigger of any building extension closer to MHWS triggering consent is overly onerous. Many minor consents are required by the current rule where little or no adverse effect is created. The proposed trigger point relies on existing controlled activity setbacks for new buildings within the Coastal Environment Area. The result is existing buildings which are still within the Coastal Environment Area, but outside of the controlled activity setback requirements can be extended without resource consent being required.

This change recognises that existing buildings being extended outside of the specified setbacks have minimal effects on the values being protected by the Coastal Environment Area. Extensions which reduce the setback of an existing building to MHWS (when it is within the setbacks specified) have potential to create adverse effects and as such retain the requirement for a controlled activity consent.

The objective of the proposed change is to improve the application of an existing rule so the consent trigger is more appropriate to the potential adverse effects generated by the activity.

There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objective of the proposed Plan Change is consistent with the purpose of the Act and results in no significant change to the existing method within the TRMP to achieve this purpose.

Consultation

No targeted consultation has been carried out in regard to this item as the change is considered to retain the same intent as expressed in the TRMP and is consistent with other applicable legislation.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Provide for building extensions in the Coastal Environment Area

This change provides a more appropriate resource consent trigger point in relation to extensions of existing buildings within the Coastal Environment Area. The current trigger results in extensions requiring resource consent when there is little or no adverse effect on coastal values to consider. The proposed trigger point for consent relies on existing setbacks for new buildings and as such retains the structure of the current rule. It also provides a level of consistency between new buildings and extensions where they may impact on the coastal environment values of the area.

This option is appropriate in achieving the objective of the proposed Plan Change to improve the application of an existing rule so the consent trigger is more appropriate to the potential adverse effects generated by the activity.

Option 2: Manage building extensions through permitted activity allowances for minor extensions

A potential option is to allow extensions up to a specified size. This could be through a maximum specified percentage of the existing floor area or a limit on the number of metres an extension could move towards MHWS.

These options are difficult to develop and cannot take into account the differing potential effects depending on how far the existing building is from MHWS. To use an arbitrary number a 10% increase in floor area which is 2m closer to MHWS springs will have very different effects if the existing building is setback 10m back versus 110m. This can also change based on the zoning and existing use of a particular area.

This option is therefore not considered to be appropriate in achieving the objective of the Plan Change.

Option 3: Status Quo

This option leaves the existing rule wording and consent triggers in place. This is not appropriate in achieving the objective of the plan change and retains the current issue where activities require resource consent which have little or no adverse effect on coastal environmental values.

Recommendation

Option 1 (Provide for building extensions in the Coastal Environment Area)

This option is both efficient and effective in achieving the plan change objective of improving the application of an existing rule so the consent trigger is more appropriate to the potential adverse effects generated by the activity. This option is therefore considered to be the most appropriate method of achieving the objectives of the plan change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
<p>Provide for building extensions in the Coastal Environment Area</p>	<p>Improves the application of an existing rule within the Coastal Environment Area.</p> <p>Improved efficiency for landowners and for the Council in not requiring unnecessary resource consent applications.</p> <p>The proposals which do trigger consent are those which are more likely to have actual or potential adverse effects on coastal values requiring consideration by Council.</p> <p>Activities which require resource consent under this proposal already required consent under the existing rules. No additional consents are required, or new activities resulting in the need for consent.</p>	<p>Cost of undertaking the plan change process.</p>	<p>Adequate information is available to make the recommended change to the TRMP. No risk therefore remains based on the adequacy of the information.</p>

The proposed Plan Change item does not relate to the provision of economic growth and employment.

5.14 Plan Change 73.14 - Remediation of relocated building sites in the Coastal Risk Area

5.14.1 Step 1: Description of the Provisions

The TRMP includes provisions relating to the construction or alteration of buildings within the Coastal Risk Area. The rule allows for relocatable, non-habitable buildings as permitted activities, and for relocatable buildings, which are not dwellings, as restricted discretionary activities.

The clear intent of the rules is that these buildings are relocatable. The issue to be resolved is there is no restricted discretionary matter in relation to actions to take upon the eventual relocation of those buildings.

The proposed Plan Change is to amend an existing restricted discretionary matter in rule 18.9.2.2 to state:

3) The effects of the proposed activity, including the effects of eventual building relocation and site remediation, on natural character.

Why the change is necessary and what is the objective?

The proposed change set out above is necessary to improve the application of the existing rule and restricted discretionary matter to ensure appropriate consideration can be given to the eventual relocation of buildings within with Coastal Risk Area.

The objective of the proposed change is to correct a gap in the existing matters to which Council has restricted its discretion. There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objective of the proposed Plan Change is consistent with the purpose of the Act and results in no significant change to the existing method within the TRMP to achieve this purpose.

Consultation

No targeted consultation has been carried out in regard to this item as the change is considered to retain the same intent as expressed in the TRMP and is consistent with other applicable legislation.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Amend restricted discretionary matter to provide for the clean-up of relocated building sites in the Coastal Risk Area

This change is set out above and explicitly allows the regulatory authority to consider the effects of eventual building relocation on the environment. It also allows the imposition of conditions on a restricted discretionary activity consent in relation to the eventual building relocation. This is important to ensure sites are tidied up and remediated as may be required within the Coastal Risk Area. This option is an appropriate method for achieving the objective of the proposed Plan Change.

Option 2: Retain status quo

This option does not place a specific acknowledgement of the eventual building relocation within the matters to which Council restricts its discretion. Therefore, this does not allow this matter to be considered as part of a consent process under this rule and does not achieve the objective of the proposed Plan Change.

Recommendation

Option 1 (Amend restricted discretionary matter to provide for the clean-up of relocated building sites in the Coastal Risk Area)

This option is both efficient and effective in achieving the plan change objective of correcting a gap in the existing matters to which Council has restricted its discretion. This option is therefore considered to be the most appropriate method of achieving the objectives of the plan change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Amend restricted discretionary matter to provide for the clean-up of relocated building sites in the Coastal Risk Area	<p>Improves the consideration of consents within the Coastal Risk Area.</p> <p>Ensures that the effects of the eventual relocation of buildings within the Coastal Risk Area are able to be adequately assessed during the resource consent process.</p> <p>Improved environmental outcomes through conditions relating to site clean-up and remediation if this is required.</p>	<p>Cost of undertaking the plan change process.</p> <p>Eventual financial cost on a landowner of site clean-up and remediation if this is required.</p>	<p>Adequate information is available to make the recommended change to the TRMP. No risk therefore remains based on the adequacy of the information.</p>

The proposed Plan Change item does not relate to the provision of economic growth and employment.

5.15 Plan Change 73.15 - Exemptions to height and daylight controls for solar panels

5.15.1 Step 1: Description of the Provisions

The TRMP includes rules which limit building height and restrict building location in relation to boundaries. This is through the daylight recession planes. To provide flexibility some exceptions are provided to allow for elements such as chimneys, finials and aerials to extend through the height limits. This occurs through TRMP Chapter 2 'Meanings of Words' which exempts these elements from the calculation of building height.

In terms of daylight measurements in the Residential Zone exemptions are currently provided for gable ends of roofs (within specified dimensions) which have a ridge running generally at right angles to the boundary. In addition, aerials are excluded from the definition of buildings and therefore from requiring compliance with daylight controls.

There is no current allowance for roof mounted solar panels to extend beyond daylight or height controls. This Plan Change proposes to provide this allowance to enable solar panel installation, within limits. The proposed changes are:

The proposed Plan Change is to amend an existing definition of height (Chapter 2) and daylight rule 17.1.3.1 to state:

Proposed change - Height:

Chapter 2 – Meanings of Words

Height – In relation to a building, means the vertical distance between ground level at any point and the highest part of the building immediately above that point. For the purpose of calculating height, account is taken of parapets, but not of:

.....

.....

Solar panels, provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 0.25 metres.

Proposed changes - Daylight:

17.1.3.1

- m) *No building projects beyond a building envelope constructed by daylight admission lines commencing from points 2.5m above ground level from all side and rear boundaries. The angle to be used is to be determined using the diagram in Schedule 17.1A, except that.*
- i) *For any roof with a slope of 15 degrees or greater and the roof ridge generally at right angles to the boundary, the end of the ridge may be up to 1.5 metres above the daylight admission line and the end area up to 2.5 square metres when viewed in elevation, and*
- ii) *Any solar panel mounted flush to a building roof may project through the daylight admission line, provided they extend no greater than 250mm above the roof plane on which they are mounted*

Why the change is necessary and what is the objective?

The proposed change is necessary as no allowance is currently made for solar panel installation on buildings in the Residential Zone. The change seeks to enable installation in cases where the existing building is built to the maximum building height, or the maximum extent of the daylight envelope without the need for resource consent. While not being a full Plan Change to give effect to all Objectives and Policies of the National Policy Statement for Renewable Electricity Generation 2011 this change does give effect, at least partially, to the following objectives of the NPS:

- A: Recognising the benefits of renewable electricity generation activities
- E. Incorporating provisions for renewable electricity generation activities into regional policy statements and regional and district plans.
- F. Incorporating provisions for small and community-scale renewable electricity generation activities into regional policy statements and regional and district plans.

In addition, the change is necessary as many building consent applications (when these are required) for solar panel installation do not show daylight or height limit lines. The need for this to be shown would be negated for flush mounted solar panels less than 250mm above the roof on which they sit. This improves building consent efficiency. Also, the scale of an individual installation often means that a requirement for resource consent makes the project unviable.

The objective of the Plan Change is to give effect to aspects of the objectives and policies of the NPS. In addition, it is to provide a permitted activity pathway, in regards to height and daylight controls, for flush mounted solar panel installation which recognises their small-scale nature.

There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objectives of the proposed Plan Change are consistent with the purpose of the Act and result in no significant change to the existing method within the TRMP to achieve this purpose.

Consultation

Consultation has been undertaken with a solar industry representative in regard to the nature of current solar installations. They have advised that previously solar water heating devices were much more common. Technology has improved and now photovoltaic (PV) panels make up the majority of domestic installations. The key difference is solar water heaters are elevated above the roof plane at an angle while the majority of PV solar panels are flush mounted.

Based on this advice the provision making an allowance for solar panel has provided for flush mounted PV panels as this makes up a significant portion of the solar panels installed and has an effect similar to the existing roof plane and the exemptions already provided.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Provide a permitted activity route for all solar panels

This option would see a wider range of solar panels includes as exemptions to height limits and daylight indicator planes. This would enable panels which are mounted at an angle to the roof plane, or solar water heaters which typically sit higher above the roof than flush mounted PV panels to extend through the height and daylight limits. This option is enabling of solar panel installation. However, it is not considered an appropriate option as the level of effect of a long line of solar panels mounted at an angle to the roof, or a taller water heating system, could be substantial in terms of shading or visual dominance in cases where they exceed the height and indicator planes.

This option is not considered to be an appropriate method of achieving the objectives of the Plan Change as the level of potential effect generated by the permitted standard would exceed the positive effects of further enabling solar panel installation.

Option 2: Provide a permitted activity route for flush mounted solar panels

Option 2 is effectively a scaled back version of option 1 where the solar panels which are allowable through exemptions to height and daylight rules are limited to those which are flush mounted to a roof surface and extend above this by no more than 250mm. The benefits of this are two-fold. Firstly, it enables these solar panels to be installed on a roof surface where the roof is at the maximum height or daylight indication plane as a permitted activity. Secondly it means any building consent applications for flush mounted solar panels do not need to show height limits or indication planes as they would be permitted anyway. This is a common issue with these applications. Flush mounted PV panels make up the majority of solar panel applications and enabling them, and simplifying any building consent process, is provides for renewable energy generation. The level of effect of this allowance is also compatible with the level of effect of other exemptions to the height and daylight rules.

Note that under both option 1 and 2 solar panel installations that comply with height and daylight rules can be carried out as a permitted activity with only a building consent required in some circumstances.

This option is considered to be appropriate in achieving the objectives of the Plan Change.

Option 3: Status Quo

This option leaves the existing rule wording in place which does not result in the increased promotion of renewable energy generation in the form of flush mounted solar panels. This is not appropriate in achieving the objective of the plan change and retains the current issues around some solar panel installations requiring resource consent, and others requiring increased information to be provided in the building consent applications.

Recommendation

Option 2 (Provide a permitted activity route for flush mounted solar panels)

This option is both efficient and effective in achieving the objective of the Plan Change to give effect to aspects of the objectives and policies of the NPS and to provide a permitted activity pathway for flush mounted solar panel installation which recognises their small-scale nature.

This option is therefore considered to be the most appropriate method of achieving the objectives of the plan change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Provide a permitted activity route for flush mounted solar panels	<p>Provides a permitted activity route for the installation of flush mounted solar panels.</p> <p>Simplifies the building consent process where this is required.</p> <p>Meets the intent of the NPS for Renewable Energy Generation by providing for flush mounted solar panel installation.</p> <p>Reduces the potential for, and the complexity and cost of, consenting processes for solar panels.</p>	<p>Cost of undertaking the plan change process.</p> <p>Does not enable all solar panels as a permitted activity.</p>	<p>Adequate information is available to make the recommended change to the TRMP. No risk therefore remains based on the adequacy of the information.</p>

The proposed Plan Change item does not relate to the provision of economic growth and employment.

5.16 Plan Change 73.16 - Protection of indicative road and reserves, and updating positioning and existence

5.16.1 Step 1: Description of the Provisions

Building Placement

Tasman district has several areas which are experiencing growth, particularly in the urban fringes. In addition, other areas lack resilience in the existing road network. The TRMP currently includes rules in several zones, and development areas within zones, designed to protect the indicative road and reserve network. These rules have two key aspects. The first is that these indicative areas form part of the consideration of the roading and reserve pattern when an area of land is developed. This is through the subdivision rules, 'Schedule 16.3A Assessment Criteria for Subdivision', and in the case of indicative roads associated Schedule 16.3B. The second is a suite of rules which manage building placement when a landowner seeks to erect or alter a building within, or adjacent to, an indicative road or reserve. The proposed change considers the second suite of rules relating to building placement.

A typical example of a rule that currently manages building placement is in the Residential Zone where the rule only manages building placement within the Richmond West, Richmond South, Richmond East or Motueka West development areas.

The Residential Zone rule is 17.1.3.1 b) Permitted activity rules (Residential Zone Building Construction or Alteration – Standard Density), which states:

- b) The activity is not the construction or alteration of any building within or 10 metres from any indicative road or indicative reserve in the Richmond West, Richmond South, or Richmond East or Motueka West development areas as shown on the planning maps.*

This example highlights the issue as it shows that indicative roads and reserves within those specified development areas have protection while indicative roads and reserves outside of those areas are not protected in the same way.

The proposed change is to replicate a version of this existing rule in all zones, so it applies wherever indicative roads or reserves are found in the Tasman District. This would ensure that rules relating to the protection of indicative roads and reserves apply throughout the region regardless of where they are located.

The proposed rules retain the same trigger points which currently exist in areas which currently have protection. This is generally a 10m building setback requirement, aside from the light industrial zone where the setback requirement is 5m from indicative reserves. If the permitted standards are breached a restricted discretionary activity resource consent would be required. The exception is within the mixed business zone where the activity status is non-complying as is currently the case in the TRMP.

The proposal is also to modify the existing rule to ensure that it does not continue to apply after the intended road or reserve is established. A modification is also proposed to ensure that the setback rule does not apply on neighbouring properties to that which actually contains the indicative item.

Indicative Road, Reserve and Walkway Placement

In some cases, the positions of indicative roads, reserves and walkways require correction to reflect changing development patterns and outcomes sought by Council. In some cases, the position has been changed based on improved knowledge of restrictions that might limit the establishment of a physical road. The revised positions ensure that the future networks are only those that are required to achieve logical connections, an efficient and resilient road network, and reserves within each area as it develops. In some cases, this involves deleting indicative items where they are no longer required. Changes are also proposed within Schedule 16.3A and 16.3B to clarify what Council will consider when determining the final location of an actual road when this may differ from the indicative road position.

The tables within the consultation section below include the proposed actions on the more significant items where change was sought or proposed.

Why the change is necessary and what is the objective?

A change is necessary in two areas. Firstly, the TRMP does not include rules relating to building placement which cover all zones, and areas within zones. Therefore, in some locations a resource consent is required if a building is to be built in, or within 10m of, an indicative road or reserve, while the same scenario in another area does not require consent. This can lead to the erection of buildings which then restrict the creation of the desired connections or reserves in the future. It is acknowledged that at the scale of most developments the ultimate removal of a building to enable a road or reserve to be created is not prohibitive. It is however not a desirable outcome and Council considers it more effective to enable consideration of the building's placement initially. This allows consideration of the continued ability to achieve the desired connection, or reserve, in the future with the building in place. This would be through the introduction of a rule covering building placement in relation to indicative roads and reserves in all zones and areas.

The objective of this first change is to improve the consistency of rules across the TRMP, and to increase the level of protection of the future road connections and of reserve networks.

The second aspect is the positioning of some indicative roads, reserves and walkways requires correction due to development patterns or requirements in the area. This change is to improve the positioning of these items on the planning maps. It is acknowledged that the roads and reserves positions are still indicative. The final location will only be known once concept and detailed design commences on individual developments.

The objective of this change is to improve the accuracy of TRMP planning maps in terms of those indicative road and reserve where their placement is proposed to be modified.

The modifications to the building setback rule are proposed to ensure it non-longer applies after the indicative is established and does not apply to neighbouring properties. This is necessary to ensure the rule only applies when required and does not unnecessarily impact on neighbouring properties.

There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objectives of the proposed Plan Change are consistent with the purpose of the Act and result in no change to the existing method within the TRMP to achieve this purpose. The change is to ensure the same method of protection is used throughout the region wherever these indicative items appear.

Consultation

Letters have been sent to all owners of land on which an indicative road or reserve exists, and land which is within 10m of an indicative road or reserve. This contact covers those properties where new rules are proposed to be introduced, and also where the position of the indicative road or reserve is being revised.

The consultation has not included properties where the indicative road or reserve is unchanged and where the rule managing the location of buildings already exist.

A substantial amount of feedback has been received from landowners who received the correspondence. There has been some in support, but the majority have expressed concern, or had questions about the reasons for the indicative roads or reserves.

The main aspects of the feedback received are:

5.16 - Table 1: General feedback responses

	Comments	Response
Indicative Road or Reserve was not known to them	Some landowners were not aware that an indicative road or reserve existed on or near their land.	Time was spent explaining what the indicative item was seeking to achieve and what the existing provisions are. In addition any changes to this were highlighted.

<p>Did not support Indicative road or reserve position or their existence</p>	<p>Some landowners do not support the indicative road or reserve even if no changes are being made to it in the scope of this proposed Plan Change. Their preference is for it to be removed.</p>	<p>Explained that most existing indicative roads or reserves are not proposed to be removed or adjusted as part of this plan change. More substantial changes to the location or existence of indicative roads or reserves could be considered as part the full review of the TRMP which is currently being progressed.</p> <p>In some cases, portions of the indicative roads and reserves on a landowner’s property are proposed to be removed.</p>
<p>Do not support the addition of a rule managing building placement</p>	<p>Some landowners consider that imposing a rule managing the placement of buildings in relation to the indicative items is an unnecessary imposition on their land.</p>	<p>The reasons for the proposed rule were explained and the point made that this is the same provision that already applies in other areas of the district.</p> <p>The additional rule contains a pathway to consent approval provided the connectivity intended by the indicative road can still be achieved. This is not considered to be an unfair burden when considered against the overall community benefit and retains the ability to achieve reasonable use of the land.</p> <p>To improve the application of the rule a new component is added to ensure it only applies to the land where the indicative item is present rather than to neighbouring properties which may be within 10m of the item but have no impact on its eventual establishment.</p>
<p>Seeking removal of the rule once the indicative item has been established</p>	<p>Some landowners and their agents noted that the rule currently still applies after the road or reserve has been created as the indicative item notation remains in place until removed through a further plan change process.</p>	<p>An adjustment to the rule is proposed so that the management of building placement no longer occurs after a road or reserve appears on an LT plan and is approved through the s224 process of a subdivision. This ensures the rule would not trigger the requirement for a resource consent when this is no longer required.</p>
<p>Seeking repositioning of indicative roads or reserves to reflect intended development patterns</p>	<p>Some developers/landowners asked that this process include repositioning of the indicative road network on their land to reflect their intended development pattern</p>	<p>The repositioning or deletion of indicative roads / reserves to reflect intended development patterns has not been progressed through this plan change. Changes of this nature can impact on the functioning of the wider roading network and as an example may result in an intersection in a new position, or more through traffic being directed to a single access road through an existing housing area.</p> <p>These are more substantial effects that this plan change has not consulted widely enough on. The consideration of the effects of changes that may have effects on other property owners or the wider community are more appropriately considered during a subdivision consent process, or as part of a plan change with a wider scope.</p>
<p>Raising various other issues relating to urban growth and road expansion</p>	<p>Many other issues and concerns were raised around the expansion of urban areas, additional traffic movements,</p>	<p>This consultation exercise has highlighted to some landowners the potential for urban growth or roading near their properties. The zoning patterns and indicative road/reserve networks are already in place in the TRMP and not sought to be</p>

	<p>reduction in amenity and loss of property value.</p> <p>Other landowners with development aspirations have asked about Council's plan in their area.</p>	<p>substantially changed by this proposal. The concerns of the landowners were acknowledged but are not issues intended to be addressed by this plan change.</p> <p>For land with development potential the relevant Council staff have been put into contact with the landowners or developers to discuss what is proposed, or already exists on their land. In most cases this is a continuation of conversations that have been occurring over the years.</p>
Suggesting various mapping improvements where indicative roads have been established through subdivision	In some cases landowners have pointed out where actual roads have been created and the indicative road can be deleted	Maps have been updated to reflect this situation to ensure accuracy.

5.16 - Table 2: Specific comment around actions relating to individual indicative roads

	Request	Response
Aranui Road area, Mapua	A number of neighbouring residents and the Community Association raised concern around the existing indicative road exiting onto Aranui Road.	Jamie McPherson, TDC's Transportation Manager meet with the Community Association. The indicative road is proposed to remain through this current process (which did not seek to change this) but there is likely to be an opportunity to discuss this further in the upcoming district plan review process.
Pohara/Ligar area	A large number of landowners raised issues around the existing indicative road network, and the proposed changes to this.	A number of the proposed changes have been removed from the Plan Change as it was recognised these were a more substantial change that would require consultation and supporting information. Some proposed deletions are retained, and two changes in position of an existing indicative road are also retained in a more appropriate position. Existing indicative roads that were not proposed to be removed have been retained. If these are to be removed in the future this would be considered as part of a wider project looking at changing the indicative road alignments across the Pohara/Ligar Bay area.
Bayview Heights / Little Kaiteriteri / Stephens Bay area	The landowner concerned and a number of neighbours sought changes to the alignment or existence of these existing indicative roads	No changes are proposed to the existing indicative road alignment (aside from a minor removal from a neighbouring private property). Wider changes are considered to be a more substantial matter that would require additional consultation and supporting information.
Bryant Road, Brightwater	The landowners concerned sought the deletion, or the repositioning of the indicative road.	No changes are proposed to the existing indicative road alignment (aside from a minor removal from a neighbouring private property). Wider changes are considered to be a more substantial matter that would require additional consultation and supporting information.
Courtney Street, Motueka	A suggested realignment of the existing indicative road was suggested.	No changes are proposed to the existing indicative road alignment. Wider changes are considered to be a more substantial matter that would require additional consultation and supporting information.
Longfields Road, Brightwater	The removal of the existing indicative road was sought.	No changes are proposed to the existing indicative road alignment. Wider changes are considered to be a

		more substantial matter that would require additional consultation and supporting information.
Lord Auckland Road, Wakefield	The removal of the existing indicative road was sought.	No changes are proposed to the existing indicative road alignment. Wider changes are considered to be a more substantial matter that would require additional consultation and supporting information.
Lower Queen Street, Richmond	A number of landowners have sought changes to the existing indicative roads, or in two specific cases landowners have sought the retention of the indicative road that is proposed to be removed.	No changes are proposed to the existing indicative road alignment. Wider changes are considered to be a more substantial matter that would require additional consultation and supporting information. It is likely the indicative road alignment in this area will be considered during a separate planning process. Council intends to progress with the proposed removal of the existing indicative road connecting to Lower Queen Street. The additional intersection on Lower Queen Street is not desired due to impacts on the function of Lower Queen St and the low-lying nature of this area impacts on its resilience and ability to future proof the network. The landowners can still privately access Lower Queen St and the wider area can still be served by the remaining indicative road network when this is established.
Mapua Drive	The removal or realignment of the existing indicative road was sought.	No changes are proposed to the existing indicative road alignment. Wider changes are considered to be a more substantial matter that would require additional consultation and supporting information.
Martin Farm Road, Kaiteriteri	The need for the existing indicative road and its alignment was questioned.	No changes are proposed to the existing indicative road existence, however some changes to the alignment have been proposed to better reflect the topography.
McRae St, Wakefield	The extent of the indicative road network and the connections were questioned.	Some changes have been made to the indicative roads as aspects of these are unnecessary. The proposed connections however are retained.
Newhaven Crescent, Marahau	The existence of this indicative road and the connection it would form was questioned.	No changes are proposed to the existing indicative road. Wider changes are considered to be a more substantial matter that would require additional consultation and supporting information.
Queen Victoria Street, Motueka	A number of requests were made to change the positions of the existing indicative roads.	No changes are proposed to the existing indicative roads. Wider changes are considered to be a more substantial matter that would require additional consultation and supporting information.
Seaton Valley Road, Mapua	Concerns were raised around a proposed new connecting road.	This new indicative road is no longer proposed as the change originally sought was not sufficiently justified for inclusion within the current omnibus plan change process. Minor realignments of the existing indicative road are to be progressed.
Wanderers Ave, Brightwater	Concerns were raised around the proximity of the existing indicative road to neighbouring properties, and around the process of establishing those indicative roads originally. Realignment was sought.	The process of establishing the indicative road in this location originally is being discussed outside of this current process. No changes are proposed to the existing indicative road location. Wider changes are considered to be a more substantial matter that would require additional consultation and supporting information. This is not part of the intent of the Omnibus PC.

73.16 - Table 3: Specific comment around actions relating to individual indicative reserves

	Request	Response
Champion Road	Concern was raised around the existing indicative reserve and its impact on the property.	No changes are proposed to the existing indicative reserve.
Mapua Inlet	Questions were asked around the positioning of the existing indicative reserve on this property.	The indicative reserves have been reduced in size to concentrate on the esplanade around the Mapua Inlet. The protection of the revegetated areas can be achieved in other ways beyond vesting as reserve.
Mapua Coastal Margin	A number of responses were received questioning the existing indicative reserve positioning.	The indicative reserves have been refined in location based on the ownership of the land, stage of land development, and ability for Council to provide public access in the area.
Seaton Valley Road	Concern was raised over the restrictions proposed due to the scale of the indicative reserve.	Until Council is able to confirm the provision of a reserve of suitable size the intent is to retain the current indicative reserve arrangement. The ability to construct any buildings within this area is able to be considered through the proposed resource consent process.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Include rules in all zones individually where indicative roads and reserves exist

This option would see the existing rules which apply in some zones being placed within all zones where indicative roads and reserves are located. This would require the rules to be included in each zone section within the TRMP. The current rule within the Residential Zone of the TRMP is copied in step 1 above. Note that modifications to the rule to improve its application are also proposed as part of this option.

Changing the rule so it applies throughout the zone and including it within each other zone would achieve the objective of the Plan Change. While this can be seen as an inefficient way of including a common provision that applies across multiple zones within a planning document, it does provide a substantial improvement in plan readability. The provisions relate to building setbacks and as such it is sensible to locate them within the other suite of setback rules that apply within each zone of the TRMP.

This option would also allow for changes in position of the existing indicative roads, reserves and walkways where these are incorrect or outdated due to changes in development patterns and requirements.

This is an appropriate method of achieving the objective of the Plan Change by providing for protection of the indicative roads and reserves.

Option 2: Include new rules in Chapter 16 General Rules which apply to all zones

This option would see a similar rule to that noted above within Chapter 16 of the TRMP.

The rule cascade would result in the activity status remaining as restricted discretionary and it would apply across the district in any zone or area where an indicative road or reserve exists. As noted in the proposed rule above individual differences in requirements between zones which currently exist within the TRMP can still be accommodated. These differences relate to the setback requirements in the Light Industrial Zone.

The placement of this rule in the general rule chapter where provisions apply across all zones has the advantage of providing a single location where this rule common to all zones can be located. This ensures consistent application of the rules wherever the indicative roads or reserves exist. However, in terms of plan readability these provisions are often missed by plan users who would expect all the plan provisions relating to setback rules to be found in the zone they are looking at. For this reason, Option 2 is not considered to be an appropriate way of achieving the objectives of the plan change.

This option would also allow for changes in position of the existing indicative roads and reserves where these are incorrect due to changes in development patterns and requirements.

Option 3: Undertake a full review of the indicative road, reserve and walkway provisions and placement

This option would involve a full review of the positions and existence of indicative roads, reserves and walkways throughout the Tasman District, including the plan provisions that relate to them. This would be a significant exercise requiring detailed consultation and investigation across multiple properties. The current provisions are considered to function well in a general sense and have not been identified as requiring a full revision. The indicative nature of the road, reserve or walkway locations allow for their refinement during the subdivision and development process. A district wide effort to refine the positions prior to more detailed design would likely not result in the indicative items reliably being in the final position of the road, reserve or walkway.

This full review option is more appropriately considered within the scope of a dedicated plan change process, or during the full review of the Tasman Resource Management Plan. It is acknowledged that in some cases the existing positioning is not accurate however this can be managed through the existing provisions and the consenting process.

Option 4: Status Quo

The existing rules can be left in place, and the position of the various indicative roads and reserves can be maintained in their current positions. This is not an appropriate method of meeting the objectives of the Plan Change as it does not resolve the issue of buildings potentially being constructed within the path of an indicative road or reserve. It also does not update the positioning of some of the roads and reserves.

Recommendation

Option 1 (Include rules in all zones individually where indicative roads and reserves exist)

This option is both efficient and effective in achieving the plan change objectives to ensure the TRMP rules provide a consistent degree of protection of indicative roads and reserves throughout the district regardless of where these occur. It also allows for updating of the location of these items to improve the accuracy of the TRMP. This option is therefore considered to be the most appropriate method of achieving the objectives of the plan change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Restricting buildings within indicative roads and reserves and	Ensures consistent application of rules across all indicative roads and reserves where these appear in the TRMP. Improves the level of protection of indicative roads and reserves across the TRMP, which improves the ability	The change can limit the placement of buildings on some properties. Introducing a building setback rule in areas where the indicative	Adequate information is available to make the recommended change to the TRMP. No risk therefore remains

rule modifications	<p>to effectively plan the future development of the region.</p> <p>Supports community outcomes by increased future resiliency and integration of the roading and reserves networks.</p> <p>The restrictions retain at least one potential road route or reserve location noting that other routes and locations may be agreed in the future for some locations.</p> <p>Revisions to the existing rules improves their application and removes the potential to trigger unnecessary resource consents.</p>	<p>road location is uncertain can result in restrictions being applied to road routes that may not ultimately be formed.</p> <p>Some restriction on land use (buildings) by the protection of indicative roads from building development.</p> <p>This change results in the need for a resource consent process where this did not previously exist on some properties.</p> <p>Cost of undertaking the plan change process.</p>	<p>based on the adequacy of the information.</p>
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Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Indicative road, reserve and walkway location corrections.	<p>Improves the accuracy of the indicative road and reserve placement for those areas which are adjusted.</p> <p>Corrects known issues with the placement of some indicative roads, reserves and walkways where there is sufficient information to do so.</p> <p>Provides increased certainty to landowners and the community.</p> <p>Enables some simpler corrections to be undertaken during this plan change process while changes that may require more information will be considered for inclusion in the in the full review of the TRMP currently underway.</p>	<p>In some indicative road locations detailed investigations will be required as part of future development to identify the final location of the desired connection.</p> <p>Wider changes to the indicative road networks will be considered for inclusion in the full review of the TRMP currently underway. Deferring this more complete review of indicative road locations may result in uncertainty and cost to some individual landowners in the interim.</p> <p>Cost of undertaking the plan change process.</p>	<p>Adequate information is available to make the recommended changes to the TRMP. No risk therefore remains based on the adequacy of the information.</p> <p>There is insufficient information currently available to undertake a wider revision of the location or existence of the indicative roads or reserves within this current plan change process.</p>

The proposed Plan Change item does not relate to the provision of economic growth and employment. The indicative road and reserve networks already exist and existing rules in the TRMP require their consideration and provision during the subdivision process.

5.17 Plan Change 73.17 - Deferred zone rules to enable automatic removal of indicative road, reserves and walkways once vested

5.17.1 Step 1: Description of the Provisions

The TRMP utilises deferred zones as part of the management of growth. These are described in section 17.14.20 as:

These zones are temporary, transitional zones on land which the Council wishes to retain for future urban, more intensive activities, either when more appropriate levels of servicing are available or after a time period to maintain a coherent urban form.

These deferred zones are typically within the urban areas. Urban areas also often have indicative roads, reserves and walkways shown. These are shown to ensure consideration of their establishment is part of the development planning process. There is no current clear and simple method of removing the indicative roads, reserves or walkways from the planning maps once the item has been established.

The proposal is to allow the indicative road, reserve or walkway to be removed from the TRMP planning maps once land for the purpose of these items has been vested in Council.

The proposed change is to include a specific provision in TRMP rule 17.14.2 Procedure for Removal of Deferral which manages the removal of indicative road, reserve or walkway symbology from the TRMP planning maps.

17.14.2

(a) Indicative road, reserve or walkway symbology shall be removed once land has been vested with Council for the purpose of the intended road, reserve, or walkway, or the land has been otherwise acquired by Council for these purposes.

Why the change is necessary and what is the objective?

This change is necessary to enable a clear and simple process to be followed for the removal of the indicative road, reserve and walkway symbology from the TRMP planning maps when those items have been provided for.

This is proposed to be positioned within TRMP chapter 17.14 Deferred Zone Rules even though some of these indicative items are not found within deferred zones. This is an administrative matter relevant to Tasman District Council themselves. The placement within the deferred zoning section is logical as it is part of this Council process that will often result in the removal of the indicative item.

The objective of the change is to create a simple process to ensure the TRMP is maintained as an up-to-date document in relation to indicative roads, reserves and walkways. There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objective of the proposed Plan Change is consistent with the purpose of the Act and results in no significant change to the existing method within the TRMP to achieve this purpose.

Consultation

No targeted consultation has been undertaken as this change only applies to areas which are already shown as indicative roads, reserves or walkways. Also, the change currently proposed is only to remove the indicative item once land for the road, reserve or walkway is vested in Council. It does not introduce any restriction on the rights or interests of any property owners or other groups.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Deferred zone rules to enable automatic removal of indicative road, reserves and walkways once vested

This option is to allow the removal of the indicative road, reserve or walkway symbology once land for the road, reserve or walkway is vested in Council. The specific nature of the proposal is described above.

The option is an appropriate method for achieving the objective of the Plan Change.

Option 2: Status Quo

This option retains the current situation where no specific provision is made for the removal of indicative roads, reserves and walkways. This results in situations where the subdivision and associated roads, reserves and walkways have been created but the indicative symbol remains, in some cases over private land when the road, reserve or walkway has been created in a different location.

The option is not an appropriate method for achieving the objective of the Plan Change.

Recommendation

Option 1 (Deferred zone rules to enable automatic removal of indicative road, reserves and walkways once vested)

This option is both efficient and effective in achieving the plan change objective to create a simple process to ensure the TRMP is maintained as an up-to-date document in relation to indicative roads, reserves and walkways. This option is therefore considered to be the most appropriate method of achieving the objective of the plan change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Deferred zone rules to enable automatic removal of indicative road, reserves and walkways once vested	Improves the application of specified existing provisions within the TRMP. Is a simple fix that does not create other changes or impacts on property rights.	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 does not relate to the provision of economic growth and employment.

5.18 Plan Change 73.18 - Automatic lifting of fire ban and fire sensitive area deferral

5.18.1 Step 1: Description of the Provisions

The TRMP utilises deferred zones as part of the management of growth. These are described in section 17.14.20 as:

These zones are temporary, transitional zones on land which the Council wishes to retain for future urban, more intensive activities, either when more appropriate levels of servicing are available or after a time period to maintain a coherent urban form.

These deferred zones are typically within the urban areas. Urban areas also typically have Fire Ban or Fire Sensitive Area restrictions in place to manage outdoor burning in these more intensively developed areas. Currently the TRMP only provides for the Fire Ban Area to automatically apply to the Richmond West Development Area when its zone deferral is lifted. Other areas do have deferred Fire Ban or Fire Sensitive Areas identified but no clear method of lifting this deferral.

The proposal is to allow for current or future deferred zones to have the deferred Fire Ban or Fire Sensitive Area lifted at the same time as the zone deferral is lifted.

The proposed change is to include a specific provision in TRMP rule 17.14.2 Procedure for Removal of Deferral which manages lifting of the deferred Fire Ban or Fire Sensitive Area status.

17.14.2

(a) When a resolution of Council is made for the removal of the deferred status of an area's zoning, this will also apply to the removal of the deferred status of the applicable Fire Ban or Fire Sensitive Area where either exist.

Associated with this is the removal of two current notes regarding removing deferred fire status in specified areas as these become redundant with this addition.

Why the change is necessary and what is the objective?

The change outlined above is necessary as there is no current explicit provision in the TRMP which allows the removal of the deferred Fire Ban or Fire Sensitive Area status from land once the zoning deferral is lifted. The current provisions only reference Richmond East and West.

The objective of this change is to improve the application of existing deferred area references within the TRMP. There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objective of the proposed Plan Change is consistent with the purpose of the Act and results in no significant change to the existing method within the TRMP to achieve this purpose.

Consultation

No targeted consultation has been undertaken as this change only applies to areas which are already shown as deferred Fire Ban or Fire Sensitive Areas. The change currently proposed only makes the process of removal of this deferral more specific. It does not introduce any restriction on the rights or interests of any property owners or other groups.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Allow for the removal of fire ban and fire sensitive area deferred status

This option enables the deferred status of Fire Ban and Fire Sensitive areas to be removed without further formality when the deferred status of the zoning is removed. This is a simple and appropriate method of ensuring the intended fire area applies and in achieving the objective of the Plan Change.

Option 2: Status Quo

This option would retain the existing notes about removing the deferral of the fire area in Richmond East or West. This would not allow for other deferred areas to be clearly removed when the underlying zone deferral is removed. This is not an appropriate method and does not achieve the objective of the Plan Change.

Recommendation

Option 1 (Allow for the removal of fire ban and fire sensitive area deferred status)

This option is both efficient and effective in achieving the plan change objectives to ensure the TRMP provisions provide a clear pathway for the removal of the deferral. This option is therefore considered to be the most appropriate method of achieving the objective of the plan change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Allow for the removal of fire ban and fire sensitive area deferred status	Improves the application of specified existing provisions within the TRMP. Is a simple fix that does not create other changes or impacts on property rights.	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 does not relate to the provision of economic growth and employment.

5.19 Plan Change 73.19 - Permitted activity rule for accessory structures in the Tourist Services, Recreation and Open Space Zones and the Coastal Environment Area

5.19.1 Step 1: Description of the Provisions

The TRMP includes three zones applicable to this current proposal. These are the Tourist Services Zone, the Recreation Zone and the Open Space Zone. Within these zones only specified activities are allowed as permitted activities.

These zones are also frequently located within the Coastal Environment Area which covers an area generally 200m from the coast around the Tasman District. This area also restricts what activities and buildings are constructed.

The combined result of the current lists of permitted activities is that some public facilities such as rubbish bins and toilets are required to gain resource consent. While the need to obtain resource consent for toilets within the Coastal Environment Area is maintained the proposal is to allow for refuse and recycling collection facilities in this area as permitted. For the wider Tourist Services, Recreation and Open Space Zones rubbish and recycling collection facilities, and toilets are proposed to be a permitted activity subject to compliance with all setback and discharge rules. These proposed changes allow land used for public and tourist services to have the facilities required to ensure refuse and recycling is appropriately managed and the user experience is improved.

The proposal is to provide an additional permitted item within each zone which enables refuse/recycling collection facilities and public toilets. Note that the Recreation Zone and Open Space Zone already include wording that partially enables these activities.

In cases where these zones are within the Coastal Environment Area the provisions of that area also apply. In this case the proposal is to enable refuse/recycling collection facilities as a permitted activity, while toilets would still require resource consent. Currently the TRMP defines a refuse/recycling bin as a building if it is over 1.2m in height and is therefore subject to the existing rule requiring resource consent.

The proposed changes are:

Tourist Services Zone

This zone allows a range of tourist focussed and recreational and open space activities. The proposal is to add a further permitted activity to 17.2.3.1 which allows public toilets and refuse/recycling facilities to be a permitted activity.

17.2.3.1

The Activity is one of the following:

...

...

(xa) public toilets;

(xb) a public refuse or recycling collection facility of less than 5 square metres in base area and less than 1.8 metres in height.

The same change is also proposed in the Open Space and Recreation Zone rules.

Coastal Environment Area

This area restricts the construction of new buildings and the disposal of refuse and places limits around the extension of existing buildings. This proposal is to add, as a permitted activity, the installation of refuse and recycling collection facilities.

18.11.2.1

- a) Except as provided by condition (c) the activity is not the construction of a new building or the disposal of refuse.
- b) ...
- c) The activity is a public refuse or recycling collection facility of less than 5 square metres in base area and less than 1.8m in height.

18.11.20 Principal Reasons for Rules

Collection and Disposal of Refuse

Public refuse and recycling collection facilities, up to the specified dimensions, are provided for as a permitted activity to ensure these public facilities can be installed in the areas they are required. This recognises the need to ensure adequate facilities for rubbish and recycling collection are provided within the coastal margin. However, the final disposal of refuse. This activity can be unsightly in the coastal environment and can result in the contamination of coastal waters and this is not provided for as a permitted activity.

This change in relation to the Coastal Environment Area is to enable the installation of rubbish and recycling facilities which assist in reducing uncontrolled rubbish in this area. The change is considered to be consistent with Objective 8.2.2 of the TRMP which seeks:

Maintenance and enhancement of the natural character of the margins of lakes, rivers, wetland and the coast, and the protection of that character from adverse effects of the subdivision, use, development or maintenance of land or other resources, including effects on land form, vegetation, habitats, ecosystems and natural processes.

The maintenance and enhancement aspect is then reflected in supporting policies under this objective.

Overall the small scale of these facilities and the need for them to assist with management of rubbish in the popular coastal areas ensures they are not detrimental to the natural character and assist with maintaining it. Rubbish and recycling facilities would also only be installed in popular areas and generally near areas with vehicle access to allow for servicing.

Why the change is necessary and what is the objective?

The changes set out above are necessary as Council facilities which are required and expected within the zones and areas above were inadvertently triggering the associated rules with resource consent then being required. The changes set out above enable these facilities to be installed where they are accessory to already permitted activities on the site.

The objective of the Plan Change is to simplify the process for installing facilities which are accessory to the existing permitted uses of these zones and areas. There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objective of the proposed Plan Change is consistent with the purpose of the Act and results in no significant change to the existing method within the TRMP to achieve this purpose.

Consultation

No targeted consultation has been undertaken for this proposed change as there is no impact on individual property rights or interests. The notification process will enable any person who has an interest in this matter to submit and have their submission points considered at a hearing.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Permitted activity rule for accessory structures in the Tourist Services, Recreation and Open Space Zone and refuse and recycling collection facilities in the Coastal Environment Area

This option is shown in the proposed changes set out above. This is considered an appropriate method as the change relies on the facilities or buildings being accessory to the existing activities permitted within the specified zones. It does not add new permitted activities beyond what would already be expected within these zones. The addition of a permitted rule allowing for refuse and recycling collection facilities within the Coastal Environment Area is an additional item. This is appropriate as it enables effective collection of waste and recycling in areas where it is required. This assists with keeping these materials away from the coastal environment.

A similar allowance for toilets was considered but has been intentionally excluded from this permitted rule. This recognises that toilets can have potential adverse effects when in close proximity to the coast due to past occupation by Tangata Whenua and the values of this area. As is currently the case the effects of toilets within the Coastal Environment Area can be considered through the resource consent process.

This option is considered to be an appropriate method of achieving the objective of this plan change.

Option 2: A variation on Option 1 plus excluding waste and recycling facilities from the definition of a building.

The second option was a variation of option 2. The allowances within each zone for accessory facilities or buildings would still be included. The difference would be to amend the definition of buildings within Chapter 2 Meanings of Words to specifically exclude refuse and recycling collection facilities up to the dimensions specified. This would allow them to be installed within the Coastal Environment Area as they would not be a 'building'. However, having this exemption within the definition of a building would apply across the Plan raising the potential for unintended consequences in other plan provisions.

This option would achieve the objective of the plan change but is not considered appropriate due to the increased potential for unintended consequences through changing a commonly used definition within the TRMP.

Option 3: Status Quo

This option would retain the existing provisions within the TRMP which have been identified as being limiting for the installation of facilities and buildings accessory to the existing permitted activities within these zones. This is not an appropriate method and does not achieve the objective of the Plan Change.

Recommendation

Option 1 (Permitted activity rule for accessory structures in the Tourist Services, Recreation and Open Space Zone and refuse and recycling collection facilities in the Coastal Environment Area)

This option is both efficient and effective in achieving the plan change objective to simplify the process for installing facilities which are accessory to the existing permitted uses of these zones and areas. This option is therefore considered to be the most appropriate method of achieving the objective of the plan change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Permitted activity rule for accessory structures in the Tourist Services, Recreation and Open Space Zone and refuse and recycling collection facilities in the Coastal Environment Area	<p>Enables the installation of facilities and buildings accessory to the existing permitted uses within the specified zones.</p> <p>Restricts the additional items allowable within the Coastal Environment Area to waste and recycling facilities of specified dimensions.</p> <p>Waste and recycling facilities are limited to public facilities and assist with keeping the coastal area clean.</p> <p>Does not include toilets in the Coastal Environment Area as permitted</p>	<p>Cost of undertaking the plan change process.</p> <p>Additional 'buildings' are present within the Coastal Environment Area which still have a level of visual impact. This is mitigated by the public nature of these items.</p>	<p>Adequate information is available to make the recommended change to the TRMP. No risk therefore remains based on the adequacy of the information.</p>

The proposed Plan Change item does not relate to the provision of economic growth and employment.

5.20 Plan Change 73.20 - Signage in Recreation, Open Space and Conservation Zones as a permitted activity – specific rule

5.20.1 Step 1: Description of the Provisions

The TRMP includes specific signage rules for a variety of zones in section 16.1.5. This include Rural zones, the Papakainga Zone and the Conservation, Recreation and Open Space Zones. The key rule across these zones is the limitation of there being only 1 outdoor sign per site. Other size and position rules also apply to this sign.

The proposed change is to provide a separate set of rules applying to Conservation, Recreation and Open Space Zones which retains controls over the size, position and purpose of the sign without limiting it to only one sign per site.

The proposed rule would be added to the existing Plan after section 16.1.5.1 and would state:

16.1.5.1A	<i>Permitted activities (Outdoor signs for public purposes in Conservation, Recreation and Open Space Zones)</i>
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The erection of signage by, or on behalf of, Council or the Department of Conservation in the Conservation, Recreation or Open Space Zone, or on land that is vested in Council for the purpose of a reserve, is a permitted activity that may be undertaken without resource consent, if it complies with the following conditions:

- (a) The sign or signs relate to an activity consistent with a reserve management plan, conservation management plan, or conservation strategy approved by Council or the Department of Conservation respectively, or is consistent with the classification purpose of the vested land; and*
- (b) The sign or signs are located on the site where the activity occurs; and*
- (c) The sign or signs are limited to that necessary for giving direction, identifying the site or facility, displaying public information or assisting public safety; and*
- (d) No sign shall exceed 2m² in area or 3m in height; and*
- (e) For signs intended to be read from a public road the minimum lettering height is 150mm if located in an area where the speed limit does not exceed 70 kilometres per hour and 200mm where the speed limit exceeds 70 kilometres per hour; and*
- (f) A free-standing sign is not erected within 10m of any road intersection, does not restrict visibility at any intersection or access, and does not overhang the legal road; and*
- (g) Conditions d) to g) in rule 16.1.3.1.*

The intended status of any breach of these provisions is Restricted Discretionary with matters to which Council has restricted its discretion as are currently set out in section 16.1.5.4.

The change has been considered against site amenity Policy 5.2.3.9 'To avoid, remedy, or mitigate the adverse effects of signs on amenity values', and Reserves Objective 14.4.2 'The avoidance or significant adverse effects of activities and facilities on open space and recreational areas, and on the amenity values of surrounding areas'.

The proposed rule manages the presence of signage on reserves to a similar level as controlled activity signage in other zones. The difference is the signage is only relates to the purpose of the reserve or conservation land as determined through a public process of developing those management plans. These two arms of the signage rule ensure the signs are consistent with the amenity values of the reserves and the wider area. The changes are considered to be consistent with the relevant objectives and policies of the TRMP.

Why the change is necessary and what is the objective?

This change is necessary as Council and at times the Department of Conservation (DOC) require more than one sign on a reserve or a conservation area. This current restriction results in the need for resource consent when additional signage relating to the reserve or conservation area is required. The proposal limits the signage to that which relates to an activity authorised by a reserve management plan, conservation management plan, or

conservation strategy approved by Council or the Department of Conservation respectively. This ensures the proposed change is limited to signage relating to the use of the area concerned. It is noted that s4(3) of the RMA allows DOC to carry out activities which are consistent with management strategies or plans which are established under the Conservation Act 1987 or other Acts specified within that regardless of the rule.

The objective of the change is to enable Council or the Department of Conservation to install appropriate signage in reserves or conservation areas as a permitted activity.

There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objective of the proposed Plan Change is consistent with the purpose of the Act and results in no significant change to the existing method within the TRMP to achieve this purpose. Management of signage remains in place and the proposed rule ensures signs relate to the approved activities on the reserve or conservation land concerned.

Consultation

The Department of Conservation (DOC) and Tasman District Council's Community Services Department has been consulted on this change as the proposal may impact on signage they may erect on land in the Conservation, Recreation and Open Space zones. DOC has advised that the rule within the TRMP would not generally apply to their operations as s4(3) of the RMA already applies. DOC has recommended a change to the draft rule sent to them for comment so that it uses similar wording to that in s4(3). This suggestion has been adopted and the proposed rule now states that activities are to be 'consistent with', rather than 'authorised by' the applicable management plan or strategy.

The proposal has been included in this proposed Plan Change due to the identified issues the current rule has created for signage on reserves. The main issue being that only one sign was a permitted activity. The changes are therefore beneficial to the Community Services Department. A number of discussions were held to refine the wording and run scenarios to ensure the proposed wording is consistent with other sign rules but is tailored to the specific needs of signage within reserves. The proposal is generally approved by the Community Services Department with some minor requests unable to be addressed in this proposal.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Signage in Recreation, Open Space and Conservation Zones as a permitted activity – specific rule

This is the option set out above and involves the inclusion of specific rules for signage within the Open Space Zone, Recreation Zone and the Conservation Zone, or on land that is vested in Council for the purpose of a reserve. This option enables the erection of signage in these areas if it is for the purpose of the applicable management plans or strategies. This change is considered to be appropriate due to the public nature of the works which are in accordance with management plans and strategies that are already approved through their own processes. The change maintains control over the size, purpose and location of the signage. The change also takes account of section 4(3) of the RMA which sets of exemptions to the RMA for the Crown undertaking work within land managed under the Conservation Act 1987 provided it is consistent with an applicable management strategy or plan.

This option is considered to be an appropriate method of achieving the objective of this plan change.

Option 2: Signage in Recreation, Open Space and Conservation Zones as a permitted activity – exclusion from definition of sign

As a variation on option 1, signage of this sort can be excluded from the definition of a sign within Chapter 2 of the TRMP. This would then mean the signage rules within the TRMP would not apply. This would allow the installation of ‘signage’ as intended. This is not considered to be an appropriate method as the blanket exclusion of signage for this purpose would not enable control to be maintained over the size and location of the ‘signage’.

This option is not considered to be an appropriate method of achieving the objective of the plan change as there is less ability to control the size and location of the signage.

Option 3: Status Quo

This option would retain the existing provisions within the TRMP which have been identified as being limiting for the erection of signage within these zones. This is not an appropriate method and does not achieve the objective of the Plan Change.

Recommendation

Option 1 (Signage in Recreation, Open Space and Conservation Zones as a permitted activity – specific rule)

This option is both efficient and effective in enabling Council or the Department of Conservation to install appropriate signage in reserve or conservation areas as a permitted activity. This option is therefore considered to be the most appropriate method of achieving the objective of the Plan Change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Signage in Recreation, Open Space and Conservation Zones as a permitted activity – specific rule	<p>Enables, as a permitted activity, the installation of signage that relates to the reserve or conservation area on which it is located.</p> <p>Does not enable additional unrelated signage and maintains control over size and location of the signage.</p> <p>More than 1 sign per site on reserve or conservation land is an expected situation to convey the messages required.</p>	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 does not relate to the provision of economic growth and employment.

5.21 Plan Change 73.21 – Permitted activity rule for activities included in the Reserve Management Plans in Open Space and Recreation Zones

5.21.1 Step 1: Description of the Provisions

The TRMP has two zones that have a restricted list of activities that can be carried out within them. These are the Open Space Zone and the Recreation Zone. The activities allowed are relatively limited which reflects the intended use and amenity within each zone. Generally, these are limited to the public and sporting uses which the zones are set up to accommodate. These zones usually consist of land which is held in public ownership by Council and the activities that are permitted to occur on each individual reserve area are often managed through a Reserve Management Plan. This plan has been through a public process under the Reserves Act.

The proposed change to the TRMP is to add a further item to the list of permitted activities to allow activities that are consistent with those set out within a Reserve Management Plan.

The proposed wording to include in list of permitted activities within the Open Space Zone section 17.9.2.1 a) and Recreation Zone section 17.10.2.1 a):

An activity consistent with any reserve management plan approved for the land under the Reserves Act or any subsequent legislation.

This change is consistent with the objectives and policies of TRMP Chapter 14 Reserves and Open Space as the activities permitted by the addition are only those which have been previously determined through a reserve management plan process for that area. The objectives of particular relevance are:

Objective 14.2.2

Efficient and effective use of open space and reserves to meet community needs for recreation and amenity.

Objective 14.4.2

The avoidance of significant adverse effects of activities and facilities on open space and recreational areas, and on the amenity values of surrounding areas.

Why the change is necessary and what is the objective?

This change is necessary to enable activities to occur on the land as a permitted when they have been included in a Reserve Management Plan developed under the Reserves Act 1977. The development of these plans involves a public process during which the appropriateness of the activity on the land concerned is considered. This change is necessary as there are cases where an activity is allowed for in the Reserve Management Plan but it is not listed as a permitted activity within the TRMP. This results in an unnecessary duplication of legislative consideration and process.

The objective of the change is to remove the current duplication between the Reserves Act and the Resource Management Act in relation to activities which are appropriate to a specific reserve area.

There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objective of the proposed Plan Change is consistent with the purpose of the Act and results in no significant change to the existing method within the TRMP to achieve this purpose.

Consultation

No targeted consultation has been undertaken for this proposal as no specific interest group or person has been identified as being affected. Consultation on the activities themselves will have occurred through the Reserve Plan process prior to them being approved for the specific reserve concerned. The notification process will allow any other person to submit and be heard at a hearing if they wish.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Allow as permitted, activities in Open Space and Recreation Zones which are included in the Reserve Management Plans.

This option is to allow activities included in a Reserve Management Plan as permitted activities in the Open Space Zone and Recreation Zone. This ensures that activities which have been determined to be appropriate in an area through a Reserves Act process do not then have to be considered separately through a Resource Management Act process. This duplication was occurring as in some cases the list of permitted activities in the TRMP did not include those approved in the Reserve Management Plans.

This option is considered to be an appropriate method of achieving the objective of the Plan Change. The permitted activity rule enables activities within a Reserve Management Plan to be carried out on a site as a permitted activity. This avoids duplication of processes under the two pieces of legislation.

Option 2: Status Quo

This option would retain the existing provisions within the TRMP which have been identified as duplicating processes. This is not an appropriate method and does not achieve the objective of the Plan Change.

Recommendation

Option 1 (Allow as permitted, activities in Open Space and Recreation Zones which are included in the Reserve Management Plans)

This option is both efficient and effective in ensuring that activities included within a Reserve Management Plan can be carried out on the site concerned as a permitted activity. The change reduces inefficiencies and duplication in the regulatory process. This option is therefore considered to be the most appropriate method of achieving the objective of the plan change.

5.21.3 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
Allow as permitted, activities in Open Space and Recreation Zones which are included in the Reserve Management Plans	<p>Enables, as a permitted activity, activities which are already approved through the Reserves Management Plan process.</p> <p>Minimises regulatory processes when these do not add value.</p> <p>Allows more flexible use of Open Space Zone and Recreation Zone land where the activity has been included in a Reserve Management Plan.</p>	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 does not relate directly to the provision of economic growth and employment. It does however ease the regulatory requirements around undertaking an activity that is included in a Reserve Management Plan. It also involves reduced costs as one less regulatory process needs to be followed.

5.22 Plan Change 73.22 – Relocated buildings as a permitted activity

5.22.1 Step 1: Description of the Provisions

The TRMP currently includes a set of rules requiring a controlled or discretionary activity resource consent for relocated dwellings. Section 16.8.20 'Principal Reasons for Rules' sets out the reasons the rules had originally been included within the TRMP. This section states:

Relocated dwellings have the potential to adversely affect the visual amenity of the area in which they are intended to be relocated. The rules address this by regulating placement and finishing of relocated dwellings, particularly with respect to layout and appearance.

The rule (16.8.3.1) states that to be a controlled activity the dwelling must comply with any rules applicable to the construction or alteration of the building at the new site. The matters of control include items around appearance, site layout and landscaping, the ability to relocate the dwelling, the timeframe for reinstatement to be completed and financial contributions, bonds and covenants around the conditions.

The current interpretation of the rule is that substantially completed prefabricated new buildings are also subject to this rule and require resource consent. The new rule will be supported by a definition of relocated building which clarifies that this does not include new prefabricated buildings. These fall under the definition of building in the TRMP and construction in the Building Act. To support this the proposed definition of relocated building will clarify that this excludes prefabricated buildings. As such prefabricated buildings continue to be managed by the existing bulk and location rules within the TRMP as for any building construction.

The proposal through this plan change is to introduce a new rule and plan provisions to allow a dwelling to be relocated to a new site as a permitted activity providing a limited number of permitted activity conditions are met and with existing bulk and location rules still applying.

The proposed definition and permitted activity rule would state:

Definition:

Relocated building - means any second-hand building which is transported whole, or in parts and relocated from its original site to its final destination site, but excludes a new pre-fabricated building which is delivered in whole or in parts to a site, for erection on that site.

Rule:

The relocation of any building to a new site is a permitted activity if it complies with the following conditions:

- (a) *The building complies with any rules applicable to the construction or alteration of buildings at the new site, and*

For a building which is, or is intended to be, used as a dwelling,

- (b) *The building must be placed on permanent foundations as soon as practicable, and not later than six months of being relocated to its final destination site.*
- (c) *The Council is notified in writing no later than 48 hours prior to the building being relocated to its final destination site.*
- (d) *All external reinstatement work is completed within 12 months of the building being relocated to its final destination site.*

Note: the requirements of the Building Act and the New Zealand Building Code also apply.

Relocated dwellings that do not comply with this rule will be considered as a discretionary activity. Other relocated buildings will be considered against any relevant bulk and location rules for buildings within the zone they are to be located. No specific resource consent is required for relocated buildings that are not dwellings.

See section 1.11.2 Step 2 Option 2 for assessment against the current relevant Objectives and Policies of the TRMP.

Why the change is necessary and what is the objective?

The change is necessary as the ability to relocate dwellings provides for an increased flexibility in the provision of housing stock. It is also a sustainable use of existing resources held within each existing constructed dwelling. This option can also be a more affordable way of providing additional housing stock.

This change places the control of the dwelling placement on the site, and of restoration and servicing work on the building, on other existing provisions within the TRMP and through the requirements of the Building Act. The new rule would only manage the timing of completion of works. All existing bulk and location controls would apply to the relocated building as it would for any other building. In addition, the requirements through the Building Consent process would ensure the building is suitably connected to services and is made safe and sanitary.

With these existing controls applying to any building when it is constructed on a site (which includes relocation by definition), the existing rule relating to building relocation has elements of duplication with other aspects of the TRMP.

The relocation rule only applies to dwellings. Other buildings can already be relocated as a permitted activity provided it meets other rules within the TRMP.

The objective of this proposal is to remove unnecessary consenting requirements for the relocation of dwellings within the district, while maintaining a level of control over the amenity outcomes of relocated dwellings.

There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objective of the proposed Plan Change is consistent with the purpose of the Act and retains control over relocated dwellings through the permitted standards. This allows for sustainable management of the existing resource of the building, the site and the neighbourhood.

Consultation

A company operating in the building relocation industry in Tasman has been consulted in relation to this proposal. They are supportive of a change to ease the regulatory requirements when relocating a dwelling and have provided input into the content of the proposed rule.

The TDC Building Consents staff have also been consulted on which aspects of the building relocation process they have regulatory control over.

In addition, the notification process will allow any other person who does have an interest in the proposal to submit and be heard at a hearing if they wish.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Allow dwelling relocation as a permitted activity – relying on existing building bulk and location rules in the TRMP.

This is the option set out above and involves removing the rule (16.8.3.1) that currently results in relocated dwellings being a controlled activity. This would mean that existing bulk and location rules will be the primary TRMP rules applying to any building that is relocated. The actual act of moving the building to a new site would be permitted. Aspects of this option are appropriate in achieving the objective of the Plan Change as it removes consenting requirements that currently apply solely due to the fact a dwelling is being relocated. However, the original purpose of the controlled activity rule is effectively an amenity control ensuring relocated dwellings are completed in a timely manner, and to a standard appropriate to the area and zone. This control would be lost through total removal of the existing rule which would leave TDC being unable to respond to relocated dwellings being left in an unfinished state for extended periods of time.

For this reason, a complete removal of the rule managing the relocation of dwellings is not considered to be an appropriate option for achieving the objective of the Plan Change.

While it is not a matter in place through the Resource Management Act or the TRMP many subdivisions, in particular in the Residential Zone, have private covenants which also manage the relocation of dwellings. This fact has not played a role in determining the appropriateness of this option.

Option 2: Allow dwelling relocation as a permitted activity – with a new rule including permitted activity standards.

This option is similar intent to that set out in option 1 but retains a relocated dwellings rule with permitted criteria relating timing of the building work on the new site. There are two key permitted activity matters proposed. The first relates to the timeframe for placing the dwelling on its permanent foundations (6 months) and the second relates to completion of the external reinstatement works (12 Months). These external works would include joining the building back together if it has been relocated in sections, weather proofing through repairing external walls and the roof, and connection to services.

This option ensures Council retains some control over the completion of the building works to a permanent state. However, it is not intended that Council has full control over all aspects of the building relocation and siting. For this reason, painting, building design, landscaping and other site amenities are not specifically managed through the rule. These aspects of any relocation works would be treated the same as any other building works on a site. All bulk and location rules still apply as they would for any building. This includes any specific rules that relate to areas with specific values such as landscape or coastal values. The change to a permitted rule relating only to timing of works, and the reliance on other existing TRMP rules relating to buildings, ensure a more equitable situation is created around dwelling relocation.

Council still maintains control over relocated dwellings through the building consent process. Building consent may be required for a number of reasons when a building is relocated. These include, but may not be limited to, the following:

1. Placement of a dwelling on permanent foundations;
2. Dismantling and re-connecting a building if it has been transported in parts;
3. Connecting it to services, and;
4. In some cases where wind loading has changed between sites, or the use of a building is changing, building consent will be required.

The proposal is to introduce this permitted activity rule into Chapter 16 'General Rules' so it applies across all zones in the TRMP. Differences in the amenity expectations in each zone are established through the various bulk and location rules, rather than this proposed rule.

As this option changes the way relocated dwellings are managed in the Tasman District it is appropriate to consider how this relates to the existing relevant Objectives and Policies within the TRMP.

Existing TRMP Objectives

Those of particular relevance to relocated dwellings are found within TRMP Chapter 5, Site Amenity Effects. These include:

Amenity Values Objective 5.2.2

Maintenance and enhancement of amenity values on site and within communities throughout the District.

Many of the supporting policies to this objective relate to bulk and location rules which are unchanged by this proposal. These will all apply to a relocated dwelling as they would to any other building within the zones concerned. The proposed change does assist in giving effect to policy 5.2.3.7 'To enable a variety of housing types in residential and rural areas'.

Visual and Aesthetic Character Objective 5.3.2.

Maintenance and enhancement of the special visual and aesthetic character of localities.

This objective and associated policies seek to maintain and enhance the character of specified areas. This includes areas such as the Landscape Priority Areas, Protected Ridgelines, significant landmarks and views, vegetation, heritage buildings and sites and cultural areas. All the rules and methods for protecting those areas remain in place and manage any buildings being constructed in those areas, including relocated dwellings. Policy 5.3.3.4 does reference the effect of activities on the character and sets of amenity values in specific urban areas. However, the TRMP does not specify where these areas are or have any specific rules to protect them. Therefore, relocated buildings do not impact on this specific policy.

Residential Activities and Community Facilities Objective 5.4.2

Accommodation of a wide variety of residential activities and accessible community facilities in urban areas.

This Objective and associated policies seek to allow accommodation for a wide variety of residential activities in the region. The proposed change provides a permitted activity path for relocated dwellings. This meets the intent of the objective by allowing for a variety of residential accommodation styles and options.

This option is considered to be an appropriate method of achieving the objective of the Plan Change. The permitted activity rule enables the relocation of dwellings but also maintains Council control over the timing of the works.

Option 3: Status Quo

This option would retain the existing provisions within the TRMP which have been identified as unnecessarily controlling the relocation of dwellings to other sites. Keeping the rule does retain Council's control over the appearance of relocated dwellings and the timing around the completion of works. Overall this is not an appropriate method and does not achieve the objective of the Plan Change.

Recommendation

Option 2 (Allow dwelling relocation as a permitted activity – with a new rule including permitted activity standards)

This option is both efficient and effective in enabling the relocation of dwellings within the Tasman District as a permitted activity, while also retaining Council control over the timing of the work. This option is therefore considered to be the most appropriate method of achieving the objective of the plan change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Allow dwelling relocation as a permitted activity – with a new rule including permitted activity standards	<p>Enables, as a permitted activity, the relocation of dwellings to new sites within the Tasman District.</p> <p>Ensures that relocated dwellings are managed the same as any new building on a site creating equity in building construction choices (noting that in the Building Act the definition of construction include relocation and prefabrication).</p> <p>Increases housing choice and flexibility resulting in more affordable options.</p> <p>Reduces regulatory steps managing the reuse of existing building stock.</p> <p>Relies on existing bulk and location controls and consenting under the Building Act where this is required.</p>	<p>Cost of undertaking the plan change process.</p> <p>There is a reduction in Council control over amenity of the works.</p>	<p>Adequate information is available to make the recommended change to the TRMP. No risk therefore remains based on the adequacy of the information.</p>

The proposed Plan Change item does not relate directly to the provision of economic growth and employment. It does however ease the regulatory requirements around the relocation of dwellings which improves employment potential through creating the potential for more relocations and associated building work. It also involves reduced costs as one less regulatory process needs to be followed.

5.23 Plan Change 73.23 – Remove rule requiring rainwater collection systems for toilet flushing in Mapua and Ruby Bay

5.23.1 Step 1: Description of the Provisions

The TRMP includes a current rule (17.8.3.1 n) within the Rural Residential Zone which states that to remain a permitted activity ... *In the Mapua and Waimea Rural Residential zones, the dwelling has a rainwater collection system which is used for toilet flushing.*

This item was introduced to the TRMP in Variation 32 (Coastal Tasman Area Rural Residential Development) in December 2003. The section 32 report from the time does not mention why this item was added. Investigations amongst TDC staff in the preparation of this current Plan Change have also not revealed any knowledge on why this requirement exists. There is the potential it related to possible water conservation measures needed for the area due to limitations in the water supply for the area. This is now not required due to water supply capacity in the area.

The proposal is to remove the rule from the TRMP so that new houses in this area (Mapua and Waimea Rural Residential zones) are not required to install a rainwater tank for the purpose of toilet flushing. This change only relates to the requirement to do this to remain as a permitted activity, property owners are able to install water saving features such as this voluntarily.

Why the change is necessary and what is the objective?

This change is necessary to ensure the TRMP only contains rules which have an obvious resource management purpose and are logically applied across the district as required. In this case the rule is not a requirement to manage any resource use in this area, and also it only applies to the Rural Residential Zones and not the other zones in the area. The requirement to collect rainwater for toilet flushing purposes also increases the cost of housing development as it requires a specific plumbing system and tanks to enable this to occur.

Despite removing the mandatory requirement for this to occur, Council would not discourage rainwater collection as a voluntary measure that a homeowner may wish to undertake to more wisely use water. Water conservation on a wider basis is something Council is working towards achieving and any future initiatives would be more holistic rather than relating specifically to toilet flushing in one area.

The objective of the Plan Change is to remove a single rule which does not achieve a required resource management purpose.

There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objective of the proposed Plan Change is consistent with the purpose of the Act as it ensures that water conservation and management measures can be undertaken consistently across the district. This rule was targeted to a specific area with no links to wider sustainable water management actions of Council.

Consultation

Consultation has been undertaken with Council's Team Leader – Water Supply and Wastewater. They do not consider that compliance with this rule is necessary for water supply reasons.

No other targeted consultation has been undertaken for this proposal as no specific interest group or person has been identified as being affected. The notification process will allow any other person to submit and be heard at a hearing if they wish.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Remove rule requiring rainwater collection systems for toilet flushing in Mapua and Waimea Rural Residential Zones.

This option is to remove a rule which is not required for water supply purposes and does not serve a required resource management purpose. The rule appears to be targeted at the Mapua and Waimea area for water supply purposes however this is now not required. The removal of this rule does not preclude Council from carrying out water conservation measures on a wider and more cohesive basis.

This option is considered to be an appropriate method of achieving the objective of the Plan Change.

Option 2: Status Quo

This option would retain the existing provisions within the TRMP which have been identified as being unnecessary. This is not an appropriate method and does not achieve the objective of the Plan Change.

Recommendation

Option 1 (Remove rule requiring rainwater collection systems for toilet flushing in Mapua and Waimea Rural Residential Zones)

This option is both efficient and effective in ensuring that unnecessary rules which do not achieve a required resource management purpose are removed from the TRMP. This option is therefore considered to be the most appropriate method of achieving the objective of the plan change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Remove rule requiring rainwater collection systems for toilet flushing in Mapua and Waimea Rural Residential Zones.	Removes an unnecessary rule from the TRMP. Minimises regulatory processes when these do not add value. Does not preclude Council from undertaking wider and more cohesive water conservation measures.	Cost of undertaking the plan change process. Does not allow Council to require rainwater collection for toilet flushing in this area.	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 does not relate to the provision of economic growth and employment.

5.24 Plan Change 73.24 – Rezoning 397 Lower Queen St and Mapua Waterfront Park

5.24.1 Step 1: Description of the Provisions

This section assesses the proposed zoning changes at two locations. The first being 397 Lower Queen St, Richmond and the second being the Mapua Waterfront Park.

397 Lower Queen Street

Tasman District Council has previously rezoned the Richmond West area with the new zones becoming operative on 8 March 2014. As part of that change 397 Lower Queen St and the surrounding land on the south-western side of Lower Queen St was rezoned from Rural 1 to either Rural 1 deferred Mixed Business or Rural 1 deferred Residential. The original zoning is shown below with 397 Lower Queen St indicated by the red star:



8 March 2014 zoning



Current operative zoning

The original zoning pattern was driven by the location of the original route of the indicative road. This ran along the zone boundary as shown on the 8 March 2014 image and passed through 397 Lower Queen St. Prior to that Plan Change becoming operative the indicative road was moved to the Richmond side of 397 Lower Queen St to avoid the property. This is where the physical road is now formed. At the time the indicative road was moved the zoning was not also moved. This resulted in the current issue of the property now having split zoning.

The proposal is to change the current split zoning of 397 Lower Queen St to a consistent zoning of Mixed Business. (NB the deferral on the balance of the property is being concurrently uplifted, and so with this change the entire property will be zoned Mixed Business with no deferral.) This ensures the property contains a single zone as originally intended and that the road forms the boundary between the Residential Zone and the current Mixed Business Zone. It is also consistent with the zoning of neighbouring land to the north west of the formed road.

Note that Tasman District Council uses deferred zones as a way of ensuring that the eventual zoning is identified but with a deferral in place until the reasons for the deferral are resolved. In this case the deferral has been in place as set out in TRMP Schedule 17.14A as 'Area D: Reticulated water, wastewater and stormwater (Borck Creek and Poutama Drain construction) services required'. These services have now been provided to the Council's satisfaction and so the deferral on the zoning can be lifted. That process is being undertaken by way of a separate resolution of Council.

Mapua Waterfront Park

The Mapua Waterfront Park was developed after the site had been through a contamination remediation exercise a few years ago. The agreement with the Crown for the remediation of this site included Council entering into a deed in 2004 that required at least 40% of the site to be retained in council ownership for use as public space. The definition of public space under this deed is community, recreational, environmental, cultural, or spiritual purposes and includes roads and carparks. Mapua Waterfront Park was the part of the area

identified for public space. The boundaries of the Recreation Zone in the TRMP are inconsistent with the mapping in the Moutere – Waimea Ward Reserves Management Plan review documents. The change in the zone boundaries is to align the zoning with the intended boundaries. This ensures that both the recreation and commercial zoned areas are a more usable in shape. This change still retains the required 40% reserve area. The proposed change is shown below:



Why the change is necessary and what is the objective?

397 Lower Queen Street

The change is necessary as the current split zoning of 397 Lower Queen St was not intended and was a consequence of not updating the zone boundaries when the indicative road location was modified. Leaving the zoning as it currently appears would result in an unplanned development pattern potentially of residential housing on a site also zoned for mixed business use.

The proposed change would ensure the zone change occurs across the road corridor. This provides a separation of land uses as is common practice for land use planning.

The objective of the proposed change is to ensure that the zone boundaries are appropriately located in relation to the road layout. This is with the intent of providing a physical separation between the two differing land uses permitted within the Mixed Business Zone and the Residential Zone.

Mapua Waterfront Park

The change is necessary to ensure a zoned area is established that provides recreation and commercial zoned land of more usable dimensions. This change is to correct an error previously made in the positioning of the existing zoning.

The objective of the proposed change is to ensure the zone boundaries are correctly positioned.

There are no objectives or policies of the TRMP that are sought to be amended in relation to either change.

The objective of the proposed Plan Changes is consistent with the purpose of the Act and results in no change to the existing method within the TRMP to achieve this purpose.

Consultation

397 Lower Queen Street

The landowner of 397 Lower Queen St and the neighbouring property owners, including those on the other side of Berryfield Drive, have been consulted regarding this proposed change.

The owner of the property has agreed to the rezoning with the proviso that it does not result in an increase in rates applied to the property. However, this was before the servicing was confirmed which has enabled the entire property to become Mixed Business Zone. We understand that the landowner is in agreement with this zoning change. Advice has been sought from Quotable Value on this matter and advice has been received that

the capital value will remain unchanged but the mix of land and improvement values would change resulting in an increase in rates of around \$90 on the 20-21 rates invoice. It is noted that values will change as a result of a district wide revaluation. The change in value mirrors the uplift of the deferment which will make the land more available for development.

Other property owners have either provided their support or not responded.

Mapua Waterfront Park

The Mapua and Districts Community Association was consulted on the proposed change. The rezoning was discussed in general terms, and with respect to Council's intentions for the Commercial Zone land, no conclusive feedback was received.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

397 Lower Queen St, Richmond

Option 1: Rezone residential portions of 397 Lower Queen St as Mixed Business.

This option is to ensure the whole property is consistently zoned as Mixed Business. This is by changing the Residential Zone portion of the site to Mixed Business. The change is necessary to rectify this error in the zoning of the plan which occurred when the indicative road was moved from its original location.

This option is considered to be an appropriate method of achieving the objective of the Plan Change.

Option 2: Status Quo

This option would retain the existing zoning of the site. This does not resolve the unintentional split zoning of the site and does not provide for separation of the land use activities within the two distinct zones. This is not an appropriate method and does not achieve the objective of the Plan Change.

Recommendation

Option 1 (Rezone 397 Lower Queen St as Mixed Business)

This option is both efficient and effective in ensuring that correct zoning is applied to this property as was originally intended. This option is therefore considered to be the most appropriate method of achieving the objective of the plan change.

Mapua Waterfront Reserve

Option 1: Rezone portions of recreation and commercial zoned land at Mapua Waterfront Park.

This option is to change the boundaries of the recreation and commercial zones in one specific area of the Mapua Waterfront Reserve.

This option is considered to be an appropriate method of achieving the objective of the Plan Change.

Option 2: Status Quo

This option would retain the existing zoning of the site. This does not resolve incorrect location of the existing zone boundaries. This is not an appropriate method and does not achieve the objective of the Plan Change.

Recommendation

Option 1 (Rezone portions of recreation and commercial zoned land at Mapua Waterfront Park)

This option is both efficient and effective in ensuring that correct zoning is applied to this area as was originally intended. This option is therefore considered to be the most appropriate method of achieving the objective of the plan change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Rezone residential portions of 397 Lower Queen St as Rural 1 deferred Mixed Business	<p>Ensures the correct and intended zoning is applied to 397 Lower Queen St.</p> <p>Resolves an error in the TRMP created through the earlier repositioning of the indicative road.</p> <p>Gives adjacent landowners and the wider community increased certainty of what activities are likely to be permitted on this land.</p>	<p>Cost of undertaking the plan change process.</p> <p>The landowner has a residential zoned portion of their property converted to Mixed Business zoning. This may or may not result in a benefit or a cost depending on future development proposals.</p>	<p>Adequate information is available to make the recommended change to the TRMP. No risk therefore remains based on the adequacy of the information.</p>
Rezone portions of recreation and commercial zoned land at Mapua Waterfront Park	<p>Ensures the intended zone positions are correctly applied at this site.</p> <p>Provides more usable recreation and commercial zoned sites as was the original intent.</p> <p>Does not impact on current use of the land.</p>	<p>Cost of undertaking the plan change process.</p>	<p>Adequate information is available to make the recommended change to the TRMP. No risk therefore remains based on the adequacy of the information.</p>

The proposed Plan Change item does not relate to the provision of economic growth and employment.

5.25 Plan Change 73.25 – Rezone existing reserve land as Open Space or Recreation

5.25.1 Step 1: Description of the Provisions

Tasman District Council owns and manages many reserves within the district. These are held for various purposes but typically for recreation, conservation, public access and utility services such as stormwater management. Land for these purposes can be acquired through the subdivision and development process, through land purchase, or through gifting of the land to Council.

When Council obtains control of land for these purposes it is generally vested as a reserve through the Reserves Act, and included in a Reserve Management Plan. These processes ensure that the land has legal status as a reserve and its use and management is clear. The Reserves Act process is a public process with opportunity to submit and be heard at a hearing prior to the land being confirmed as a reserve.

Council is currently undertaking a process of ensuring all reserve land is appropriately classified. This is being carried out one ward area at a time.

The proposed change is to ensure that the underlying zoning of the reserve is compatible with its gazetted reserve status. The proposed zones are either Open Space or Recreation.

Why the change is necessary and what is the objective?

While the process described above correctly classifies the reserve it does not correct the underlying zoning of the land. In many cases while the reserve will be correctly gazetted the zoning will remain as it was originally. This could be residential, rural, or industrial. The change is necessary as the TRMP rule set that applies to the reserve is determined by the zoning. This creates inconsistencies with the intended activities on the site and the TRMP rules that apply.

The objective of the proposed change is to ensure that the zoning of the reserve reflects its intended use and gazetted status. This enables Council to consistently manage their reserve network across the region without variations in rules between reserves dependant on the zoning.

There are no objectives or policies of the TRMP that are sought to be amended in relation to this change.

The objectives of the proposed Plan Change are consistent with the purpose of the Act and result in no change to the existing method within the TRMP to achieve this purpose. The change is to ensure the same approach to zoning is applied to reserve land across the district.

Consultation

Consultation has been carried out with landowners of adjacent land where the change in zoning creates a change in rule requirements on their property. The key potential change for neighbouring properties is the requirement for building setbacks. When the land was zoned in common with the neighbouring property no setbacks typically applied. When the zoning changes existing rules requiring setbacks from Open Space or Recreation Zones come into effect in some cases.

Property owners in the Rural 1 and 2 Zones, and Light Industrial Zone were consulted as the proposed change introduces a building setback requirement that did not previously exist:

Other individual users of properties were also consulted for example rugby clubs and hall committees.

A mixture of support and questions/concerns were received from those that did reply. The support was generally expressed as outright support. In some cases, the support was received after initial questions were answered and the proposal discussed in more detail.

There was also opposition received from which was either resolved through:

- discussion and understanding
- through adjustments to the type of zoning proposed, or

- not proceeding with the proposed zone change.

The effects that some of those in opposition raised related to the use of the land rather than implications of the setbacks. The use of the land as a reserve has been established through the Reserves Act processes and can occur irrespective of the zoning in place. The implication of the zoning impacts on required setbacks from that zone. This was a specific matter raised by some in opposition. Where possible and logical the zoning was no longer proposed to be changed, while in other cases the proposal to retain the zone has been retained knowing that if the landowner wishes to build within the setback, they will require a restricted discretionary activity consent.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Rezone existing reserve land as Open Space or Recreation.

This option is to make changes to reserve land zoning to ensure this is consistent with the status and use of the reserve. This status is set out in the gazetted reserve notice and the applicable reserve management plan. The change is simply to ensure the underlying zoning of the land reflects this. This change is considered to be an appropriate method of ensuring Council reserve land is consistently zoned and able to be managed in accordance with the TRMP rule sets specifically established for the Open Space or Recreation Zones.

This option is considered to be an appropriate method of achieving the objective of the Plan Change.

Option 2: Status Quo

This option would retain the existing zoning of these reserves within the TRMP which has been identified as being inconsistent with the reserves purpose and use. This is not an appropriate method and does not achieve the objective of the Plan Change.

Recommendation

Option 1 (Rezone existing reserve land as Open Space or Recreation)

This option is both efficient and effective in ensuring that correct zoning is applied to these reserves and the resource management purpose is achieved. This option is therefore considered to be the most appropriate method of achieving the objective of the plan change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Rezone existing reserve land as Open Space or Recreation	Ensures the correct zoning is applied to TDC reserve land. Enables consistent management of reserve land by TDC across the region due to common zone rules applying.	Cost of undertaking the plan change process. Places increased setback restrictions on some adjacent	Adequate information is available to make the recommended change to the TRMP. No risk therefore remains based on the

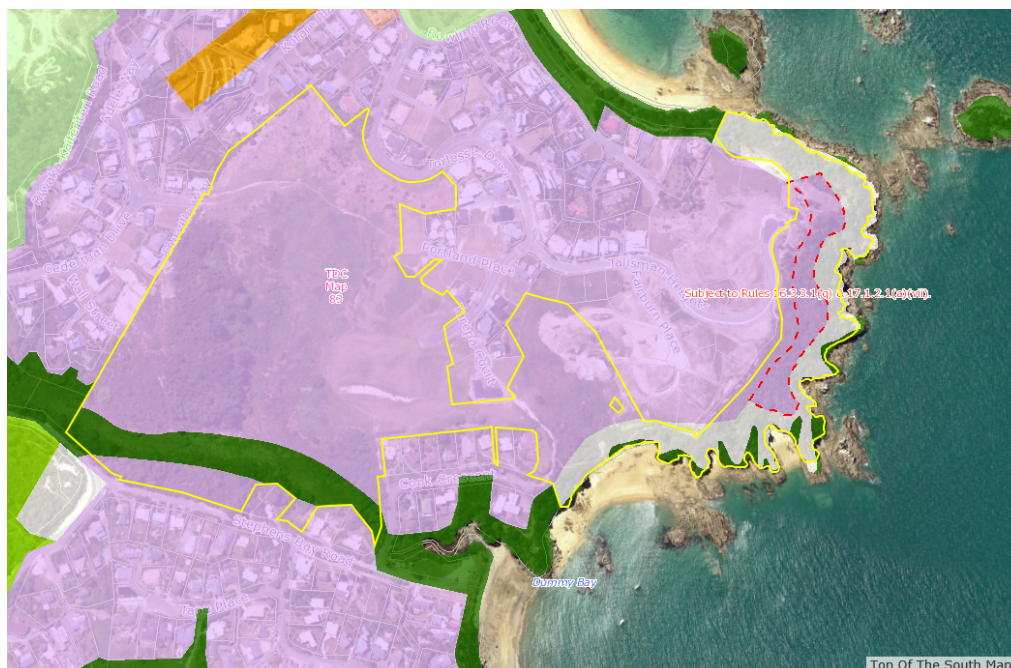
	Gives adjacent landowners and the wider community increased certainty of what activities are permitted on this land.	properties dependant on zoning.	adequacy of the information.
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The proposed Plan Change item does not relate to the provision of economic growth and employment.

5.26 Plan Change 73.26 - Site specific provisions - Little Kaiteriteri (Talisman Heights)

5.26.1 Step 1: Description of the Provisions

Site specific rules were added to the Tasman Resource Management Plan for a site at Talisman Heights, Kaiteriteri (originally CT 13A/194). This was as a result of a consent order from the Environment Court dated 12 May 2003 (ref RMA 1892/98 and RMA 004/01). The balance land as it exists at August 2020 is shown within the yellow outline below. The red dashed outline indicates a specific area where certain rules apply.



The property (currently Lot 201 DP 536838) is subject to specific rules within the TRMP relating to:

- the clearance of indigenous coastal shrubland or coastal vegetation within the coastal environment area (rules 16.3.3.1(q) and 17.1.2.1(a)(vii)),
- the number of dwellings in a specified area (rule 16.3.3.1(q)),
- setback from the Rural Zone (rule 17.1.3.1(u)(i)).

The rules above use a certificate of title reference to indicate which site they apply to. This has been updated over the years from the original title reference of CT 13A/194. The proposal is to revert to this original title reference as the Consent Order states, 'For residential sites on CT 13A/194 Ltd, or its successive titles between Cook Crescent and Rowling Road, no more than 20% of indigenous coastal shrubland or coastal forest on a site may be cleared'. Updating the title reference to the current balance title reference would progressively reduce the land area to which this applies.

In addition, rule 16.3.3.1 (q) lacks clarity that the provision regarding clearance of indigenous forest only applies within the portion of the site within the Coastal Environment Area. Finally, the rule references a hatched area, when the area concerned is actually shown as a red dashed outline on the planning maps. Changes to this rule reflect the outcomes sought within the Consent Order from the Environment Court dated 12 May 2003 (ref RMA 1892/98 and RMA 004/01). For clarity the proposed changes to rule 16.3.3.1(q) are:

For residential sites on computer-register-782346 Record of Title NL 13A/194 (Talisman Heights, Kaiteriteri) or its successive titles between Cook Crescent at Stephens Bay and Rowling Road at Little Kaiteriteri and within the Coastal Environment Area, no more than 20 percent of indigenous coastal shrubland or coastal forest on a site may be cleared.

In the notated area shown hatched on the planning maps on computer-register-782346 Record of Title NL 13A/194 (Talisman Heights, Kaiteriteri) or its successive titles there shall be no more than three residential allotments.

Similar changes are proposed to rule 17.1.2.1 a) vii) and 17.1.3.1 u) i).

Why the change is necessary and what is the objective?

The rule provisions are still applicable to the site. This proposed Plan Change is to ensure the correct legal title reference is included within the TRMP which increases the certainty of application of these rules. In addition, the lack of specific reference to the Coastal Environment Area and the incorrect referencing of the symbol to highlight the applicable area on the planning maps requires correction.

The changes do not impact on the outcomes or requirements of the rules concerned.

The objective of these changes is to improve the application of current rules within the TRMP.

Consultation

The landowners have been consulted on the changes proposed and have agreed with the revision to the original title reference. They have noted that the area of vegetation to which this protection applies remains within the balance lot and there is an intention to vest this as a reserve.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Amend site specific provisions at Little Kaiteriteri (Talisman Heights)

This option is outlined above and includes reverting to the original title reference stated in the consent order. This occurs in rules 16.3.3.1 q), 17.1.2.1 a) vii), and 17.1.3.1 u) i). Furthermore, changes to rule 16.3.3.1 q) to specifically reference the Coastal Environment Area and correctly define the notation of the specific area the rule applies to on the TRMP planning maps improves the rules' application.

This option improves the application and certainty of the rules and meets the objective of the Plan Change.

Option 2: Status Quo

This option retains the outdated title reference that has previously been applied and the lack of clarity of rule 16.3.3.1 q).

This option does not achieve the objective of the Plan Change.

Recommendation

Option 1 (Amend site specific provisions at Little Kaiteriteri (Talisman Heights))

This option is both efficient and effective in achieving the plan change objectives to improve the application of current rules within the TRMP. This option is therefore considered to be the most appropriate method of achieving the objective of the plan change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Option 1: Amend site specific provisions at Little Kaiteriteri (Talisman Heights)	Updates current rules within the TRMP to ensure the correct title reference is used. Text changes improve the application of existing rules to ensure they apply as intended by the Environment Court Consent Order.	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 does not relate to the provision of economic growth and employment. The rules are already in place as requirements in the TRMP and the changes are to correct the obsolete legal description and to improve the application of the rules.

5.27 Plan Change 73.27 - Site specific provisions - 32 Broadsea Ave, Ruby Bay

5.27.1 Step 1: Description of the Provisions

Site specific rules are included within the Tasman Resource Management Plan (TRMP) relating to the future subdivision of Lot 7 DP 16467. This property was 32 Broadsea Avenue. This site has since been subdivided into two properties in accordance with the requirements of the specific rule. The resulting properties are within the Rural 1 Coastal Zone and 10A and 32 Broadsea Ave as shown in the image below.



The rules that applied to the original property (32 Broadsea Ave Lot 7 DP 16467) stated:
Rule 16.3.5.1(b):

The minimum area of allotments created by subdivision on Lot 7, DP 16467 is 1.5 hectares and the land is subdivided in a way that results in no more than two allotments.

A further specific rule (16.3.5.4) applied to subdivision that did not meet this requirement and made it a discretionary activity.

The site has since been subdivided in accordance with this rule and therefore the rules are now redundant (Subdivision consent RM130579). This Plan Change proposes to remove those redundant rules, and associated references, from the TRMP. Any further subdivision will be managed by existing rules relating to the Rural 1 Coastal Zone. These rules are 16.3.5.5 which allows for boundary adjustments as a discretionary activity provided certain requirements are met, and rule 16.3.5.6 which prohibits any further subdivision beyond boundary adjustments.

Why the change is necessary and what is the objective?

The rules noted above are no longer applicable as the subdivision they sought to control has been completed. As the rules are therefore redundant, this Plan Change proposes to delete them from the TRMP. This is necessary to ensure redundant rules do not remain in the TRMP. As a secondary reason, rule 16.3.5.4 was amended in a previous Plan Change process (PC60). This resulted in subdivision that did not comply with the controlled activity rule being assessed as a discretionary activity. This, however, was not the original intent of this rule. Now that the rule is redundant, removing it will rectify this issue.

The changes do not impact on how any future subdivision of the sites are managed by other rules in the TRMP. As noted above, future subdivision remains prohibited, while some boundary adjustments may be allowable as a discretionary activity.

The objective of these changes is to ensure redundant rules are removed from the TRMP.

Consultation

The landowners of the properties concerned have been consulted on the changes proposed. One response in support was received. No other parties are considered to be affected by this proposed change.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Remove site specific provisions at Ruby Bay (10A and 32 Broadsea Ave)

This option is outlined above and involves deleting rules 16.3.5.1(b) and 16.3.5.4 from the TRMP as the subdivision the rules were to manage has been undertaken. The specific rules are redundant and existing rules which only enable boundary adjustments will now manage subdivisions in this area.

This option removes redundant rules from the TRMP and therefore meets the objective of the Plan Change.

Option 2: Status Quo

This option retains the redundant rules within the TRMP.

This option does not achieve the objective of the Plan Change.

Recommendation

Option 1 (Remove site specific provisions at Ruby Bay (10A and 32 Broadsea Ave))

This option is both efficient and effective in achieving the Plan Change objective to remove redundant rules from within the TRMP. This option is therefore considered to be the most appropriate method of achieving the objective of the Plan Change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Option 1: Remove site specific provisions at Ruby Bay (10A and 32 Broadsea Ave)	Removes redundant rules from the TRMP. Allows any future subdivision of these sites to be managed through other existing rules of the TRMP which allow boundary adjustments as a discretionary activity and prohibit any other subdivision within this zone.	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 does not relate to the provision of economic growth and employment. The Change removes redundant rules from the TRMP and relies on other existing rules relating to subdivision as is the case for all other sites within this zone.

5.28 Plan Change 73.28 - Site specific provisions - Golden Hills Rd, Waimea West

5.28.1 Step 1: Description of the Provisions

Site specific rules are included within the Tasman Resource Management Plan (TRMP) relating to the subdivision of Lot 1 DP 12203. These were from a Consent Order issued by the Environment Court on 13 March 2002 (RMA 806/99). This site has since been subdivided in accordance with the requirements of those site-specific rules. The resulting properties are within the Rural 1 Closed Zone and are shown in the image below.



The key rules relevant to this land were:

Rule 16.3.5.1 c): *The minimum area of allotments created by subdivision on Lot 1 DP 12203 in Golden Hills Road is 4 hectares, and the land is subdivided in a way that results in no more than seven allotments.*

Rule 16.3.5.1 j) which is a special requirement rule relating to the provision of water retention dams with a certain minimum storage capacity.

Matter of control 16.3.5.1 (8) which allowed Council to require the retention of existing trees and to consider future landscaping and planting.

The site has since been subdivided in accordance with these rules and they are now largely redundant (Subdivision consent RM020113, plus subsequent consents RM030898 and RM110656). This Plan Change seeks to remove those rules, and associated references, which ensured that the original site was subdivided in accordance with the consent order.

Any further subdivision will be managed by existing rules relating to the Rural 1 Closed Zone. These rules are 16.3.5.5 which allows for boundary adjustments as a discretionary activity provided certain requirements are met, and rule 16.3.5.6 which prohibits any further subdivision beyond boundary adjustments.

One aspect of the rules is proposed to remain. This is in rule 17.5.3.2 (i) and is a controlled activity trigger which states:

On Lot 1 DP 12203 in Golden Hills Road, the exterior cladding of dwellings and ancillary buildings (including roofing) is to be in recessive colour tones.

The reason for its retention is there is an ongoing obligation regarding building colour which would otherwise be lost if this item was removed.

Why the change is necessary and what is the objective?

The rules noted above, aside from the exterior cladding colour rule, are no longer applicable as the subdivision they sought to control has been completed. As the rules are therefore redundant, this Plan Change proposes to delete them from the TRMP. This is necessary to ensure redundant rules do not remain in the TRMP.

The changes do not impact on how any future subdivision of the sites are managed by other rules in the TRMP. As noted above, future subdivision remains prohibited, while some boundary adjustments may be allowable as a discretionary activity.

The objective of these changes is to ensure redundant rules are removed from the TRMP.

Consultation

The landowners of the properties concerned have been consulted regarding the changes proposed. Concerns were raised around the potential to subdivide the land further, the status of unformed legal road in the area, and seeking that the area is rezoned as Rural Residential Zone.

The potential for further subdivision was clarified with reference to the existing rules that remain in the plan where only boundary adjustments are possible as a discretionary activity, while other subdivisions are a prohibited activity. The unformed road matter was referred to the appropriate Council department.

The requested rezoning is outside of the scope of the Omnibus PC but has been added to the items to be considered as part of the full TRMP review.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Remove site specific rules for Golden Hills Rd, Waimea West (former Lot 1 DP 12203)

This option is outlined above and involves deleting rules from the TRMP which relate to the subdivision of former Lot 1 DP 12203 as the subdivision the rules were to manage has been undertaken. The rules are redundant. The exception is the retention of rule 17.5.3.2 (i) relating to building colour. This is retained as there is an ongoing requirement relating to buildings being clad in recessive colour tones.

This option removes redundant rules from the TRMP and therefore meets the objective of the Plan Change.

Option 2: Status Quo

This option retains the redundant rules within the TRMP.

This option does not achieve the objective of the Plan Change.

Recommendation:

Option 1 (Remove site specific rules for Golden Hills Rd, Waimea West (former Lot 1 DP 12203))

This option is both efficient and effective in achieving the plan change objective to remove redundant rules from within the TRMP. This option is therefore considered to be the most appropriate method of achieving the objective of the plan change.

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

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

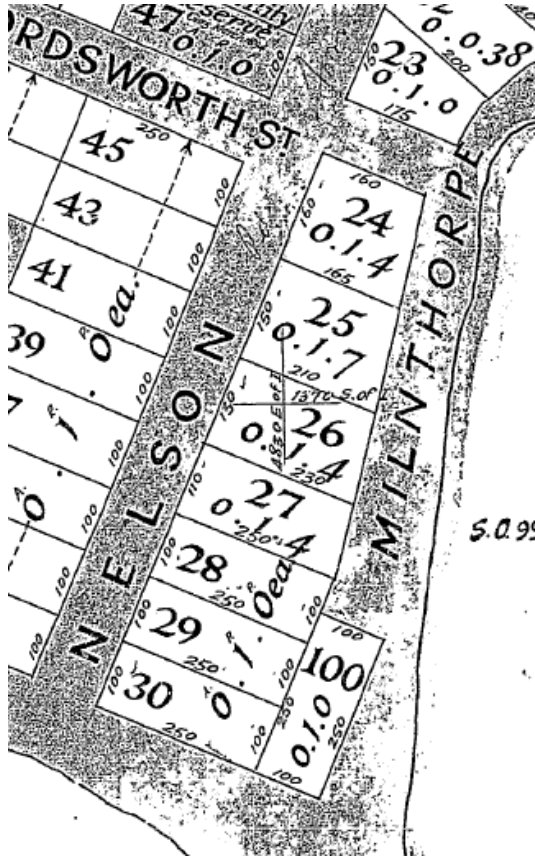
Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Option 1: Remove site specific rules for Golden Hills Rd, Waimea West (former Lot 1 DP 12203)	Removes redundant rules from the TRMP. Allows any future subdivision of these sites to be managed through other existing rules of the TRMP which allow boundary adjustments as a discretionary activity and prohibit any other subdivision within this zone.	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 does not relate to the provision of economic growth and employment. The change removes redundant rules from the TRMP and relies on other existing rules relating to subdivision as is the case for all other sites within this zone.

5.29 Plan Change 73.29 - Site specific provisions - Milnthorpe Residential Zone

5.29.1 Step 1: Description of the Provisions

The Residential Zone in Milnthorpe has specific rules relating to the number of dwellings per site and the number of square metres of net site area each dwelling should have. Rule 17.1.3.1 (g) and 17.1.3.4 (d) include reference to lots where the dwelling limits apply. These lots (Section 24, 28, 29 and 30) no longer exist due to subdivision and title changes. The new titles were issued on 3 September 1990.



Historical Legal References
(source: Title Plan 9015A)



Current Legal References
(source: www.grip.co.nz)

As shown above Section 24 has, in combination with Section 25 has become Lot 1 DP 14734. Section 28 and 29 have become Lot 2 DP 14734. Section 30 is now crown land and is within the Conservation Zone so is no longer available for private development.

The applicable TRMP provision (repeated for both permitted activity rule 17.1.3.1 (g) and restricted discretionary activity rule 17.1.3.4 (d)), is: 'At Milnthorpe, a maximum of one dwelling for CT 11A/641 and one dwelling for each certificate of title issued before 12 November 1987, except for Sections 24, 28, 29 and 30 which are in one title where there is one dwelling for Section 24 and one dwelling for the other sections combined.'

The result is more than 1 dwelling is a non-complying activity aside from titles issued after 12 November 1987 which are a restricted discretionary activity. The original rule provided an exception for the development of the referenced sections as at that time they were held as one title for which only 1 dwelling would have been permitted. This is now redundant due to the new titles being issued post 1987 and references to sections 24, 28, 29 and 30 are proposed to be removed.

A further relevant provision is 17.1.3.1 (w) which requires a minor change to wording to clarify where the required setback is measured from.

The proposed change is:

17.1.3.1 (g) At Milnthorpe, a maximum of one dwelling for CF Record of Title 11A/641 (20 Nelson St, Milnthorpe) and one dwelling for each certificate of title issued before 12 November 1987, except for Sections 24, 28, 29 and 30 which are in one title where there is one dwelling for Section 24 and one dwelling for the other sections combined.

With the same change for-17.1.3.4 d)

17.1.3.1 (w) Every building is set back a minimum of 25 metres from any boundary with Milnthorpe Quay Esplanade Reserve, except that on CF Record of Title 11A/641 (20 Nelson St, Milnthorpe) and CF Record of Title NL9B/454 (14 Nelson St, Milnthorpe) the minimum setback is 16.5 metres.

Note that the change also includes substituting Record of Title for the current CT (Certificate of Title) as this is the current convention of Land Information New Zealand.

Why the change is necessary and what is the objective?

The rule provisions relating to the specific section are no longer applicable to the site. Subdivision occurred after 1987 which established the new legal titles and these sites are now treated the same as any others within Milnthorpe. The proposed change is required to remove redundant provisions from the TRMP. In addition, the addition of 'esplanade reserve' to rule 17.1.3.1 (w) improves rule interpretation and application, and ensures the wording is consistent with existing rule 17.1.3.4 (e).

The changes do not impact on the outcomes or requirements of the rules concerned.

The objective of these changes is to improve the application of current rules within the TRMP and ensure redundant rules are removed.

Consultation

The landowners have been consulted on the changes proposed. One response was received. The intent of the proposal was discussed with the landowner being comfortable with the proposal.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Amend site specific provisions in the Milnthorpe Residential Zone

This option is outlined above and includes removing a portion of rule 17.1.3.1 (g) and 17.1.3.4 (d) which refers to historical lot references. Subdivision of those sites has occurred after 1987 (as noted in the remainder of the rule) and therefore that rule reference is redundant. In addition, a minor change is made to rule 17.1.3.1 (w) to improve the application of the rule, and its consistency with other rules in the TRMP.

This option is appropriate as it improves the application and certainty of the rules and meets the objective of the Plan Change by removing redundant rules from the TRMP.

Option 2: Status Quo

This option retains the redundant rules and the lack of clarity and consistency of rule 17.1.3.1 (w).

This option does not achieve the objective of the Plan Change.

Recommendation

Option 1 (Amend site specific provisions in the Milnthorpe Residential Zone)

This option is both efficient and effective in achieving the plan change objectives to improve the application of current rules and remove redundant rules within the TRMP. This option is therefore considered to be the most appropriate method of achieving the objective of the plan change.

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

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

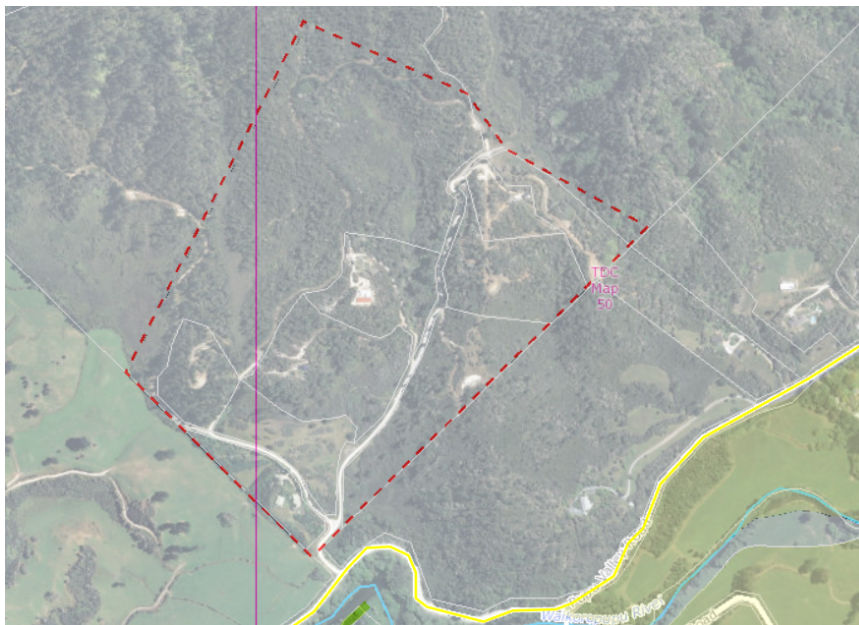
Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Option 1: Amend site specific provisions in the Milnthorpe Residential Zone	Removes redundant rules from the TRMP. Text change improve the application of existing rules to ensure they apply clearly and consistently in the TRMP.	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 does not relate to the provision of economic growth and employment. This change is to remove a redundant rule from the TRMP and to improve the application of a current rule within the Residential Zone.

5.30 Plan Change 73.30 - Site Specific Provisions - Closed Rural 2 Zone Pupu Springs Road

5.30.1 Step 1: Description of the Provisions

Site specific rules are included within the Tasman Resource Management Plan (TRMP) relating to the future subdivision of Section 63 SO11662. This site has since been subdivided in accordance with the requirements of the specific rule. The resulting properties are within the Rural 2 Closed Zone as shown in the image below.



Section 63 SO11662 originally comprised the whole area and was subject to rules controlling how it was subdivided (see rule 16.3.6.1 (b) below):

There is no minimum allotment area for subdivision within the part of Section 63 SO11662 CT NL11B/158 off Pupu Valley Road shown on the planning maps, and the land is subdivided in a way that results in no more than nine allotments together with a single allotment to be used exclusively for access and a single allotment to be used exclusively as a site for a network utility or public work.

Further specific rules (16.3.6.5 and 16.3.6.6) apply to any subsequent subdivision within this area, making it either a discretionary activity for boundary adjustments where certain requirements are met, or a prohibited activity for any other subdivision.

The site has since been subdivided in accordance with this rule and therefore the rule is now redundant (Subdivision consent RM031090). This Plan Change proposes to remove the redundant rules, and associated references, from the TRMP. Any further subdivision will be managed by existing rules relating to the Rural 2 Closed Zone and which are noted above.

Why the change is necessary and what is the objective?

The rules noted above are no longer applicable as the subdivision they sought to control has been completed. As the rules are therefore redundant this plan change proposes to delete them from the TRMP. This is necessary to ensure redundant rules do not remain in the TRMP.

The changes do not impact on how any future subdivision of the sites are managed by other rules in the TRMP. As noted above future subdivision remains prohibited, while some boundary adjustments may be allowable as a discretionary activity.

The objective of these changes is to ensure redundant rules are removed from the TRMP and other rules are clarified.

Consultation

The landowners of the properties concerned have been consulted on the changes proposed. A mix of support and concerns were raised by those that responded. The concerns were around the intent of Council, the history of subdivision in the area and the potential for further subdivision. The intent was explained and as there is no increased potential for subdivision created by this change support was received.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Remove site specific provisions at the Rural 2 Closed Zone at Pupu Valley Rd

This option is outlined above and involves deleting rule 16.3.6.1 b) from the TRMP as the subdivision the rules were to manage has been undertaken. The rule is now redundant. Other subsequent changes are also proposed to remove the specific legal reference to the old lot from other rules in the TRMP (16.3.6.5 and 16.3.6.6). Rule 16.3.6.6. also has relevance to the second area of Rural 2 Closed Zone in the Tasman district. There is no requirement to distinguish between the two Rural 2 Closed Zones so this rule is proposed to be amended to reflect that.

This option removes redundant rules from the TRMP and therefore meets the objective of the Plan Change.

Option 2: Status Quo

This option retains the redundant rules within the TRMP.

This option does not achieve the objective of the Plan Change.

Recommendation

Option 1 (Remove site specific provisions at the Rural 2 Closed Zone at Pupu Valley Rd)

This option is both efficient and effective in achieving the plan change objective to remove redundant rules from within the TRMP and clarify other rules. This option is therefore considered to be the most appropriate method of achieving the objective of the plan change.

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

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

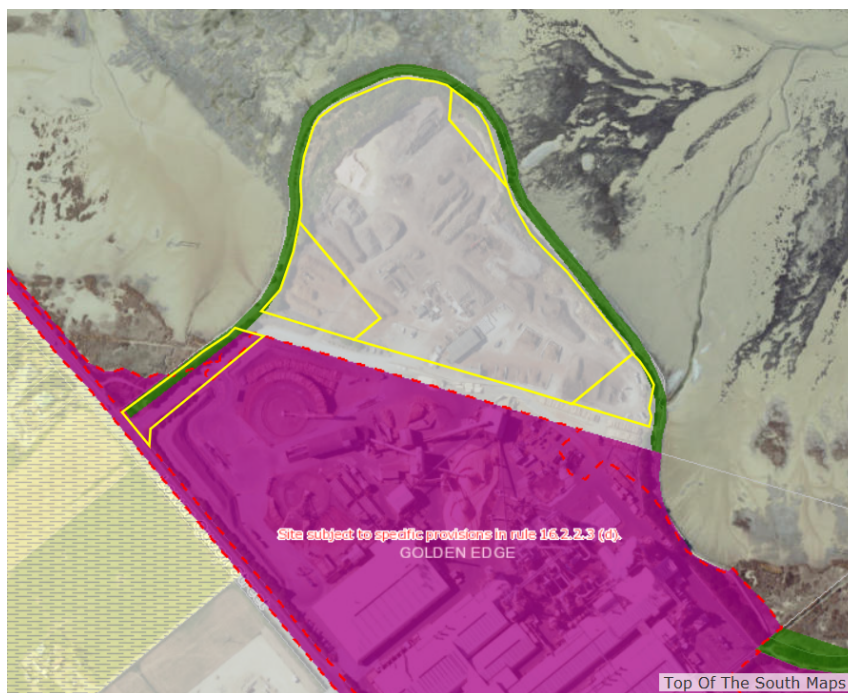
Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Option 1: Remove site specific provisions at the Rural 2 Closed Zone at Pupu Valley Rd	Removes redundant rules from the TRMP. Clarifies the prohibited activity rule. Allows any future subdivision of these sites to be managed through other existing rules of the TRMP which allow boundary adjustments as a discretionary activity and prohibit any other subdivision within this zone.	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 does not relate to the provision of economic growth and employment. The change removes redundant rules from the TRMP and relies on other existing rules relating to subdivision as is the case for all other sites within this zone.

5.31 Plan Change 73.31 - Site specific provisions - 580 Lower Queen Street

5.31.1 Step 1: Description of the Provisions

Site specific rules are included in the Tasman Resource Management Plan for a site at 580 Lower Queen Street. The property was formerly Lot 1 DP13405 and in Council ownership. The property was subdivided with a portion being vested as Crown seabed, another portion as esplanade reserve and the remainder within RT 459167. This is the site shown within the yellow outline below



The property (RT 459167) is subject to specific rules within the TRMP relating to:

- Road access to Lower Queen Street (rule 16.3.4.1 (i)),
- Building platform levels (rule 16.3.4.1 (y)),
- A reserve requirement (rule 16.3.6.1 (i) (iv)),
- Setback from Mean High Water Springs in the Coastal Environment Area (rule 18.11.3.1 (b) (ii)).

The rules above use a certificate of title reference to indicate which site they apply to. This is outdated and requires updating to the current title reference of RT 459167. The exception is rule 16.3.6.1 (i) (iv) which is a Rural 2 Zone rule and applied from when this property was zoned Rural 2. This zoning changed to Light Industrial and the rule is now redundant. The 10m reserve the rule required was provided during the subdivision that created the current lot.

Why the change is necessary and what is the objective?

The Light Industrial Zone and setback rule provisions are still applicable to the site. This proposed Plan Change is to ensure the correct legal title reference is included within the TRMP which increases the certainty of application of these rules. The deletion of the redundant rule (16.3.6.1 (i) (iv)) is to ensure any such rules are removed from the TRMP.

The changes do not impact on the outcomes or requirements of the rules concerned.

The objective of these changes is to improve the application of current rules within the TRMP.

Consultation

The landowners have been consulted on the changes proposed however no response was received.

Cultural Considerations

The Council has sought feedback from Te Tau Ihu iwi. None was provided in relation to this topic and Council is not aware of any other relevant cultural considerations.

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

Option 1: Amend site specific provisions at 580 Lower Queen Street

This option is outlined above and includes updating the title reference to the current reference of RT 459167. This occurs in rules 16.3.34.1 (i), 16.3.4.1 (y) and 18.11.3.1 (b) (ii). Furthermore, rule 16.3.6.1 (i) (iv) is redundant when the zoning of the property was changed to Light Industrial Zone.

This option improves the application and certainty of the rules and meets the objective of the Plan Change.

Option 2: Status Quo

This option retains the outdated title reference and the redundant rule in the TRMP.

This option does not achieve the objective of the Plan Change.

Recommendation

Option 1 (Amend site specific provisions at 580 Lower Queen Street)

This option is both efficient and effective in achieving the plan change objectives to improve the application of current rules within the TRMP. This option is therefore considered to be the most appropriate method of achieving the objective of the plan change.

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

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

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Option 1: Amend site specific provisions at 580 Lower Queen Street	Updates current rules within the TRMP to ensure the correct title reference is used. Removes a redundant rule from the TRMP	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 does not relate to the provision of economic growth and employment. The rules are already in place as requirements in the TRMP and the changes are to correct the obsolete legal description and to improve the application of the rules.

6. Conclusion

The options that have been evaluated and put forward for the Schedule 1 statutory notification of the Proposed Plan Change – Omnibus 2 Amendments (PC73) are considered appropriate for achieving the objectives of the Plan Change, and also the sustainable management purpose of the RMA.