



Tasman Resource Management Plan PC77: Murchison Growth Plan Change

**Report prepared to fulfil the requirements of Section 42A
of the Resource Management Act 1991**

November 2022

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1.0 Introduction

1.1 Purpose of the Report

This officer's report is prepared under Section 42A of the Resource Management Act 1991 (RMA) and discusses matters raised in submissions on proposed Plan Change 77 – Murchison Growth Plan Change (PC77). It includes recommendations on these submissions for the Hearing Panel.

Section 32AA of the RMA requires further evaluation by the Hearing Panel of any changes made to PC77 following consideration of the matters raised in the submissions. No changes are recommended in this report, therefore a Section 32AA report is not required.

Under Clause 10 of the First Schedule of the RMA, Council is required to give reasons for its decisions on PC77. This report is also written to assist the Hearing Panel with drafting reasons for the decision.

1.2 Reporting Officer

This report has been prepared by Nicole White, consultant planner, working for Tasman District Council. I am the reporting officer for this proposed Plan Change. I have worked with Tasman District Council in the preparation of PC77 from its commencement. I have been assisted in this by the project team, which comprises of Anna McKenzie (Principal Planner – Environmental Policy, Tasman District Council), Reuben Peterson (Senior Planner, WSP), Tasman District Council technical specialists, and various Council administration staff in the policy team.

I have a Bachelor of Applied Science degree from the University of Otago and I am an associate member of the New Zealand Planning Institute. I have worked in the resource management planning field for the last six years in my current role with WSP. I confirm that I have read the 'Code of Conduct' for expert witnesses contained in the Environment Court Practice Note 2014 and that this report and my appearance at the hearing will be carried out in accordance with that Code of Conduct.

Advice on various aspects of the development of the PC77 provisions has been received from Council staff. This has included Trevor James – Senior Resource Scientist Freshwater and Ecology, Matt Moss – Ecologist, Wouter Woortman – Team Leader – Infrastructure and Planning, Jeff Cuthbertson – Wastewater Engineer, Helen Lane – Infrastructure Planning Advisor, Drew Bryant – Senior Infrastructure Planning Advisor, Glenn Stevens – Senior Resource Scientist – Hazards, Emma McFarlane – Stormwater Planning Advisor, and Mirka Langford – Senior Resource Scientist – Land and Soil.

1.3 Scale & Significance

The Section 32A report for PC77 was developed to a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from implementation of the proposal.

This Section 42A report follows the same approach and covers each relevant submission point in a degree of detail appropriate to the scale and significance of the effects anticipated. This includes those effects on both the submitter themselves and the wider environmental, economic, social, and cultural effects as they are relevant to the particular proposed change and submission point.

1.4 Report Overview

The report addresses the following:

- **Section 1 – Introduction.** This section introduces PC77, provides background to the plan change, and briefly covers the submissions made.
- **Section 2 – Evaluation of Submissions and Recommendations.** This section discusses and provides recommendations to the Hearings Panel regarding PC77 as a proposed plan change and the amendments sought in the submissions. Reasons for recommending accepting or rejecting submissions points are also given.

1.5 Background

The purpose – and therefore the objective – of this Plan Change is to provide additional land for residential housing in the Murchison township and to provide for rural residential living opportunities in the wider Murchison area. This is responding to:

- The direction given in the Nelson Tasman Future Development Strategy 2022 (FDS 2022), which has identified the plan change sites for residential and rural residential growth.
- Region-wide issues around the need to provide for population growth (including through greenfields development – refer to the Sense Partners report ‘Understanding the impacts of releasing greenfields sites for development’ in Appendix 1, under separate cover)
- Strong feedback from the Murchison community on the current lack of Residential and Rural Residential zoned land in the area. This includes a letter from the Murchison and Districts Community Council, included in Appendix 2.

The key components of the proposed plan change are summarised as follows:

- Rezoning three identified blocks of land within the Murchison township, on the existing urban fringe, from Rural 2 to ‘Rural 2 deferred Residential’. This proposed rezoning will be deferred subject to stormwater, wastewater, and potable water servicing.
- Rezoning five identified blocks of land in the wider Murchison area from Rural 2 to Rural Residential. No deferral is required for this proposed zoning as the sites will be self-serviced.
- Including a new indicative walkway on the site at 65 Hotham Street. This is to provide a connection from Hotham Street to the adjoining Council-owned recreation reserve at 34 Hampden Street.
- Including the three proposed Residential sites in the Fire Sensitive Area overlay, deferred subject to the Residential Zoning deferral being uplifted. This is an extension of the Fire Sensitive Area overlay which already applies to the remainder of the Murchison Township and includes existing Tasman Resource Management Plan (TRMP) provisions to manage potential adverse amenity effects from the discharge of contaminants from outdoor burning. This part of the proposal applies only to the Residential sites and not to the Rural Residential sites.

1.6 Consultation

Consultation on PC77 has included two main phases. These are:

- Pre-notification consultation, including the circulation of plan change draft material
- Schedule 1 consultation

1.6.1 Pre-notification Consultation

Pre-notification consultation has included early consultation with iwi. The plan change sites are within the rohe of Ngāti Waewae, who were provided with information on the proposed plan change in a hui on 2nd February 2022, and were subsequently kept up to date via email as the plan change progressed. No feedback has been received from Ngāti Waewae to date.

Council carried out consultation with landowners, key stakeholders, the local community, and infrastructure and service providers during the development of this plan change. This included letters to landowners and adjoining landowners, presentations to the Murchison and Districts Community Council and the wider public, one-on-one meetings and emails as required, site visits, and workshops with Council's elected members. The proposed plan change was advertised via Council's communications channels, including Newsline and social media. Information on the plan change was also available online with an online feedback form.

Consultation has also included a webinar and meetings with external infrastructure and service providers, and meetings with Council infrastructure and reserves staff. The information provided from these parties was collated in a Background Report (included in Appendix 3, under separate cover) and used to inform the development of the proposed plan change.

1.6.2 Schedule 1 Consultation

Council has undertaken consultation under Schedule 1, Clause 3 of the RMA. This includes consulting with the Minister for the Environment, adjoining local authorities and sending the draft PC77 material to Ngāti Waewae on 30 June 2022. No advice was received from Ngāti Waewae or the Minister for the Environment in relation to the matters within PC77. All consultation and notification requirements of Schedule 1 of the RMA have been met through this process.

1.7 Plan Change Process and Submissions

On 18 August 2022, the Strategy and Policy Committee recommended that PC77 be publicly notified. The proposed wording, as notified, is provided in Appendix 4 of this report (under separate cover).

On the 16 September 2022, PC77 was publicly notified with submissions closing on 17 October 2022. Three submissions were received. The summary of submissions was publicly notified on 28 October 2022 with the further submission period closing on the 11 November 2022. Two further submissions were received on the original submissions. Table 1 below outlines the submissions and further submissions received, and shows where these submissions are discussed within this report.

Table 1: Submissions and Further Submissions

Submitter Number	Submitter Name	Position	Report Ref	Further Submitter Number	Further Submitter Name	Position	Report Ref
4212	Ricki Leahy	Support in Part	2.3, 2.4	FC77.174.1	Transpower NZ Ltd	Opposed	2.4
174	Transpower NZ Ltd	Support	2.3, 2.4	n/a	n/a	n/a	n/a
4026	Waka Kotahi NZ Transport Agency (Waka Kotahi)	Support in Part	2.2.2, 2.5	FC77.4076.1	Karen Steadman	Opposed in Part	2.5

Section 2 of this report discusses the submissions and includes recommendations regarding the decisions sought. A copy of the submissions and further submission can be found in Appendix 5 (under separate cover).

2.0 Evaluation of Submissions and Recommendations

2.1 Introduction

This section divides the issues raised in the submissions into separate topics and then discusses the matters raised in each topic and provides recommendations to the Hearing Panel. The topics under which the submissions and further submissions are grouped are outlined below:

Table 2: Topics

Topic	Submissions Discussion under This Topic
Topic 77.0 General	<ul style="list-style-type: none">• Submitter 174 (Transpower NZ Ltd), Submission Point 77.6-2• Submitter 4212 (Ricki Leahy), Submission Point 77.0-1• Further Submitter 174 (Transpower NZ Ltd), Further Submission Point FC77.174.1 (as it relates the general matters raised in the original submission)
Topic 77.1 National Grid Transmission Lines	<ul style="list-style-type: none">• Submitter 174 (Transpower NZ Ltd), Submission Points 77.16-1 and 77.17-1• Submitter 4212 (Ricki Leahy). Submission Point 77.6-1• Further Submitter 174 (Transpower NZ Ltd), Further Submission Point FC77.174.1 (as it relates to national grid transmission lines)
Topic 77.2 Transport and Accessibility	<ul style="list-style-type: none">• Submitter 4206 (Waka Kotahi NZ Transport Agency (Waka Kotahi)), Submission Points 77.0-2 and 77.0-3• Further Submitter 4076 (Karen Steadman), Further Submission Point FC77.4076.1

Subject to decisions being made on the recommended changes set out below, it is recommended that the proposed Plan Change is approved.

2.2 Late Submissions, Summary of Submissions and Scope

2.2.1 Late Submissions

No late submissions were received.

2.2.2 Scope

It is important to ensure that the submission points are within the scope of the proposed plan change. Council has recent court experience on this matter through *Mackenzie v Tasman District Council* [2018] NZHC 2304 [3 September 2018]. This was an appeal to an Environment Court decision regarding whether a submission was 'on' a Plan Change. Both the Environment Court (EC) and the High Court (HC) agreed with Council's original rejection of the submission on the basis that it was outside the scope of the plan change. The relevant plan change was PC 60 Rural Land Use and Subdivision Policy Review.

The EC noted the key cases relating to submissions being 'on' a plan change are *Clearwater Resort Ltd v Christchurch City Council*¹ and *Palmerston North City Council v Motor Machinists Ltd*² (*Clearwater/Machinists*). These set out that a submission would be 'on' a plan change if it:

- a) Addressed the extent to which the plan change would alter the pre-existing status quo; and,
- b) Did not permit an appreciable amendment to a planning instrument without real opportunity for participation by those potentially affected.

¹ *Clearwater Resort Ltd v Christchurch City Council* HC Christchurch AP 34/02, 14 March 2003

² *Palmerston North City Council v Motor Machinists Ltd* [2-13] NZHC 1290, [2014] NZRMA 519

Other cases referenced in the HC decision also raise other questions of relevance when determining if a submission is within scope. These questions and considerations include³:

- a) Whether the submission raises matters that should have been addressed in the s32 evaluation report.
- b) Whether the management regime in a plan for a particular resource is altered by the plan change. If not, then a submission seeking a new management regime for that resource is unlikely to be on the plan change.
- c) Following point b) above, submissions that seek to substantially alter or add to the relevant objective of the plan change are not likely to be considered on the plan change. However, a change in policy or method that achieves any relevant objective in a way that is not radically different from what could be contemplated as resulting from the notified plan change may be considered to be on the plan change.
- d) Whether there is a real risk that persons directly or potentially affected by the additional changes proposed in the submission have been denied an effective response to those in the plan change process. If so, then the process for further submission under clause 8 of schedule 1 to the Act does not avert that risk.

When required, the submissions below are considered as to whether they are 'on' the plan change and therefore within scope. Each submission where scope has been considered will include within the main recommendation a note for the hearing panel to also accept or reject the submission in terms of scope.

2.3 Topic 77.0 General

2.3.1 Submission Requests

There were two submissions which included submission points relating to general matters, and one further submission in relation to this. These submissions are discussed below.

2.3.1.1 Submitter 174: Transpower NZ Ltd

- **Submission Point 77.6-2, Support:** The submitter supports the retention of the provisions as proposed to be included in Tasman Resource Management Plan Sections 6.18.1.4, 6.18.3.3 and 6.18.20.1(b). These sections include a proposed Issue, Policy, and Method of Implementation, related to enabling a variety of housing options through appropriately zoned land in Murchison. Note: the submitter has ticked the 'support in part' box on the submission form, however, it is inferred from their submission that this is an error, and that their support is in full as no changes are requested.

Reason: Transpower are generally supportive of the proposal.

2.3.1.2 Submitter 4212: Ricki Leahy

- **Submission Point 77.0-1 Support in part;** The submitter supports the proposed plan change in part and seeks that it be amended to include their property (Section 1 SO 14888, RT 562862; and Section 2 and Section 3 SO 14888, RT 562863) within the Rural Residential rezoning.

Reason: The submitter considers that Murchison has a severe housing shortage problem and that there is a need for accommodation in order to get workers in the area. They would like

³ Bluehaven Management Ltd v Rotorua District Council [2016] NZEnvC 191

to subdivide their property to provide accommodation for their employees and to resolve the current joint ownership of Section 2 and Section 3 SO 14888, RT 562863.

2.3.1.3 Further Submission – Submitter 174: Transpower NZ Ltd

- **Further Submission Point FC77.174.1 Opposed to the original submission made by Submitter 4212;** The submitter considers that submission point 77.0-1 is outside of the scope of PC77 and that, if the submission is accepted, new rules would be required to ensure appropriate building setbacks from the National Grid Transmission Line.

Reason: The original submission point is regarding land outside of the scope of PC77. There is a National Grid Transmission Line on the identified land parcels which needs to be considered if the property is rezoned.

2.3.2 Reporting Officer Assessment and Recommendations

2.3.2.1 Discussion and Reasons

Submission Point 77.6-2 (Transpower NZ Ltd) supports the retention of the provisions as proposed to be included in Tasman Resource Management Plan sections 6.18.1.4, 6.18.3.3 and 6.18.20.1(b). These proposed provisions identify a lack of housing options in Murchison as an issue and introduce an associated policy and method of implementation to address this issue. It is recommended that this submission point be accepted.

Submitter 4212 (Ricki Leahy) has expressed general support for rezoning land to address Murchison's 'severe housing shortage' and requested in submission point 77.0-1 that the proposed plan change be amended to include their property (Section 1 SO 14888, RT 562862; and Section 2 and Section 3 SO 14888, RT 562863) within the Rural Residential rezoning. These identified land parcels are located opposite 268 Mangles Valley Road, which is subject to the proposed Rural Residential rezoning. Section 1 SO 14888 is held with Lot 1 DP 446634 on Record of Title 562862. Sections 2 and 3 are both held on Record of Title 562863, which is jointly owned by the submitter and Alexander Hislop.

Transpower NZ Ltd has made a further submission (FC77.174.1) in opposition to the change requested in submission point 77.0-1 as they consider this to be outside of the scope of PC77.

As outlined in Section 2.2.2 of this report, the primary test to determine whether a submission point is within the scope of a plan change is the two cases of clearwater/machinists .i.e. a submission would be 'on' a plan change if it:

- a) Addressed the extent to which the plan change would alter the pre-existing status quo; and,
- b) Did not permit an appreciable amendment to a planning instrument without real opportunity for participation by those potentially affected.

The inclusion of Submitter 4212's property in the plan change is considered to be out of the scope of PC77 for the following reasons:

- a) The change sought would change the status quo position beyond that which is currently envisioned by PC77. The proposed plan change is seeking to rezone specific sites under the direction of the Nelson Tasman Future Development Strategy 2022 (FDS 2022), which does not identify the submitter's property for rural residential growth.
- b) The submitter's property was not included within the consultation material that the public and potentially affected parties were consulted on, or in the s32 Evaluation Report as a site to be rezoned. While the submitter's property does not border any private properties, there are parties who are potentially affected by the requested rezoning of this site. There is a risk that, in amending the plan change to include the submitter's property, persons that are

directly or potentially affected by the change will be denied the opportunity to submit on the rezoning of this site.

Based on the above, I recommend that Submission Point 77.0-1 be rejected due to it not being within the scope of PC77 and that Transpower NZ Ltd's further submission FC77.174.1 be accepted.

However, in the event that this recommendation is not accepted, the following is noted in regard to the suitability of the site to be rezoned from Rural 2 to Rural Residential:

- **Allotment size:** The identified land parcels comprises of Section 1 SO 14888 which is held with Lot 1 DP 446634 on Record of Title 562862, and Sections 2 and 3 which are both held on Record of Title 562863. These titles have an area of 2.59 hectares (including both Section 1 SO 14888 and Lot 1 DP 446634) and 3.67 hectares, respectively. Section 1 SO 14888, on its own, has an area of 1.55 hectares. The proposed Rural Residential Zoning is intended to have a 2 hectare minimum allotment size. The identified land parcels would not be able to achieve this Controlled Activity minimum allotment size for subdivision.
- **FDS 2022:** The identified land parcels have not been identified for rural residential growth in the FDS 2022, which has identified appropriate development sites.
- **Mangles River:** The subject property borders the Mangles River. The Mangles River is subject to the Water Conservation (Buller River) Order 2001, and therefore has a higher level of protection. Any development on the property would need to comply with river setback distances, which (cumulatively with the other factors listed here) will constrain the space available for development.
- **National Grid Transmission Lines:** There is a National Grid Transmission Line running through all three of the identified land parcels. Any building would need to be setback an appropriate distance from these transmission lines. Transpower NZ Ltd, in their further submission on submission point 77.0-1, have stated that *'If this submission is allowed and included in the re-zoning Transpower would consider that new rules would be required to address the requirements of the National Grid and appropriate setbacks.'* This would further constrain the space available for development.
- **Servicing:** The proposed Rural Residential sites will be self-serviced (i.e. not connected to Council's reticulated stormwater, wastewater, or potable water supply). Given the space constraints outlined above, and the proximity of Mangles River, additional information would be needed to ensure that the titles would be able to be appropriately serviced for further development.

If the commissioners are minded to accept that this submission (77.0-1) is within scope, then, due to the matters set out above, I would recommend that the requested rezoning is rejected.

2.3.2.2 Recommendations

Submission Point 77.6-2 - Accept

Submission Point 77.0-1 – Reject

Further Submission Point FC77.174.1 – Accept

2.4 Topic 77.1 – National Grid Transmission Lines

2.4.1 Submission Requests

This topic discusses the provisions proposed to mitigate potential reverse sensitivity effects of the proposed Rural Residential rezoning in Mangles Valley within proximity of a National Grid Transmission Line. Two submissions have been received in relation to this, and one further submission. These are discussed below.

2.4.1.1 Submitter 174: Transpower NZ Ltd

- **Submission Point 77.16-1, Support:** The submitter supports the retention of the provisions as proposed to be included in Tasman Resource Management Plan sections 6.3.8.1, Figure 16.3C, and 16.3.8.11(m)). Note: the submitter has ticked the 'support in part' box on the submission form, however, it is inferred from their submission that this is an error, and that their support is in full as no changes are requested.

Reason: Transpower NZ Ltd have advised that they are generally supportive of the proposed changes and appreciate Council taking on board the earlier advice provided in regard to the setback requirements of the national grid.

- **Submission Point 77.17-1, Support:** The submitter supports the retention of the provisions as proposed to be included in Tasman Resource Management Plan Section 17.8.3.1(g)(vii) and 17.8.3.2 Matters of Discretion (5). Note: the submitter has ticked the 'support in part' box on the submission form, however, it is inferred from their submission that this is an error, and that their support is in full as no changes are requested.

Reason: Transpower NZ Ltd have advised that they are generally supportive of the proposed changes and appreciate Council taking on board the earlier advice provided in regard to the setback requirements of the national grid.

2.4.1.2 Submitter 4212: Ricki Leahy

- **Submission Point 77.6-1, Support in Part:** The submitter seeks that the 32 metre building setback distance from the National Grid Transmission Line, which is proposed to apply to building on the proposed Rural Residential site in Mangles Valley, be re-considered and that more technical detail be included.

Reason: The degree of sway will vary along the length of the transmission line, with there being no sway at points where the lines are fixed to pylons. The submitter therefore considers that a fixed 32 metre setback distance is not appropriate and needs to be reconsidered to account for this variation and include more technical detail. The submitter notes that they have constructed a complying shed within 32 metres of the National Grid Transmission Line on their property.

2.4.1.3 Further Submission – Submitter 174: Transpower NZ Ltd

- **Further Submission Point FC77.174.1 Opposed to the original submission made by Submitter 4212;** The submitter considers that some of the information stated in the original submission made by Submitter 4212 is not correct.

Reason: The submitter states that they have undertaken a robust assessment of the necessary National Grid Transmission Line setbacks, across the country. There are a number of different setbacks and corridor provisions that are used, including different requirements

for different structures. For example, sheds are generally permitted closer to National Grid Transmission Lines than residential activities.

2.4.2 Reporting Officer Assessment and Recommendations

2.4.2.1 Discussion and Reasons

A 32 metre setback distance is proposed from the National Grid Transmission Line for buildings on the proposed Rural Residential site in Mangles Valley. This is to mitigate potential adverse reverse sensitivity effects on the National Grid Transmission Line and to avoid a potential hazard to any new building. Transpower NZ Ltd have submitted in support of the retention of these proposed provisions. Submitter 4212 (Ricki Leahy) has requested that the setback distance be reconsidered to account for different situations. Transpower NZ Ltd have made a further submission (FC77.174.1) in opposition to this.

I recommend that Transpower NZ Ltd's Submission Points 77.16-1 and 77.17-1, and Further Submission FC77.174.1 be accepted, and that Submitter 4212's Submission Point 77.6-1 be rejected for the following reasons:

- The proposed setback distance is based on early feedback from Transpower NZ Ltd, and is understood to be based on a wider framework and is consistent with their general approach throughout the country. The setback distance is also consistent with the setback distances used already in the TRMP for buildings in the Richmond East Development Area.
- Transpower NZ Ltd have advised that there are a number of different setbacks and corridor provisions that are used, including different requirements for different structures. In this case, I consider including more detail in the proposed provisions to allow some structures (e.g. sheds) to be located closer to the transmission lines (if appropriate) to be of little benefit, given that the proposed rezoning is located approximately 24.5 metres from the transmission lines. Adding more technical detail or exceptions could make the proposed provision overly complication for this single location and situation. A change of this nature is better considered on a region-wide scale through the new and currently being developed, Tasman Environment Plan. Any proposed buildings on the Rural Residential site that do not meet the setback distance will be able to be considered on a case-by-case basis through the resource consent process.

2.4.2.2 Recommendations

Submission Point 77.16-1 – Accept

Submission Point 77.17-1 – Accept

Submission Point 77.6-1 – Reject

Further Submission point FC77.174.1 – Accept

2.5 Topic 77.3 – Transportation

2.5.1 Submission Requests

This topic discusses transportation matters, including traffic safety, accessibility, and reverse sensitivity effects. One submission has been received in relation to this, supporting the plan change in part. A further submission has also been received, opposing the original submission in part. These submissions are discussed below.

2.5.1.1 Submitter 4206: Waka Kotahi

- **Submission Point 77.0-2 Support:** Support for the deferred Residential zoning and proposed indicative walkway.

Reason: Waka Kotahi supports the proposed deferred Residential zoning as it is in line with the FDS 2022, is located on the same side of the state highway as many of the existing urban amenities, and is an expansion of the existing urban area. Furthermore, the sites do not have direct access to the state highway, and are located far enough from the state highway that reverse sensitivity effects are not of concern. Waka Kotahi supports the proposed indicative walkway as it promotes multi-modal connectivity within the urban area of Murchison.

- **Submission Point 77.0-3 Oppose:** Opposed to the rezoning of 2595 Kawaitiri-Murchison Highway from Rural 2 to Rural Residential at its current scale. The submitter seeks that the scale of the area to be rezoned is reduced to provide for a small amount of rural residential land use, that the safe and suitable access complying with the Waka Kotahi Planning Policy Manual is ensured, and that provisions be included for this site to address potential reverse sensitivity effects. Waka Kotahi is neutral on the other Rural Residential sites.

Reason: 2595 Kawaitiri-Murchison Highway is located directly adjacent to, and gains access from, the state highway. Waka Kotahi considers the estimated yield of 28 dwellings used in the FDS 2022 to be of a scale which promotes development solely dependent on private vehicle travel and to have potential implications for the state highway.

2.5.1.2 Further Submission FC77.4076.1: Karen Steadman

- **Further Submission Point FC77.4076.1 Opposed to the original submission in part:** The further submitter considers that the proposed rezoning of 2595 Kawaitiri-Murchison Highway should be retained with a 2 hectare minimum allotment size, and opposes the suggestion of the potential for 28 dwellings on this site.

Reason: The further submitter owns the property at 2595 Kawaitiri-Murchison Highway and would like to subdivide the property into four 2 hectare lots and one 4 hectare lot.

2.5.2 Reporting Officer Assessment and Recommendations

2.5.2.1 Discussion and Reasons

Residential Sites and Indicative Walkway – Submission point 77.0-2:

Waka Kotahi have submitted in support on the residential rezoning and proposed indicative walkway. No further submissions have been received in relation to this submission point. It is recommended that this submission point be accepted.

Rural Residential Rezoning of 2595 Kawaitiri-Murchison Highway – Submission Point 77.0-3 and Further Submission FC77.4076.1:

2595 Kawaitiri-Murchison Highway is a 13.98 hectare property, located on State Highway 6. The proposed plan change is seeking to rezone this site from Rural 2 to Rural Residential. The consideration of the submission points on 2595 Kawaitiri-Murchison Highway has been separated into three sub-topics for ease of discussion. These are scale, access, and reverse sensitivity. These matters are discussed below.

- Scale:

The FDS 2022 identified 2595 Kawaitiri-Murchison Highway for Rural Residential growth and used an average lot size of 5,000m² to generate an estimated yield of 28 dwellings on the 13.98 hectare property. The proposed plan change is following the general direction of the FDS 2022

in rezoning the site to Rural Residential, however, includes a greater minimum allotment size of 2 hectares which is more consistent with the TRMP's existing Rural Residential minimum allotment sizes. This means that the scale of rural residential development under the proposed provisions would be significantly less than the 28 dwellings anticipated by the FDS 2022.

Karen Steadman, the owner of 2595 Kawaitiri-Murchison Highway, has made a further submission on Waka Kotahi's submission which explains that she intends to subdivide the property into four 2 hectare lots and one 4 hectare lot. This is consistent with the scale of development envisioned by the proposed provisions and provided for by the 2 hectare minimum allotment size.

The relief sought by Waka Kotahi is not considered to require any change, given that the plan change already proposes a 2 hectare minimum allotment size.

- Access:

Waka Kotahi have requested that the proposed plan change be amended to ensure that safe and suitable access complying with the Waka Kotahi Planning Policy Manual is ensured. I note that the road frontage of 2595 Kawaitiri-Murchison Highway is over 1km in length, is relatively straight and – with the exception of a small rise towards the northern end of the property – is relatively level, providing plenty of space for a compliant access to be constructed. Any proposed development will need to go through the resource consent process, where safe and suitable access will be assessed against the transport rules contained in Chapter 16.2 of the TRMP and the relevant Nelson Tasman Land Development Manual standards. Any breach of the transportation rules would require resource consent. Waka Kotahi would likely be involved in the resource consent process.

The proposed provisions do not require assessment against the Waka Kotahi Planning Policy Manual. This approach is consistent with the existing TRMP provisions. It is not considered to be appropriate to require assessment against a different standard (the Waka Kotahi Planning Policy Manual) for this specific location and situation. Any change to the standards against which accessways are assessed is considered to be best addressed on a region-wide scale through the new and currently being developed, Tasman Environment Plan.

Overall, I am satisfied that an appropriate vehicle access can be achieved within the length of the property frontage to cater for rural residential development. The detail of this, including the required access standard and location, is more appropriately addressed at the resource consent stage.

- Reverse Sensitivity:

Waka Kotahi have requested that the plan change be amended to include reverse sensitivity provisions for development at 2595 Kawaitiri-Murchison Highway, in accordance with the Waka Kotahi Reserve Sensitivity Guideline 2015. The Waka Kotahi Reserve Sensitivity Guideline 2015 is used to mitigate the reverse sensitivity effects of noise and vibration from state highways on the habitants of any new dwellings. It is understood that reverse sensitivity mitigation is generally sought for residential development within 100m of the state highway's white edgeline (within the reverse sensitivity 'effects' area).

The TRMP currently includes reverse sensitivity provisions for development in Richmond West. Proposed Plan Change 75 (Brightwater Growth Plan Change) is also seeking to apply reverse sensitivity provisions to a proposed deferred residential area, adjoining the state highway. In both of these situations, the provisions are applied, or proposed to be applied, within urban environments where there is anticipated to be a higher level of residential development and higher traffic volumes, and therefore a higher degree of sensitivity to road noise and vibration.

Reverse sensitivity provisions are not considered to be appropriate for 2595 Kawaitiri-Murchison Highway, for the following reasons:

- The site is within a rural environment, with lower traffic volumes, and is proposed to have a lower density Rural Residential zoning.
- Applying reverse sensitivity provisions in a rural area is a new concept for the TRMP and is considered to be better addressed on a region-wide scale through the new and currently being developed, Tasman Environment Plan, rather than through site-specific provisions.

- Other Rural Residential Sites:

Waka Kotahi's submission is neutral in relation to the other Rural Residential sites. No further subdivisions have been received in relation to these sites.

2.5.2.2 Recommendation

Submission point 77.0-2 – Reject

Submission point 77.0-3 – Reject

Further submission FC77.4076.1 – Accept

3 Evaluation Summary

The evaluations and recommendations set out above purposefully respond to each item in turn due to the individual and property specific nature of the submissions. In the case of one submitter the changes sought are beyond the scope PC77 and cannot be addressed here. Other submissions are recommended to be rejected or accepted, for the reasons outlined in this report. Overall PC77 is recommended to be approved without change.

Appendix 1: Sense Partners Report – Understanding the Impacts of Releasing Greenfields Land 2020

Under separate cover

Appendix 2: Letter from the Murchison and Districts Community Council

Under separate cover

Appendix 3: Background Report

Under separate cover

Appendix 4: Proposed Plan Change – Schedule of Amendments

Under separate cover

Appendix 5: Submissions

Under separate cover