Tasman Regional Policy Statement

Change 1
Urban Development
Section 42A Report

Report prepared by the Tasman District Council

October 2026

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Executive Summary

1. This report considers submissions received by the Council in relation to Change 1 to the TRPS. The report outlines recommendations in response to the issues that have emerged from these submissions. Change 1 to the TRPS is paired with Plan Change 81 to the TRMP, which was notified at the same time and is progressing in parallel.

2. A total of 33 original submissions were received, comprising 160 submission points. Eight further submissions were received, comprising 112 submission points. The submissions received were diverse and sought a range of outcomes.

3. The submissions considered in this report address a broad range of urban development matters, including the management of growth, housing and business land capacity, infrastructure and additional infrastructure, highly productive land, housing choice, urban amenity, commercial centres, responsiveness to unanticipated development proposals, and the implementation of the NPS-UD. While many submitters support the overall intent of Change 1, others seek amendments to strengthen, clarify or refine the proposed provisions. A number of submissions also raise broader matters relating to natural hazards, climate resilience and the relationship between urban growth and environmental outcomes. Many submissions cover both Change 1 and Plan Change 81, with the majority of content relating to Plan Change 81.

4. Submission 1.1 from TDSC, has been considered within Hearing 1. The officer's recommendation within the s42A Report for Hearing 1 recommends that this submission point is not within the scope of PC1.

5. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the TRPS should be amended as set out in Appendix 1 of this report.

6. For the reasons set out in the Section 32AA evaluations included throughout this report, I consider that the amended objectives are the most appropriate way to achieve the purpose of the RMA and that the policies and other provisions are the most appropriate way to achieve the objectives.

Interpretation

This report uses a number of abbreviations for brevity, as set out in Tables 1 and 2 below.

Table 1: Abbreviations

Abbreviation	Means
Change 1	Proposed Change 1 to the Tasman Regional Policy Statement
Council	Tasman District Council
FDS	Nelson Tasman Future Development Strategy 2022-2052
HBA	Housing and Business Assessment
HPL	Highly productive land
IHP	Independent Hearing Panel
LGA	Local Government Act 2002
LTP	Council's Long Term Plan
NPS	National Policy Statement
NPS-FM	National Policy Statement for Freshwater Management
NPS-HPL	National Policy Statement for Highly Productive Land
NPS-I	National Policy Statement for Infrastructure
NPS-NH	National Policy Statement for Natural Hazards
NPS-UD	National Policy Statement on Urban Development
NZCPS	New Zealand Coastal Policy Statement
PC81	Proposed Plan Change 81 to the Tasman Resource Management Plan
RMA	Resource Management Act 1991
TRPS	Tasman Regional Policy Statement
Section 32 report	Section 32 Evaluation Report prepared for Proposed Change 1
s42A report	Section 42A report (this report)
TRMP	Tasman Resource Management Plan

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
CKSV	CKSV Māpua Limited Partnership
TDSC	Top of the South Dark Sky Committee and Supporters (Ralph Bradley)
Orange	Orange Family Trust and Orange Building Group Limited
MoE	Ministry of Education
Tahimana	Tahimana Limited
RPHL	Richmond Pōhara Holdings Limited
NCC	Nelson City Council
Kairos	Kairos Trust
TBEL	Tasman Bay Estates Limited
Fulton Hogan	Fulton Hogan Limited
Vicmatt	Vicmatt Properties Limited
Katania	Katania Terraces Limited
Fonterra	Fonterra Limited
NZTA	New Zealand Transport Agency Waka Kotahi

1. Introduction

1.1 Purpose of the Report

7. This officer report has been prepared under section 42A of the RMA to assist the IHP in considering submissions and further submissions on Change 1.

8. The report identifies and evaluates the key issues raised in submissions and further submissions, assesses the merits of the relief sought, and provides officer recommendations to the IHP on whether submission points should be accepted, accepted in part, or rejected.

9. Where amendments to the notified provisions are recommended, further evaluation has been undertaken under section 32AA of the RMA. That evaluation is included in this report at a level of detail that corresponds to the scale and significance of the recommended changes.

10. The report also assists the IHP and Council in meeting the requirements of clause 10 of Schedule 1 to the RMA by setting out the reasons for the officer recommendations on submissions.

1.2 Overview and scope of Change 1

11. Change 1 updates the TRPS framework for urban development and growth management within Tasman District. It provides strategic direction for how growth, housing and business development capacity, urban form, infrastructure integration and responsiveness to significant urban development proposals are to be managed at the regional policy statement level.

12. The purpose and primary drivers of Change 1 are to give effect to the NPS-UD, to have regard to the FDS, and to provide an updated strategic framework for urban development in the TRPS. The operative TRPS became operative in 2001 and predates significant national direction relating to urban development, development capacity, housing choice, well-functioning urban environments, infrastructure integration and responsiveness to significant development proposals.

13. Change 1 introduces amendments to the TRPS including a new strategic objective for Tasman's contribution to a well-functioning Nelson Tasman urban environment, new objectives and policies relating to housing and business development capacity, provisions supporting a greater diversity of housing types including medium density housing and papakāinga, direction on the integration of urban growth and infrastructure, a hierarchy of commercial centres, and policy direction on Council's response to significant unanticipated or out-of-sequence urban development proposals.

14. Change 1 is a focused change to the TRPS. It is not a comprehensive review of the regional policy statement. It responds to identified gaps in the existing strategic planning framework and provides regional policy statement-level direction to support implementation of the NPS-UD, alignment with the FDS, and coordination with related district plan provisions, including PC81.

1.3 Relationship with Plan Change 81 to TRMP

15. Change 1 has been developed alongside PC81. The two changes are complementary but separate statutory processes.

16. PC81 provides the district plan implementation framework for many of the same urban development matters. It includes detailed amendments to the TRMP including zoning, objectives, policies, rules, schedules, planning maps, outline spatial plans, deferred zoning and other methods relating to urban growth, residential and business development capacity, housing choice, papakāinga, commercial centres and infrastructure integration.

17. Because Change 1 is not yet operative, PC81 is not required to give effect to it at this stage. However, the two changes have been prepared to be broadly consistent with each other. Where relevant, this report refers to PC81 as part of the implementation context for considering submissions on Change 1, while recognising that the recommendations in this report must be made on Change 1 through the Schedule 1 process for changes to the TRPS.

18. In many cases, submissions lodged on Change 1 cover both Change 1 and PC81, almost invariably with the bulk of the submission points being on PC81. There are a small number of submission points on Change 1 that may be better dealt with through PC81. In all cases, the submitter has submitted on both documents.

1.4 Authors and Roles of Reporting Officers

19. This report has been prepared by two reporting officers, Matthew McCallum-Clark and Myaan Bengosi. This report has been reviewed by Jeremy Butler (Team Leader of Urban and Rural Policy at the Council).

1.4.1 Matthew McCallum-Clark

20. My name is Matthew McCallum-Clark. I am a consultant planner from the firm Incite. I have prepared this report as one of the two reporting officers. My role is to assess the submissions and further submissions addressed in this report, make recommendations to the IHP, and provide reasons for those recommendations.

21. My relevant qualifications and experience are as follows: I hold a Bachelor of Law from Canterbury University, a Bachelor of Commerce (Economics) from Otago University and a post-graduate diploma in Environmental Auditing from Brunel University in the UK. I have been a planner for over 30 years, with most of my work over the last 15 years being policy planning, as part of, or leading, Council teams. I have appeared as an expert witness before many hearing panels, the Environment Court and High Court, I am also a certified hearing commissioner, with chair endorsement.

22. I have been asked to assist with preparation of the s42A report and appear at the hearing on Change 1.

23. In preparing this report, I have drawn on input from Jacqui Deans, Urban Growth Co-ordinator at the Council. Ms Deans is giving evidence in this hearing stream.

24. I have read the Code of Conduct for Expert Witnesses set out in the Environment Court Practice Note 2023 and agree to comply with it. This s42A report has been prepared in accordance with the Code of Conduct.

25. I confirm that the opinions I express in this report are within my expertise and represents my true and complete professional opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express. I confirm that I have used Claude AI to assist with an early draft of sections that set out the requested changes of some submitters. I also used Claude AI to assist with standardising the formatting of text and submitter number references. AI was not used to make planning judgments or recommendations. Analysis and recommendations for my parts of this report were prepared and reviewed by me.

26. The evidence I am giving is within my area of expertise. I understand it is my duty to assist the IHP impartially on relevant matters within my area of expertise.

1.4.2 Myaan Bengosi

27. My name is Myaan Bengosi. I am employed at Tasman District Council as a Policy Planner. I have co-prepared this report as one of the reporting officers.

28. I hold a Bachelor of Environmental Planning degree from the University of Waikato. I have over nine years of planning experience in New Zealand, including in both local government and private-practice roles. I have been involved in the preparation of the s32 report, consultation, notification and submissions processes for Change 1.

29. I have read the Code of Conduct for Expert Witnesses set out in the Environment Court Practice Note 2023 and agree to comply with it. This s42A report has been prepared in accordance with the Code of Conduct.

30. I declare that I am an employee of TDC. I confirm that the opinions I express in this report are within my expertise and represents my true and complete professional opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

31. The evidence I am giving is within my area of expertise. I understand it is my duty to assist the IHP impartially on relevant matters within my area of expertise. I confirm that I have used Microsoft Copilot AI to assist with an early draft of sections that set out the requested changes of some submitters. AI was not used to make planning judgments or recommendations. Analysis and recommendations for my parts of this report were prepared and reviewed by me.

32. In preparing this report, I have drawn on input from Jacqui Deans, Urban Growth Co-ordinator at Council.

33. My role is to assess the submissions and further submissions addressed in this report, make recommendations to the IHP, and provide reasons for those recommendations.

1.5 Notification and Submissions

34. Change 1 was publicly notified on 19 June 2026, with submissions closing on 3 August 2026. A total of 30 working days were allowed for written submissions. The change documentation, section 32 report and supporting technical information were made available through Council's website and at Council service centres and libraries.

35. The Summary of Decisions Requested was publicly notified on 18 August 2026, with the further submission period closing on 31 August 2026. Following the close of further submissions, it was identified that a small number of submission points had been incorrectly summarised in the notified Summary of Decisions Requested. The affected summaries were corrected, and an amended Summary of Decisions Requested was publicly notified on 16 September 2026, with further submissions on those amended points only accepted until 29 September 2026.

36. A total of 33 original submissions were received, comprising some 160 submission points. Eight further submissions were received, comprising 112 submission points. A summary of submissions and further submissions is provided in Appendix 2. The further submissions were made publicly available on 9 October 2026.

37. There were eight late original submissions. No late further submissions were received.

1.6 Key Issues in Contention

38. The submissions and further submissions on Change 1 raise a broad range of issues relating to the future growth and development of Tasman District. While many submitters support the overall intent of Change 1 and its implementation of the NPS-UD, a number of submitters seek amendments to the proposed provisions, supporting information, and section 32 evaluation.

39. The key issues in contention can be grouped as follows:

- The provision of sufficient housing and business land capacity, including the appropriateness of housing bottom lines, growth projections and development capacity assumptions;
- The role of the FDS in directing urban growth, including the extent to which growth should be consolidated within the identified urban areas or accommodated through unanticipated or out-of-sequence development proposals;
- The integration of urban growth with infrastructure and additional infrastructure, including the provision of schools, community facilities and transport networks;
- The protection of HPL and the balance between urban expansion, intensification and environmental outcomes;
- Housing choice, urban form, intensification and the extent to which urban amenity values should be expected to change over time;
- The treatment of settlements and residential development outside Tasman's Urban Environment, including Rural 3 and Rural Residential zones;
- The role of private plan changes in responding to future growth demands and contributing to well-functioning urban environment;

- The extent to which natural hazards, climate resilience and environmental constraints should be addressed through Change 1; and
- Drafting, terminology, definitions and the overall structure and clarity of the proposed provisions.

40. These matters form the basis for the assessments contained in this report. Where amendments to the notified provisions are recommended, those amendments are addressed through the relevant section 32AA evaluations at a level of detail that corresponds to the scale and significance of the recommended changes.

1.7 Procedural Matters

41. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this chapter.

42. Late submissions, scope decisions, and further submission decisions are being considered as a part of Hearing Stream 1. Hearing Stream 1 occurs after this report is published. Therefore, we have assessed the submissions on their merits, as if there were no procedural issues, and if needed, the relevant tables and recommendations can be updated following release of the Hearing Stream 1 decision.

2. Statutory and Policy Context

2.1 RMA and Schedule 1 context

43. Change 1 has been prepared under the RMA using the Schedule 1 process for changes to regional policy statements. The role of the IHP is to consider submissions and further submissions on Change 1 and make recommendations to Council on whether the notified provisions should be retained, amended, or deleted.

44. In considering Change 1, the IHP must apply the relevant statutory tests in the RMA. These include the purpose and principles in Part 2, the purpose of regional policy statements in section 59, the requirements in section 61 for preparing and changing regional policy statements, and the requirement to give effect to any relevant national policy statement.

45. Change 1 is also informed by the RMA framework for integrated management of natural and physical resources, including the relationship between regional policy statements and district plans, the provision of sufficient development capacity for housing and business land, and the integration of land use and infrastructure planning. These matters are particularly relevant to the proposed provisions for urban growth, housing and business development capacity, well-functioning urban environments, commercial centres, infrastructure integration, responsive planning and related strategic policy direction.

46. A section 32 evaluation report was prepared before Change 1 was notified. That report evaluated the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the RMA, and whether the proposed policies and other methods are the most appropriate way to achieve the objectives, having regard to their efficiency and effectiveness.

2.2 Section 32AA

47. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

48. The required section 32AA evaluation for changes proposed because of consideration of submissions is contained within the assessment of the relief sought throughout this report.

2.3 Trade Competition

49. In accordance with section 61(3) of the RMA, trade competition and the effects of trade competition have not been had regard to in preparing or assessing submissions on this regional policy statement change.

2.4 National Policy Statement on Urban Development

50. The NPS-UD is the primary driver for Change 1. Change 1 is intended to update the TRPS so that it better gives effect to the NPS-UD at the regional policy statement level, including by providing strategic direction on urban growth, housing and business development capacity, well-functioning urban environments, housing choice, infrastructure integration, and responsiveness to significant urban development proposals.

51. The NPS-UD requires local authorities to provide at least sufficient development capacity to meet expected demand for housing and business land, ensure planning decisions contribute to well-functioning urban environments, support a variety of homes that meet the needs of different households, and recognise that amenity values in urban environments may change over time. These requirements are relevant to the Change 1 provisions relating to Tasman's urban environment, housing and business development capacity, commercial centres, papakāinga, responsive planning, urban form, infrastructure integration and the management of growth-related effects.

52. Clause 4.1 of the NPS-UD directs local authorities to amend regional policy statements and district plans to give effect to the NPS-UD as soon as practicable. Change 1 forms part of Council's regional policy statement response to that obligation. It proposes updated objectives and policies to provide strategic direction for urban development in Tasman, support the provision of sufficient development capacity, guide the integration of land use and infrastructure, recognise changing urban amenity values, and provide a framework for responding to significant urban development proposals. Where relevant, the assessment of submissions in this report considers whether the relief sought would better give effect to the NPS-UD.

2.5 Other National Direction

53. In addition to the NPS-UD, other national direction is relevant to Change 1 where it applies to particular provisions, growth locations or submission points. This includes the NPS-HPL, which is relevant to urban growth where HPL may be affected; the NPS-FM, where urban growth has implications for freshwater values and integrated management; the NZCPS, where the coastal environment, coastal hazards or sea-level rise matters are relevant; the NPS-I, where infrastructure provision and integration with land use planning are relevant; and the NPS-NH, where natural hazard risk and climate resilience are relevant.

54. Relevant national environmental standards and the National Planning Standards also form part of the statutory framework within which Change 1 has been prepared. The relevance of each instrument depends on the particular topic, provision or growth location being assessed.

55. In assessing submissions, I have considered the extent to which the relief sought would better give effect to, or remain consistent with, any relevant national direction. Where national direction has a material bearing on a recommendation, it is addressed in the relevant topic section of this report. However, as mentioned above in section 1.2, Change 1 is not a revision of the TRPS to meet all existing national direction – it is narrowly focussed on urban issues and the NPS-UD in particular. Change 1 is principally intended to give effect to the NPS-UD and does not purport to comprehensively implement all other national direction. However, in developing the provisions necessary to give effect to the NPS-UD, full regard has been had to other relevant national direction, and that direction has been given effect to where it is engaged by the scope and subject matter of Change 1.

2.6 Future Development Strategy 2022-2052 (FDS)

56. The FDS is a statutory strategy prepared under the NPS-UD and provides the long-term growth strategy for the Nelson-Tasman urban environment.

57. The FDS identifies the preferred spatial pattern for accommodating residential and business growth over the next 30 years, including consolidated development along the State Highway 6 corridor, continued growth in Richmond, Motueka and Māpua, and selected growth opportunities within rural settlements. It also establishes objectives relating to housing supply, infrastructure coordination, climate resilience, protection of HPL, urban intensification and community wellbeing.

58. Clause 3.17 of the NPS-UD requires Council to have regard to the FDS when preparing regional policy statements and district plans. Change 1 has therefore been developed to align the TRPS with the strategic growth direction contained within the FDS while also providing a framework for assessing significant unanticipated urban development proposals outside that identified growth pattern.

3. Consideration of Submissions and Further Submissions

3.1 Overview

59. The Chair's Minute 1 identifies five hearings for Change 1 and PC81:

- Hearing 1 — Preliminary matters
- Hearing 2 — Change 1
- Hearing 3 — PC81 residential growth framework
- Hearing 4 — PC81 residential growth areas and rezonings
- Hearing 5 — PC81 commercial, papakāinga, workers accommodation, and other matters

60. This report addresses submission points that are applicable to Hearing 2 – Change 1, together with the associated further submission points.

3.2 Report Structure

61. As Change 1 is a relatively narrowly focussed change to the TRPS, some general submission points are dealt with first, then the analysis is essentially provision-by-provision for the changes set out in Change 1.

62. I[1] have considered substantive commentary in further submissions as part of my assessment of the primary submission points to which those further submissions relate. Further submissions are, of themselves, seldom specifically mentioned in the report, but are listed in the table containing all submission points in Appendix 2.

63. This report should be read together with the Summary of Submissions, the submissions and further submissions themselves, and the appendices to this report.

64. A marked-up version of the relevant provisions showing any recommended amendments in response to submissions is included in the body of this report, and as a consolidated version in Appendix 1. Any further evaluation under section 32AA of the RMA is included in the relevant provision assessment.

3.3 Format for Consideration of Submissions

65. For each identified topic, I have generally considered submissions seeking changes to Change 1 in the following format:

- matters raised by submitters;
- assessment;
- summary of recommendations, including any recommended amendments to the Change 1 provisions; and

[1] "I" is used consistently throughout this report. However, many matters have been jointly worked on by the two report authors, and some statements, such as this one, apply to both report authors.

- section 32AA evaluation, where required.

66. Where amendments are recommended, these are shown in the s42A report and the tracked changes version of the Schedule of Amendments as:

- Notified Change 1 text shown in red underline,
- Notified Change 1 deleted text shown in ~~blue strikethrough~~,
- Recommended additions in red underline with yellow highlight, and
- Recommended deletions in ~~blue strikethrough~~ with yellow highlight.
- Reinstated operative text removed in the notified version of Change 1, shown in *black underlined italics* with yellow highlight.

4. General submissions

67. A number of submission points are directed at Change 1 as a whole or raise matters that recur across several provisions. I have grouped those points into themes and addressed them here so that the provision-by-provision assessment that follows is not repeated. Where a submission point is directed at a particular provision, I have assessed it under that provision.

68. While many submitters have sought consequential amendments, these have not been specifically identified, as I consider this falls within the general powers of the IHP.

4.1 Support for Change 1 as notified

4.1.1 Matters raised by submitters

69. Eleven submission points support Change 1 in the round and seek that it be retained as notified.[2] The reasons given are broadly common. The submitters consider the operative TRPS is outdated in parts, that it does not give effect to the NPS-UD, and that it does not reflect the FDS.

70. Planscapes (NZ) Limited (submission 26.1) is neutral and does not seek any amendments to or identify any deficiencies within Change 1.

71. NCC (submission 30.1) support the provisions but seek that they be strengthened to demonstrate more clearly how Policy 2 of the NPS-UD is given effect to. They note that Nelson and Tasman form a shared urban environment with interconnected housing, business, infrastructure and transport needs.

4.1.2 Assessment

72. NCC (submission 30.1) does not identify a deficiency in any particular provision or seek a specific amendment. Policy 2 of the NPS-UD requires Tier 1, 2 and 3 local authorities to provide at least sufficient development capacity to meet expected demand for housing and for business land over the short, medium and long term. Objective 5.1A of Change 1 states the housing bottom lines that give effect to that requirement, and Policy 5.1A requires the Council to zone sufficient residential and business land capacity to meet expected demand. I have considered whether any refinement is required in my assessment of those provisions, and I do not recommend any change in response to this submission point.

4.1.3 Summary of recommendations

73. I recommend that the submissions from the submitters listed above, other than NCC (submission 30.1), be **accepted in part**, to the extent that Change 1 is retained subject to the amendments I recommend.

74. I recommend that the submission from NCC (submission 30.1) be **accepted in part**.

[2] Max Brown (OS2.1), Mt Hope Holdings (OS6.1), Friedrich, Gerlinde, Phil and Simon Holer (OS7.1), Mick Toll (OS8.1), Orange (OS9.11), PT (Booster Investments) Nominees Limited (OS17.1), G P Investments Ltd (OS22.1), Stephen Orrah (OS23.1), Wakatū (OS24.1), Hermann Seifried (OS25.1), NCC (OS30.1)

4.2 Opposition to intensification

4.2.1 Matters raised by submitters

75. Katie-Jane Willoughby (submission 11.1) opposes the proposed high density and medium density residential provisions. She seeks that provisions protecting existing village character and a low-density environment be retained, that future growth be supported by adequate infrastructure and occur at a scale that preserves community identity, and that greater weight be given to amenity values, open space, heritage values and village character. Her submission specifically mentions Māpua.

4.2.2 Assessment

76. On the relief sought by Katie-Jane Willoughby (submission 11.1), I note that the submission addressed both Change 1 and PC81. Change 1 sets the strategic direction for urban development across the district and states the minimum development capacity the Council must provide. The residential zoning, density standards and character provisions the submitter is concerned about are in PC81 and will be addressed through the hearing streams on that plan change.

77. To the extent the submission is directed at Change 1, Māpua sits within Tasman's urban environment, which is a tier 2 urban environment shared with Nelson. Policy 5 of the NPS-UD requires a regional policy statement for a tier 2 urban environment to enable heights and densities of urban form commensurate with the greater of the level of accessibility or relative demand. I note that the recommended amendment to Objective 5.5 requires the maintenance and enhancement of urban environmental quality, including amenity values and the character of small towns, while recognising and allowing for amenity values of the urban and built form, in areas planned for intensification, to develop and change over time. This provides the submitter with partial relief. The character of small towns such as Māpua is recognised as part of urban environmental quality.

78. On infrastructure, the first limb of Objective 5.1C seeks that Tasman's urban centres grow and develop in accordance with a planned built urban form that is well-functioning and supported by infrastructure services and a well-connected transport network. This, at least in part, addresses the submitter's concern that growth be supported by adequate infrastructure.

4.2.3 Summary of recommendations

79. I recommend that the submission from Katie-Jane Willoughby (submission 11.1) be **rejected**.

4.3 Challenges to Section 32 evaluation

4.3.1 Matters raised by submitters

80. Andrew and Susan Talley raise several concerns about the section 32 evaluation and the information Change 1 is built on.[3]

81. The concerns they raise include:

[3] Andrew and Susan Talley (OS13.26, OS13.27, OS13.28, OS13.29, OS13.34, OS13.36 and OS13.37)

- that Change 1 does not meet the requirements of the NPS-UD, the NPS-NH or the NPS-HPL, that the TRPS has not been updated to give effect to them as required by the Minister's direction for the streamlined planning process, and that Change 1 therefore does not achieve the goals of that direction;
- that the section 32 report assumes the FDS gives effect to current national policy direction without demonstrating it, the strategy was prepared before a number of current national instruments took effect;
- that the section 32 report mischaracterises Policy 6 of the NPS-UD as an interpretation of amenity, and that this has influenced the evaluation;
- that the evaluation of consistency with higher order direction is cursory, and that a comprehensive analysis is needed of the extent to which Change 1 and the operative TRPS give effect to the NPS-FM, NPS-HPL, NPS-I and the NZCPS;
- that Appendix G records complete implementation of Objectives 6 and 7 of the NPS-UD without explaining how Change 1 addresses infrastructure integration, growth constraints or the use of robust and frequently updated information;
- that the scope of Change 1 should be broadened to address natural hazard decision-making and climate change resilience in the context of urban growth, consistent with the NPS-UD and the NPS-NH;
- that the provisions should give stronger direction on identifying and managing environmental and infrastructure constraints, including through a new objective in Section 5.3 or amendments to the proposed objectives; and
- that the provisions should give strong direction on the use of frequently updated and robust information to inform planning decisions.

82. Chip Felton and Michelle Lang (submission 16.8) consider that the scale and significance assessment in section 8.1 of the section 32 report understates the true position and that a higher rating is warranted, with evaluation to match.

4.3.2 Assessment

83. As a starting point, I note that the section 32 evaluation is not a provision of Change 1. Under section 32(1) of the RMA, the evaluation must examine the extent to which the objectives are the most appropriate way to achieve the purpose of the Act, and whether the provisions are the most appropriate way to achieve the objectives. Relief seeking amendments to the section 32 report or its Appendix G do not, of themselves, change a provision. The submitters' points on the section 32 report are also supported by other submission points seeking amendments to the Change 1 provisions. I therefore do not assess the merits of those amendments here. The assessment below focuses on the concerns raised about the section 32 report.

84. On the concern raised regarding the information base (submission 13.37), the housing bottom lines in Objective 5.1A are derived from the 2024 HBA (Appendix D to the section 32 report). I accept that it used 2018 Census-based projections. I understand that 2023 Census-based population projections with 2018 census based sub-district population and household projections were procured from Infometrics in October 2025 and that Council's growth model has been rerun in 2026 for the 2027 LTP. Evidence in relation to this, which I rely upon, has been prepared by Jacqui Deans. The methods for Policy 5.1A include the three yearly HBA, the annual NPS-UD monitoring report and the Council's growth model, so the information

base will be updated through those processes. The relief directed at the bottom lines is assessed under Objective 5.1A.

85. On the FDS (submission 13.26), I accept that section 6.2 of the section 32 report may overstate the position when it says the strategy "gives effect to higher-order national direction and therefore does not require separate assessment under Part 2 of the RMA". However, in my view the relevant question is whether the Change 1 provisions give effect to current national direction.

86. On consistency with other national direction (submission 13.28), I agree that the section 32 evaluation is brief. However, the Change 1 provisions engage these instruments directly through the criteria in Policy 5.1B:

- NPS-HPL: criterion (ii), on HPL;
- NPS-I: criterion (v), on infrastructure;
- NZCPS: criterion (ix), on the natural character of the coastal environment;
- NPS-FM: criterion (x), on freshwater.

87. Where additional assessment or amendments are required to better achieve the direction within the higher order documents, this is included within the assessment of the relevant provisions.

88. On Policy 6 of the NPS-UD (submission 13.27), I accept that describing Policy 6 as an "interpretation" of amenity in section 2.4 of the section 32 report is imprecise. However, read as a whole, including section 6.1, the report captures the intent of Objective 4 and Policy 6. The submitters' concern that this has influenced Policies 5.1 and 5.1B is assessed under those policies.

89. On Appendix G (submission 13.29), I agree that it does not address Objective 7 of the NPS-UD. For Objective 6, it records only the TRMP as achieving direct and complete implementation, and lists the TRPS provisions as partial implementation. In my view, Objective 5.1C, Policy 5.1A(vi) and Policy 5.1B together give effect to Objective 6(a), with Policy 5.1B requiring development to be integrated with infrastructure planning and funding decisions. Objective 7 is given effect to through the methods for Policy 5.1A, which include the three yearly HBA, the annual NPS-UD monitoring report and the Council's growth model, and through criterion (vi) of Policy 5.1B. In addition, further amendments to these provisions are recommended in this report, in part to further improve alignment.

90. On natural hazards and climate change (submission 13.34), the relief seeks to broaden the issues covered by Change 1. Change 1 does not amend the operative natural hazard provisions. Within the urban growth context, it is addressed within Policy 5.1A(ix) and (x) and criterion (xi) of Policy 5.1B, which deal with resilience to natural hazards and climate change, which I consider appropriate.

91. With respect to the submitters' wider concern that Change 1 does not meet the requirements of the NPS-UD, the NPS-NH or the NPS-HPL, and that the TRPS has not been updated to give effect to them as the Minister's direction requires. Change 1 and PC81 are being processed through the Streamlined Planning Process under the Resource Management (Direction to Tasman District Council to Enter the Streamlined Planning Process for Plan Change 81 to the Tasman Resource Management Plan and Change 1 to the Tasman Regional Policy Statement) Notice 2026 (the Direction), which took effect on 20 April 2026.

92. Before notification, the Direction requires an assessment of how changes to national direction, including the NPS-NH and changes to the NPS-HPL, have been considered, an assessment against the urban rezoning tests in clause 3.6 of the NPS-HPL for LUC1 and LUC2 sites not identified for future urban development, and a natural hazards and climate change risk assessment for individual sites. It also records the expectation that the Council assess and respond to natural hazard risk using the most up-to-date and robust information available, and manage that risk in a way that is proportionate.

93. In my view, the Direction sets out the matters to be assessed, and the outcomes expected from Change 1 and PC81 together. I do not read it as requiring the operative natural hazard framework in the TRPS to be rewritten through Change 1.

94. The site-specific natural hazard and climate change risk assessment the Direction requires has been undertaken for the PC81 rezonings. Appendix 24 to the PC81 section 32 report (Natural Hazards risk level assessment for PC81 sites) assesses each proposed rezoning against the NPS-NH risk matrix and its likelihood and consequence tables. It covers flooding, coastal inundation, coastal erosion, slope instability, active fault rupture, liquefaction and tsunami, and addresses the additional matters the Direction identifies, being access points, surrounding areas and compounding hazards. For Māpua, that assessment is supported by the coastal inundation and preliminary geotechnical assessments of specific Māpua sites prepared for the Māpua Masterplan.

95. I have been informed that Council separately undertook a substantial programme of work to review how natural hazards are managed through its planning framework. This work was initially progressed through draft Plan Change 85 (Natural Hazards) to the TRMP. I understand PC85 was intended to provide a comprehensive and internally consistent response to natural hazard risk, including through updated hazard information and mapping, a risk-based approach, clearer policy direction and greater recognition of resilience to the effects of climate change. I also note that draft PC85 followed on from work commenced as part of the Tasman Environment Plan, a project to develop a combined regional policy statement and district plans for the district. The Tasman Environment Plan project was slowed and then stopped due to Covid-19 and impending changes to the legislative framework.

96. PC85 progressed through an issues and options stage, including community engagement during 2025. I have been informed that the work identified the need for improved transparency, consistency and certainty through better hazard mapping, clearer provisions and a risk-based approach to managing natural hazard risk. It also considered resilience to the effects of climate change, future-focused development decisions, and nature-based and community-led responses. I understand that Council has continued to develop and update its technical information on natural hazards, including geological hazards, flooding, coastal hazards and sea-level rise.

97. In April 2026, Council resolved to cease progressing PC85 as a standalone change to the TRMP and to integrate the natural hazards work programme into future plan-making under the replacement resource management system. That decision reflected the early stage reached by PC85 and the impending replacement of the RMA planning framework. I understand it did not reflect a conclusion that a comprehensive review of the natural hazards framework was unnecessary. The technical work, issues and options analysis, and community feedback prepared through PC85 will instead be carried forward into the next generation of statutory plans.

98. Natural hazard matters will inevitably be considered through the regional spatial planning and regulatory plan-making processes established under the Planning Act. Those processes provide a more appropriate opportunity to review natural hazard management comprehensively and in an integrated manner than through this focused urban development change. In the interim, natural hazard risk continues to be managed through the operative TRPS and TRMP provisions, the NPS-NH, sections 106 and 106A of the RMA, and the use of current hazard information in plan change, subdivision and resource consent processes. Together with the site-specific assessments undertaken for PC81, this wider work programme supports my conclusion that it is not necessary or appropriate to comprehensively amend Chapter 11 through Change 1.

99. Within the urban growth context, Change 1 responds to the natural hazard expectation through Policy 5.1A(ix) and (x) and, as recommended, Policy 5.1BA(3)(g), and to the NPS-HPL through Policy 5.1 and Policy 5.1BA(3)(a), which I recommend be amended to reflect the clause 3.6 tests. I address the relief directed at particular natural hazard provisions under Issue 5.2, Objective 5.2 and Policy 5.2.

100. With respect to the scale and significance of the assessment in section 8.1 raised by Chip Felton and Michelle Lang (submission 16.8), I consider that many of the matters raised are location specific, and better addressed in the PC81 section 42A assessment. In any event, the IHP can address in a greater degree of detail if that is considered warranted, and Council officers can provide additional material if that is requested.

4.3.3 Summary of recommendations

101. I recommend that the submissions from Andrew and Susan Talley (submissions 13.26, 13.27, 13.28, 13.29, 13.34, 13.36 and 13.37) and Chip Felton and Michelle Lang (submission 16.8) be **noted** and amendments, as required made through the s32AA process.

4.4 Structure, clarity and drafting of the provisions

4.4.1 Matters raised by submitters

102. Andrew and Susan Talley make five submission points on the structure and drafting of Change 1.[4] They seek that:

- the provisions be made clearer and more certain, with clear linkages between objectives and policies, objectives drafted as desired outcomes, policies that explain how objectives are achieved, and amendments to operative provisions that retain their intended effect;
- consistent terminology be used, the submitters noting differing references to towns, urban centres and Tasman's urban environment;
- topics such as intensification and quality urban form be addressed through a single objective supported by clearly linked policies, rather than fragmented across several objectives and policies;
- a new objective be inserted describing the strategic spatial strategy for accommodating urban development in Tasman over the medium and long term; and

[4] Andrew and Susan Talley (OS13.30, OS13.31, OS13.32, OS13.33 and OS13.35)

- the provisions be more directive, prioritising intensification over greenfield expansion and avoiding unanticipated or out of sequence development except where it can be demonstrated that a well-functioning urban environment will be achieved.

4.4.2 Assessment

103. I have some sympathy with the drafting points made by Andrew and Susan Talley (submissions 13.30 and 13.31). Change 1 uses “towns” in Objective 5.1B, “urban centres” in Objective 5.1C, “the urban environment” in Objective 5.1A and Policy 5.1A, and “the Tasman part of the Nelson Tasman Tier 2 urban environment” in Policy 5.1B. Two of those are defined terms, and two are not. I recommend that the defined term “Tasman's Urban Environment” be used where a provision is directed at that area, and I have recommended amendments to that effect under General Objective 2A and Policies 5.1A and 5.1B. The drafting points in submission 13.30 also support the amendments I recommend to the structure and wording of Policies 5.1A, 5.1B and 5.1C.

104. On the new objective sought by Andrew and Susan Talley (submission 13.33), the strategic spatial strategy is described in Issue 5.1A, which records the spatial strategy adopted through the FDS of largely consolidating growth along State Highway 6 between Atawhai and Wakefield while providing growth opportunities for Māpua, Motueka and some rural towns. Objective 5.1C then states the outcome sought, and the reasons to Objective 5.1C record that the Council has planned strategically through the FDS and its annual implementation plans. I do not consider a further objective restating the spatial strategy would add direction that is not already there, and it would need to be amended each time the strategy changed.

105. On the consolidation sought by Andrew and Susan Talley (submission 13.32), intensification and quality urban form are addressed through Objective 5.1B, Objective 5.5 and Policies 5.1A and 5.7. I accept these are spread across several provisions. I do not consider consolidating them into a single objective would improve the framework, because each objective addresses a distinct outcome. Objective 5.1B seeks a diverse range of housing types that achieve quality urban design outcomes, and Objective 5.5 seeks the maintenance and enhancement of urban environmental quality, including amenity values. Policies 5.1A and 5.7 then direct how those outcomes are achieved.

106. On the more directive provisions sought by Andrew and Susan Talley (submission 13.35), the FDS takes a balanced approach to intensification and managed expansion, which Change 1 and PC81, implement. Change 1 already gives weight to intensification through Policy 5.1A(ii), which seeks the consolidation and intensification of the main commercial centres. The NPS-UD does not require intensification to be prioritised over greenfield growth. On out of sequence development, Policy 8 of the NPS-UD requires the Council to be responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments. A direction to avoid such development, subject to an exception, would reverse that responsive approach. Criterion (i) of Policy 5.1B already requires those proposals to contribute to a well-functioning urban environment, which addresses the substance of the submitters' concern.

4.4.3 Summary of recommendations

107. I recommend that the submissions from Andrew and Susan Talley (submissions 13.30 and 13.31) be **accepted in part**, to the extent addressed by my recommendations on General

Objective 2A, and Policies 5.1A, 5.1B and 5.1C, and that the submissions from Andrew and Susan Talley (submissions 13.32, 13.33 and 13.35) be **rejected**.

4.5 Growth in settlements outside Tasman's urban environment

4.5.1 Matters raised by submitters

108. RPHL makes three submission points about settlements outside Tasman's urban environment. It seeks greater clarity for those settlements and considers Change 1 creates uncertainty about how housing development and growth in them, including Pōhara, will be provided for (submission 28.1). It seeks that provisions for housing development in those settlements be reinstated or inserted (submission 28.3). It also seeks that the reference to Golden Bay in Introduction 5.1 be reinstated, because it considers the deletion reduces clarity about housing development and growth planning in Golden Bay (submission 28.2 – this point is assessed in the section on the Introduction, below).

4.5.2 Assessment

109. The purpose of Change 1 is to give effect to the NPS-UD within Tasman's urban environment[5] and to have regard to the FDS. The NPS-UD obligations apply only within that environment. Change 1 does not review how the TRPS manages growth in settlements outside it and does not introduce any provision that directs or limits growth in those settlements. Pōhara and the other Golden Bay settlements continue to be managed under the operative TRPS and TRMP.

110. I accept that a reader looking for direction on growth in Pōhara will not find it in Change 1. That is a consequence of its scope. Adding direction for settlements outside the urban environment would extend Change 1 beyond its purpose.

4.5.3 Summary of recommendations

111. I recommend that the submissions from RPHL (submissions 28.1 and 28.3) be **rejected**.

4.6 Rural Residential and Rural 3 zones

4.6.1 Matters raised by submitters

112. Tahimana make eight submission points seeking that Change 1 recognise residential development already provided for in Rural 3 and Rural Residential zones.[6] Six of those submission points (27.1, 27.2, 27.3, 27.4, 27.5, 27.6) are directed at specific provisions, and I have assessed each under the provision concerned. The two addressed here are not directed at a single provision.

113. Tahimana (submission 27.7) seeks amendments to the implementation methods, monitoring indicators and anticipated environmental results within Section 5.4 to recognise that residential development capacity is also provided through Rural Residential and Rural 3 zones. Tahimana (submission 27.8) seek any additional amendments necessary to ensure consistency between Change 1 and the operative TRMP, and to avoid unintended limitations

[5] Tasman's Urban Environment – comprises Richmond, Brightwater, Wakefield, Māpua and Motueka and forms part of the wider Nelson Tasman urban environment in the National Policy Statement on Urban Development.

[6] Tahimana Ltd (OS27.1, OS27.2, OS27.3, OS27.4, OS27.5, OS27.6, OS27.7 and OS27.8)

on Rural 3 residential development. The submitter considers Rural 3 is a long standing planned residential zone that forms part of the district's housing supply, and that without explicit recognition it risks being treated as unanticipated growth.

4.6.2 Assessment

114. In response to Tahimana (submissions 27.7 and 27.8), Rural 3 and Rural Residential zones sit outside Tasman's urban environment. Policy 5.1B (as notified) applies only to unanticipated or out of sequence urban development proposed by plan change within that environment. Its explanation and reasons record that it does not apply to resource consents or to land that is already zoned.

115. Development in accordance with the zoning in Rural 3 and Rural Residential zones is therefore not constrained by Change 1.

116. On submission 27.7, Section 5.4 of the TRPS contains the urban development policies and methods. The policies introduced by Change 1, Policies 5.1A to 5.1C, are directed at Tasman's urban environment. Rural 3 and Rural Residential zones contribute to housing supply across the district whether or not Section 5.4 names them.

117. I recommend that, to avoid doubt, a statement be added to the explanation and reasons to Policy 5.1B advising that development already anticipated through operative zoning provisions is not considered unanticipated development for the purposes of Policy 5.1B; this change is shown within the assessment of Policy 5.1B below.

4.6.3 Summary of recommendations

118. I recommend that the submission from Tahimana (submission 27.8) be **accepted in part**.

119. I recommend that the submission from Tahimana (submission 27.7) be **rejected**.

4.7 Intensification, greenfield growth and growth gateways

4.7.1 Matters raised by submitters

120. Adrienne Matthews makes six submission points.[7] The submitter seeks that:

- intensification and brownfield redevelopment be prioritised before any greenfield expansion;
- mandatory gateways for infrastructure capacity, hazard avoidance and productive land protection apply before greenfield zoning proceeds;
- settlement specific infrastructure schedules prove funded, deliverable capacity before zoning becomes operative, and that transparent water balance evidence be provided for each settlement;
- cumulative productive land accounting be required and rezoning avoided where alternatives exist;
- hazard avoidance tests apply before zoning, Motueka adaptation planning be completed and elevated clay land be investigated for future growth; and

[7] Adrienne Matthews (OS20.1, OS20.2, OS20.3, OS20.4, OS20.5 and OS20.6)

- comparative hazard, access, insurability and productive land assessments be undertaken before papakāinga zoning.

4.7.2 Assessment

121. On the relief sought by Adrienne Matthews (submission 20.1), the NPS-UD does not establish a sequential approach under which intensification must be exhausted before greenfield growth can occur. It requires sufficient development capacity to be provided in locations that contribute to well-functioning urban environments. The FDS adopts a balanced approach of intensification and managed expansion. Change 1 and PC81 implement that approach. A direction requiring intensification and brownfield redevelopment to occur ahead of all greenfield development would be inconsistent with the strategy and would not follow from the NPS-UD.

122. The gateway and schedule relief sought by Adrienne Matthews (submissions 20.2, 20.3 and 20.4) raises a different question, which is whether Change 1 should make infrastructure capacity, hazard avoidance and productive land protection absolute preconditions rather than matters to be weighed. Policy 5.1A(vi), (ix), (x) and (xi) require each of these matters to be achieved as a whole, and Policy 5.1BA(2)(c), (3)(a), and (3)(g) (as recommended to be amended) apply them as criteria to unanticipated or out of sequence proposals. Converting them into preconditions would remove the Council's ability to weigh them against the capacity obligation, which the Council cannot set aside. The mechanisms the submitter seeks, being infrastructure schedules, staging and deferred zoning, are district plan methods. PC81 includes deferred zoning where growth needs to be aligned with infrastructure availability.

123. On the site-specific relief sought by Adrienne Matthews (submissions 20.5 and 20.6), the Motueka sites were assessed for natural hazard risk through the FDS and again for PC81. The suitability of particular land for future growth, and the detailed assessment of hazard, access and servicing for papakāinga, are matters for district plan processes and site-specific assessment rather than for a regional policy statement.

4.7.3 Summary of recommendations

124. I recommend that the submissions from Adrienne Matthews (submissions 20.1, 20.2, 20.3, 20.4, 20.5 and 20.6) be **rejected**.

4.8 Coastal hazards, climate change and adaptation planning

4.8.1 Matters raised by submitters

125. Chip Felton and Michelle Lang (submission 16.6) seek that Change 1 require a precautionary approach to urban zoning in the coastal environment, including that new urban zoning not be conferred on land identified as subject to inundation at mean high water springs or at the 1% annual exceedance probability storm tide level over a 100 year planning horizon, and that assessments apply the most recent Ministry for the Environment coastal hazards guidance. Chip Felton and Michelle Lang (submission 16.7) seek that a local adaptive planning strategy be in place before urban intensification or upzoning is enabled in coastal settlements identified as vulnerable to sea level rise.

4.8.2 Assessment

126. On the relief sought by Chip Felton and Michelle Lang (submissions 16.6 and 16.7), Objective 5.2 seeks the avoidance, remedying or mitigation of adverse effects from urban development locating or expanding in hazard-prone areas and coastal areas. Policy 5.2 directs the Council to avoid locating new urban development in areas subject to natural hazards. Extensions in such areas may be allowed only where adequate mitigation measures are undertaken. Policy 5.1A(ix) and (x) seek that Tasman is resilient to climate change and natural hazards, and as recommended, Policy 5.1BA(3)(g) applies the same test to unanticipated or out of sequence proposals.

127. The submitters seek two further requirements. The first is that land be zoned urban only if it meets a specified inundation threshold, assessed against the latest Ministry for the Environment coastal hazards guidance. The second is that an adaptive planning strategy be in place before intensification is enabled in coastal settlements vulnerable to sea level rise. Both are implementation mechanisms. A regional policy statement that names a particular storm tide level and a particular edition of guidance would need to be updated whenever either is revised. Assessing individual sites against those thresholds is a matter for the district plan and technical assessment.

128. Natural hazard risk has also been assessed when identifying growth areas. The FDS assessed candidate sites against natural hazard criteria and discounted sites with significant natural hazard effects. Sites proposed for rezoning through PC81 have been assessed for natural hazard risk.

4.8.3 Summary of recommendations

129. I recommend that the submissions from Chip Felton and Michelle Lang (submissions 16.6 and 16.7) be **rejected**.

4.9 Indigenous biodiversity

4.9.1 Matters raised by submitters

130. Chip Felton and Michelle Lang (submission 16.4) seek that Change 1 give effect to the National Policy Statement for Indigenous Biodiversity in the context of urban development, and require that plan changes enabling urban growth assess effects on indigenous biodiversity and on receiving estuarine environments, including Waimea Inlet, at a catchment scale. Chip Felton and Michelle Lang (submission 16.5) seek that urban growth deliver a net gain in indigenous biodiversity, including through indigenous revegetation of riparian margins, reserves and open space within urban growth areas, and retention of existing indigenous and mature vegetation.

4.9.2 Assessment

131. On the relief sought by Chip Felton and Michelle Lang (submissions 16.4 and 16.5), the urban development provisions already require environmental values to be protected and impacts on the natural environment to be minimised. Objective 5.1A requires sufficient development capacity to be provided while protecting important environmental and cultural values. Policy 5.1A(viii) requires impacts on the natural environment to be minimised and opportunities for

restoration to be realised. Policy 5.1BA(3)(d), (e) and (f) (as recommended to be amended) apply equivalent direction to unanticipated or out of sequence proposals, and require the natural character of the coastal environment to be preserved and freshwater bodies not to be adversely affected.

132. Indigenous biodiversity is also addressed through the wider TRPS. This includes:

- General Objective 2, on the maintenance of biological diversity and the healthy functioning of ecosystems;
- General Objective 6, on protecting significant natural values;
- Objective 5.2 and Policy 5.5, on urban development in the coastal environment. Policy 5.5 requires the natural character of the coastal environment to be protected from the adverse effects of urban development, including effects on estuaries, wetlands and ecosystems; and
- the indigenous vegetation provisions in Chapter 6 - Land Resources.

133. Read together, these provisions require effects on receiving environments such as Waimea Inlet to be considered when urban growth is planned. I do not consider that a further catchment-scale assessment requirement is needed in the urban development chapter.

134. On the net gain sought (submission 16.5), I acknowledge that urban development can provide opportunities for restoration and indigenous revegetation, and Policy 5.1A(viii) already seeks that those opportunities are realised. In a change focused on urban development, I consider this is the appropriate level of direction

4.9.3 Summary of recommendations

135. I recommend that the submissions from Chip Felton and Michelle Lang (submissions 16.4 and 16.5) be **rejected**.

4.10 Reverse sensitivity

4.10.1Matters raised by submitters

136. Kairos (submission 35.5) seek a new objective and supporting policy providing that, where urban development is enabled on or adjoining land on which lawfully established activities operate, reverse sensitivity effects are recognised and managed through the design, location and control of the new sensitive activity rather than through additional constraint on the established activity.

4.10.2Assessment

137. Fonterra (submission 4.1) seek similar relief through an amendment to Policy 5.1A. I have accepted that relief in part and recommend that a reverse sensitivity outcome be added to Policy 5.1A. That amendment addresses the substance of what Kairos seek at the point where growth areas are identified and zoned.

138. I do not consider the separate objective sought by Kairos (submission 35.5) is required. Reverse sensitivity is one of several matters that affect where new housing is located, and Policy 5.1A states those matters as outcomes to be achieved as a whole. Elevating one of them to an objective would give it a status the others do not have. The direction that effects

be managed through the design and location of the new sensitive activity rather than by constraining the established activity is a district plan matter and is addressed through the TRMP.

4.10.3Summary of recommendations

139. I recommend that the submission from Kairos (submission 35.5) be **accepted in part**, to the extent addressed by my recommendation on Policy 5.1A.

4.11 Dark Sky Protection

4.11.1Matters raised by submitters

140. TDSC (submission 1.1) seeks amendments to Change 1 to include provisions addressing light pollution and dark sky protection. The submitter seeks detailed controls relating to outdoor lighting design, colour temperature, shielding requirements, lit signage, sports field lighting and lighting within urban, rural and environmentally sensitive areas. The submitter considers that, as Change 1 provides for additional urban development, measures are required to avoid further light pollution and protect dark skies.

4.11.2Assessment

141. I acknowledge the submitter's concerns regarding light pollution and the protection of dark skies. However, I do not support the relief sought to Change 1. Change 1 is primarily focused on implementing the NPS-UD and providing a strategic framework for urban growth and development. While urban growth has the potential to increase demand for lighting infrastructure, I do not consider it necessary or appropriate to introduce detailed controls relating to the design, operation and management of outdoor lighting. These matters are more appropriately addressed through the district plan provisions, development standards, subdivision and land development requirements, and other implementation mechanisms than through the strategic issues, objectives and policies proposed through Change 1. Accordingly, I do not support the relief sought.

4.11.3Summary of recommendations

142. I recommend that the submission from TDSC (submission 1.1) be **rejected**.

5. Part 1, Section 1: Introduction and Interpretation

5.1 Section 1.3 Scope of the TRPS

5.1.1 Matters Raised by Submitters

143. Three submitters made a submission on Section 1.3 Scope of the TRPS. Two submitters support the notified amendments and seek their retention, while one submitter seeks amendments.

144. David Briggs (submission 10.1) seeks that Section 1.3 be amended (including the issues) to include an explicit commitment to making mitigation to climate change impacts a primary aim of the development strategy/plan. The submitter considers that climate change impacts are a significant environmental issue and that urban development planning should place greater emphasis on reducing greenhouse gas emissions. The submitter seeks that Change 1 should clearly ensure that appropriate action is being taken;

- to focus development in areas that do not rely on private vehicle usage for daily activities,
- to provide public transport as part of any development;
- to require new developments to be carbon neutral both in the short-term (i.e. during the actual development process) and in the long-term (i.e. during their subsequent life-time of use).

145. CKSV (submission 34.1) supports the addition of (ia) in Section 1.3, and seeks that it be retained. The submitter considers Section 1.3(ia) will support sustainable growth and development in Māpua and help meet expected future demand. While the submitter refers to "Policy 1.3(ia)", I understand the submission relates to Section 1.3(ia).

146. Dick Bennison (submission 31.1) supports Section 1.3 and seeks that it be retained. The submitter considers it is essential that there is sufficient undeveloped, appropriately zoned land to meet the varying needs of the community over the long term.

5.1.2 Assessment

147. I acknowledge David Briggs's concerns regarding the wording of Section 1.3(ii) and the broader matters raised in the submission. However, I do not support the relief sought.

148. The amendments to Section 1.3 update the description of Council's resource management responsibilities to reflect the current functions of territorial authorities under section 31 of the RMA. In particular, they add the function of ensuring there is sufficient development capacity for housing and business land to meet expected demand in urban environments.

149. I note the support from CKSV and Dick Bennison for retaining Section 1.3(ia). I agree that Section 1.3(ia) appropriately reflects Council's responsibility to ensure sufficient development capacity to meet expected demand and support future growth.

150. I do not consider it appropriate to amend Section 1.3 to include an explicit commitment to making mitigation of climate change impacts a primary aim of the development strategy. Section 1.3 is intended to describe Council's statutory functions under the RMA, rather than

establish new strategic directions or priorities. Furthermore, section 31 of the RMA does not include a function relating to mitigating climate change effects.

151. The relief sought by David Briggs would change the purpose of Section 1.3 from describing Council's resource management responsibilities to establishing new policy direction that is not reflected in Council's statutory functions. Further, the broader matters raised by David Briggs (such as reducing reliance on private vehicle use) are already addressed through broader growth, urban form, infrastructure and accessibility provisions of Change 1. I do not consider it necessary or appropriate to amend the scope statement to elevate these matters above the other resource management issues identified in the TRPS. Accordingly, I recommend retaining the notified wording of Section 1.3.

5.1.3 Recommendations

152. I recommend that the submissions from the following submitters be **accepted**:

- CKSV (submission 34.1)
- Dick Bennison (submission 31.1)

153. I recommend that the submission from David Briggs (submission 10.1) be **rejected**.

5.2 Section 1.3 The Issues in the TRPS

5.2.1 Matters Raised by Submitters

154. CKSV (submission 34.2) supports Section 1.3(ii) as notified and seeks that it be retained. The submitter considers the amendments provide for sustainable growth and development in Māpua, enable the urban change association with intensification needed to meet housing demand, and support the protection of the natural environment.

155. Ruth and Bruno Zahner (submission 12.1) oppose the proposed wording in Section 1.3(ii)(g) which recognises that urban amenity values in areas planned for intensification may develop and change over time. While the submitter refers to Section 1.2(g), the wording quoted in their full submission is contained within Section 1.3(ii)(g). I have therefore assessed the submission as relating to Section 1.3(ii)(g).

156. The submitters Ruth and Bruno Zahner seek the removal of the wording "while recognising that urban amenity values in areas planned for intensification develop and change over time".

5.2.2 Assessment

157. The notified wording reflects the direction of the NPS-UD (Objective 4 and Policy 6), which recognises that urban environments, including amenity values, evolve over time as growth and development occur. I note the support from CKSV, who considers the amendments appropriately recognise the urban change associated with accommodating future growth and housing demand.

158. Accepting the relief sought by Ruth and Bruno Zahner would remove the recognition that amenity values may change over time in areas planned for intensification and would be inconsistent with Objective 4 and Policy 6 of the NPS-UD. In my view, this would undermine the intent of Change 1 to provide for urban growth and intensification in appropriate

locations while supporting well-functioning urban environments. Accordingly, I recommend retaining the notified wording.

5.2.3 Recommendations

159. I recommend that the submission from CKSV (submission 34.2) be **accepted**, and that the notified wording of Section 1.3(ii) be retained.

160. I recommend that the submission from Ruth and Bruno Zahner (submission 12.1) be **rejected**, and that the notified wording of Section 1.2(ii)(g) be retained.

6. Part 1, Section 2: Interpretation of Terms

6.1 Tasman's Urban Environment

6.1.1 Matters Raised by Submitters

161. TBEL (submission 3.1) supports the definition but seeks that it be amended to include a new urban centre on the TBEL land at Tasman, or more generally acknowledge that additional urban areas may be added in the future. The submitter also seeks consequential amendments to references to 'Tasman's Urban Environment' elsewhere in the TRPS.

162. Andrew and Susan Talley (submission 13.3) have also supported in part three proposed definitions, including 'Tasman's Urban Environment'. The submitters seek amendments to the definition to provide more precise references to the NPS-UD, including the relevant version, date and clause referenced.

163. Andrew and Susan Talley (submission 13.4) oppose the proposed definition and seek clearer spatial identification of the urban environment through mapped settlement boundaries. The submitters consider the definition is unclear and that mapped boundaries are necessary to avoid ambiguity in the implementation of the TRPS.

164. Ruth and Bruno Zahner (submission 12.2) oppose the inclusion of Māpua within the definition of "Tasman's Urban Environment" and seek that Māpua be removed from the definition.

6.1.2 Assessment

165. I acknowledge Ruth and Bruno Zahners' concerns. However, I do not support the relief sought. The NPS-UD defines an urban environment as including urban areas that form part of a housing and labour market of at least 10,000 people. MfE advice provided to Council in 2020 clarified that this definition may include non-contiguous urban areas where those areas form part of the same housing market.

166. In November 2020, the Nelson Tasman Joint Committee determined that the Nelson Tasman urban environment comprises Nelson, Richmond, Māpua, Motueka, Brightwater and Wakefield. This determination was based on available travel-to-work information and recognised the interconnected nature of these settlements within the wider Nelson Tasman housing and labour market.

167. I also do not support the relief sought by TBEL. The land identified by the submitter is outside the established Nelson Tasman urban environment and was not included as a new growth area in the adopted FDS. Policy 5.1B would continue to apply to any proposal for urban development outside the identified urban environment.

168. I also do not support the relief sought by Andrew and Susan Talley. While the urban environment is identified in the TRPS by settlement name, it is already spatially defined, to an extent, through the Housing and Business Development Capacity Assessment and annual monitoring reports. Including urban boundaries in the TRPS would be a substantial change to the TRPS and, even if it were appropriate, the submission would have needed to have included maps, in order to have made the implications clear to the public. The further submissions on this point illustrate that some parties are anxious to comment on where any boundary lines should be.

169. I acknowledge Andrew and Susan Talley's relief sought to include references to the relevant NPS-UD version, date and clause. However, I do not support the relief sought. In my view, including references to specific versions, dates and clauses of the NPS-UD would result in unnecessary duplication of national direction and may create future maintenance issues should those documents be amended, updated or replaced. I therefore consider the notified wording is sufficient and no amendment is required.

170. Removing Māpua from the definition, or expanding the definition to include the TBEL land, would be inconsistent with the established Nelson Tasman urban environment and the growth pattern reflected in the FDS. I also do not consider additional mapping within the TRPS is necessary given the urban environment is already spatially defined elsewhere. Accordingly, I recommend retaining the definition as notified.

171. I consider the inclusion of Māpua within Tasman's Urban Environment remains appropriate and is consistent with the FDS. I recommend retaining the notified definition of Tasman's Urban Environment.

6.1.3 Recommendations

172. I recommend that the submissions from the following submitters be **rejected**:

- Ruth and Bruno Zahner (submission 12.2)
- TBEL (submission 3.1)
- Andrew and Susan Talley (submissions 13.3 and 13.4)

173. I recommend retaining the notified definition of Tasman's Urban Environment.

6.2 Well-Functioning Urban Environment

6.2.1 Matters Raised by Submitters

174. CKSV (submission 34.3) supports the definition of 'well-functioning urban environment' and seeks that it be retained. The submitter considers the definition provides clarity, reflects the requirements of the NPS-UD, and supports growth and development in areas identified to accommodate future demand. The submitter particularly supports sub-clause (a).

6.2.2 Assessment

175. I note the support from CKSV for retaining the notified definition of 'well-functioning urban environment'. I agree that the definition appropriately reflects the requirements of the NPS-UD and provides a clear framework for urban development and growth management. Accordingly, I recommend retaining the notified definition.

6.2.3 Recommendations

176. I recommend that the submission from CKSV (submission 34.3) be **accepted**, and that the notified definition of "well-functioning urban environment" be retained.

6.3 'Tier 2 Local Authority' and 'Urban Environment'

6.3.1 Matters Raised by Submitters

177. Andrew and Susan Talley (submission 13.3) have supported in part three proposed definitions, including 'Tasman's Urban Environment' (assessed above in section 6.1 of this Report), 'Tier 2 Local Authority' and 'Urban Environment'. The submitters seek amendments to those definitions to provide more precise references to the NPS-UD, including the relevant version, date and clause referenced.

6.3.2 Assessment

178. I acknowledge Andrew and Susan Talley's relief sought to include references to the relevant NPS-UD version, date and clause. However, at a general level, I do not support the relief sought. In my view, including references to specific versions, dates and clauses of the NPS-UD would result in unnecessary duplication of national direction and may create future maintenance issues should those documents be amended, updated or replaced. I note that the definition of 'Tier 2 Local Authority' is not identical to the NPS-UD definition, through a reference to 'Tasman'. As Tasman is both the name of the district and one of the smaller towns in the district, I recommend a minor change to clarify this.

6.3.3 Recommendations

179. I recommend that the submission from Andrew and Susan Talley (submission 13.3) be **accepted in part**.

180. I recommend retaining the notified definitions of 'Urban Environment', and making a minor amendment to clarify the definition of 'Tier 2 Local Authority' as follows:

Tier 2 Local Authority – means each local authority listed in the appendix of the National Policy Statement on Urban Development and includes Tasman District Council.

6.3.4 Section 32AA

181. The recommended amendment inserts the words 'District Council' at the end of the definition 'Tier 2 Local Authority'. The benefit of the amendment is that it provides greater clarity for plan users by making it clear that the definition refers to Tasman District Council rather than the township of Tasman. The amendment does not change the intent, scope or effect of the definition and I do not identify any additional costs arising from the recommended

amendment. I therefore consider the amendment is the more appropriate way of achieving the purpose of the Act.

6.4 New definition for 'Additional Infrastructure' sought

6.4.1 Matters Raised by Submitters

182. MoE (submission 14.4) seeks a new definition for 'additional infrastructure' to be inserted into the TRPS, consistent with the NPS-UD. They consider Change 1 does not adequately recognise additional infrastructure, including schools, healthcare facilities, state highways, telecommunications and electricity networks, which are necessary to support future urban growth.

6.4.2 Assessment

183. I acknowledge the concerns raised by MoE regarding the distinction between 'infrastructure' and 'additional infrastructure' in the NPS-UD. The NPS-UD includes a definition of 'additional infrastructure', which captures forms of infrastructure and services that support urban development but may not fall within the narrower definition of 'infrastructure' in the RMA. In my view, this distinction is important in the context of planning for urban growth and well-functioning urban environments.

184. While I consider the term 'infrastructure', as used throughout Change 1, was intended to encompass the range of infrastructure and services required to support urban growth, I agree with MoE that explicitly recognising additional infrastructure would provide greater clarity. In particular, it would make it clear that planning for urban growth involves not only traditional infrastructure networks, but also the social and community infrastructure necessary to support growing communities.

185. I also consider that, now that the term 'additional infrastructure' is recommended to be used within an issue and objective, it is appropriate that the term be defined. Doing so provides greater certainty for plan users and ensures consistency with the NPS-UD.

6.4.3 Recommendations

186. I recommend that the submission from MoE (submission 14.4) be **accepted**.

187. I recommend inserting a definition of 'additional infrastructure' into the interpretation section of the TRPS that is consistent with the NPS-UD, as shown below.

Additional Infrastructure – means:
(a) Public open space
(b) Community infrastructure as defined in section 197 of the Local Government Act 2002
(c) Land transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities
(d) Social infrastructure, such as schools and healthcare facilities
(e) A network operated for the purpose of telecommunications (as defined in section 5 of the Telecommunications Act 2001)
(f) A network operated for the purpose of transmitting or distributing electricity or gas

6.4.4 Section 32AA

188. The recommended amendment inserts a definition of 'additional infrastructure' that is consistent with the NPS-UD. The benefit of the amendment is that it provides greater clarity for plan users regarding the meaning of the term and ensures consistency between the TRPS and the NPS-UD. It also supports the recommended amendments to Issue 5.1A and Objective 5.1C, that explicitly recognise the role of additional infrastructure in supporting urban growth and well-functioning urban environments. While the term 'infrastructure' used throughout Change 1 was always intended to encompass the range of infrastructure and services required to support urban growth, including those matters identified as 'additional infrastructure' in the NPS-UD, the recommended amendment makes that intention explicit. As such, the amendment improves clarity and interpretation rather than introducing a new policy direction or changing the intended outcomes of the provisions.

189. I do not identify any additional costs arising from the amendment. The definition provides greater certainty for plan users and decision-makers while maintaining the original intent of the urban development provisions. I therefore consider the amendment is the more appropriate way of achieving the Act.

7. Part 3: General Objectives for Resource Management in Tasman District

7.1 General Objective 2A

7.1.1 Matters Raised by Submitters

190. Five submission points were received on General Objective 2A from four submitters. Two submitters support the notified objective, while two other submitters seek amendments.

191. Dick Bennison (submission 31.2) and CKSV (submission 34.4) support General Objective 2A and seek that it be retained. The submitters consider the objective appropriately provides a planning framework that enables people and communities to provide for their social, economic and cultural wellbeing, and their health and safety, now and into the future. The submitters also consider the objective appropriately provides for intensification within Tasman's Urban Environment while supporting growth that is well-functioning for current and future communities.

192. Andrew and Susan Talley (submission 13.5) support the strategic intent of General Objective 2A but consider its scope is unclear. The submitter seeks amendments to clarify whether General Objective 2A applies to Tasman's Urban Environment, the urban environment generally, or all communities within the district.

193. Andrew and Susan Talley (submission 13.6) have also sought amendments to General Objective 2A to explicitly recognise resilience to the current and future effects of climate change and the health and safety of communities. The submitters consider Change 1 does not fully give effect to Objective 8 of the NPS-UD because the proposed amendments do not expressly require Tasman's urban environment to be resilient to the current and future effects of climate change, The submitter also seek corresponding amendments to Objective 5.2 (addressed in section 8.11 of this Report).

194. Tahimana (submission 27.1) opposes General Objective 2A and seeks its amendment to clarify that providing capacity within urban environments does not exclude residential development occurring in other locations where development is already anticipated and enabled by the TRMP.

7.1.2 Assessment

195. I note the support from Dick Bennison and CKSV for retaining General Objective 2A, as notified.

196. I acknowledge Andrew and Susan Talley's concerns regarding the scope of General Objective 2A and the extent to which it addresses resilience to climate change. However, I do not support the relief sought.

197. General Objective 2A should be read alongside the definitions of "Tasman's Urban Environment", "Urban Environment" and "well-functioning urban environment" introduced through Change 1. While the objective and reasons refer to these terms in different contexts, I consider the overall intent of the provisions is clear. General Objective 2A is intended to recognise Tasman's contribution to a well-functioning Nelson Tasman urban environment, consistent with Objective 1 of the NPS-UD, which seeks urban environments that enable people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, now and into the future. In my view, this is consistent with the support expressed by Dick Bennison and CKSV for retaining the notified objective.

198. I also do not consider it necessary to explicitly reference climate change resilience within General Objective 2A. The objective implements Objective 8 of the NPS-UD through the use of the term "well-functioning urban environment". Change 1 introduces a definition of "well-functioning urban environment" that is consistent with the NPS-UD and includes urban environments that support reductions in greenhouse gas emissions and are resilient to the likely current and future effects of climate change. In addition, the reasons supporting General Objective 2A identify resilience to climate change as a characteristic of a well-functioning urban environment.

199. I also do not consider amendments are required in response to the Tahimana point. This matter has been assessed in the general issues section at paragraphs 110 to 113 and the reasoning in that assessment is adopted here.

200. I therefore consider General Objective 2A appropriately gives effect to Objective 1 and Objective 8 of the NPS-UD and that no further amendment is required. Accordingly, I recommend retaining the notified wording.

7.1.3 Recommendations

201. I recommend that the submissions from the following submitters be **accepted**:

- Dick Bennison (submission 31.2)
- CKSV (submission 34.4)

202. I recommend that the submissions from the following submitters be **rejected**:

- Andrew and Susan Talley (submissions 13.5 and 13.6)
- Tahimana (submission 27.1)

203. I recommend retaining the notified wording of General Objective 2A.

7.2 General Objective 10

7.2.1 Matters Raised by Submitters

204. Andrew and Susan Talley (submission 13.7) seek amendments to General Objective 10 to require Council to have robust and frequently updated information about Tasman's urban environment, including risks and constraints associated with natural hazards and the effects of climate change, and to use the best available information to inform planning decisions, particularly when planning for urban development.

205. The submitters consider Change 1 does not fully give effect to Objective 7 of the NPS-UD, which requires local authorities to have robust and frequently updated information about their urban environments and use that information to inform planning decisions. The submitter also considers Change 1 does not adequately reflect Policy 5 of the NPS-NH, which requires natural hazard risk assessments and decisions to be based on the best available information. The submitters therefore seek amendments to General Objective 10 to explicitly recognise these matters.

7.2.2 Assessment

206. I acknowledge the submitter's concerns regarding the need for robust and frequently updated information to inform urban development planning and decision making. However, I do not support the relief sought.

207. General Objective 10 already provides broad direction for adequate knowledge and understanding of resource and environmental systems and processes, their state of health and any changes to them, together with the suitability and effectiveness of resource management plans and decisions. In my view, these provisions are sufficiently broad to encompass the use of up-to-date information relating to urban development, natural hazards, climate change and environmental constraints.

208. I note the submitters reference to Objective 7 of the NPS-UD. Change 1 has been informed by a substantial evidence base, including the FDS, HBA, annual monitoring reports, infrastructure planning, growth modelling and supporting technical assessments. Ongoing monitoring is also provided for through the three-yearly HBA, annual NPS-UD monitoring reports, FDS Implementation Plan and Council's growth model.

209. I therefore consider the notified wording, together with the more specific urban development provisions and monitoring mechanisms introduced through Change 1, appropriately provides for evidence-based planning and decision making. Accordingly, I recommend retaining the notified wording.

7.2.3 Recommendations

210. I recommend that the submission from Andrew and Susan Talley (submission 13.7) be **rejected**.

211. I recommend retaining the notified wording of General Objective 10.

8. Part 3, Section 5, Urban Development

8.1 Introduction

8.1.1 Matters Raised by Submitters

212. RPHL (submission 28.2) opposes amendments to the introduction to Section 5.1 and seeks that the reference to Golden Bay be reinstated. The submitter considers that removing the reference reduces clarity regarding housing development and growth planning in Golden Bay.

8.1.2 Assessment

213. The proposed amendment updates the introductory text to accurately reflect current population growth patterns across the district. While growth is occurring throughout Tasman (including Golden Bay), recent population growth has been concentrated in Richmond and the wider urban environment. Between 2018 and 2023, almost half of Tasman's population growth occurred within the Richmond Ward.

214. I do not consider the amendment reduces clarity regarding housing development and growth planning in Golden Bay. The amendment is limited to introduction context and does not alter any objectives, policies or methods relating to growth and development in Golden Bay. The amendment does not remove the application of relevant growth management provisions outside the defined urban environment where those provisions continue to apply.

215. Accepting the relief sought would reduce the accuracy of the introductory text by suggesting that growth pressures in Golden Bay are of similar scale to those currently being experienced in Richmond. Accordingly, I recommend retaining the notified wording.

8.1.3 Recommendations

216. I recommend that the submission from RPHL (submission 28.2) be **rejected**, and that the notified introduction to Section 5.1 be retained.

8.2 Issue 5.1

8.2.1 Matters Raised by Submitters

217. CKSV (submission 34.6) supports Issue 5.1 and seeks that it be retained as notified. The submitter considers the issue appropriately balances growth demands with the needs to protect environmental values and ensure the efficient use of land.

218. Dick Bennison (submission 31.4) supports the protection of HPL and seeks that urban development be directed towards land adjoining existing settlements that is less suitable for intensive horticultural production. The submitter considers urban expansion should avoid HPL and instead occur on land where topography or limited irrigation capacity constrains productive uses.

219. David Briggs (submission 10.2) seeks amendments to Issue 5.1 to recognise that development targets and growth projections may need to be reduced where adverse environmental impacts cannot be avoided. The submitter supports the protection of HPL but considers population growth and development projections should not take precedence over environmental considerations. The submitter is also concerned that restricting urban

expansion onto HPL could result in development occurring in more remote locations, increasing greenhouse gas emission.

220. TBEL (submission 3.2) seeks amendments to provisions in Section 5 to better recognise the role of private plan changes in meeting growth needs and to provide for additional urban development opportunities at Tasman. Relevant aspects of this submission are addressed under Issues 5.1A and 5.1C.

221. Andrew and Susan Talley (submission 13.8) oppose amendments to Issue 5.1 that introduce urban design and amenity matters and seek a stronger focus on HPL. The submitters seek the removal of text relating to urban design and amenity values and amendments to ensure the issue statement is consistent with the NPS-HPL.

222. Tahimana (submission 27.2) opposes Issue 5.1 as notified and seeks amendments to acknowledge that residential development is anticipated within the Rural 3 and Rural Residential zones. The submitter considers Rural 3 has long been planned for residential development and that Issue 5.1 should reflect the full range of anticipated residential areas.

8.2.2 Assessment

223. I note the support from CKSV for retaining Issue 5.1 as notified.

224. Issue 5.1 identifies the competing demands for HPL and the potential for its irreversible loss through urban development. I do not consider it necessary to amend the issue statement to state that development targets or growth projections may need to be reduced, as sought by David Briggs. The purpose of the issue statement is to identify the resource management issue rather than prescribe how that issue should be resolved. The appropriate balance between providing for urban development and protecting HPL is addressed through the objectives and policies of the TRPS.

225. I note the support from Dick Bennison for the protection of HPL. I agree that HPL, particularly land suitable for intensive horticultural production, should be protected from unnecessary urban expansion. However, I do not consider it necessary to specifically reference development opportunities on undulating land adjacent to existing settlements within Issue 5.1. The purpose of the issue statement is to identify the resource management issue associated with the loss of HPL rather than identify preferred locations for future urban development. Matters relating to the location and form of future growth are more appropriately addressed through the objectives and policies of the TRPS, including the urban growth provisions in Chapter 5.

226. I agree with Andrew and Susan Talley that some of the notified amendments extend beyond the scope of Issue 5.1. In particular, references relating to reducing greenhouse gas emissions, access to jobs, services and amenities, urban design, and changing amenity values are more appropriately addressed through other urban development issues and objectives. In my view, retaining these matters within Issue 5.1 reduces the focus of Issue 5.1 on the loss of HPL through urban development.

227. I note the matters raised by TBEL regarding future urban growth and private plan changes. However, these matters relate to urban growth planning and development capacity rather than the allocation and protection of HPL and are more appropriately considered under Issues 5.1A and 5.1C.

228. The relief sought by Tahimana has been assessed in the general issues section at paragraphs 101 to 104 and the reasoning in that assessment is adopted here.

229. I do not consider further amendments are required to achieve consistency with the NPS-HPL. Once the unrelated urban growth, transport, urban design and amenity provisions are removed, Issue 5.1 appropriately identifies the resource management issue associated with the loss of HPL and the competing demands placed on that finite resource.

8.2.3 Recommendations

230. I recommend that the submissions from the following submitters be **accepted in part**:

- CKSV (submission 34.6)
- Andrew and Susan Talley (submission 13.8)
- Dick Bennison (submission 31.4), to the extent that it supports Issue 5.1

231. I recommend that the submissions from the following submitters be **rejected**:

- David Briggs (submission 10.2)
- TBEL (submission 3.2), so far as it relates to Issue 5.1
- Tahimana (submission 27.2)

232. I recommend that Issue 5.1 be amended to remove references relating to greenhouse gas emissions, access to jobs, services and amenities, urban design and changing amenity values. I otherwise recommend retaining the notified focus of Issue 5.1 on the allocation and protection of HPL, as shown below.

Issue 5.1

Allocation of High Quality Periurban Lands

Urban expansion onto adjacent areas of highly productive soils in some parts of the District has resulted in their irreversible loss. Horticulture is a significant economic activity in Tasman District and areas of highly versatile land for horticultural or other high value uses are limited. These areas are adjacent to the significant urban centres of Richmond, Motueka and Tākaka. Where there is continuing urban growth, especially in centres adjoining areas of high quality soils, a means of sustaining the potential of the land resource to meet the needs of future urban dwellers and horticulturalists has to be found. This may require a slowing of growth on the urban fringe by encouraging more medium density development in the core of the major centres, or by containing peripheral growth. Continued peripheral growth may divert public funds needed to upgrade existing infrastructure.

~~The principal benefit of containment of urban boundaries in Richmond, Motueka and other centres is that existing investment in horticulture can continue and the supply of limited horticultural land is not diminished. Also, extension of service infrastructure to fringe areas is not required. Containment could itself encourage the more efficient use of present urban space such as through multi-unit housing in some settlements where there is un-met demand. But if no additional land is provided on the fringe there will be more demand for resubdivision of existing lots and there are likely to be costs in upgrading existing services to cope with the increased demand. The cost of new sections is also likely to rise through scarcity of sections. Resubdivision, if not carefully managed, can cause a loss of amenity~~

~~values such as large sections with trees and older dwellings. However, some people may perceive a loss of lifestyle choice if a continued supply of suburban sections is not provided.~~

~~Managed urban expansion of the main centres must reduce greenhouse gas emissions from transport and improve access to jobs, services and amenities.~~ Urban expansion must ~~also~~ be managed to ensure that existing investment in horticulture can continue, and the supply of horticultural land is not rapidly diminished. A focus on both intensification and medium-density housing around the existing main centres will both encourage the more efficient use of land and meet demand for different types of housing, preventing affordability from further deteriorating. ~~New urban development needs to provide for quality urban design, while recognising and allowing for amenity values of the urban and built form, in areas planned for intensification, to develop and change over time in response to diverse and changing needs of people, communities and future generations.~~

8.2.4 Section 32AA

233. The recommended amendments remove wording from Issue 5.1 and relocates it to Issue 5.1A and Issue 5.7. It does not remove the content from Change 1.

234. The benefit is that:

- Issue 5.1 keeps a single focus on avoiding the loss of land of high productive value, and

235. the matters of managing urban expansion to ensure greenhouse gas emissions from transport can be reduced while improving access to jobs, services and amenities, sits with the Issue 5.1A which addresses the broader issue of managing urban growth and infrastructure, and

236. the matters relating to urban design, urban amenity and changing amenity values, sit within Issue 5.7 which addresses the quality of the urban environment and urban development outcomes, and

237. the issues are more focused and coherent, with related matters located where a plan user would expect to find them.

238. The effectiveness of the direction is not reduced, because the relocated wording continues to apply through Issues 5.1A and 5.7. The amendments do not alter the intended policy direction of Change 1. Rather, they improve the alignment between the matters identified and the issue statements that address them. I do not identify any costs arising from the amendments. In my view, the recommended amendments improve the clarity and usability of TRPS while maintaining the intended outcomes of Change 1. I therefore consider the amendments are the more appropriate way of achieving the purpose of the Act.

8.3 Issue 5.1A

8.3.1 Matters Raised by Submitters

239. Six submission points were received directly on Issue 5.1A. Two submitters support Issue 5.1A as notified, while four submitters seek amendments. MoE has also made a general submission regarding the recognition of additional infrastructure, which is relevant to Issue 5.1A, and is therefore addressed in this section.

240. Dick Bennison (submission 31.5) and CKSV (submission 34.7) both support Issue 5.1A and seek that it be retained.

241. David Briggs (submission 10.2) seeks amendments to Issue 5.1A to recognise that development targets and growth projections may need to be reduced where environmental impacts cannot be avoided. The submitter supports the need to balance competing objectives but considers this should not be achieved at the expense of environmental and social values. The submitter seeks recognition that development interests are not necessarily paramount.

242. TBEL (submission 3.2) seeks amendments to Section 5 to better recognise the role of private plan changes in meeting growth needs and achieving a well-functioning urban environment. In relation to Issue 5.1A, the submitter seeks recognition that not all growth areas included in PC81 are identified in the FDS and seeks provision for additional growth area on the TBEL land at Tasman.

243. Andrew and Susan Talley (submission 13.9) note that the inclusion of a statement regarding the spatial growth strategy is helpful, but seek amendments to identify key infrastructure constraints and to reference the specific FDS being relied upon. The submitters consider the issue statement focuses primarily on growth and should provide greater context regarding infrastructure constraints.

244. MoE (submission 14.2) notes that existing and proposed provisions in the TRPS do not explicitly recognise additional infrastructure. The submitter seeks amendments to define 'additional infrastructure' consistent with the NPS-UD.

245. Tahimana (submission 27.3) opposes Issue 5.1A and seeks amendments to explicitly recognise Rural 3 and Rural Residential zones as anticipated residential areas. The submitter considers that, without explicit recognition, these zones risk being overlooked despite already being enabled under the operative TRMP.

8.3.2 Assessment

246. I note the support from Dick Bennison for retaining Issue 5.1A. I agree that managing growth and infrastructure requires a balance to be found between a range of social, cultural, economic and environmental objectives. In my view, the notified wording appropriately recognises this through its acknowledgment that urban growth must occur while ensuring important environmental and cultural values are protected.

247. I also note the support from CKSV for retaining Issue 5.1A. I agree that the issue appropriately reflects Tasman's obligations to provide sufficient housing and business land capacity while supporting the strategic growth pattern established through the FDS.

248. I acknowledge David Briggs' concerns. However, I do not support the relief sought. Issue 5.1A recognises the need to provide for urban growth and infrastructure that meets the social, cultural and economic needs of a diverse population while ensuring that important environmental and cultural values are protected. In my view, the issue statement already acknowledges that urban growth may require a balance to be found between competing objectives, and the development is not the sole outcome being pursued.

249. I note the matters raised by TBEL regarding future urban growth and private plan changes. However, I do not support the relief sought. Issue 5.1A is intended to identify the broader issue of managing urban growth and infrastructure rather than identify specific future growth areas of development proposals. The contribution that future private plan changes may make towards housing and business capacity cannot be quantified through the HBA where those proposals have not yet been lodged and assessed. As such, they are generally unanticipated. Change 1 already provides a framework for considering such proposals through Issue 5.1C and Policy 5.1B, which implements the NPS-UD requirements. I therefore do not consider it appropriate to amend Issue 5.1A to specifically reference the TBEL land at Tasman or other individual growth areas.

250. The relief sought by Tahimana has been assessed in the general issues section at paragraphs 101 to 104 and the reasoning in that assessment is adopted here.

251. I acknowledge Andrew and Susan Talley's concerns regarding infrastructure constraints and references to the FDS. However, I do not consider further amendments are necessary. Issue 5.1A is intended as a high-level issue statement. The key infrastructure constraints, growth assumptions and spatial pattern have already been identified through the FDS, HBA and supporting technical assessments. In addition, the issue statement already recognises the need to integrate growth and infrastructure planning. Furthermore, while a specific reference to the FDS adoption date may assist readability, I do not consider this amendment is necessary to achieve the intent of Issue 5.1A. I therefore consider the notified wording provides sufficient context regarding the issue being addressed.

252. I acknowledge the concerns raised by MoE regarding the distinction between 'infrastructure' and 'additional infrastructure'. The relief sought regarding including a new definition of 'additional infrastructure' in the TRPS is addressed in section 6.4 of this report under submission 14.4. I support in part the relief sought for amending the provisions of the TRPS to include the term 'additional infrastructure'. After assessing all provisions in the TRPS, I consider that recognising additional infrastructure within Issue 5.1A would better acknowledge the range of infrastructure and services required to support urban growth and development. This would provide greater clarity that planning for growth involves not only traditional infrastructure networks, but also the social and community infrastructure necessary to support growing communities.

253. In accordance with the assessment of Issue 5.1 (section 8.2 of this report), I recommend relocating the sentence relating to managed urban expansion and the need to reduce greenhouse gas emissions from transport and improve access to jobs, services and amenities from Issue 5.1 to Issue 5.1A. As discussed under Issue 5.1, these matters extend beyond the scope of the HPL issue. In my view, these matters are more appropriately considered within Issue 5.1A, which addresses the broader issue of managing urban growth and infrastructure. Relocating this wording improves the focus of both issue statements while retaining the policy direction intended by the notified provisions.

8.3.3 Recommendations

254. I recommend that the submissions from the following submitters be **accepted in part**:

- Dick Bennison (submission 31.5)
- CKSV (submission 34.7)
- MoE (submission 14.2)

255. I recommend that the submissions from the following submitters be **rejected**:

- David Briggs (submission 10.2)
- Tahimana (submission 27.3)
- TBEL (submission 3.2), so far as it relates to Issue 5.1A
- Andrew and Susan Talley (submission 13.9)

256. As a consequence of accepting in the relief sought by Andrew and Susan and Talley to Issue 5.1 (submission 13.8), I recommend that Issue 5.1A also be amended to include the need to manage urban expansion and reduce greenhouse gas emissions from transport and improve access to jobs, services and amenities.

257. Recommended amendments to Issue 5.1A are shown below.

Issue 5.1A

Urban Growth ~~and~~, Infrastructure, and Additional Infrastructure

The population of Tasman District has grown significantly ~~in recent years, being~~ and was the fastest growing region in New Zealand between 2018-2023, its population increasing by 5,420 people or 10.3%. Almost half of this growth was in the Richmond ward. Historically growth has been accommodated by urban expansion in Tasman District. Under the National Policy Statement on Urban Development, Tasman shares a tier 2 urban environment with Nelson. Recent Future Development Strategies have considered different growth patterns and the most recent Future Development Strategy adopted a spatial strategy of largely consolidating growth along State Highway 6 between Atawhai and Wakefield, while also providing growth opportunities for Māpua and Motueka and some of Tasman's rural towns. Tasman has a statutory obligation to provide sufficient housing and business land capacity in its urban environment to meet expected demand. The Future Development Strategy identified objectives for growth, to minimize environmental effects and create a well-functioning urban environment. The Future Development Strategy seeks to achieve the objectives as a whole and this may require a balance to be found sometimes between competing objectives. There is a need to provide for urban growth ~~and~~, infrastructure and additional infrastructure that meets the social, cultural and economic needs of a diverse population, while at the same time ensuring that important environmental and cultural values are protected. Managed urban expansion of the main centres must ensure that greenhouse gas emissions from transport can be reduced and there is improved access to jobs, services and amenities.

8.3.4 Section 32AA

258. The recommended amendments insert the term 'additional infrastructure' and relocates a sentence on managing urban expansion to ensure greenhouse gas emissions from transport can be reduced while improving access to jobs, services and amenities, from Issue 5.1 to Issue 5.1A.

259. The benefit of inserting the term 'additional infrastructure' is that Issue 5.1A more clearly recognises the range of infrastructure and services required to support urban growth and development. While the issue already refers to infrastructure, the amendment provides greater clarity that planning for growth includes not only traditional infrastructure networks, but also social and community infrastructure such as schools, healthcare facilities and public open space. This is consistent with the terminology and intent of the NPS-UD.

260. The cost of the amendment is limited. The issue will now refer to both infrastructure and additional infrastructure. However, I do not consider this introduces any substantive change in policy direction, as it was always intended that the term 'infrastructure' as used in Change 1, encompassed the range of infrastructure and services (including social and community infrastructure) required to support urban growth. The amendment therefore primarily improves clarity rather than altering outcomes sought.

261. Relocating the sentence relating to managed urban expansion and greenhouse gas emissions from Issue 5.1 to Issue 5.1A does not introduce a new matter into Change 1. Rather, it relocates existing notified content to the issue statement where it is more logically and appropriately addressed. The matters of reducing greenhouse gas emissions from transport and improving access to jobs, services and amenities are urban growth and infrastructure matters. They are therefore more closely aligned with Issue 5.1A than Issue 5.1.

262. The effectiveness of the direction is not reduced because the relocated wording remains within Chapter 5 and continues to inform the urban growth framework established by Change 1. The amendment improves the coherence of the issues by ensuring that matters are addressed under the issue statement most directly related to them. It also better aligns Issue 5.1A with the NPS-UD, which seeks well-functioning urban environments that reduce greenhouse gas emissions and improve accessibility to jobs, services and amenities (Objective 1 of the NPS-UD).

263. I do not identify any additional implementation costs arising from the amendment. In my view, the amendments improve the clarity, usability and internal consistency of Chapter 5 while maintaining the intended outcomes of Change 1. I therefore consider the amendments are the more appropriate way of achieving the purpose of the Act.

8.4 Issue 5.1B

8.4.1 Matters Raised by Submitters

264. Dick Bennison (submission 31.6) and CKSV (submission 34.8) support Issue 5.1B and seeks that it be retained. The submitters consider a greater variety of housing is needed to support a diverse community, improve housing affordability and contribute to a well-functioning urban environment for current and future generations.

265. David Briggs (submission 10.3) supports the need for a greater variety of housing, particularly smaller and more compact housing types. However, the submitter seeks amendments to Issue 5.1B that recognise the need for stronger Council involvement in the design and delivery of new housing developments to ensure good urban design outcomes, appropriate locations, supporting amenities and quality living environments.

266. TBEL (submission 3.2) seeks amendments to Section 5 to better recognise the role of private plan changes in meeting growth needs and achieving a well-functioning urban environment. The submitter seeks amendments to support additional urban development opportunities outside the currently identified urban centres, including a new settlement at Tasman. Relevant to Issue 5.1B, the submitter seeks recognition that future private plan changes can assist in meeting housing demand and providing additional development capacity.

267. Tahimana (submission 27.3) opposes Issue 5.1B and seeks amendments to explicitly recognise Rural 3 and Rural Residential zones as anticipated residential areas. The submitter considers that, without explicit recognition, these zones risk being overlooked despite already being enabled under the operative TRMP.

8.4.2 Assessment

268. Issue 5.1B identifies the issue of a lack of variety of housing within Tasman's urban environment and the need to provide for a wider range of housing types. The issue is focused on housing choice and housing outcomes rather than the location of future urban growth or the identification of specific development areas.

269. I note the support from Dick Bennison and CKSV for retaining Issue 5.1B. I agree that providing a range of housing types is important to meet the differing needs of Tasman's communities, support housing affordability and contribute to a well-functioning urban environment. In my view, the notified wording achieves this.

270. I acknowledge David Briggs' support for providing a greater variety of housing. However, I do not support the relief sought. Issue 5.1B identifies the issue of a lack of housing choice and the need to provide for a wider range of housing types. While I agree that achieving high quality urban development and ensuring growth is integrated with infrastructure, transport networks and environmental considerations is important, the TRPS is intended to provide high-level strategic direction rather than detailed implementation, compliance or enforcement mechanisms. Matters relating to the design, assessment and delivery of development are more appropriately addressed through the objectives and policies responding to this issue, together with district plan provisions, structure planning and resource consent processes. Accordingly, I do not consider amendments to Issue 5.1B are necessary.

271. The relief sought by TBEL has been assessed in the Issue 5.1A section of this Report at paragraph 243 and the reasoning is adopted here.

272. The relief sought by Tahimana has been assessed in the general issues section at paragraphs 110 to 113 and the reasoning in that assessment is adopted here.

273. Accordingly, I recommend retaining the notified wording of Issue 5.1B.

8.4.3 Recommendations

274. I recommend that the submissions from the following submitters be **accepted**:

- Dick Bennison (submission 31.6)
- CKSV (submission 34.8)

275. I recommend that the submission from David Briggs (submission 10.3) be **accepted in part**, to the extent that it supports providing a greater variety of housing.

276. I recommend that the submissions from the following submitters be **rejected**:

- TBEL (submission 3.2), so far as it relates to Issue 5.1B
- Tahimana (submission 27.3)

277. I recommend retaining the notified wording of Issue 5.1B.

8.5 Issue 5.1C

8.5.1 Matters Raised by Submitters

278. Dick Bennison (submission 31.7) and CKSV (submission 34.9) support Issue 5.1C and seek that it be retained. The submitters consider it is important that the planning framework remains sufficiently flexible to respond to changing market conditions, growth pressures and development opportunities, while recognising the requirement under the NPS-UD to be responsive to unanticipated or out-of-sequence urban development.

279. TBEL (submission 3.2) seeks amendments to Issue 5.1C to better recognise the role of private plan changes in meeting growth needs and achieving a well-functioning urban environment. The submitter seeks amendments to support additional urban development opportunities outside the currently identified urban centres, including a new settlement on the TBEL land at Tasman. The submitter considers Change 1 should better provide for future growth opportunities through private plan changes.

280. Tahimana (submission 27.3) opposes Issue 5.1C and seeks amendments to explicitly recognise Rural 3 and Rural Residential zones as anticipated residential areas. The submitter considers that, without explicit recognition, these zones risk being overlooked despite already being enabled under the operative TRMP.

281. Andrew and Susan Talley (submission 13.10) oppose the current framing of Issue 5.1C and seek amendments to better recognise that anticipated growth is already provided for within the planned spatial strategy. The submitters also seek stronger recognition of the risks associated with unanticipated or out-of-sequence development, particularly where environmental and infrastructure constraints apply.

8.5.2 Assessment

282. I note the support from Dick Bennison and CKSV for retaining Issue 5.1C. I agree that the planning framework should retain sufficient flexibility to respond to changing circumstances and development opportunities, provided those proposals contribute to a well-functioning urban environment and are assessed against the relevant criteria. In my view, the notified wording appropriately recognises both the need for a planned growth pattern and the requirement under the NPS-UD to be responsive to qualifying unanticipated or out-of-sequence development proposals.

283. I acknowledge the matters raised by the submitters. However, I do not support the relief sought.

284. Issue 5.1C identifies the issue that private plan changes can trigger unanticipated or out-of-sequence development that may not be consistent with providing a well-functioning urban environment. The issue recognises that, while the FDS, District Plan zoning and structure planning establish a planned pattern of urban growth, the NPS-UD also requires Council to be responsive to qualifying unanticipated or out-of-sequence development proposals.

285. The relief sought by TBEL has been assessed in the Issue 5.1A section of this Report at paragraph 243 and the reasoning is adopted here.

286. The relief sought by Tahimana has been assessed in the general issues section at paragraphs 110 to 113 and the reasoning in that assessment is adopted here.

287. I acknowledge Andrew and Susan Talley's concerns regarding the relationship between the planned spatial strategy and unanticipated or out-of-sequence development. However, I do not consider further amendments are necessary. The issue statement already identifies that the planning framework provides for anticipated growth through the FDS and planned urban development pattern, while also acknowledging the NPS-UD requirement to be responsive to qualifying unanticipated proposals. Objective 6 and Policy 8 of the NPS-UD require councils to provide for this pathway, and clause 3.8 specifically requires regional policy statements to include criteria for determining what constitutes significant development capacity. The environmental, infrastructure and other constraints relevant to assessing such proposals are addressed through Objective 5.1C and Policy 5.1B rather than the issue statement itself. Accordingly, I consider the notified wording appropriately identifies the resource management issue and no amendment is required.

288. Accordingly, I recommend retaining the notified wording of Issue 5.1C.

8.5.3 Recommendations

289. I recommend that the submissions from the following submitters be **accepted**:

- Dick Bennison (submission 31.7)
- CKSV (submission 34.9)

290. I recommend that the submissions from the following submitters be **rejected**:

- TBEL (submission 3.2), so far as it relates to Issue 5.1C
- Tahimana (submission 27.3)
- Andrew and Susan Talley (submission 13.10)

291. I recommend retaining the notified wording of Issue 5.1C.

8.6 Issue 5.2

8.6.1 Matters Raised by Submitters

292. Andrew and Susan Talley (submission 13.11) seek amendments to Issue 5.2 to better address natural hazard risks, including coastal inundation, active faults, liquefaction and tsunami hazards, and to introduce a risk-based approach to hazard management. The submitters seek amendments to reference the need to identify areas at risk from these hazards and to include references to risk-based assessment and proportionate management of natural hazard risk using the best available information. The submitters consider Issue 5.2 should be amended to give effect to the NPS-UD and NPS-NH.

8.6.2 Assessment

293. I acknowledge the submitter's concerns regarding natural hazard risk and climate resilience.

294. Issue 5.2 is an existing issue statement that identifies natural hazards as a constraint to urban development. I agree that natural hazards such as coastal inundation, active faults, liquefaction and tsunami pose important risks for urban development, and Issue 5.2 could be amended to use more common and accepted language about natural hazards. As this is an

issue statement, and it discusses the issues in relation to risk, even if not in current phrasing, I do not consider any further amendment is required.

295. In suggesting this, I note that Change 1 is not fully implementing the NPS-NH[8], and the TRPS already contains an established natural hazards framework, including Issue 5.2, Objective 5.2, Policy 5.2 and Chapter 11 Natural Hazard provisions that are largely unamended by Change 1. These provisions provide the principal policy direction for identifying, assessing and managing natural hazards within the district. I therefore consider that any wide-scale review of risk-based hazard management approaches, hazard identification methodologies, or the management of specific hazard types is more appropriately undertaken through a review of those provisions rather than through Change 1.

296. Accordingly, I support some narrow amendments to the operative wording of Issue 5.2 to include all of the natural hazards listed in the NPS-NH.

8.6.3 Recommendations

297. I recommend that the submission from Andrew and Susan Talley (submission 13.11) be **accepted in part**, and that Issue 5.2 be amended as follows:

Issue 5.2

Natural Hazards to Urban Development

Continued urban development brings pressure to develop less physically suitable land, especially if there is also a pressure to protect high quality soils. The District is especially susceptible to the natural hazards of flooding, land instability, coastal erosion, coastal inundation, tsunami, liquefaction, active faults and earthquake shaking. Urban development should be discouraged from such areas. Global sea level rise will exacerbate existing problems of coastal erosion and coastal inundation in the District. There is a need to identify areas at risk from ~~flooding, instability, erosion and earthquake shaking~~ natural hazards. The issue is then the levels of risk reduction that should be imposed on urban development, by avoiding or restricting development in such areas. High levels of reduced risk would mean community expenditure in structural protection or in restricting urban development of hazard-prone areas. Alternatively, lower levels of risk reduction would allow individuals to develop in areas at risk but with mitigation measures being required where practicable.

8.6.4 Section 32AA

298. The recommended amendments to this issue statement incorporate a wider range of natural hazard descriptions, in line with more current terminology, to include all those listed in the NPS-NH.

299. The implications of the recommended change are improved clarity and certainty. In that sense the change could be considered to be more efficient and effective, and possibly will reduce cost. However, any such change is of a very marginal nature in terms of section 32.

[8] In my opinion, this is realistic, given the relatively recent release of the NPS-NH and the explicit recognition that implementation need not be immediate in Part 4 of the NPS-NH.

8.7 Issue 5.7

8.7.1 Matters Raised by Submitters

300. Tahimana (submission 27.4) opposes Issue 5.7 and seeks amendments to acknowledge that residential development is also anticipated within the Rural 3 and Rural Residential zones. The submitter considers development within those zones is planned and anticipated under the operative TRMP and that Issue 5.7 should not imply such development is unplanned or inappropriate.

301. David Briggs (submission 10.4) notes the importance of providing appropriate infrastructure and services to support growth. The submitter seeks amendments to Issue 5.7 to make it clear that new infrastructure should be funded and provided in advance of development occurring and that service quality should be maintained while development is being undertaken.

8.7.2 Assessment

302. Issue 5.7 relates to the maintenance and enhancement of the quality of the urban environment, including the role of the urban centres, urban amenities, network infrastructure and the quality of urban development. It is not intended to identify all locations where residential development may occur.

303. The relief sought by Tahimana (submission 27.4) has been assessed in the general issues section at paragraphs 101 to 104 and the reasoning in that assessment is adopted here.

304. I acknowledge David Briggs' concerns regarding the timing, funding and delivery of infrastructure to support urban growth. However, I do not consider amendments to Issue 5.7 are necessary to address submission 10.4. While I agree that achieving high quality urban development requires growth to be integrated with infrastructure, transport networks and environmental considerations, the TRPS is intended to provide high-level strategic direction rather than detailed implementation, funding, compliance or enforcement mechanisms. Matters relating to infrastructure funding, service delivery, development sequencing and the assessment of development proposals are more appropriately addressed through the objectives and policies of the TRPS, district plan provisions, infrastructure planning processes and resource consent processes.

305. In accordance with the assessment of Issue 5.1 (section 8.2 of this report), I recommend relocating the sentence "New urban development needs to provide for quality design, while recognising and allowing for amenity values of the urban and built form, in areas planned for intensification, to develop and change over time in response to diverse and changing needs of people, communities and future generation" from Issue 5.1 to Issue 5.7. In my view, matters relating to urban design, urban amenity and changing amenity values are not directly related to the management of HPL, which is the focus of Issue 5.1. These matters are more appropriately addressed through Issue 5.7, which concerns the quality of the urban environment and urban development outcomes. Amending Issue 5.7 by relocating this wording improves the focus and effectiveness of both issue statements while retaining the policy direction intended by the notified provisions.

8.7.3 Recommendations

306. I recommend that the submissions from the following submitters be **rejected**:

- Tahimana (submission 27.4)
- David Briggs (submission 10.4)

307. As a consequence of accepting the relief sought by Andrew and Susan Talley to Issue 5.1 (submission 13.8), I recommend that Issue 5.7 be amended, as shown below.

Issue 5.7

Maintenance and Enhancement of the Quality of the Urban Environment

Growth of the District's main urban centres brings new residential, commercial and industrial activities. Business areas including main retail streets, require upgrading and enhancement of pedestrian facilities and attractions. Commercial and small site industrial areas can share many features in common with residential areas in order to blend and attract new businesses. Industrial development with relatively large site requirements has visual, noise, heavy traffic and other environmental effects that require avoiding, remedying or mitigating through land allocation, buffering and performance standard setting. New urban development needs to provide for quality urban design, while recognising and allowing for amenity values of the urban and built form, in areas planned for intensification, to develop and change over time in response to diverse and changing needs of people, communities and future generations.

All areas of urban development require an appropriate standard of provision of network utility services to enhance convenience, safety, communications and other generally essential functional and amenity values. The location and form of such services may generate space, visual, land disturbance and other adverse effects that also require management.

As urban areas grow and change, there is a risk that the vibrancy and efficiencies of town centres may be compromised by sprawling or ad hoc development.

Acknowledgment of the role and function of existing town (and neighbourhood centres in the larger towns) including their contribution to the wider urban environment context may assist to retain and enhance the vibrancy, and efficiencies of town centres as compact hubs of economic, social and cultural activity and to realise efficiencies relating to the maintenance, upgrades and extension of network infrastructure.

Funding for environmental enhancement measures must be apportioned between land subdividers and developers, and the community at large through the Council.

Issues arise in deciding how much and in what way, private developers should pay towards improvements, as well as in establishing the environmental performance requirements for urban activities. Different people may benefit from requirements or improvements in different parts of urban centres. Within the residential areas the benefits of environmental enhancement are primarily for those who live there. In the main commercial areas and the main access routes, the benefits are to all those using these areas, including tourists.

The smaller communities may provide retail, health, educational and other services, some degree of employment for the resident labour force, a social centre for the local community, and a prime location for contractors and other businesses directly associated with agricultural and forestry production. Many small towns have areas with historical character or other amenity features. In allowing development in small settlements, care must be taken to ensure that the essential character of the town is maintained.

Existing as well as new urban activities can degrade the physical qualities of the urban environment, through the effects of traffic, air contamination from smoke and other emissions including noise, and visual appearance. There is a need for such adverse effects to be managed through siting, design and other performance requirements.

8.7.4 Section 32AA

308. The recommended amendment relocates a sentence on providing for quality urban environment while recognising and allowing for amenity values to develop and change over time, from Issue 5.1 to Issue 5.7. Relocating this sentence does not introduce a new matter into Change 1. Rather, it relocates existing notified content to the issue statement where it is more logically and appropriately addressed. The matter of providing for quality urban environment and allowing for amenity values to develop and change over time are more closely aligned with the maintenance and enhancement of the quality of the urban environment (Issue 5.7), than managing urban expansion onto highly productive soils (Issue 5.1).

309. The effectiveness of this section is not reduced because the relocated wording remains within Chapter 5 and continues to inform the growth framework established by Change 1. The amendment improves the coherence of the issues by ensuring that matters are addressed under the issue statement most directly related to them. It also better aligned Issue 5.7 with Objective 4 and Policy 6 of the NPS-UD.

310. I do not identify any additional implementation costs arising from the amendment. In my view, the amendments improve clarity, usability and internal consistency of Chapter 5 while maintaining the intended outcomes of Change 1. I therefore consider the amendments are the most appropriate way of achieving the purpose of the Act.

8.8 Objective 5.1A

8.8.1 Matters raised by submitters

311. Eleven submission points were received on Objective 5.1A, three[9] of which seek that the objective be retained as notified.

312. TBEL (submission 3.3) seek that Tasman be included with Māpua/Ruby Bay in the tables of housing bottom lines at Objective 5.1A. This would allow any shortfall in the delivery of dwellings through brownfield development to be met on their land at Tasman. The same submission point seeks an amendment to the reasons for Objective 5.1C acknowledging that greenfield growth may need to occur outside FDS areas where brownfield uptake is insufficient. I have assessed the Objective 5.1C limb under that objective.

313. David Briggs (submission 10.5) seeks that Objective 5.1A be amended to recognise the need for development to contribute to the reduction of greenhouse gas emissions. He considers climate impacts should be a central consideration in urban development and that development should reduce rather than increase emissions.

[9] Orange (OS9.1), Vicmatt (OS18.1), CKSV (OS34.10)

314. Andrew and Susan Talley (submission 13.12) seek that the housing bottom lines, particularly for Māpua/Ruby Bay, be reviewed and amended using an updated demand assessment based on the 2023 Census, recent consents, titles and development uptake. They seek that the reasons text be updated to identify the source of the housing bottom lines. They also seek a new objective in Section 5.3, or an amendment to Objective 5.1A, requiring constraints to growth to be identified and considered when making decisions on urban development. They are concerned that the bottom lines rest on out-of-date population projections, and that growth constraints, including natural hazards and infrastructure constraints, are not adequately recognised in the FDS, the Māpua Masterplan or Change 1. They say the FDS and the Māpua Masterplan did not adequately map constraints in Māpua, that natural hazard work has not progressed, and that each process has deferred consideration of these constraints to a later stage that has not eventuated.

315. Andrew and Susan Talley (submission 13.25) seek that the housing and business land bottom lines be amended using robust and updated information about Tasman's urban environments, consistent with Objective 7 of the NPS-UD. They consider the section 32 report relies on outdated population, migration and housing demand information and does not adequately account for recent population trends. They refer to the Statistics New Zealand subnational population estimates at 30 June 2025 (provisional), which they say show Tasman's population grew by 110 people (0.2%) in the year to June 2025, compared with 620 people (1.0%) in the year to June 2024, and consider that the Council's estimates overstate growth.

316. Tahimana (submission 27.5) seek that Objectives 5.1A, 5.1B and 5.1C be amended, or a new objective inserted, recognising the benefits of rural residential living opportunities in zones specifically identified for that purpose. They consider Rural 3 and Rural Residential zones form part of the district's planned housing supply.

317. Dick Bennison (submission 31.8) seeks that the objective be retained with emphasis on the minimum sufficient development capacities. He considers the capacity estimates are conservative and likely to be exceeded, and that provision is needed for growth across all urban areas of the district.

318. Te Runanga o Ngati Rarua (submission 32.1) and Kristie Paki Paki (submission 33.1) seek that the objective be retained as notified, with cultural values added to the reasons. They identify an ongoing unmet need for housing for Māori in the Tasman District, including housing delivered through papakāinga, and note that the operative TRPS is silent on papakāinga development.

319. The summary of submissions also records Chip Felton and Michelle Lang (submission 16.3) against Objective 5.1A. The relief is directed at Policy 5.1A, and I have assessed it there.

8.8.2 Assessment

320. With respect to the housing bottom lines, Andrew and Susan Talley seek that they be reviewed (submission 13.12) and amended using updated information (submission 13.25). The bottom lines are derived from the 2024 HBA prepared under the NPS-UD, which is Appendix D to the Change 1 section 32 report. I accept the submitters' point that the 2024 HBA used bespoke population projections which were 2018 based. This has been fully addressed in the evidence of Jacqui Deans.

321. On the second limb of the relief sought by Andrew and Susan Talley (submission 13.12), I agree there would be merit in the reasons identifying the 2024 HBA as the source of the bottom lines. A TRPS user cannot otherwise tell where the figures come from or when they were prepared. I recommend that the reasons be amended accordingly.

322. On the third limb of the relief sought by Andrew and Susan Talley (submission 13.12), growth constraints are addressed elsewhere in Change 1 and in the operative TRPS. Objective 5.2 and Policy 5.2 address the location of urban development in hazard prone and coastal areas. Policy 5.1A(ix) and (x) require resilience to climate change and natural hazards, and Policy 5.1A(vi) requires new infrastructure to be planned, funded and delivered efficiently to integrate with growth. Policy 5.1B applies the same matters to unanticipated or out of sequence proposals. That said, I am not averse to an addition to the objective referring to taking a risk-based approach to natural hazards, given it is now also recommended to be raised in the Issues section.

323. Turning to the relief sought by David Briggs (submission 10.5) on greenhouse gas emissions, Objective 5.1A is directed at whether enough capacity is available, not at the form that development takes. The urban form outcomes that bear on emissions sit in Policy 5.1A(i), which seeks an urban form that supports reductions in greenhouse gas emissions by integrating land use and transport, and in the reasons to Objective 5.1B, which record reduced transport emissions as a benefit of medium density development. I consider Change 1 addresses the submitter's concern, and that Objective 5.1A is not the right place for it.

324. On the request from TBEL (submission 3.3), the tables in Objective 5.1A set the bottom lines for the towns comprising the Tasman District part of the Nelson-Tasman Tier 2 urban environment, being Richmond, Brightwater, Māpua/Ruby Bay, Wakefield and Motueka. Tasman (the area, not the district) is not part of that urban environment. Adding it to the tables would be inconsistent with the basis on which the bottom lines were calculated and would put Change 1 out of step with the adopted growth strategy. The objective provides high level strategic direction for the district and is not the place to identify particular development areas or landholdings. Objective 5.1C and Policy 5.1B provide the pathway for an unanticipated or out-of-sequence proposal that would supply significant development capacity, and the submitters' land can be advanced through that pathway if it meets the requisite tests.

325. The relief sought by Tahimana (submission 27.5) has been assessed in the general issues section at paragraphs 110 to 113 and the reasoning in that assessment is adopted here.

326. On the relief sought by Dick Bennison (submission 31.8), the housing bottom lines are the minimum level of capacity required under the NPS-UD. They are a floor, not a ceiling, and they already include the competitiveness margin. Change 1 provides for capacity across the urban environment and for that capacity to be kept under review through the FDS annual implementation plan, the three yearly HBA and the NPS-UD annual monitoring report. I do not consider further emphasis is necessary, and no specific amendment is sought.

327. Finally, on the cultural values relief sought by Te Runanga o Ngati Rarua (submission 32.1) and Kristie Paki Paki (submission 33.1), Objective 5.1A refers to protecting important environmental and cultural values, but the reasons record only the Council's statutory obligation to provide for growth and the role of strategic planning. Adding cultural values to

the reasons would give a more complete explanation of the outcome the objective seeks. I support that amendment.

328. Turning to the drafting of the objective, Objective 5.1A states two things: that sufficient housing and business land capacity is available to meet demand while protecting important environmental and cultural values, and that the housing bottom lines are provided. They are related but distinct, and as notified they sit in consecutive sentences with no numbering. The bottom lines themselves are then set out in a "Note" below the objective, rather than in the objective. That leaves it open to argument whether the figures form part of the objective at all. The objective also refers to "the urban environment" in the first sentence and to "the Tasman portion of the Nelson-Tasman Tier 2 Urban Environment" in the second, while Change 1 defines "Tasman's Urban Environment" as that area.

329. I recommend that the objective be set out as two numbered clauses, that both clauses use the defined term "Tasman's Urban Environment", and that the bottom lines be brought into clause (2) as Table 5.1A, with the competitiveness margin recorded in the clause. The figures are unchanged. These are drafting amendments within the scope of the relief sought by Andrew and Susan Talley (submission 13.12), and of the drafting and terminology points they make in submissions 13.30 and 13.31, which I address under general themes.

330. Policy 7 and clause 3.6(2) of the NPS-UD require the Council to include housing bottom lines in the TRPS. The NPS-UD does not specify where in the TRPS they sit or how they are to be presented, so the restructure does not affect compliance with it.

8.8.3 Summary of recommendations

331. I recommend that the submissions from the following submitters be **accepted in part**:

- Orange (submission 9.1)
- Vicmatt (submission 18.1)
- Te Runanga o Ngati Rarua (submission 32.1)
- Kristie Paki Paki (submission 33.1)
- CKSV (submission 34.10)
- Andrew and Susan Talley (submission 13.12)

332. I recommend that the submissions from the following submitters be **rejected**:

- TBEL (submission 3.3)
- David Briggs (submission 10.5)
- Andrew and Susan Talley (submission 13.25)
- Tahimana (submission 27.5), so far as it relates to Objective 5.1A
- Dick Bennison (submission 31.8)

333. I recommend that Objective 5.1A of Change 1 and the reasons associated with it be amended as follows.

Objective 5.1A

(1) Sufficient housing and business land capacity is available in ~~the urban environment~~Tasman's Urban Environment to meet demand while protecting important environmental and cultural values, and applying a risk-based approach that identifies and responds to natural hazards.

(2) For the period 2024 to 2054, the minimum sufficient development capacities for housing - the housing bottom line in ~~the Tasman portion of the Nelson-Tasman Tier 2 Urban Environment~~Tasman's Urban Environment, including the competitiveness margin, are provided, as set out in Table 5.1A~~.~~:

~~Note:~~

~~The minimum sufficient development capacities to meet housing demand, including the competitiveness margin, over a 30-year period are:~~

Table 5.1A: Housing bottom lines for Tasman's Urban Environment (number of dwellings)

[Housing bottom line tables as notified, unchanged, not reproduced]

REASONS:

Council has a statutory obligation to provide for growth in its urban environment. The housing bottom lines in Table 5.1A are derived from the 2024 Housing and Business Assessment. Strategic planning is undertaken regularly to ensure that opportunities and constraints to growth are evaluated, important cultural values are recognised and provided for, ~~and~~ impacts on the natural environment are minimised, and natural hazards are identified and managed via a risk-based approach.

8.8.4 Section 32AA

334. The recommended amendments do not change the housing bottom lines, the capacity outcome the objective seeks or the matters it protects. Setting the objective out as two clauses separates the capacity outcome from the bottom lines, and bringing the figures into clause (2) as Table 5.1A removes any doubt about whether they form part of the objective. Using the defined term in both clauses removes the three different descriptions of the same area. Identifying the 2024 HBA in the reasons tells a plan user where the figures come from, and adding cultural values makes the reasons consistent with the objective, which already refers to protecting important environmental and cultural values. The benefit is improved clarity and certainty for TRPS users.

335. I do not identify any additional cost, or any change to the efficiency or effectiveness of the objective. I consider the amendments are the more appropriate way of achieving the purpose of the Act.

8.9 Objective 5.1B

8.9.1 Matters raised by submitters

336. Seven submission points were received on Objective 5.1B, five of which seek that the objective be retained as notified.[10]

337. Andrew and Susan Talley (submission 13.13) seek the deletion of the objective. They consider the objective is narrowly worded and does not fully address the requirements of a well-functioning urban environment. In particular, they consider it does not adequately address

[10] Orange (OS9.2), Dick Bennison (OS31.9), Te Runanga o Ngati Rarua (OS32.2), Kristie Paki Paki (OS33.2), CKSV (OS34.11)

housing choice in terms of type, price and location, accessibility, resilience to climate change, or support for reductions in greenhouse gas emissions. The reference to "quality urban design outcomes" is too vague to provide sufficient direction. They seek that the objective be replaced with a policy that is consistent with and gives effect to Policy 1 of the NPS-UD. Alternatively, redraft the objective so that it gives effect to and is consistent with Objective 3 of the NPS-UD, or provide alternative relief that ensures the provision gives full effect to the NPS-UD.

338. Tahimana (submission 27.5) seek that Objectives 5.1A, 5.1B and 5.1C be amended, or a new objective inserted, recognising the benefits of rural residential living opportunities in zones specifically identified for that purpose.

8.9.2 Assessment

339. On the deletion sought by Andrew and Susan Talley (submission 13.13), in my view Objective 5.1B responds to Issue 5.1B, which identifies a consistent shortfall in the supply of small attached dwellings and the need to provide for medium density dwellings and papakāinga. The objective is directed at that issue. I do not consider it is intended to state, on its own, what a well-functioning urban environment is. Redescribing all aspects of a well-functioning urban environment in this objective would arguably diminish the profile of this shortfall of this kind of housing stock.

340. Change 1 addresses the concept of a well-functioning urban environment elsewhere. General Objective 2A, as recommended to be amended, provides that Tasman's Urban Environment contributes to a well-functioning Nelson-Tasman urban environment, with reasons covering the integration of housing, business land, transport and infrastructure, reduced adverse environmental effects and resilience to climate change. Change 1 also introduces the NPS-UD definition of a "well-functioning urban environment" in full.

341. The concerns Andrew and Susan Talley raise are then addressed through Objective 5.1A and Policies 5.1A and 5.1B, including:

- housing choice by type, price and location (Policy 5.1A(v)),
- accessibility to jobs, services and amenities (Policy 5.1A(iv)),
- reductions in greenhouse gas emissions (Policy 5.1A(i)),
- climate change and natural hazard resilience (Policy 5.1A(ix) and (x)), and
- integration with infrastructure (Policy 5.1A(vi)).

342. With respect to the concern of Andrew and Susan Talley that "quality urban design outcomes" is too vague, I acknowledge the phrase is vague when read in isolation. However, the phrase is further particularised by policies and methods that give effect to this objective (including Policy 5.1A and 5.7 in particular). I consider this is the appropriate level of direction for a regional policy statement objective, with the detailed design response sitting in the TRMP.

343. I consider the notified provisions, read together, give effect to the NPS-UD.

344. Deleting the objective would leave Issue 5.1B without an objective directed at it and would remove the regional policy statement direction for the medium density residential zone provisions in PC81.

345. The relief sought by Tahimana (submission 27.5) has been assessed in the general issues section at paragraphs 110 to 113 and the reasoning in that assessment is adopted here.

346. As a drafting note, it seems this objective could refer to "Tasman's Urban Environment" rather than "Towns", which is not defined. While that change is not recommended at this stage, as the plain-English use of the word "Towns" in this objective is not misplaced, for the reasons discussed at paragraph 99, "Tasman's Urban Environment" could be equally appropriate.

8.9.3 Summary of recommendations

347. I recommend that the submissions from the following submitters be **accepted**:

- Orange (submission 9.2)
- Dick Bennison (submission 31.9)
- Te Runanga o Ngati Rarua (submission 32.2)
- Kristie Paki Paki (submission 33.2)
- CKSV (submission 34.11)

348. I recommend that the submissions from the following submitters be **rejected**:

- Andrew and Susan Talley (submission 13.13)
- Tahimana (submission 27.5), so far as it relates to Objective 5.1B

349. I recommend that no change be made to Objective 5.1B of Change 1.

8.10 Objective 5.1C

8.10.1Matters raised by submitters

350. Eleven submission points were received on Objective 5.1C, four of which seek that the objective be retained as notified.[11]

351. Ruth and Bruno Zahner (submission 12.3) seek the removal of the wording in Objective 5.1C requiring responsiveness to unanticipated or out-of-sequence plan change proposals that would supply significant development capacity, together with the associated explanatory text. They oppose the Council remaining responsive to such proposals. They also oppose the explanation that responsiveness is required by the NPS-UD, and that proposals not anticipated by the Council may appropriately provide significant development capacity because developers play an important role in providing for growth.

352. Andrew and Susan Talley (submission 13.14) oppose the objective. They seek that it be amended to more closely reflect the direction in Objective 6 of the NPS-UD, being that decisions on urban development affecting urban environments are integrated with infrastructure planning and funding decisions and are strategic over the medium and long term. They also seek that the reasons text be amended to make clear that unanticipated or out of sequence proposals will not be considered favourably unless it can be demonstrated they will contribute to well-functioning urban environments, and to identify the risks associated with such development. They consider the objective risks undermining the

[11] Orange (OS9.3), Vicmatt (OS18.2), Dick Bennison (OS31.10), CKSV (OS34.12)

outcomes of the FDS and broader strategic planning work, and that the emphasis on responsive planning should not be used to justify ad hoc plan changes that circumvent agreed development sequencing.

353. Chip Felton and Michelle Lang (submission 16.2) seek that Objective 5.1C and Policy 5.1C be amended so that responsiveness to unanticipated or out-of-sequence private plan change proposals is conditional on confirmation that servicing capacity exists, or is funded and programmed within the first ten years of the LTP, to support the additional capacity proposed, or that some form of trigger mechanism is available. They consider infrastructure availability should be a condition of enabling additional development capacity and refer to infrastructure constraints and growth management in Māpua.

354. Kairos (submission 35.3) seek the opposite. They ask that "responsiveness" in Objective 5.1C not be confined to proposals supplying significant development capacity measured by scale, and that it extend to proposals making a significant qualitative contribution to housing choice, typology diversity or a well-functioning urban environment, consistent with Objective 5.1B.

355. MoE (submission 14.3) seeks that the Objective 5.1C be amended so that Tasman's urban centres are supported by efficient and effective infrastructure services, additional infrastructure and a well-connected transport network. They note that infrastructure is defined in the Act and does not include the types of infrastructure defined as additional infrastructure in the NPS-UD and the NPS-I, and consider a clear distinction is needed so that social and community infrastructure, including schools, is provided for.

356. Tahimana (submission 27.5) seeks that Objectives 5.1A, 5.1B and 5.1C be amended, or a new objective inserted, recognising the benefits of rural residential living opportunities in zones specifically identified for that purpose.

357. David Briggs (submission 10.3) seeks that Issue 5.1B and Objectives 5.1C, 5.4 and 5.5 be amended to provide for stronger Council direction, oversight and enforcement of development design and implementation.

8.10.2Assessment

358. Objective 5.1C has two limbs: that Tasman's urban centres grow and develop in accordance with a planned built urban form that is well-functioning, supported by infrastructure services and a well-connected transport network; and that the Council remain responsive to unanticipated or out-of-sequence plan change proposals that would supply significant development capacity. The submissions from Ruth and Bruno Zahner (submission 12.3), Andrew and Susan Talley (submission 13.14), Chip Felton and Michelle Lang (submission 16.2) and Kairos (submission 35.3) are directed at the second limb, three seeking to remove or narrow it and one seeking to widen it.

359. Responsiveness is a requirement of the NPS-UD. Policy 8 directs that "local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments", even where that capacity is unanticipated or out of sequence. Responsiveness is also one of the three limbs of Objective 6 of the NPS-UD, alongside integration with infrastructure planning and funding decisions and strategic decision-making over the medium and long term. This is reflected in Objective 5.1C.

360. I therefore do not support the relief sought by Ruth and Bruno Zahner (submission 12.3) or by Andrew and Susan Talley (submission 13.14). Clause 3.8(3) of the NPS-UD requires every regional council to include criteria in its regional policy statement for determining what plan changes add significantly to development capacity, for the purpose of implementing Policy 8. Policy 5.1B provides those criteria. Removing or narrowing the responsiveness limb would leave Change 1 without the direction the NPS-UD requires.

361. The safeguards sought by Ruth and Bruno Zahner and by Andrew and Susan Talley sit in Policy 5.1B. Policy 5.1B requires new urban development to be consistent with already zoned land, the FDS or adopted structure and master plans, and to be managed in accordance with FDS sequencing. Policy 5.1B (as recommended to be amended) then requires an unanticipated or out-of-sequence proposal to contribute to a well-functioning urban environment. I consider this meets the concern that responsiveness could become a pathway for ad hoc plan changes.

362. Policy 5.1B addresses the infrastructure capacity concern raised by Chip Felton and Michelle Lang (submission 16.2), requiring infrastructure to be integrated with planning and funding. Conditioning responsiveness on servicing capacity being confirmed, or programmed within the first ten years of the LTP, would limit it to development already planned for, which would be inconsistent with Policy 8 of the NPS-UD. Their relief refers to Policy 5.1C, which sets the commercial centres hierarchy and does not address responsiveness, so I have assessed it as directed at Policy 5.1B. The Māpua infrastructure matters they raise are site-specific and are better addressed either through PC81 or when a plan change is assessed against the Policy 5.1B criteria.

363. Finally, I do not support the relief sought by Kairos (submission 35.3). Policy 8 of the NPS-UD is directed at plan changes that would add “significantly to development capacity”, and Objective 5.1C adopts that threshold. Extending responsiveness to proposals of any scale that make a qualitative contribution would go beyond what the NPS-UD requires, and would reduce the weight given to the FDS sequencing in Policy 5.1B. Housing choice and typology diversity are addressed through Objective 5.1B and Policy 5.1A(v), and the contribution a proposal makes to a well-functioning urban environment is already a criterion under Policy 5.1BA(2)(a).

364. I consider Objective 5.1C, read with Policy 5.1B (as recommended to be amended), gives effect to Objective 6 and Policy 8 of the NPS-UD. I do not consider the amendments sought are more appropriate than the objective as notified.

365. The relief sought by MoE (submission 14.3) is a different and narrower issue. The NPS-UD distinguishes between infrastructure and additional infrastructure, and additional infrastructure includes public open space, community infrastructure as defined in section 197 of the LGA, land transport and development infrastructure. Schools and healthcare facilities fall within it. Objective 5.1C as notified refers only to “infrastructure services”, which on the Act's definition would not include them.

366. That matters because the objective states the outcome sought for how Tasman's urban centres grow. If the outcome is urban centres that are supported only by the narrower category of infrastructure, then the objective does not describe a well-functioning urban environment, which requires good accessibility between housing, jobs, community services, natural spaces and open space. Adding the term closes that gap. It is consistent with my

recommendation under definitions and interpretation of terms that the NPS-UD definition of additional infrastructure be inserted into the interpretation of terms, and the two recommendations should be assessed together.

367. The relief sought by Tahimana (submission 27.5) has been assessed in the general issues section at paragraphs 110 to 113 and the reasoning in that assessment is adopted here.

368. On the relief sought by David Briggs (submission 10.3), I adopt the reasoning I set out under Issue 5.1B. Objective 5.1C is an outcome statement about urban form and responsiveness. Direction, oversight and enforcement of development design are exercised through the TRMP, resource consent processes and the Council's monitoring and enforcement functions.

369. As a final note, this Objective refers to the undefined "Tasman's urban centres" and this objective could refer to the defined "Tasman's Urban Environment" in line with the reasoning in paragraph 99. As there does not appear to be any negative implications of this, I recommend it be made consistent.

8.10.3Summary of recommendations

370. I recommend that the submissions from the following submitters be **accepted in part**:

- Orange (submission 9.3)
- Vicmatt (submission 18.2)
- Dick Bennison (submission 31.10)
- CKSV (submission 34.12)
- MoE (submission 14.3)

371. I recommend that the submissions from the following submitters be **rejected**:

- Ruth and Bruno Zahner (submission 12.3)
- Andrew and Susan Talley (submission 13.14)
- Chip Felton and Michelle Lang (submission 16.2), so far as it relates to Objective 5.1C
- Kairos (submission 35.3)
- Tahimana (submission 27.5), so far as it relates to Objective 5.1C
- David Briggs (submission 10.3), so far as it relates to Objective 5.1C

372. I recommend that Objective 5.1C of Change 1 be amended as follows:

Tasman's ~~u~~Urban Environments ~~centres~~ grow and develop in accordance with a planned built urban form that is well-functioning, supported by efficient and effective infrastructure services, additional infrastructure and a well-connected transport network, while remaining responsive to unanticipated or out of sequence plan change proposals, where those proposals would supply significant development capacity.

8.10.4Section 32AA

373. The recommended amendment inserts two words into the objective. It does not change the growth pattern the objective seeks or the responsiveness limb. Its effect is to widen what "supported by" means, so that the objective is met only where urban centres are supported by the social and community infrastructure a well-functioning urban environment requires, as well as by network infrastructure.

374. The benefit is that the objective aligns with the NPS-UD, which distinguishes the two categories, and with the definition of a well-functioning urban environment that Change 1 adopts in full. The cost is that a proposal will need to address a wider range of infrastructure when assessed against the objective, although Policy 5.1A(vii) and Policy 5.1BA(2)(c) already require open space, community facilities and infrastructure to be addressed. I consider the amendment is the more appropriate way of achieving the purpose of the Act.

8.11 Objective 5.2

8.11.1 Matters raised by submitters

375. Two submission points were received on Objective 5.2. Andrew and Susan Talley (submission 13.15) seek that Objective 5.2 be amended to give effect to the statutory direction in Objective 8 of the NPS-UD. They consider that the objective should address climate change resilience as required by Objective 8 of the NPS-UD and should be amended to give effect to the NPS-NH. In submission 13.6, which is directed principally at General Objective 2A, they also seek that Objective 5.2 be amended to require that urban development only be accommodated where it can be demonstrated that the urban environment will be resilient to the current and future effects of climate change, will not create or increase climate change impacts on people, property or the environment, and will provide for the health and safety of current and future communities.

8.11.2 Assessment

376. I note that no changes are proposed to this Objective through Change 1. I also note that climate change and/or natural hazards are addressed in Issue 5.2, Objective 5.1A (as recommended to be amended), Policy 5.1A and Policy 5.2. Although terminology may have moved on since the TRPS was drafted, I consider the existing objective is adequate in advance of the future planning processes shortly to come, partly as adopting the changes requested in the submission would require a wholesale rewrite of the objective. Change 1 is primarily about the NPS-UD, it does not have a focus on natural hazards. In addition, the NPS-NH itself provides something of a backstop in the interim, and in a practical sense, the assessments under PC81 demonstrate adequate site-by-site analysis.

8.11.3 Summary of recommendations

377. I recommend that the submissions from Andrew and Susan Talley (submissions 13.15 and 13.16) be **rejected**.

8.12 Objective 5.3

8.12.1 Matters raised by submitters

378. One submission point was received on Objective 5.3. Katania (submission 19.1) seek that Objective 5.3 and the associated urban development policies and definitions be retained as notified. They support the amendments because they implement the FDS, support planned urban growth and provide the strategic basis for residential development areas such as the Brightwater Development Area.

8.12.2Assessment

379. I note the support of Katania (submission 19.1). The submitters seek no amendment to Objective 5.3 or to any other provision. I also note that Change 1 does not propose any amendment to Objective 5.3.

8.12.3Summary of recommendations

380. I recommend that the submission from Katania (submission 19.1) be **accepted**.

8.13 Objective 5.4

8.13.1Matters raised by submitters

381. Two submission points were received on Objective 5.4.

382. Orange (submission 9.4) seek that Objective 5.4 be retained as notified. They support recognition of the relationship between urban form and the transport system, including public and active transport.

383. David Briggs (submission 10.3) seeks that Issue 5.1B and Objectives 5.1C, 5.4 and 5.5 be amended to provide for stronger Council direction, oversight and enforcement of development design and implementation. He considers stronger Council involvement is necessary to secure the outcomes the provisions seek.

8.13.2Assessment

384. The support for the objective from Orange (submission 9.4) is acknowledged.

385. On the relief sought by David Briggs (submission 10.3), the TRPS provides high-level strategic direction. Direction, oversight and enforcement of development design and implementation are functions exercised through the TRMP, structure planning, resource consent processes and the Council's monitoring and enforcement functions. Objective 5.4 is an outcome statement about the urban transport system. Adding direction about Council oversight and enforcement would take the objective beyond the role of a regional policy statement objective and would duplicate the methods of implementation that sit under the related policies.

386. I consider Objective 5.4 and its amended reasons are the most appropriate way of achieving the purpose of the Act, and that no change is required.

8.13.3Summary of recommendations

387. I recommend that the submission from Orange (submission 9.4) be **accepted**.

388. I recommend that the submission from David Briggs (submission 10.3) be **rejected**, so far as it relates to Objective 5.4.

8.14 Objective 5.5

8.14.1Matters Raised by Submitters

389. Seven submission points were received on Objective 5.5 as notified.

390. Three submitters, Orange (submission 9.5), Dick Bennison (submission 31.11), and CKSV (submission 34.13), support Objective 5.5 as notified. These submitters consider that the objective appropriately recognises that urban environments evolve over time and provides appropriate direction regarding amenity values and urban intensification.

391. Four submitters seek amendments to Objective 5.5. Ruth and Bruno Zahner (submission 12.4) and Andrew and Susan Talley (submission 13.16) oppose the amendments and seek retention of the operative objective. These submitters consider that the amendments weaken the objective, place insufficient weight on existing amenity values, and do not appropriately reflect the intent of the NPS-UD. Ruth and Bruno Zahner also oppose the supporting explanation relating to changing amenity values, while Andrew and Susan Talley seek amendments to ensure the objective and supporting reasons text more accurately reflect Objective 4 of the NPS-UD.

392. David Briggs (submission 10.3) seeks amendments to Objective 5.5 to provide stronger Council direction, oversight and enforcement of urban development design and implementation.

393. Chip Felton and Michelle Lang (submission 16.1) seek clarification and further amendments to Objective 5.5 to resolve any tension where a settlement is both a small town and an area planned for intensification. The submitters seek amendments to clarify that intensification should be accommodated in a manner that maintains the character of small towns, or alternatively that a policy be inserted to provide this direction.

8.14.2Assessment

394. I agree with the submissions supporting Objective 5.5 as notified. The objective appropriately recognises that amenity values and urban built form in areas planned for intensification will evolve over time as urban environments develop and additional development capacity is provided. This approach is consistent with the direction of Objective 4 and Policy 6 of the NPS-UD.

395. I disagree with the relief sought by Ruth and Bruno Zahner and Andrew and Susan Talley. Objective 4 and Policy 6 of the NPS-UD recognise that planned urban development may result in significant changes to existing urban environments and that amenity values may change over time.

396. Retaining existing amenity characteristics unchanged could unduly constrain anticipated urban growth and intensification. I therefore consider Objective 5.5 and the supporting reasons as notified appropriately reflect national direction and no amendments are recommended. I consider Objective 5.5 and the supporting reasons text appropriately reflect this direction. Retaining existing amenity characteristics unchanged could unduly constrain anticipated urban growth and intensification. Accordingly, no amendment is recommended.

397. I also disagree with the relief sought by David Briggs. While I acknowledge the importance of achieving high-quality urban development and ensuring growth is integrated with

infrastructure, transport networks and environmental considerations, the TRPS is intended to provide strategic direction rather than detailed implementation, compliance or enforcement mechanisms. These matters are more appropriately addressed through the TRMP provisions, structure planning, resource consent processes and other Council functions.

398. I acknowledge the concerns raised by Chip Felton and Michelle Lang regarding the application of Objective 5.5 to settlements where both small-town character and urban intensification are relevant considerations. I agree that the notified wording places greater emphasis on the changing amenity values associated with intensification than on the maintenance and enhancement of the qualities that contribute to the character of Tasman's smaller towns. While I consider Objective 5.5 generally implements Objective 4 and Policy 6 of the NPS-UD, I consider a minor amendment would improve clarity and better recognise that intensification and the maintenance and enhancement of urban environments are not mutually exclusive outcomes. I therefore recommend reinstating reference to maintenance and enhancement of the urban environments of smaller towns. I do not consider a new policy is necessary.

8.14.3Recommendations

399. I recommend that the submissions from the following submitters be **accepted in part**:

- Orange (submission 9.5)
- Dick Bennison (submission 31.11)
- CKSV (submission 34.13)
- Chip Felton and Michelle Lang (submission 16.1)

400. I recommend that the submissions from the following submitters be **rejected**:

- David Briggs (submission 10.3)
- Ruth and Bruno Zahner (submission 12.4)
- Andrew and Susan Talley (submission 13.16)

401. I recommend that Objective 5.5 be amended to reinstate reference to the maintenance and enhancement of the urban environments of smaller towns while retaining the notified recognition that amenity values in areas planned for intensification will develop and change over time. I otherwise recommend retaining the notified focus of Objective 5.5 and the explanations and reasons, as shown below.

Objective 5.5

Maintenance and enhancement of urban environmental quality, *including* ~~amenity values and~~ *the character of small towns,* while recognising and allowing for amenity values of the urban and built form, in areas planned for intensification, to develop and change over time.

Reasons:

Amenities are sought by the community in all areas of the urban environment, including improvements to existing areas. ~~such as business area. Enhancing the appearance and design of buildings adjacent spaces, as well as avoiding, remedying or mitigating any adverse effects of their uses are important in urban environmental quality.~~ New urban development needs to provide for quality urban design but some urban development may detract from amenity values appreciated by some people but improve amenity values for others, including future

generations, by providing increased and varied housing densities and types. The NPS-UD recognises this and states that amenity values, are not of themselves an adverse effect.

Section 32AA

402. The recommended amendment reinstates reference to the maintenance and enhancement of the urban environments of smaller towns while retaining the notified recognition that amenity values in areas planned for intensification will develop and change over time. The amendment improves clarity and reduces potential uncertainty for plan users in settlements where both small-town character and intensification are relevant considerations. The effectiveness of the objective is not reduced, and I do not identify any additional costs arising from the amendment. I therefore consider the amendment is the most appropriate way of achieving the purpose of the Act.

8.15 Policy 5.1

8.15.1Matters raised by submitters

403. Ten submission points were received on Policy 5.1, seven[12] of which seek that the policy be retained as notified.

404. Ruth and Bruno Zahner (submission 12.5) oppose all of the proposed changes to Policy 5.1. No reasons or specific concerns are given in the summary of submissions.

405. Andrew and Susan Talley (submission 13.17) seek that the policy be amended so that it is consistent with the direction in clauses 3.6 to 3.10 of the NPS-HPL, and so that it is clear how it is to be applied alongside Policies 5.1A and 5.1B. They consider the amended chapeau weakens the policy and creates uncertainty, and that the amendments, particularly clause (iii), paraphrase the threshold tests in clause 3.6 of the NPS-HPL in a way that significantly weakens the policy direction.

406. David Briggs (submission 10.6) seeks that Policies 5.1, 5.1A, 5.1B, 5.6 and 5.7 be amended to ensure environmental and social needs are considered, to monitor and assess the environmental and social impacts of development, and to monitor compliance with policy objectives. It also seeks the rewriting of Policy 5.1B in a way that is convincing and makes sense.

8.15.2Assessment

407. Policy 5.1 is directed at avoiding the loss of land of high productive value. The amendments pull in two directions. The chapeau and new clause (iii) carry the urban development capacity direction into a HPL policy. The amendment to clause (ii)(c) carries the changing amenity values direction into the same policy. I agree with Andrew and Susan Talley (submission 13.17) that the second of these does not belong in Policy 5.1.

408. Amenity values in areas planned for intensification are an urban amenity matter. Policy 5.7 addresses urban amenity. Objective 5.5, as amended, already recognises that amenity values of the urban and built form in areas planned for intensification develop and change over time. Locating the same direction in a HPL policy makes Policy 5.1 harder to read and adds

[12] Orange (OS9.6), Vicmatt (OS18.3), Dick Bennison (OS31.3, OS31.12 and OS31.13), CKSV (OS34.5 and OS34.14)

nothing that Policy 5.7 cannot carry. I recommend that the amendment to Policy 5.1(ii)(c) be deleted and that the wording be relocated to Policy 5.7, as sought by Andrew and Susan Talley (submission 13.24) and addressed under that policy.

409. I do not accept the broader proposition of Andrew and Susan Talley (submission 13.17) that Policies 5.1, 5.1A and 5.1B conflict. They address different aspects of urban development and are intended to be read together. Policy 5.1 addresses the protection of land of high productive value. Policy 5.1A addresses the outcomes sought when zoning for growth. Policy 5.1B sets the planned position for growth, and Policy 5.1BA, which I recommend be inserted under Policy 5.1B, addresses the assessment of unanticipated or out-of-sequence proposals. The chapeau to Policy 5.1 states the relationship between these policies expressly, which is clearer than the operative policy, which said nothing about it.

410. Because I recommend that Policy 5.1B be split, the chapeau to Policy 5.1 needs a consequential amendment so that it refers to Policy 5.1BA as well. That is a drafting consequence of my recommendation on Policy 5.1B. It does not change the effect of the chapeau, which is to record that the protection of land of high productive value operates alongside the urban development policies.

411. I do not recommend any change to new clause (iii) or to the chapeau beyond that consequential amendment. I agree that the brief statement in clause (iii) is a paraphrasing of Clause 3.6 of the NPS-HPL, as raised by Andrew and Susan Talley (submission 13.17). Clause 3.6 is over a page long, and inevitably it will be paraphrased in a policy like this one. If the IHP wished, adding a cross-reference to Clause 3.6 could be a solution, but I also acknowledge that new policy direction from the Government is due in the near future.

412. Ruth and Bruno Zahner (submission 12.5) give no reasons and seek no specific amendment. I have no basis on which to alter the policy in response to their submission.

413. On the relief sought by David Briggs (submission 10.6), Policy 5.1 and the related policies already require regard to a range of environmental, social, infrastructure and urban development matters. Monitoring of environmental and social effects, and monitoring of the effectiveness of the provisions, are addressed through the methods of implementation and performance monitoring indicators under each policy and through the Council's statutory monitoring obligations under section 35 of the Act. Adding monitoring requirements to the policies themselves would confuse the direction the policies give with the means of measuring whether it is working.

8.15.3Summary of recommendations

414. I recommend that the submissions from the following submitters be **accepted in part**:

- Orange (submission 9.6)
- Vicmatt (submission 18.3)
- Dick Bennison (submissions 31.3, 31.12 and 31.13)
- CKSV (submissions 34.5 and 34.14)
- Andrew and Susan Talley (submission 13.17)

415. I recommend that the submissions from the following submitters be **rejected**:

- David Briggs (submission 10.6), so far as it relates to Policy 5.1
- Ruth and Bruno Zahner (submission 12.5)

416. I recommend that Policy 5.1 of Change 1 be amended by deleting the words ", while recognising amenity values of the urban and built form, in areas planned for intensification, develop and change over time" from clause (ii)(c), and that the corresponding amendment to Policy 5.7 be made as set out under that policy. I also recommend, as a consequential amendment to my recommendation on Policy 5.1B, that the opening words of Policy 5.1 refer to Policy 5.1BA. I recommend that no other change be made to Policy 5.1.

Policy 5.1

Except where necessary to achieve Policies 5.1A, ~~and~~ 5.1B and 5.1BA, Council will avoid the loss of land of high productive value in allowing for further urban development, while having regard to:

(i) the efficient use of resources including land, infrastructure, and energy;

(ii) the quality of the urban environment including:

(a) access to services;

(b) water and air quality; and

(c) amenity values~~, while recognising amenity values of the urban and built form, in areas planned for intensification, develop and change over time~~.

(iii) The need to provide sufficient urban development capacity to meet expected demand within the urban environment, including a range of housing choices and there are no other reasonably practicable and feasible options.

8.15.4Section 32AA

417. The recommended amendment removes wording from Policy 5.1 and relocates it to Policy 5.7. It does not remove the direction from Change 1. The benefit is that Policy 5.1 keeps a single focus on avoiding the loss of land of high productive value, and the changing amenity values direction sits with the policy that addresses urban amenity, where a plan user would expect to find it. The effectiveness of the direction is not reduced, because Policy 5.7 applies across the urban environment.

418. The consequential amendment to the chapeau adds a cross-reference to Policy 5.1BA. It does not change what Policy 5.1 requires, and it keeps the relationship between the HPL policy and the urban development policies accurate once Policy 5.1B is split. I do not identify any additional cost. I consider the amendments are the more appropriate way of achieving the purpose of the Act.

8.16 Policy 5.1A

8.16.1Matters raised by submitters

419. Thirteen submission points were received on Policy 5.1A, seven[13] of which seek that the policy be retained as notified.

420. Fonterra (submission 4.1) seek that Policy 5.1A be amended to insert a new clause providing that new housing areas are planned and located to avoid reverse sensitivity and compatibility effects with business and industrial zones and activities, with the remaining clauses renumbered. It considers the policy should better recognise the need for new sensitive activities to be located and designed to avoid incompatibility with established business and industrial activities, and that this would give greater certainty for the continued operation, maintenance and expansion of those activities.

421. Fulton Hogan (submission 5.1) seeks that an additional matter be added to Policy 5.1A taking into account the aggregate requirements of infrastructure and urban development, and recognising the critical role of aggregates in the sustainable management of resources. It seeks recognition of the role a suitable supply of aggregates plays in facilitating urban development.

422. Andrew and Susan Talley (submission 13.19) seek that the outcomes in the policy be redrafted into an objective, supported by a policy that gives direction on how conflicts between the outcomes are to be resolved and whether any outcome has priority. They also seek that the outcomes be amended so they are consistent with and accurately reflect Policy 1 of the NPS-UD. They support the intent of the policy but consider it reads as an objective and that several matters are inaccurately paraphrased from the NPS-UD.

423. Chip Felton and Michelle Lang (submission 16.3) seek that Policy 5.1A be amended, or a new policy inserted, requiring plan-enabled development capacity to be aligned with infrastructure capacity that is confirmed, funded and programmed, and requiring district plans to include sequencing mechanisms or infrastructure triggers where infrastructure capacity is not available.

424. NZTA (submission 29.1) seeks that clause (vi) be amended so that existing infrastructure is used “safely and efficiently”. It considers existing infrastructure, including the transport network, should be used efficiently and safely.

425. David Briggs (submission 10.6) seeks that Policies 5.1, 5.1A, 5.1B, 5.6 and 5.7 be amended to ensure environmental and social needs are considered, to monitor and assess the environmental and social impacts of development, and to monitor compliance with policy objectives.

8.16.2Assessment

426. With respect to the relief sought by Andrew and Susan Talley (submission 13.19). I agree that Policy 5.1A is drafted at a high level and that parts of it are unclear. I do not agree that it should be recast as an objective with a separate implementing policy. I do consider that the

[13] Orange (OS9.7), Vicmatt (OS18.4), Dick Bennison (OS31.14 and OS31.15), Te Runanga o Ngati Rarua (OS32.3), Kristie Paki Paki (OS33.3), CKSV (OS34.15). Te Runanga o Ngati Rarua and Kristie Paki Paki seek retention of clauses (v) and (xii) specifically.

first part of the policy effectively restates Objective 5.1A and can be deleted. The remainder is more appropriate as a policy and sets out what council is trying to achieve in doing so.

427. I do, however, consider that the drafting can be improved within the scope of this submission point and of the drafting points Andrew and Susan Talley make in several other submission points, such as 13.30 and 13.31. As notified, the policy combines two directions in a single sentence: the direction to zone sufficient capacity, and the outcomes that "spatial planning tools" are to achieve. "Spatial planning tools" is not defined, and the policy refers to "its urban environment" rather than the defined term "Tasman's Urban Environment". The outcomes are also drafted inconsistently: clauses (ii), (vii) and (xii) do not describe a result. Clauses (ix) and (x) refer to all of Tasman, not just the urban environment. Clause (ix) also leaves out current effects of climate change, which Policy 1(f) of the NPS-UD includes. The reference to natural hazards can also be strengthened, as requested in other submission points of Andrew and Susan Talley.

428. As mentioned above, I recommend that the first part of the policy be deleted. I recommend the second part be clarified by:

- Clarify that the policy is to be applied when zoning land, as well as preparing the FDS, structure plans, outline spatial plans and masterplans, which are the tools the notified policy refers to generally.
- Adjusting clauses (ii), (vii) and (xii) be expressed as outcomes, and that clauses (ix) and (x) refer to Tasman's Urban Environment.
- Merging clauses (ii) and (iii), which relate to the same topic.
- Adjusting clauses (i), (iv), (v) and (vi) to be better aligned with the NPS-UD
- Changing clause (ix) to refer to the likely current and future effects of climate change, consistent with Policy 1(f) of the NPS-UD.
- Better aligning clause (x) with the objective of the NPS-NH

429. On how conflicts between the outcomes are to be resolved, I do not consider a hierarchy is required. Policy 1 of the NPS-UD identifies the characteristics of a well-functioning urban environment without establishing a priority order between them. Fixing a priority order would reduce flexibility and I note that the FDS objectives also do not have a priority order. I accept, however, that the notified policy relies on the word "overall" to signal how the outcomes relate to each other, without explaining it. I recommend that the explanation and reasons record that the outcomes are to be achieved as a whole, that no outcome takes priority over another, and that the balance in a particular case is determined through the FDS, structure plans, masterplans and changes to the TRMP.

430. Consequential amendments follow for the methods of implementation, anticipated environmental results and performance monitoring indicators. Method (vii) refers to "other spatial planning tools", and I recommend it refer to structure plans and masterplans, consistent with clause (2). Method (vi), annual monitoring of the net gain of dwellings from brownfield intensification, measures results rather than implementing the policy. I recommend it be moved to the performance monitoring indicators. No anticipated environmental result measures the capacity direction that is the main purpose of the policy, and I recommend one be added.

431. On the submission from Fonterra (submission 4.1), I agree that the location of new housing areas should respond to the operational requirements of existing business activities. Reverse

sensitivity can compromise the operation, maintenance and expansion of established activities and results in avoidable land use conflict. The policy as notified does not address it. I support adding direction on this matter.

432. On the submission from Fulton Hogan (submission 5.1), aggregate resources are an input to infrastructure construction and urban development and their availability bears on the efficient delivery of growth. Policy 5.1A already seeks integrated land use and infrastructure planning but does not address the resources that infrastructure depends on. I consider there is merit in recognising this, at the level of a strategic outcome rather than as an allocation or locational direction.

433. On the submission from NZTA (submission 29.1), I do not consider the addition of "safely" to clause (vi) is necessary. Policy 5.1A is directed at the efficient integration of infrastructure with growth. The safe operation of the urban transport system is addressed by Objective 5.4, which seeks a safe and efficient urban transport system, and by Policy 5.6.

434. On the submission from Chip Felton and Michelle Lang (submission 16.3), I agree urban development should be aligned with infrastructure capacity. The NPS-UD variously raises the integration of urban development and infrastructure planning and funding, including in Objective 6 and Policy 10. The recommended amendments to Policy 5.1A (vi) bring the clause into better alignment with the NPS-UD, and I also not averse to adopting mechanisms the submitters seek, but have not recommended that they be added at this stage, as they may be more properly addressed through the TRMP.

435. On the relief sought by David Briggs (submission 10.6), note that Policy 5.1A already requires impacts on the natural environment to be minimised and seeks a range of social and community outcomes. Monitoring is provided for through its methods of implementation and performance monitoring indicators, being the FDS annual implementation plan, the NPS-UD annual monitoring report and the three yearly HBA.

8.16.3Summary of recommendations

436. I recommend that the submissions from the following submitters be **accepted in part**:

- Orange (submission 9.7)
- Vicmatt (submission 18.4)
- Dick Bennison (submissions 31.14 and 31.15)
- Te Runanga o Ngati Rarua (submission 32.3)
- Kristie Paki Paki (submission 33.3)
- CKSV (submission 34.15)
- Andrew and Susan Talley (submission 13.19)
- Fonterra (submission 4.1)
- Fulton Hogan (submission 5.1)

437. I recommend that the submissions from the following submitters be **rejected**:

- David Briggs (submission 10.6), so far as it relates to Policy 5.1A
- Chip Felton and Michelle Lang (submission 16.3)
- NZTA (submission 29.1)

438. I recommend that Policy 5.1A be amended as follows:

Policy 5.1A

~~Council will zone sufficient residential and business land capacity to meet expected demand in its urban environment,~~ When zoning land and when preparing or reviewing the Future Development Strategy, outline spatial plans, and masterplans, the Council will ~~using spatial planning tools that~~ seek ~~to achieve the following overall~~:

(i) An urban form that supports reductions in greenhouse gas emissions ~~by integrating land use and transport~~;

(ii) ~~Consolidation and intensification of E~~existing main commercial centres are consolidated and intensified, and supported by a network of smaller centres;

~~(iii) Main commercial centres are supported by a network of smaller centres;~~

(iv) New housing is focused in areas where people have good access to jobs, services and amenities including by public and active transport and in locations where people want to live;

(v) Enable a variety of homes ~~A range of housing choices are provided~~ that meet different needs of the community, including papakāinga and smaller, more affordable options;

(vi) Urban development that is integrated with infrastructure planning and funding, ~~New infrastructure is planned, funded and delivered efficiently to integrate with growth~~ and existing infrastructure is used efficiently;

(vii) Sufficient public open space, reserves and other community facilities are provided;

(viii) Impacts on the natural environment are minimised and opportunities for restoration are realised;

(ix) Tasman's Urban Environment is resilient to ~~and can adapt to~~ the likely current and future effects of climate change;

(x) Tasman's Urban Environment is resilient to the risk of natural hazards by applying a risk-based proportionate approach;

(xi) Highly productive land is prioritised for primary production; ~~and~~

(xii) ~~Revive and enhance t~~The mauri of te Taiao is revived and enhanced;

(xiii) New housing areas are planned and located to avoid, remedy or mitigate reverse sensitivity and incompatibility effects with existing business activities; and

(xiv) The efficient provision of aggregate resources necessary to support urban development and infrastructure is recognised and provided for.

EXPLANATION AND REASONS:

Council has a statutory obligation to provide for growth within its urban environment, but it plans to do this while ensuring that important environmental and cultural values are protected~~. The objectives of policy 5.1 were developed during preparation of the Future Development Strategy, consulting~~ Much of Policy 5.1A is developed from the objectives of the Future Development Strategy, which was prepared in consultation with the community, iwi, stakeholders and the elected members. They reflect how Council wants to provide for growth in the urban environment, taking into account relevant directions in national policy documents.

The Policy is to be achieved as a whole. No outcome takes priority over another, and not every outcome will be achieved to the same degree in every location. How they are balanced in a particular case is determined through the Future Development Strategy, outline spatial plans, masterplans and changes to the Tasman Resource Management Plan.

METHODS OF IMPLEMENTATION

(i) Future Development Strategy Annual Implementation Plan
(ii) Three yearly Housing and Business Assessment
(iii) Annual NPS UD Monitoring report
(iv) Council's growth model and Long Term Plans
(v) Changes to the Tasman Resource Management Plan
~~(vi) Annual monitoring of net gain of dwellings from brownfield intensification~~
~~(vii)~~(vi) Outline Spatial Plans ~~and other spatial planning tools~~, structure plans and masterplans

ANTICIPATED ENVIRONMENTAL RESULTS

(i) Reduced expansion of new urban zoning onto highly productive land
(ii) Increased numbers of dwellings provided by intensification ~~in the urban environment~~Tasman's Urban Environment
(iii) Sufficient residential and business land capacity is zoned to meet expected demand in Tasman's Urban Environment

PERFORMANCE MONITORING INDICATORS

Conclusions of:
(i) Future Development Strategy Annual implementation plan
(ii) NPS UD annual monitoring report
(iii) NPS UD three yearly housing and business assessments
(iv) Annual monitoring of net gain of dwellings from brownfield intensification

8.16.4Section 32AA

439. The recommended amendments add greater clarity to Policy 5.1A, and bring it more closely into line with the NPS-UD and NPS-NH. The reverse sensitivity outcome covers a matter the policy does not currently address, at the point where growth areas are identified and zoned. That is more efficient than dealing with the conflict once housing is established. The aggregate resources outcome recognises a resource that urban development and infrastructure rely on, without directing where extraction occurs.

440. The other amendments are largely drafting changes. Splitting the policy into two clauses, naming the planning tools, using the defined term "Tasman's Urban Environment" and wording each outcome consistently make the policy easier to apply without changing what it addresses. Clause (vi) does incorporate some additional flexibility and is less definitive, which reflects the reality of modern infrastructure planning and funding. Limiting clauses (ix) and (x) to Tasman's Urban Environment matches the subject of the policy and Policy 1 of the NPS-UD. Stating in the explanation that the outcomes are achieved as a whole makes the existing approach clear. The changes to the methods, anticipated environmental results and monitoring indicators align them with the policy and add a measure of its main direction.

441. The only cost is a longer list of outcomes. I consider the amendments are more effective and efficient than the notified policy, and are the more appropriate way to achieve the purpose of the Act and Objectives 5.1A and 5.1C.

8.17 Policy 5.1B

8.17.1 Matters raised by submitters

442. Fifteen submission points were received on Policy 5.1B, seven[14] of which support the policy as notified. NZTA seek no decision.

443. TBEL (submission 3.4) seeks that the first limb be amended so that the scale and location of new urban development shall be consistent with already zoned land, the FDS or adopted masterplans or structure plans. The summary of submissions records the point against Objective 5.1B, but the relief is directed at the first limb of Policy 5.1B and I have assessed it here.

444. MoE (submission 14.5) seeks the inclusion of a new criterion (xiii) to Policy 5.1B providing that early engagement with the Ministry demonstrates, through documented shared outcomes, that the provision of additional infrastructure to support future growth is addressed. It seeks explicit direction for developers to engage with the Ministry, and considers educational facilities are essential social and community infrastructure.

445. Andrew and Susan Talley (submission 13.20) seek that a new objective be inserted establishing the strategic spatial strategy for accommodating urban growth, that Policy 5.1B be split into separate policies dealing with strategic growth and with unanticipated or out of sequence proposals, that the direction on growth sequencing, infrastructure readiness and implementation of national direction be strengthened, that the reference to the FDS annual implementation plan be removed, and that the explanatory text be amended to clarify how the policy is to be read alongside operative provisions. They consider the policy combines two separate matters, creating duplication, conflict and uncertainty, and does not give strong enough direction to limit unanticipated or out of sequence development.

446. Tahimana (submission 27.6) seeks that the Policy 5.1B be amended to clarify that "already zoned land" includes Rural 3 and Rural Residential land, and that development in those zones is not unanticipated or out of sequence. It considers that Rural 3 is a long standing planned residential zone and that the policy should not inadvertently reclassify development in it as unplanned growth.

447. Kairos make three substantive submission points on Policy 5.1B.[15] They seek that:

- the first limb require the scale and location of new urban development to "have regard to", or be "generally consistent with", already zoned land, the FDS and adopted masterplans or structure plans, rather than to be consistent with them, and that the policy or its explanation record that land raised with the Council during preparation of

[14] Orange (OS9.8), NZTA (OS29.2 and OS29.3), Dick Bennison (OS31.16), Te Runanga o Ngati Rarua (OS32.4), Kristie Paki Paki (OS33.4), CKSV (OS34.16). Te Runanga o Ngati Rarua and Kristie Paki Paki seek retention of criterion (xii) specifically.

[15] Kairos Trust (OS35.1, OS35.2 and OS35.4)

the FDS but not assessed on its merits is not, for that reason alone, to be treated as unanticipated urban development;

- criteria (i) to (xii) be expressed and applied as matters to be considered in an overall evaluative judgement rather than as cumulative requirements, by replacing the conjunctive “and” with wording such as “Council will have particular regard to the following matters”, and that criterion (vi) allow a proposal's contribution to development capacity to be demonstrated qualitatively as well as by scale, including by reference to the diversity of housing types and typologies provided and the provision of visitor accommodation; and
- the identification and assessment of development capacity within the Nelson Tasman urban environment be undertaken on an integrated, cross-boundary basis with NCC, and that land not be discounted from consideration by reason only of its position relative to the territorial boundary.

448. David Briggs (submission 10.6) seeks that Policies 5.1, 5.1A, 5.1B, 5.6 and 5.7 be amended to ensure environmental and social needs are considered, to monitor and assess the environmental and social impacts of development, and to monitor compliance with policy objectives.

8.17.2Assessment

449. TBEL (submission 3.4) and Kairos (submission 35.1) both seek to loosen the consistency requirement in the first limb of the notified policy, in slightly different ways. That limb sets the framework for planned development. It states where growth is expected to go, and under my recommendation it becomes Policy 5.1B. The responsiveness pathway sits alongside it in Objective 5.1C and in the second limb of the notified policy, which I recommend becomes Policy 5.1BA. Weakening the planned position would blur the distinction between planned and unanticipated growth. It would also reduce the weight given to the FDS, adopted masterplans and structure plans, each of which has been through its own consultation. A proposal that is not consistent with those documents is not shut out. It is assessed under (as recommended) Policy 5.1BA. I do not support the relief sought.

450. On the related part of the relief sought by Kairos (submission 35.1), whether a proposal is anticipated should be determined by reference to the adopted planning documents, not by whether land was raised with the Council during the preparation of those documents. Land that was promoted but not adopted is, by definition, not part of the adopted strategy. Recording the contrary in the policy or its explanation would create uncertainty about the status of land considered but not included, and would invite argument about the process of preparing those documents rather than the merits of the proposal.

451. On the relief sought by Kairos (submission 35.2), I do not support a simple recasting the criteria as a non-hierarchical balancing exercise. The criteria are the clause 3.8(3) test for whether a proposal adds significantly to development capacity. No criterion ranks above another, but that does not mean some need not be met, and the conjunctive “and” is deliberate. The criteria already address the point the submitters make about qualitative contribution. Notified criterion (vi), which (as recommended) becomes Policy 5.1BA(2)(d), requires a significant contribution to identified demand or to a shortfall of the type of housing or business floorspace identified in the HBA or the NPS-UD annual monitoring report. A shortfall of a type of housing is a qualitative measure, not a measure of scale alone.

452. I do, however, accept the point made by Kairos (submission 35.2) that the criteria are difficult to apply as drafted. The notified list combines two different tests. Criteria (i), (iii), (v) and (vi) go to whether a plan change adds significantly to development capacity, which is the test clause 3.8(3) of the NPS-UD requires. The remaining criteria go to whether the proposal is appropriate on its merits. The chapeau runs the two together, some criteria are phrased as questions, and criterion (vi) combines several tests. I recommend that the policy be split into two parts, with Policy 5.1BA(2) setting out the significance criteria and Policy 5.1BA(3) setting out the matters the plan change must also demonstrate. I also recommend that criterion (vi) be split into two, and that each criterion be expressed consistently. All criteria continue to apply. The substance is unchanged, except in two respects. First, notified criterion (vii) requires the Richmond commercial centre to be consolidated, which an individual plan change cannot achieve. I recommend it require that consolidation not be undermined. Second, notified criterion (ii) asks whether the proposal contains HPL. I recommend it be expressed as a requirement, consistent with the clause 3.6 NPS-HPL tests it reflects.

453. On the relief sought by Kairos (submission 35.4), the FDS and the HBA were prepared jointly by Council and NCC under the NPS-UD. Cross-boundary planning is already undertaken through those processes. Policy 5.1BA is directed at the assessment of individual unanticipated or out of sequence proposals. It is not the mechanism for prescribing how two councils identify development capacity between them. Council is also the authority that determines a private plan change to the TRMP. I do not support the relief sought.

454. On the relief sought by Andrew and Susan Talley (submission 13.20), I agree in part. As discussed above, the notified policy deals with two different matters. The first limb sets the planned position for all urban growth in Tasman's Urban Environment. The second applies only when a plan change proposes development outside that position. The two limbs are sequential rather than in conflict, but they apply at different points and are better expressed as separate policies. I recommend that the first limb become Policy 5.1B and the second limb, with its criteria, become new Policy 5.1BA, each with its own explanation and methods of implementation. I do not support the new objective the submitter seeks. The strategic direction for accommodating growth is already provided through Objectives 5.1A and 5.1C, Policies 5.1A and 5.1B, and the FDS.

455. Having considered the revised (now two) policies, I am aware that there is a large degree of overlap between Policy 5.1A and new Policy 5.1BA. I am aware that reliance on Policy 5.1A, possibly with some additional criteria, may be a preferable approach. However, there are no submissions seeking that this part of Policy 5.1B be deleted, and some legal advice on scope to make such a deletion may be helpful.

456. I do not support removing the reference to the FDS annual implementation plan, as Andrew and Susan Talley (submission 13.20) also seek. The implementation plan is how the strategy's sequencing is applied and updated over time. Removing the reference would leave the sequencing direction without a mechanism. That would weaken, not strengthen, the direction the submitters seek.

457. On the relief sought by Tahimana (submission 27.6), development that is consistent with operative zoning is not unanticipated. It is already zoned land. I accept the policy should not be read as reclassifying development already provided for by operative zoning as unanticipated growth. I do not consider it necessary or appropriate to name particular zones in the policy. A general statement referring to development already anticipated through

operative zoning provisions is preferable, because it does not require amendment each time the zoning framework changes. I recommend that statement be included in the explanation and reasons to Policy 5.1B.

458. On the submission from MoE (submission 14.5), educational facilities are social and community infrastructure, and their provision matters to a well-functioning urban environment. Policy 5.1A(vi) and (vii) address infrastructure and community facilities. Policy 5.1BA(2)(c) requires adequate new infrastructure to be planned, funded and delivered to integrate with committed infrastructure investment by local or central government, including Crown entities and agencies. The criteria in Policy 5.1BA apply to every plan change it covers. Naming a single infrastructure provider and requiring consultation with them would sit awkwardly with criteria that otherwise apply generally, and would raise the question of why other all other providers of additional infrastructure are not named. I do not support the relief sought.

459. On the submissions from NZTA (submissions 29.2 and 29.3), Policy 5.1BA(2)(c) requires adequate new infrastructure to be planned and funded by the developer and delivered to integrate with committed infrastructure investment. That covers both points the Agency raises, being developer funding of new infrastructure and integration with other planned infrastructure. No amendment is sought and none is required.

460. On the relief sought by David Briggs (submission 10.6), I adopt the reasoning I set out under Policy 5.1. Policy 5.1BA requires unanticipated or out of sequence proposals to demonstrate environmental, cultural and infrastructure outcomes. The performance monitoring indicators for Policies 5.1B and 5.1BA include the outcomes of private plan changes for urban development.

8.17.3Summary of recommendations

461. I recommend that the submissions from NZTA (submissions 29.2 and 29.3) be **accepted**.

462. I recommend that the submissions from the following submitters be **accepted in part**:

- Orange (submission 9.8)
- Dick Bennison (submission 31.16)
- Te Runanga o Ngati Rarua (submission 32.4)
- Kristie Paki Paki (submission 33.4)
- CKSV (submission 34.16)
- Andrew and Susan Talley (submission 13.20)
- Tahimana (submission 27.6)
- Kairos (submission 35.2)

463. I recommend that the submissions from the following submitters be **rejected**:

- TBEL (submission 3.4)
- David Briggs (submission 10.6), so far as it relates to Policy 5.1B
- MoE (submission 14.5)
- Kairos (submissions 35.1 and 35.4)

464. I recommend that Policy 5.1B be amended and that a new Policy 5.1BA be inserted as follows, together with the consequential amendment to Policy 5.1 set out under that policy:

Policy 5.1B

(1) Within ~~the Tasman part of the Nelson Tasman Tier 2 urban environment (Richmond, Brightwater, Wakefield, Māpua, Motueka),~~Tasman's Urban Environment, the scale and location of new urban development shall be consistent with already zoned land, ~~or~~ the Future Development Strategy, or adopted masterplans or structure plans.

(2) New residential and business development shall be managed by Council in accordance with the sequencing set out in the latest Future Development Strategy annual implementation plan, integrated with infrastructure planning and funding decisions.

EXPLANATION AND REASONS

Policy 5.1B sets out the planned position for urban growth in Tasman's Urban Environment. New urban development is expected to be consistent with already zoned land, the Future Development Strategy, or adopted masterplans or structure plans, and to be sequenced in accordance with the Future Development Strategy annual implementation plan and integrated with infrastructure planning and funding decisions. This gives effect to Objective 6 of the NPS UD, which seeks that local authority decisions on urban development are integrated with infrastructure planning and funding decisions and are strategic over the medium and long term. For the avoidance of doubt, development already anticipated through operative zoning provisions is not considered unanticipated development for the purposes of Policy 5.1BA.

METHODS OF IMPLEMENTATION:

(i) Future Development Strategy and Future Development Strategy annual implementation plan
(ii) Adopted structure plans and masterplans
(iii) Changes to the Tasman Resource Management Plan
(iv) Council's Long Term Plan and Infrastructure Strategy

Policy 5.1BA

(1) Where a plan change proposes unanticipated or out of sequence urban development ~~is proposed~~ in ~~the Tasman urban environment via a plan change~~ Tasman's Urban Environment, Council will have particular regard to whether the proposed development would add significantly to development capacity ~~where the following unranked criteria are met and therefore the urban development proposal may be considered 'significant':~~ .

(2) A plan change adds significantly to development capacity where:

~~(i)~~(a) ~~The extent to which t~~The scale and location of the proposed development would contribute to a well-functioning urban environment and the efficient use of land; and

~~(ii) Whether the proposals contain highly productive land, unless it is required to provide sufficient development capacity to meet expected demand, there are no other reasonably practicable and feasible options and the environmental, social,~~

~~cultural and economic benefits outweigh the long term environmental, social, cultural and economic costs; and~~

~~(iii)~~(b) The proposal is well-connected along a range of transport mode corridors, or would be large enough to support a range of transport modes in the future; and

~~(iv) Whether the development provides quality urban design outcomes and~~

~~(v)~~(c) Adequate new infrastructure is planned and funded by the developer and delivered to integrate with committed infrastructure investments by local or central government (including crown entities and agencies); and

~~(vi)~~(d) The scale of the development is large enough to make a significant contribution to identified demand ~~and/~~or a shortfall of the type of housing or business floorspace identified in Council's latest Housing and Business Assessment or NPS UD annual monitoring report; and

(e) The proposal would not lead to a capacity shortfall in another urban land use ~~as a consequence; as such the proposal may be considered to significantly add to development capacity; and~~.

(3) In addition, the plan change must demonstrate that:

(a) The proposal does not contain highly productive land, unless it is required to provide sufficient development capacity to meet expected demand, there are no other reasonably practicable and feasible options and the environmental, social, cultural and economic benefits outweigh the long term environmental, social, cultural and economic costs; and

(b) The development provides quality urban design outcomes; and

~~(vii)~~(c) The consolidation of t~~T~~he commercial centre of Richmond ~~is consolidated and~~ supported by a network of smaller towns and villages, is not undermined; and

~~(viii)~~(d) Adverse effects on the natural environment are minimised and opportunities for restoration are realised; and

~~(xi)~~(e) the natural character of the coastal environment is preserved, maintained and enhanced and that natural character is protected from adverse effects of inappropriate subdivision, use~~,~~ and development; and

~~(x)~~(f) The proposal does not adversely affect freshwater bodies including groundwater recharge and riparian function; and

~~(xi)~~(g) The proposed development is resilient to natural hazards by applying a risk~~-~~based proportionate approach and likely current and future effects of climate change; and

~~(xii)~~(h) Early engagement with Ngā Iwi demonstrates that the development does not adversely affect places of cultural heritage significance to Māori and preserves the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

EXPLANATION AND REASONS

Policy 5.1BA provides transparency by ~~listing unranked criteria that Council would have particular regard to, where~~ setting out the criteria for determining whether a plan change that proposes unanticipated or out of sequence urban development ~~is proposed via a plan change~~ adds significantly to development capacity, and the matters that plan change must also demonstrate. This pathway does not apply to resource consents. A proposal that meets

the criteria could potentially add significantly to development capacity. Unanticipated or out of sequence urban development refers to proposals that are not on already zoned land or are inconsistent with the Future Development Strategy, adopted structure or master plans or site sequencing in the Future Development Strategy annual implementation plan. Policy 5.1BA implements policy 8 and clause 3.8(3) of the NPS UD. The criteria above either implement the NPS UD or the Future Development Strategy objectives, the latter of which have been through a special consultative procedure under the Local Government Act.

METHODS OF IMPLEMENTATION:

Council will have particular regard to plan change proposals for urban development, where they provide significant development capacity and meet the criteria in policy 5.1BA above.

Such proposals will be expected to provide an assessment against the criteria set out in policy 5.1BA as potentially adding significantly to development capacity.

Policy 5.1BA will need to be implemented continuously as and when relevant requests for plan changes are made.

Anticipated Environmental Results for Policies 5.1B and 5.1BA:

(i) increased housing and business land capacity in locations that contribute to a well-functioning urban environment.
(ii) urban development integrated with infrastructure and transport networks, reducing reliance on private vehicles.
(iii) reduced encroachment on highly productive land and improved resilience to natural hazards and climate change.
(iv) enhanced quality of urban design and protection of cultural and environmental values.

PERFORMANCE MONITORING INDICATORS FOR POLICIES 5.1B AND 5.1BA

Conclusions of:

(i) Future Development Strategy Annual implementation plan
(ii) NPS UD annual monitoring report
(iii) NPS UD three yearly housing and business assessments
(iv) Outcomes of private plan changes for urban development.

8.17.4Section 32AA

465. The recommended amendments separate the planned position for urban growth from the pathway for unanticipated or out of sequence plan changes. Each policy then applies at the point where it is relevant, with its own explanation and methods. Separating the clause 3.8(3) significance criteria from the matters a plan change must also demonstrate makes clear which test is which. The clause 3.8(3) function of the policy is preserved. The avoidance of doubt statement confirms that already zoned land is anticipated development, which will reduce argument about the status of development provided for by operative zoning. The bulk of the changes are about clarifying and restructuring, rather than seeking different outcomes.

466. The two changes of substance are modest. Requiring that the consolidation of the Richmond commercial centre not be undermined gives the notified criterion a form an individual plan change can meet. Expressing the HPL criterion as a requirement aligns it more closely with the clause 3.6 NPS-HPL tests. The benefit is improved certainty for plan change applicants and for the Council. The cost is a longer set of provisions and a new policy number. I consider the amendments are the more appropriate way of achieving the purpose of the Act and Objective 5.1C.

8.18 Policy 5.1C

8.18.1 Matters raised by submitters

467. Three submission points are recorded against Policy 5.1C in the summary of submissions. Two are directed at the policy.

468. Andrew and Susan Talley (submission 13.21) seek that a new objective be inserted establishing the strategic hierarchy of commercial centres, that the policy be amended to give direction on how the hierarchy is to be achieved and delivered, and that the scope of the policy be made clear. They support the intent of establishing a hierarchy of commercial centres, but consider the policy is ineffective because it refers to a hierarchy without identifying what that hierarchy is. They also consider it is unclear which objective the policy implements and whether it applies only to Tasman's urban environment or more broadly.

469. Kairos (submission 35.3) seek that responsiveness in Objective 5.1C not be confined to proposals supplying significant development capacity measured by scale. The relief is directed at Objective 5.1C and I have assessed it under that objective.

470. Chip Felton and Michelle Lang (submission 16.2) seek that Objective 5.1C and Policy 5.1C be amended so that responsiveness to unanticipated or out of sequence private plan change proposals is conditional on confirmation that servicing capacity exists, or is funded and programmed within the first ten years of the LTP.

8.18.2 Assessment

471. On the relief sought by Andrew and Susan Talley (submission 13.21), I do not consider the policy is ineffective because it does not set out the hierarchy in full. A regional policy statement policy sets the direction. The spatial extent of each centre, and the policy and rule framework that applies to it, are established through zoning in the TRMP, as the methods of implementation to Policy 5.1C record. Setting out the full hierarchy in the TRPS would duplicate the district plan and would require a change to the TRPS whenever that framework changed.

472. I note, however, that the explanation and reasons already name the categories of centre that make up the hierarchy, being Metro, Town and Local Centres. I recommend that the explanation say so directly, by stating that the hierarchy comprises those categories of centre as identified in the TRMP. That identifies the hierarchy for a plan user without duplicating the district plan.

473. Nor do I consider a new objective is required. Appendix G to the Change 1 section 32 report records that Policy 5.1C implements General Objective 2A. The explanation and reasons

describe what the hierarchy is for, being to provide structure and context to the role and function of urban areas across the district and within the largest towns, and to provide a framework for prioritising public and private investment.

474. On the scope point raised by Andrew and Susan Talley (submission 13.21), I accept it has some force. The policy refers to "existing commercial centres" without stating whether it applies across the district or only within Tasman's Urban Environment. The explanation and reasons refer to urban areas "across the district", which indicates the broader application. I consider that is the right approach. Unlike Policies 5.1A and 5.1B, Policy 5.1C is not tied to the development capacity obligations the NPS-UD places on Tasman's Urban Environment, and centres outside it, such as Tākaka and Murchison, form part of the network that supports the larger centres. I recommend that the words "across the district" be added to the policy so that its application is clear on its face.

475. I also recommend some minor drafting amendments, within the scope of the drafting points Andrew and Susan Talley make in submission 13.30. The explanation contains two paragraphs that say the same thing, one for Local Centres and one for Metro and Town centres, which can be combined. The methods of implementation refer to "the District Plan" rather than the TRMP, and the second bullet does not follow from the lead-in.

476. On the relief sought by Chip Felton and Michelle Lang (submission 16.2), Policy 5.1C establishes the hierarchy of commercial centres. It does not address responsiveness to unanticipated or out of sequence plan changes, so there is nothing in the policy to which the relief could attach. I address the substance of the relief under Objective 5.1C, where I conclude that the infrastructure criterion in Policy 5.1BA(2)(c) already addresses infrastructure capacity.

8.18.3Summary of recommendations

477. I recommend that the submission from Andrew and Susan Talley (submission 13.21) be **accepted in part**, to the extent that the scope of the policy and the categories of centre are clarified.

478. I recommend that the submission from Chip Felton and Michelle Lang (submission 16.2) be **rejected**, so far as it relates to Policy 5.1C.

479. I recommend that Policy 5.1C, its explanation and reasons and its methods of implementation be amended as follows, and that no other change be made to Policy 5.1C.

POLICY 5.1C

Council will establish and maintain a hierarchy for existing commercial centres across the district that provides a focus for retail, commercial, community and entertainment activities and that serves the social, cultural, economic and environmental needs of the community.

EXPLANATION AND REASONS:

A hierarchy of commercial centres provides structure and context to the role and function of the urban areas across the district (as well as within the largest towns) and associated network infrastructure services, particularly transport. It provides a clear framework within which public and private investment can be prioritised and made as well as providing a basis

for the regeneration and intensification of activities. The hierarchy comprises the Metro, Town and Local Centres identified in the Tasman Resource Management Plan.

~~Significant commercial development that may undermine existing Local Centres as compact, vibrant and focal points of commercial and community activity is not envisaged.~~

Significant commercial development that may undermine the role and function of ~~the~~ existing Metro, ~~and~~ Town ~~centres~~ and Local Centres as compact, vibrant and focal points of commercial and community activity is not envisaged.

METHODS OF IMPLEMENTATION

Provisions in the ~~District Plan~~ Tasman Resource Management Plan that:

- identify the spatial form of commercial centres through zoning on the planning maps; and
- provide a policy and rule framework ~~that supports the management of~~ for managing the different categories of commercial centres.

480. The anticipated environmental results and performance monitoring indicators are unchanged.

8.18.4Section 32AA

481. The recommended amendments clarify Policy 5.1C without changing what it requires. Adding "across the district" records on the face of the policy the application that the explanation already describes. Naming the categories of centre in the explanation identifies the hierarchy for a plan user without duplicating the district plan. The remaining amendments remove repetition and correct terminology. The benefit is improved clarity. I do not identify any cost. I consider the amendments are the more appropriate way of achieving the purpose of the Act and General Objective 2A.

8.19 Policy 5.2

8.19.1Matters raised by submitters

482. Two submission points were received on Policy 5.2.

483. Orange (submission 9.9) seek that Policy 5.2 be retained as notified.

484. Andrew and Susan Talley (submission 13.22) seek that the policy be amended to give effect to the NPS-UD regarding climate change resilience, that it be made clear how it applies to urban development proposals within Tasman's urban environment and how it is to be applied alongside Policies 5.1A and 5.1B, and that it be made consistent with the NPS-NH. They consider the policy enables urban growth in areas that may be subject to significant natural hazard risk including risk arising from climate change, that its relationship with Policies 5.1A and 5.1B is unclear, and that it does not reflect the NPS-NH directions on risk assessment, proportionate risk management, avoidance of development in areas of very high risk and management of risk transferred to other sites.

8.19.2Assessment

485. The relationship point raised by Andrew and Susan Talley (submission 13.22) is worth answering directly, because the three policies do operate together and Change 1 does not say so. Policy 5.1A applies when the Council zones land and requires resilience to climate change and to natural hazards as outcomes to be achieved as a whole. Policy 5.1BA applies when an unanticipated or out-of-sequence proposal is assessed and requires the proposed development to be resilient to natural hazards and to the likely current and future effects of climate change. Policy 5.2 applies to the location of new urban development generally and directs avoidance unless adequate mitigation is undertaken.

486. Read that way, Policy 5.2 is the operative direction and Policies 5.1A and 5.1BA are the tests applied at the two points where new capacity is created. I do not consider they conflict, and I do not consider the policy enables urban growth in hazard prone areas. It directs the opposite. To ensure climate change effects and natural hazard management are adequately prioritised, I have recommended adjustments to several objectives and policies to better align with the NPS-NH.

487. That said, on climate change resilience and the NPS-NH, I repeat what I say under Objective 5.2. Change 1 gives effect to the NPS-UD. The NPS-NH directions the submitters identify, being risk assessment, proportionate risk management, avoidance in areas of very high risk and management of transferred risk, would require amendments across the natural hazard framework of the TRPS and a section 32 evaluation directed at them. The detailed natural hazard framework sits in the TRMP, which PC81 amends.

8.19.3Summary of recommendations

488. I recommend that the submission from Orange (submission 9.9) be **accepted**.

489. I recommend that the submission from Andrew and Susan Talley (submission 13.22) be **rejected**.

8.20 Policy 5.3

8.20.1Matters raised by submitters

490. Two submission points were received on Policy 5.3.

491. Andrew and Susan Talley (submission 13.23) seek that the deleted explanatory text be reinstated. They consider the deletion fails to acknowledge that water supply constraints can limit urban growth in parts of Tasman's urban environment, including Māpua. They are also concerned the deletion may create inconsistency with freshwater management direction, and that the reason for the deletion is unclear.

492. CKSV (submission 34.17) seek that Policy 5.3 be retained as notified. They support the change making urban intensification and sustainable supply of water anticipated outcomes of the policy rather than matters set out in the explanation, and consider this provides flexibility as to what is sustainable in each development proposal.

8.20.2 Assessment

493. Objective 5.3 seeks urban development that is consistent with the limited availability of water for all abstractive purposes. Policy 5.3 gives effect to that objective by directing the Council to allocate sufficient water for urban development that incorporates water conservation measures, consistent with provision for other abstractive uses, and while maintaining instream and life-supporting values.

494. The deleted sentence that Andrew and Susan Talley (submission 13.23) seek to reinstate recorded the corollary of the objective, which is that sustainable management of available water may require limits on urban growth. That proposition is the second half of the reasons to Objective 5.3, which are not amended by Change 1 and which record that limits to water availability may require efficient use of water, alternative supplies, or restrictions on urban growth in order to sustain supply. Deleting the equivalent statement from the explanation to Policy 5.3 leaves the objective and the policy explanation out of step with each other.

495. I consider the deleted text should be reinstated. It is explanatory text rather than direction, so reinstating it does not alter what Policy 5.3 requires. It restores the link between the policy and the objective it implements, and it records a constraint that is real in parts of Tasman's urban environment. I support the relief sought by Andrew and Susan Talley.

496. Reinstating the explanatory text does not cut across the relief sought by CKSV (submission 34.17). Their support is directed at the change to the anticipated environmental results, which I do not recommend altering. Explanatory text and anticipated environmental results serve different purposes, and both can stand.

8.20.3 Summary of recommendations

497. I recommend that the submissions from the following submitters be **accepted**:

- Andrew and Susan Talley (submission 13.23)
- CKSV (submission 34.17)

498. I recommend that the explanation and reasons to Policy 5.3 of Change 1 be amended by reinstating the words "but sustainable management of available water may require limits to be placed on urban growth, unless more efficient use of urban water or alternative supplies raise such limits", and that no other change be made to Policy 5.3:

> The availability of fresh water is limited and urban supply uses compete with other productive uses of the water. It is necessary for community wellbeing to have adequate water for urban development*, but sustainable management of available water may require limits to be placed on urban growth, unless more efficient use of urban water or alternative supplies raise such limits*.

8.20.4 Section 32AA

499. The recommended amendment reinstates explanatory text. It does not change the direction Policy 5.3 gives, and it does not change the anticipated environmental results. The benefit is that the explanation to Policy 5.3 once again matches the reasons to Objective 5.3, which record that limits to water availability may require restrictions on urban growth in order to sustain supply. Without the text, the explanation is silent on a constraint the objective expressly contemplates, and a plan user could read Policy 5.3 as an unqualified allocation

direction. I do not identify any additional cost, because the text is explanatory. I consider the amendment is the more appropriate way of achieving the objectives of the change.

8.21 Policy 5.6

8.21.1 Matters raised by submitters

500. Two submission points were received on Policy 5.6.

501. Orange (submission 9.10) seek that Policy 5.6 be retained as notified. They consider the proposal is consistent with the existing policy.

502. David Briggs (submission 10.6) seeks that Policies 5.1, 5.1A, 5.1B, 5.6 and 5.7 be amended to ensure environmental and social needs are considered, to monitor and assess the environmental and social impacts of development, and to monitor compliance with policy objectives.

8.21.2 Assessment

503. I note the support of Orange (submission 9.10). The submitters seek no amendment. The submitters also record that their proposed rezoning site is consistent with the policy, which is a matter for PC81 rather than for Change 1.

504. Policy 5.6 is relevant to one matter assessed elsewhere in this report. NZTA (submission 29.1) seeks that Policy 5.1A(vi) be amended so that existing infrastructure is used "safely and efficiently". In assessing that point I concluded that the safe operation of the urban transport system is addressed by Objective 5.4 and Policy 5.6. Policy 5.6(i) confirms that, because it expressly directs the avoidance, remedying or mitigation of the adverse effects of urban development on the safe and efficient operation of land transport resources. The addition of "safely" to Policy 5.1A is not needed to secure that outcome.

505. On the relief sought by David Briggs (submission 10.6), I adopt the reasoning I set out under Policy 5.1. Policy 5.6 already directs the Council to avoid, remedy or mitigate the adverse effects of the land transport system on the amenity, convenience, health and safety of people in urban communities, the health of ecosystems, and the quality of air, water and soil. Its performance monitoring indicators include reported satisfaction with land transport network performance, changes in travel time, roadside noise and accidents, the availability of a choice of transport modes, and pollution from vehicle emissions. Further monitoring direction in the policy itself is not required.

8.21.3 Summary of recommendations

506. I recommend that the submission from Orange (submission 9.10) be **accepted**.

507. I recommend that the submission from David Briggs (submission 10.6) be **rejected**, so far as it relates to Policy 5.6.

8.22 Policy 5.7

8.22.1Matters raised by submitters

508. Three submission points were received on Policy 5.7.

509. Andrew and Susan Talley (submission 13.18) seek that operative Policy 5.7 be amended by inserting an additional clause to give effect to the policy direction in Policy 6 of the NPS-UD. They consider the notified amendment to Policy 5.1 inappropriately alters a HPL policy by introducing changing amenity values, that this has produced awkward and unclear drafting, and that the matter would be better addressed through Policy 5.7.

510. Andrew and Susan Talley (submission 13.24) seek that Policy 5.7 record that changes to urban built form may involve significant changes to an area, that such changes may detract from amenity values appreciated by some people but improve amenity values appreciated by others including future generations, and that such changes are not of themselves an adverse effect. They consider that without such an amendment there is a conflict between Policy 5.7 and the proposed amendments to Policy 5.1.

511. David Briggs (submission 10.6) seeks that Policies 5.1, 5.1A, 5.1B, 5.6 and 5.7 be amended to ensure environmental and social needs are considered, to monitor and assess the environmental and social impacts of development, and to monitor compliance with policy objectives.

8.22.2Assessment

512. I agree with Andrew and Susan Talley (submissions 13.18 and 13.24) that the direction on changing amenity values sits better in Policy 5.7 than in Policy 5.1. Policy 5.7 is the urban amenity policy. It already directs the Council to have regard to the design and appearance of buildings and spaces, and to the relationship between urban areas and their adjoining landscapes.

513. As notified, that direction was added to Policy 5.1(ii)(c), a policy about avoiding the loss of land of high productive value. Under Policy 5.1, I have recommended that the notified addition to clause (ii)(c) be deleted. The amendment to Policy 5.7 is the other half of that recommendation, and the two should be made together. Without it, the direction would remain in Objective 5.5 and Issue 5.1 but would be lost from the policies.

514. Policy 6 of the NPS-UD requires decision-makers to have particular regard to the planned urban built form, including that it may involve significant changes to an area. Those changes may detract from amenity values appreciated by some people but improve amenity values appreciated by others, including future generations, and are not, of themselves, an adverse effect. Objective 5.5 recognises that amenity values in areas planned for intensification develop and change over time. Policy 5.7, as it stands, does not. I do not consider it necessary to repeat the full text of Policy 6 in Policy 5.7, as submission 13.24 seeks. Policy 6 applies directly to decision-makers, and relocating the notified wording keeps the amendment within the scope of the change.

515. On the relief sought by David Briggs (submission 10.6), I adopt the reasoning I set out under Policy 5.1. Policy 5.7 already directs the Council to have regard to a range of environmental and amenity matters. Its performance monitoring indicators include the extent of retention

of existing businesses, heritage buildings and town populations, and the surveyed satisfaction of town residents with the quality of amenities and services.

8.22.3Summary of recommendations

516. I recommend that the submission from Andrew and Susan Talley (submission 13.18) be **accepted**, and that the submission from Andrew and Susan Talley (submission 13.24) be **accepted in part**.

517. I recommend that the submission from David Briggs (submission 10.6) be **rejected**, so far as it relates to Policy 5.7.

518. I recommend that Policy 5.7 of Change 1 be amended as follows:

Council will seek to enhance urban environmental quality, having regard to:
(i) the design and appearance of buildings and spaces;
(ii) vegetation and open space;
(iii) heritage sites and values;
(iv) pedestrian facilities and traffic management;
(v) noise levels and air quality;
(vi) the relationship between the urban area and the values of its adjoining landscapes~~.~~, while recognising amenity values of the urban and built form, in areas planned for intensification, develop and change over time.

519. I recommend that the explanation and reasons to Policy 5.7 of Change 1 be amended as follows:

The many generally small urban and rural centres in the District provide a choice of urban lifestyles and contain many urban features of amenity or heritage value, including community and other services as well as historic character. The Council seeks to protect and enhance urban amenities following urban upgrading or expansion, to maximise the attractions of towns for residential, business and tourist activity while at the same time maintaining the special and unique character of these communities and their environs and recognising amenity values of the urban and built form, in areas planned for intensification, develop and change over time.

8.22.4Section 32AA

520. The recommended amendment moves direction from Policy 5.1 to Policy 5.7. Taken with my recommendation on Policy 5.1, the net effect on Change 1 is that the direction stays, in a different place.

521. The benefit is that each policy keeps a single subject. Policy 5.1 is about avoiding the loss of land of high productive value. Policy 5.7 is about urban environmental quality, which is where a plan user would look for a direction about amenity values in areas planned for intensification. The amendment also resolves the conflict the submitters identify, because Policy 5.7 as it stands directs the Council to enhance urban environmental quality without acknowledging that amenity values in intensification areas will change.

522. The amendment is more effective than the notified position, because Policy 5.7 applies across the urban environment while Policy 5.1 applies only where land of high productive value is engaged. It is more efficient, because the direction no longer has to be read out of a

HPL policy. I do not identify any additional cost. I consider the amendment is the more appropriate way of achieving the purpose of the Act.

Appendices

Appendix 1 – TRPS Change 1 Schedule of Amendments – Hearings Version

Appendix 2 – Summary of Council Recommendations by Submission Point (TRPS Change 1)