Nelson City Council
Te Kaunihera o Whakatū

Council Reply
Strategic and Overview

Plan Change 29 to the NRMP

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Contents

1.0 Acronyms and Abbreviations 4

2.0 Introduction 5

3.0 Further Evaluation and Recommendations 5

3.1 Timing for NRMP Review 5

3.2 Neighbourhood Plans 6

3.3 Nelson Regional Policy Statement 1997 6

4.0 Conclusion 7

Appendices

Appendix 1: Nelson Regional Policy Statement analysis

1.0 Acronyms and Abbreviations

Abbreviation	Full Text
Council	Nelson City Council
DNP	Draft Whakamahere Whakatū Nelson Plan
FDS	Nelson Tasman Future Development Strategy 2022-2052
MDRS	Medium Density Residential Standards prescribed in Schedule 3 of the RMA
NES	National Environmental Standard
NPS	National Policy Statement
NPSUD	National Policy Statement Urban Development 2020 (updated May 2022)
NRMP	Operative Nelson Resource Management Plan 1997
NZCPS	New Zealand Coastal Policy Statement 2010
PC29	Plan Change 29
Panel	Plan Change 29 Hearings Panel
RMA	The Resource Management Act 1991
RPS	Operative Nelson Regional Policy Statement 1997

2.0 Introduction

1. This Council Reply for Plan Change 29 (PC29) to the Nelson Resource Management Plan (NRMP) has been prepared to address matters raised during the Hearing that are relevant to the Strategic and Overview topic. The matters addressed in the report include:

   a) Timing for the NRMP Review and Port Noise Review;

   b) Neighbourhood Plans;

   c) Regional Policy Statement.

2. In addition to this, Reply has also been prepared for the following topics:

   a) City Centre, Commercial and Infrastructure (Mithran Gopinath);

   b) Flooding (Sue Robb);

   c) Heritage and Church Hill View Shaft (Jacqueline Hewson);

   d) Residential and Subdivision (Rachel Morgan).

3. Where the Reply recommends further changes to PC29 in response to matters raised at the Hearing, these are included within the body of the Reply and are shown with green underline and ~~strikethrough~~.

4. An updated consolidated version of the provisions is not provided at this stage. This will be provided with the remaining Council Reply for geotechnical matters on 15th November 2024.

3.0 Further Evaluation and Recommendations

3.1 Timing for NRMP Review

5. On Day 1 of the Hearing, the Panel queried the timing for the review of the NRMP and whether there was an intention to progress with notification of the Nelson Plan at some stage. Sarah Jenkin on behalf of Port Nelson Limited raised the same query with respect to the review of the Nelson Port noise provisions.

6. I can confirm that at the time of writing, there has been no decision-making by the Council on the timing for the review of the NRMP, nor has timing been confirmed for any Plan Change to amend/update the port noise provisions.

7. Any decision-making on timing for this would be informed by the Government's planned Resource Management Reform package which is scheduled to partly be in place mid-2025, with the remaining Resource Management Reform likely to be in place in 2026. At this stage, I understand that the Reform is likely to require one resource management plan to be prepared per region, which will apply to Nelson as a Unitary Authority. But there is no certainty on this point at this stage, nor is there any understanding of required timing for the review which may be required by the new/amended legislation.

3.2 Neighbourhood Plans

8. Several submitters raised the issue of Neighbourhood Plans at the Hearing. Many stated that these should have been completed prior to PC29 being notified, although some stated that this could occur once PC29 is in place.

9. In response to a question from the Panel on Day 1 of the Hearing, the FDS Implementation Plan can be found here: Future Development Strategy - Nelson City Council.

10. This document is separate to the FDS itself and was completed last year (14 November 2023). This document lists the following as an action as it relates to the Joint Committee meeting resolution that Ms Reese referred to at the Hearing. This can be found on page 28 of the document.

Action	Purpose	Agencies involved	Update
Notes the importance of neighbourhood plans for the successful implementation of the FDS	Fulfil Resolution (11) from the 29 August 2022 Joint Committee meeting report, where the FDS was adopted.	Lead agency: NCC	Nelson will look to commence neighbourhood plans in 2024.

11. I understand that the Council has not made any decisions on the scope, content or process of Neighbourhood Plans at this stage. But this may come later in 2024.

3.3 Nelson Regional Policy Statement 1997

12. On Day 1 of the Hearing, the Panel asked about the status of the Nelson Regional Policy Statement 1997 (RPS) and sought clarification on the reasons for not updating it prior to, or as part of PC29. Given that PC29 did not propose to update it, the Panel queried whether PC29 "gives effect to the RPS" for the purpose of s75(3) of the RMA. This was in the context of RPS being prepared in 1997 and particularly the reference in some policies to preserving and enhancing amenity values.

13. The Panel also pointed to specific actions in the FDS that talk about the need to update the RPS. On that point, the FDS Implementation Plan states the following in relation to the RPS review (see page 25).

Regulation	Ensure the Regional Policy Statement is drafted to provide clear support for housing intensification as recommended in the FDS and required by the NPS-UD.	This work is on hold pending the outcome of the RMA reform implications.

14. Regarding the question of whether PC29 gives effect to the RPS, the s42A reporting team has undertaken a detailed analysis of each RPS objective and policy. This analysis is included at Appendix 1.

15. Overall, this analysis demonstrates that PC29 gives effect to the RPS objectives and policies that it contains. However, as I explained at the Hearing, the RPS is high level and reflects the RMA framework that applied at the time. It does not contain detailed policy direction on matters

relating to urban form, including well-functioning urban environments, amenity values (as expressed in National Policy Statement Urban Development 2020 (NPSUD) Policy 6) and development capacity. The RPS is largely silent on these matters, and therefore recourse is required to the NPSUD itself for guidance.

16. In terms of the hierarchy of documents, I agree it would be best planning practice to have an updated NPSUD-aligned RPS available to inform PC29. This is similar to the process discussion on the timing for Neighbourhood Plans set out above. However, this has not occurred, for the reasons outlined in the FDS Implementation Plan, nor in my view is it necessary. This is consistent with the Council's legal submission on the matter dated 21 August 2024 (see paragraph 30).

17. Further, this is a similar situation for other areas in New Zealand including Northland, Bay of Plenty and Hawke's Bay. In those cases, the relevant Regional Policy Statements were not updated or were in the process of being updated as the District/City Council's progressed their NPSUD plan changes.

18. For the reasons given above and as outlined in Appendix 1, in my view, PC29 gives effect to the RPS.

4.0 Conclusion

19. The above analysis sets out my opinion on the matters raised by the Panel and submitters at the Hearing, including the timing for the NRMP review, Neighbourhood Plans and the RPS. The timing for the review of the NRMP and the RPS will be informed by the RMA reforms that will likely be in place in mid-2025. Neighbourhood Plans will occur in a staged basis over time. In the meantime, in my view, PC29 gives effect to both the RPS and the NPSUD.