

Appendix 5: Tasman District Council Development Engineer Assessment



MEMORANDUM

TO: Reuben Peterson

FROM: Dugald Ley - Development Engineer

DATE: 1 October 2021

FILE NO: R430-6-2

RE: Plan Change 73: Omnibus 2 Amendments – Indicative Roads

This report relates to Plan Change 73 and amendments proposed in that public notification. The assessment and recommendations made here are for the purpose of informing the s42A report to the proposed Plan Change hearing.

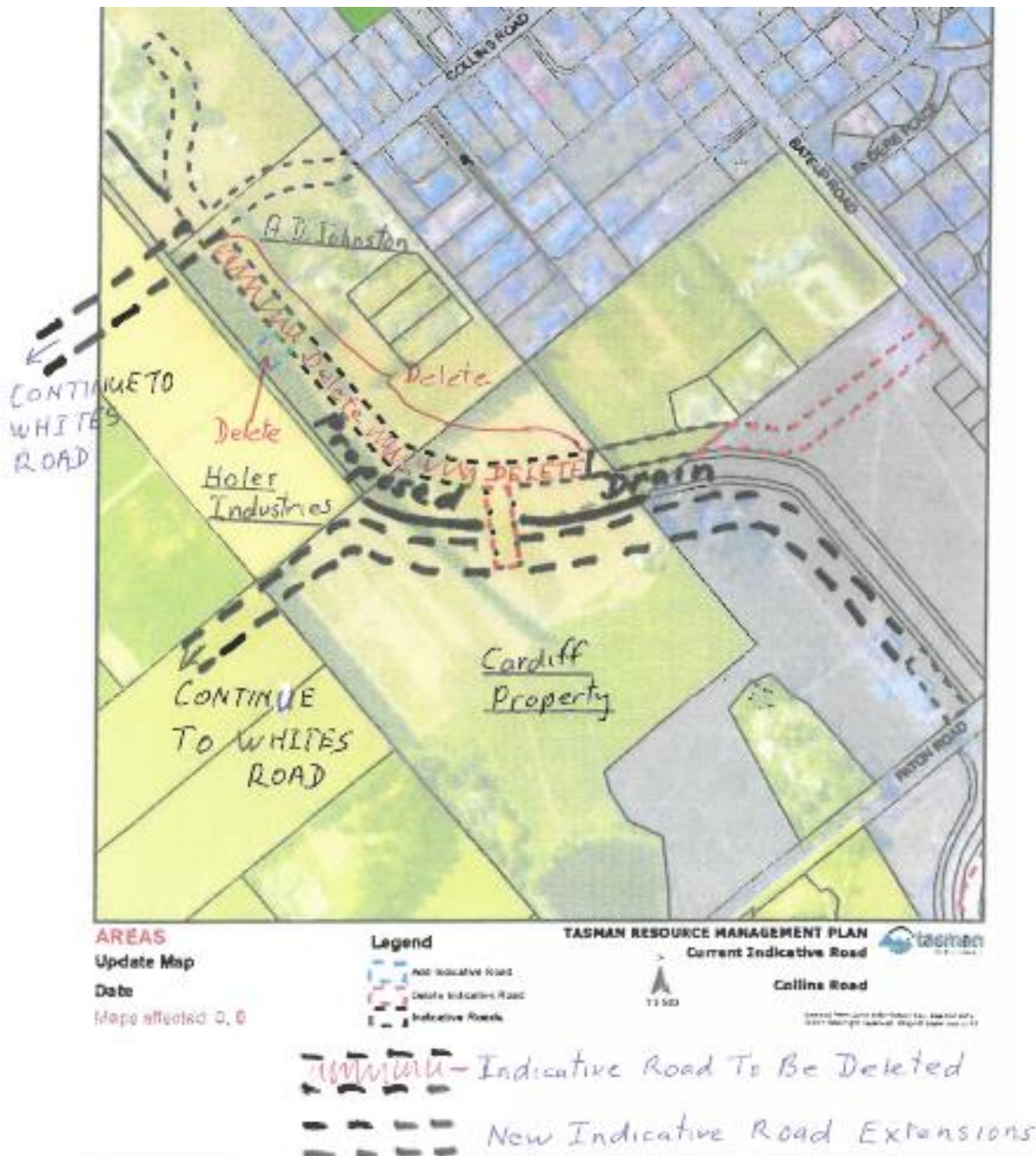
The Submissions and related further submissions discussed in this report are that of.

- A Johnston (1046) - page 17
- Port Tarakohe Ltd (3353) – page 21
- DT King (4188) - page 55
- Matenga West (4190) - page 66
- A Mclean (4192) - page 76
- Talley's Ltd (4195) – page 95
- D Bott (4198) - page 107
- J McKay (4203) -page 126
- Batton Developments (4184) - page 41

Page numbers above refer to the collated original submissions' document.

I will also be available at the hearing to present these matters and to assist the commissioners in their decision-making on the topic of indicative roads.

A Johnston No 1046 – Remove the existing indicative road off his property and relocate to other properties (see plan below). Remove proposed indicative road connecting to Holer Industries property.



Indicative roads in this area have been shown on the planning maps for over 10 years and were a result of a plan change to rezone the Richmond South area from Rural to Residential.

The boundary buffer between the zones was to be the 25m wide stormwater drainage designation (D247) known in this area as the Reed Andrews stream (shown as “Proposed Drain” in the Johnston plan above). That 25m has 4m placed on the “Holer” property (rural zoned and where the existing stream is located) and 21m on the Johnston property.

The Stormwater designation will have an enlarged stormwater channel constructed from Borck Creek in the downstream area to Paton Road to the east. This work is programmed to be constructed by 2025.

As part of that rezoning, indicative roads were also shown on the planning maps through a public plan change process in the mid 2000's.

Indicative roads are a valuable tool, in that they outline to the public and developers where road connections are required. These align with the desired outcomes of linked and walkable communities, crime prevention through environmental design (CPTED), less reliance on vehicles, etc.

Surveillance of open areas such as environment stormwater channels/walkways is an important aspect for communities instead of walkway links being hidden behind 1.8m rear boundary fences. The indicative road was therefore co located beside the stormwater designation and went through a public consultation process many years ago.

The indicative roads in this location direct vehicles to the Bateup Road (ring road) and then to the State Highway network.

Plan Change 73 does not alter this previously consulted on and existing indicative road. It is noted also that a further submission objects to the suggestion of Johnston that the road be relocated onto their property (see submission 3417). I agree with the further submission that the relocated indicative road suggested by the submitter will direct vehicles up to Paton Road and then likely more into the middle and through the Richmond CBD rather than directing them to the state highway network

The Future Development Strategy (FDS) and an IAF funding application is signalling that Richmond south will develop for residential out to Whites Road. Again, to enhance road connections and links, an indicative road stub is shown in this Plan Change 73. This is shown as a blue dotted line over the stormwater designation D247 and aligns with an existing stormwater channel from Whites Road that connects with the Reed Andrews stream.

This alignment (stub) is in line with the Nelson Tasman Land Development Manual (LDM) in that public infrastructure (in this case an existing stream/farm drain modified to accommodate stormwater flows and improved recreational and environmental outcomes) should be contained within roads or public property and that roads are the preferred locations for secondary stormwater flow paths. There is no loss of land to the property owners as the land is previously designated for stormwater drainage purposes.

This indicative road (a culvert required over the stormwater designation) will give access to that adjoining property to the south – the “Holer” property on the submitter’s map. This can allow that property to be developed early (**if they fund/build the road/culvert**) rather than relying on properties in Whites Road to then provide access and services (i.e., developing from the bottom up for gravity services).

The recommendation is therefore that the Johnston submission be declined.

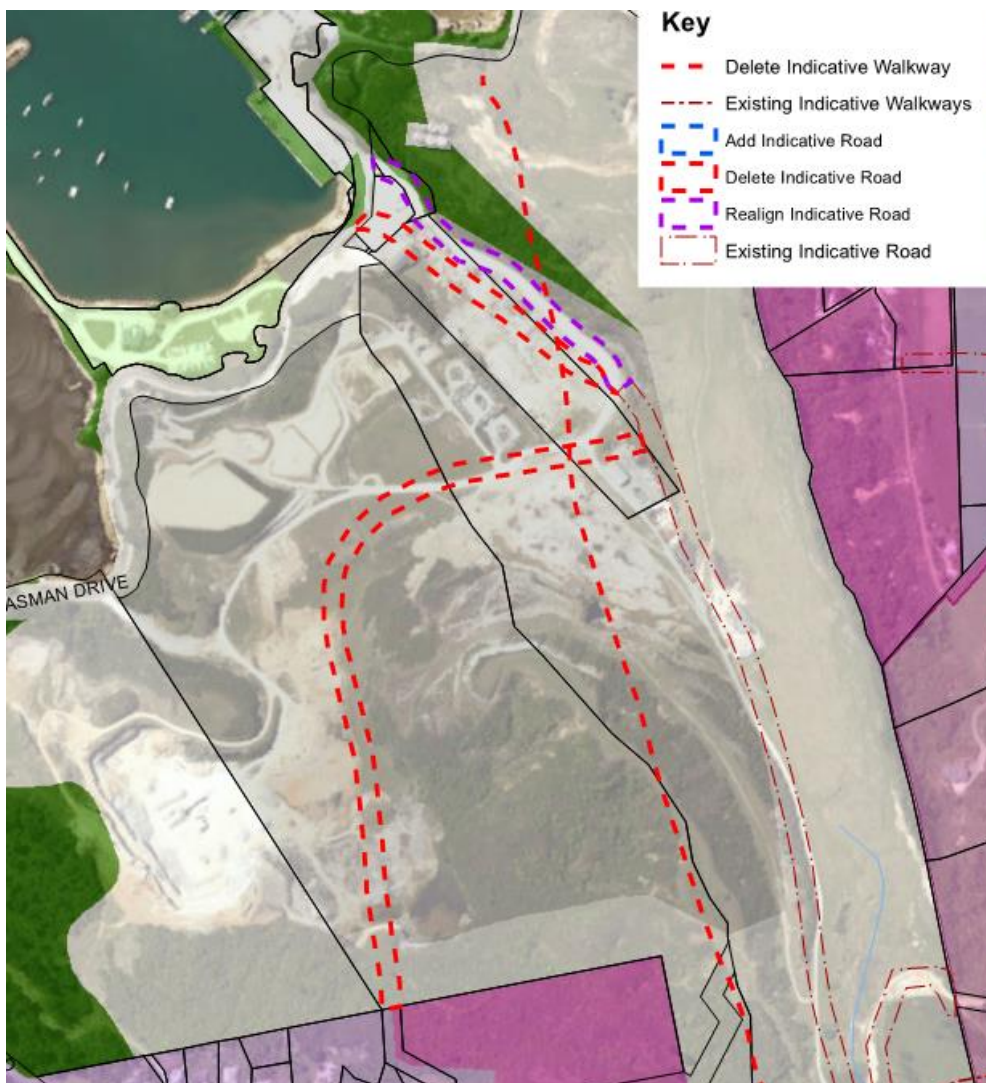
Port Tarakohe Ltd No 3353

Port Tarakohe Ltd own some 81 ha of land, with parts reverting to natives/bush, parts being quarried, and parts being used for storage of aquaculture industry infrastructure. The property is strategic regarding the aquaculture industry and industrial use for Golden Bay.

As outlined in the submission and the Officer's Sec 42A report, the indicative roads have been in place for over 20 years and the use and development of the site has now made some of the indicative roads sit in locations that cannot feasibly be constructed.

Following a site inspection with the owners, it was resolved that the alterations as shown below are reconfirmed in that.

- The indicative road presently aligned through the middle of the Talley property on Abel Tasman Drive be relocated to the western side to be partly on the Tarakohe land and partly on the Talley's property (purple lines below). I believe agreement has been reached for both parties in this regard.
- Deletion of the indicative road through the quarry on the property, as this is not feasible to form and serves little purpose for road infrastructure.
- Minor alterations to the alignment of the indicative road up through the property to the top indicative road linking Matenga Road with Falconer Road.



It is recommendation that the submission which reflects the above determination be supported

D T King (4188) and A Mclean (4192)

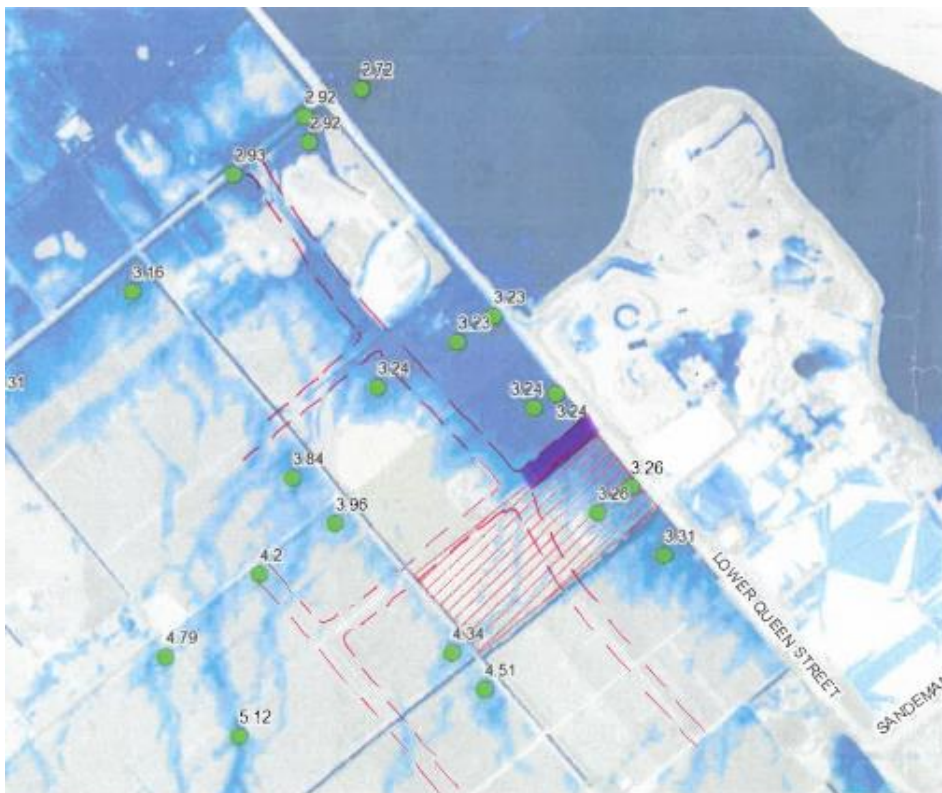
These two properties are located at 551 and 563 Lower Queen Street (LQS) respectively. (opposite the Nelson Pine Industries (NPI) complex). This area was rezoned for light industrial at the same time Richmond West was rezoned.

Indicative roads were placed on the planning maps to provide development potential to the various properties so that they could develop independently.

With the information available at that time regarding climate change and sea level rise, rules were placed to have minimum floor levels when properties were developed (generally 4.6 MSL). The property at 551 LQS has now a new commercial building built to that level.

It has become evident with new climate change predictions that sea levels will rise at an accelerated rate over the next few years. (A recent storm event had sea waters over topping LQS in this location.)

Recent modelling (see blue areas below - future climate change inundation predictions - 1% AEP and 1m sea level rise) in this location has shown several of the properties will become inundated and unilateral filling of the sites will potentially cause flooding to be directed to other properties.



If properties are to be developed in this location, then individual “islands” having the main building structures well above the predicted climate change/sea level increase is the only viable way to develop this area. This allows upstream stormwater flows to permeate through the development such that upstream and adjacent properties are not adversely affected by the developments.

One of the indicative roads (purple shading above) (number 551 Lower Queen Street shown with red lines) was proposed to be co-located between these two properties and shown on the submitter's maps. This new road, if formed, will become regularly inundated in the future, together with the services located within it.

The Community Services Group Manager and Transportation Manager agreed that this is too much of a risk for this Council to bear and costs to future ratepayers. The area is well served by indicative roads especially to the south and inland from LQS and therefore less susceptible to climate change and sea level rise. The result being the proposed removal of this section of indicative road. The two existing access connections to Lower Queen Street via McShane's Road and Swamp Road are deemed to provide adequate servicing ability in the long term.

The developers can still develop their land parcels, which will depend on stormwater modelling and these likely "islands" can be served by private rights-of-way.

It has been suggested to the developer to allow for vehicle access to the south and from the future indicative roads in that area due to the situation as has happened in the past that LQS will go under water for several hours usually when a storm event occurs at the same time as a high tide. We are still awaiting a subdivision proposal to show this at the time of drafting this report.

There would seem to be some agreement with Council's concept in this regard from the two developers.

There has been a suggestion by the submitters to relocate the indicative roads further to the southwest boundary. This alignment has merit as the roads can be co-located to an existing open channel that runs along this back boundary. Indeed, officers have concluded that a new enlarged stormwater channel should be further investigated in the coming Long Term Plan process.

As mentioned, indicative roads are just that, "indicative," so there is some flexibility in my view to place a new road in a location that would not adversely affect other property owners. I understand that any changes to the indicative roads beyond that proposed to be removed in this Plan Change would have to be part of a separate plan change or consenting process.

I therefore recommend that the submissions be declined, and the short section of indicative road starting at LQS be removed from the planning maps.

Matenga West (4190) - Move part of an indicative road 7m to 10m to the south.

This submission seems minor in nature; however, I commend the submitter looking out for the best interests of Council for road construction risk.

As part of this Plan Change, Council has chosen to precisely draw the lines of the indicative road to that of the existing cadastral boundaries of Lot 7 DP 18584 owned by Matenga West Ltd. That parcel (15m wide) of land contains the existing formed access as shown below.



I understand the owner and the Tasman District Council's Engineering Manager have had discussions previously on the purchase or otherwise of this future indicative road.

When formed to the correct standard and linked, it will provide an alternative access through the top part of this locality at times when the coastal route becomes impassable.

Negotiations/discussions on this access materialised when the adjoining subdivision was approved in 2019 via RM180974.

That subdivision application has some reasons (for not vesting or providing more land for road) for the decision as below:

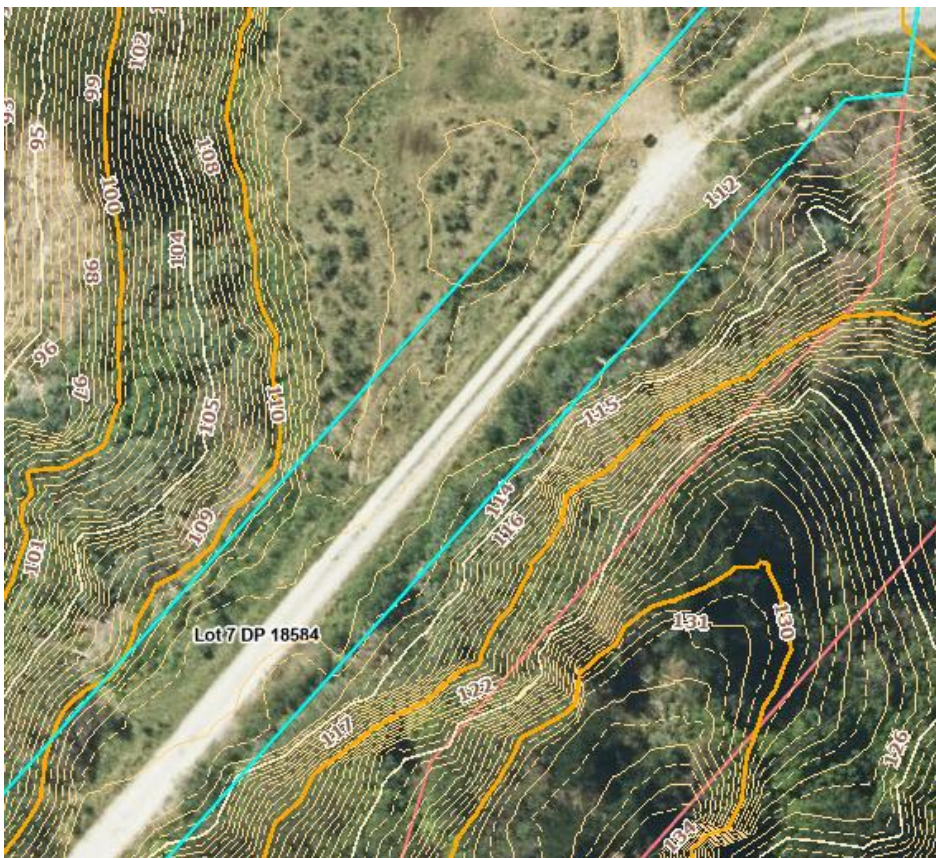
(e) Indicative Road

There is an indicative road shown on the TRMP maps over the ROW (Lot 7 DP 18584). This road is an alternative access from Pohara to Ligar Bay that could provide future connectivity should the coastal road between these two settlements ever be compromised. Easement Instrument 390595.5 registered on Lot 6 DP 18584 relates to the ROW and includes maintenance requirements. It contains a provision that the ROW will be extinguished when required to allow for the creation of a legal road, and that the owners will surrender their interest in the ROW when called upon by Council. This easement instrument will be registered on the new titles so that the rights and responsibilities of the ROW transfer to the new owners. This aims to prevent any future disagreement over the use or taking of the ROW by Council.

During this process Council Engineering staff were approached by Matenga West with the opportunity to purchase the ROW, however this matter is considered outside and separate to the subdivision application and decision-making process. The applicant also highlights that the dwelling on proposed Lot 2 does not meet the permitted activity setbacks to a road (should the ROW ever become a road) and acknowledges that this is an existing situation that will remain unchanged by the proposal.

At that time (Dec 2018), I visited the site to ascertain the feasibility of constructing a road along the alignment of the existing track.

It was noted, the dropout in one location and the steep banks on the high side of the access track. The contours and photo below show the potential steepness of the bank if the road was constructed more to the south as proposed by the submitter. Note also (in photo LHS), rocks and debris at the bottom of the bank, i.e., potential instability.





The future road will need careful design and will not comply with the current Land Development Manual 2020 standards. I am satisfied that the indicative road as now shown in PC 73 is in an appropriate location.

Moving the indicative road more to the south as proposed by the submitter and into a potential unstable steep cut batter slope, may mean more future ongoing costs to Council rather than the less risk-based alignment as where the track is presently located.

I therefore recommend that the submission be declined, and the indicative road be overlaid on the title being Lot 7 DP18584 outlined in blue in the plans above.

McKay (4203)

The submitter questions the need for the proposed indicative road along the northern boundary of their site, however they do not mention that the indicative road at the southern part of their site will be removed from the planning maps,

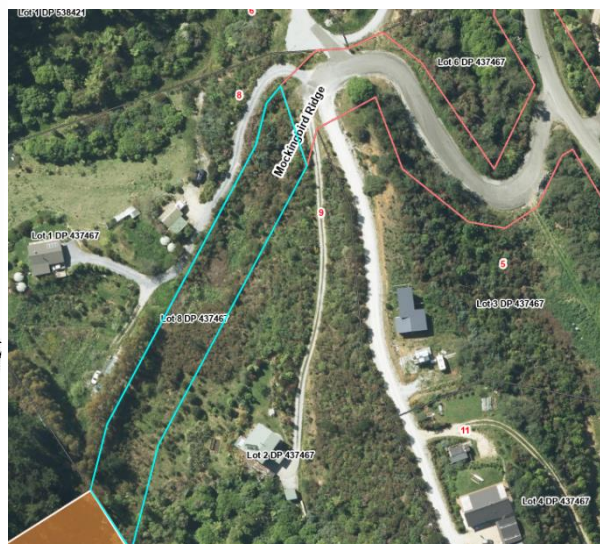
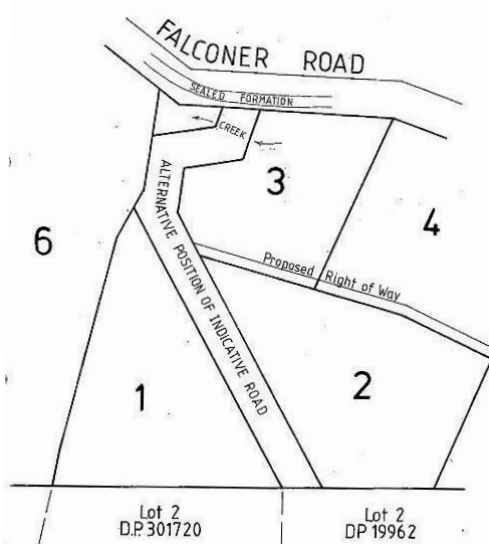
The proposed (orange) and existing indicative roads (pink) are shown in the plan below.



It is noted there is less land area taken up on the submitters land for the new proposed indicative road alignment, i.e., existing is 5,493m² (pink above) and proposed is 3,172m² (orange above). It is noted that a shed would need to be removed with the proposed alignment and that a future road at the front of the property has a different impact than one at the back.

A subdivision application RM070197 in 2007 reassessed the future roads in the area and an application as below was accepted by Council. This created a formed road to vest (Mockingbird Ridge) and a future road reserve to the submitter's eastern boundary, in Council ownership. The indicative road further to the south on Falconer Road through to Haile Lane was then not required.

RM070197



It is likely a complying road can be formed along this alignment to Haile Lane (via existing indicative roads) but will require cuts and fills and a culvert crossing.

This alignment as described above is the most cost-effective route with at least half of the route already in Council ownership for the new road link.

I therefore recommend that the submission be declined. It is noted that this indicative road is only likely to be formed when the current or future owners of that parcel of land decide to develop and/or subdivide.

D Bott (4198)

The submitter objects to the existing indicative road from Richmond Road to Falconer Rd and the proposed setbacks from it.

I have been advised that the indicative road (Falconer to Richmond Rd) existence and debate is out of scope of the submission as that was not part of the notified proposed PC73. That indicative road (on the planning maps) has been in this location for over 20 years.

Through additional discussion with the submitter, it has been agreed that a change in the Bay Vista / Richmond Road connection (green below) can be supported as this is in a more suitable location and still achieves the desired connection.

I am aware that a previous owner (many years ago) cut in a track from Falconer Road to Richmond Rd to see what the “terrain was like” and gauge how the steep land could be “developed in the future”.

Evidence of the track is still visible and accessed by experienced 4x4 vehicle operator.

The track (purple) is outside the indicative road (pink) alignment as shown below and may have instigated instability and concentrate stormwater which may have created erosion issues in the area.



The PC 73 is not altering or deleting this Indicative Road.

This Indicative Road was to provide at a future date, an alternative high-level route for vehicle access, should the coastal route be impassable for a prolonged time. This was mentioned in the “Butts” submission and regarding the proposed indicative road from Falconer through to Matenga Rd location.

A road could be constructed from Falconer Road through to Richmond Road; however, it would not meet a complying road access standard as per the Land Development Manual 2020. A geo technical report (Andrew Palmer –Terra Firma) on the feasibility of a road link confirms the unstable nature of the area and a complying legal road would likely be expensive and have potentially ongoing stability issues.

Indicative roads are just that, an indication that Council is wishing to protect a route from A to B, in this case from Falconer Road to Richmond Road.

It is highly likely that any new road constructed between Falconer Road and Richmond Road will require careful design and likely not be on the alignments of the present formed track or Indicative Road as shown on the planning maps.

That said, the proposed rule to restrict development either side of the indicative road in this location should be withdrawn and no rule applied in this specific location due to the high level of uncertainty of the road's placement.

Batton Developments (4184)

Batton Developments, I understand, is owned by N and A Cardiff but is under negotiation for purchase from a developer for subdivision potential. (The land is zoned Residential)

The submission is solely regarding the indicative road “stub” as below, leading off the extension of “Hallmark Drive”, which will link/connect to Collins Road.



I read into the submission that the owner is really trying to only have “permission” to cross over the ‘stormwater’ designation D247, and I can confirm that access will not be unreasonably withheld subject to suitable design. This has been confirmed by the Group Manager, Community Infrastructure via internal email on the 27 September 2021.

When the designations were put in place through a public consultation phase over 10 years ago, these indicative roads were placed in logical locations to serve various parties.

At that time, Council decided on four locations for infrastructure in this area.

- Indicative road to connect Bateup Road in a loop to Collins Road.
- A 25m wide drainage/recreation reserve from Borck Creek up to Hill Street south and commonly known in this area as the “Reed Andrews Drain”- D247.
- A 10m wide drainage/recreation reserve from Reed Andrews drain to Paton Rd, locally known as “Whites Drain”.
- A future Recreation grounds/Detention area about 0.74 ha - D248.

The “stub” indicative road was shown to access both the Batton Land and the future recreation/shallow detention area (therefore two owners). I understand that the future recreation ground (if other land had been obtained, would likely be the size of four football fields.) The stub was therefore to signal access to that recreation ground and “consent” to cross the 25m designation D247 and for the applicant's future subdivision.

It also signalled the location of a future road adjacent to and beside the recreation/drainage designations. This was in line with Crime Prevention Through Environmental Design principles, (CPTED). This would have given “visibility” to the reserve/walkway areas rather than being hidden behind properties.

In 2017, Council set about investigating infrastructure projects in this catchment and arranged for borehole tests to be undertaken on the Batton land (Cardiff) for the potential shallow detention dam design - D248.

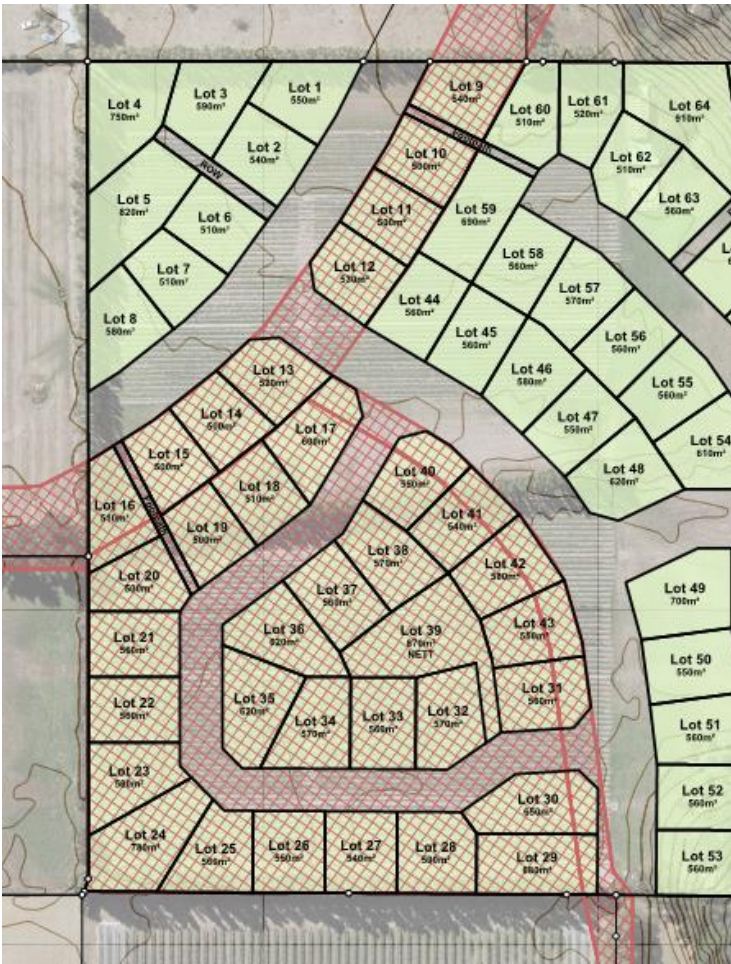
The Engineer’s final report outlined that a large detention area in that area would not be feasible due to extremely high ground water levels and in some test holes the groundwater came to the surface.

At that time, the shallow detention basin idea was abandoned and, along with it, the future recreation grounds. The process to remove this designation D248 from the planning maps has not progressed due to staff shortages and being of a low priority.

I infer that the landowner thinks that without the indicative road “stub” the land parcel is somehow “land locked”, where in fact it is not. I have signalled earlier on that the Council will allow access over the Designation 247 subject to suitable design.

The concept plan below (submitted to Council several years ago), shows how the property could be accessed and over the previous D248 designation.

It is noted that transportation access over stormwater designations is achievable as seen in the recent bridge of Berryfield drive over Borck Creek designation.



It is noted the construction of the stormwater channel is partially (through the property) constructed and culvert crossing formed as in the aerial photo below, giving an existing use right for that access.



I therefore recommend that the submission be declined. A simple agreement as mentioned in this report that allows access over the designation in any area on the applicant's land will not unreasonably be withheld by Council, subject to suitable and appropriate design.