

## MINUTES

**TITLE:** Environment and Planning Committee  
**DATE:** Monday 20 September 2010  
**TIME:** 9.40 am  
**VENUE:** Council Chamber, 189 Queen Street, Richmond.

**PRESENT:** Cr M J Higgins (Chair), Mayor R G Kempthorne, Crs S J Borlase, R G Currie, G A Glover, J L Inglis, T B King, T E Norriss, N Riley and E J Wilkins

**IN ATTENDANCE:** Resources Consents Manager (P Doole), Principal Resource Consent Advisor (J Butler), Development Engineer (D Ley), Consent Planner (R Squire), Fletcher Vautier Moore (K Beckett), Senior Planner, MWH (N Regnault), Technical Development Leader for Water and Wastewater, MWH (D O'Brien), Administration Officer (J A Proctor)

### APOLOGIES

Moved Crs Glover/Borlase  
EP10-09-18

**THAT apologies from Cr Dowler, Cr Ensor, Cr Bryant and Cr Edgar for absence be received by the Environment and Planning Committee.**  
**CARRIED**

#### 1. **TASMAN DISTRICT COUNCIL, NOTICE OF REQUIREMENT – APPLICATION No. RM090604, RM090608**

##### **RM090604 Notice of Requirement for Designation of a Public Work**

The proposed works involve land for a Local Purpose Reserve for drainage and recreation purposes, including a network of stormwater drainage, open space and recreation areas to provide urban infrastructure support for the Richmond South and West Development Areas. The public works include upgrading the capacity of the existing drains and waterways, and constructing new connections, drains and waterways while also providing for recreation and pedestrian and cycle linkages; and removal of Protected Oak trees T706 that are located within the area to be designated near the intersection of Lower Queen Street and Headingly Lane. A lapse period of 20 years for completion of the works is sought.

The application relates to the land adjoining Borck Creek from the Waimea Estuary through the Richmond West Development Area across Lower Queen Street, State Highway 60 and State Highway 6 through existing and proposed drainage channels in the Richmond South Development Area and terminating at Paton Road and Hill Street. Being legally described as:

Lot 1 DP 720, Lot 2 DP 380142, Lot 1 DP 380142, Pt Lot 1 DP 94, District Road, Pt Sec 101 District of Waimea East, Lot 6 DP 20409 & Lot 2 DP 19947, Lot 3 DP 19947, Lot 4 DP 19947, Lot 5 DP 19947, Lot 2 DP 15764, Lot 3 DP 15764 & Lot 1 DP 17994, Pt Lot 1 DP 18702, Crown Land Blk VI (under Action) Waimea SD, Pt Sec 108 District of Waimea East, State Highway, Lot 1 DP 18010, Pt Lot 3 DP 18010, Lot 2 DP 18010, Crown Land Blk VI (under Action) Waimea SD, Lot 9 DP 20535 & Lot 1 DP 15605, Lot 4 - 5 & 7 DP 20535, Lot 1 DP 9920, Crown Land Blk VI (under Action) Waimea SD, Lots 1 & 2 DP 20535, Lot 3 DP 20535, Crown Land Blk VI (under Action) Waimea SD, Lot 1 DP 15676, State Highway, Lot 1 DP 6754, Lot 1 DP 361254, Lot 2 DP 17738, Lot 1 DP 6789, Lot 1 DP 17738, District Road, Lot 1 DP 18100, Lot 2 DP 20544, Lot 2 DP 20243, Pt Sec 34 District of Waimea East, Lot 1 DP 8205 & Pt Sec 34 District of Waimea East, Pt Sec 35 District of Waimea East, Pt Lot 19 Dist of Waimea, Lot 3 DP 5961, Lots 1 & 2 DP 8349 & Lot 2 DP 396397, Lot 2 DP 15403, Lot 1 DP 396397, Lot 1 DP 7938.

**RM090608  
Notice of  
Requirement for  
Designation of a  
Public Work**

The proposed works involve land required for Local Purpose Reserve - Stormwater and Recreation purposes, being stormwater detention management to support stormwater drainage infrastructure for the Richmond South and West Development Areas. A secondary purpose is to provide open space areas for recreation. A lapse period of 20 years for completion of the works is sought.

The application site is located at 7 Paton Road and 52 Paton Road, being legally described as Lot 1 DP 18100 and Lot 2 DP 17738.

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

The Committee reserved its decision.

**RESOLUTION TO EXCLUDE THE PUBLIC**

**Moved Crs Currie / Higgins  
EP10-09-19**

**THAT the public be excluded from the following parts of the proceedings of this meeting, namely:**

Tasman District Council

**The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for passing this resolution are as follows:**

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
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Tasman District Council	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.
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**CARRIED**

**Moved Crs Higgins / Currie  
EP10-09-20**

**THAT the open meeting be resumed and the business transacted during the time the public was excluded be adopted.**

**CARRIED**

**2. TASMAN DISTRICT COUNCIL, NOTICE OF REQUIREMENT – APPLICATION No. RM090604, RM090608**

**Moved Crs Higgins / Borlase  
EP10-09-21**

**THAT pursuant to Section 168AB of the Resource Management Act, the Committee CONFIRM the notices of requirement, subject to conditions, and with two modifications:**

- 1. The two amendments to the alignment of the NOR set out in the addendum dated August 2010 and circulated to all parties are accepted; and**
- 2. The area of the NOR that is over the coastal marine area is removed.**

**as detailed in the following report and decision.**

**CARRIED**

**Report and Decision of the Tasman District Council through its Environment and Planning Committee**

**Meeting held in the Tasman Room, Richmond on 20 and 21 September 2010  
Hearing closed on 6 October 2010**

The Environment and Planning Committee (“the Committee”) of the Tasman District Council (“the Council”) was convened to hear and decide upon the Notice of Requirements (“NORs”) issued by the Tasman District Council (“the requiring authority”), to designate land in Richmond South and Richmond West for public drainage works. The NORs, made in accordance with the Resource Management Act 1991 (“the Act”), were issued to the Council and referenced as RM090604 (land for drainage and recreation purposes) and RM090608 (land for stormwater detention and recreation purposes).

**HEARING COMMITTEE:** Cr Michael Higgins (Chair), Mayor Richard Kempthorne, Cr Tim King, Cr Eileen Wilkins, Cr Trevor Norriss, Cr Noel Riley, Cr Jack Inglis, Cr Gordon Currie, Cr Glenys Glover, Cr Stuart Borlase

- APPLICANT:** Mr Ken Beckett (Counsel)  
Mr Dugald Ley (Development Engineer)  
Mr Dennis O'Brien (Consultant Engineer)  
Ms Rosalind Squire (Forward Planner, Reserves)  
Mr Nick Regnault (Consultant Planner)
- CONSENT AUTHORITY:** **Tasman District Council**  
Mr Phil Doole (Resource Consents Manager)
- SUBMITTERS:** Mr R and Mrs D Humphries  
Mr Alain Swain (Counsel for P and M Hill Family Trust)  
Mrs RJ Flanagan  
Mr N McFadden (Counsel for: Ms J Heslop;  
McShane Holdings Ltd;  
A E Field and Son Ltd;  
Richmond West Group;  
B and D Mytton;  
DL and KM Orange; and  
N and D Cardiff)  
Mr B J Warburton (Transpower NZ Limited)  
Mr A D Johnston
- IN ATTENDANCE:** Mr J Butler (Principal Resource Consents Adviser – Assisting  
the Committee), Ms Julie Proctor (Committee Secretary).

## 1. SUMMARY

The Committee has decided to **CONFIRM** the requirement, subject to conditions, and with some modifications.

The requirement is modified to incorporate the changes proposed by the requiring authority in its addendum dated August 2010. The requirement is also modified to remove the areas that are within the coastal marine area.

## 2. DESCRIPTION OF THE PROPOSED ACTIVITY

The Council, as requiring authority, has issued two Notices of Requirement (NORs) to designate land in Richmond South and Richmond West for public works.

The proposed public works comprise the upgrading of the network of open stormwater drains and streams to the south and west of the current Richmond urban area, including two proposed stormwater detention basins; and to provide for public open space and recreation areas aligned with this drainage network. It is envisaged that the lands covered by the proposed designation will become Local Purpose Reserves for Drainage and Recreation purposes.

These proposed public works are aligned with existing provisions of the Tasman Resource Management Plan (TRMP) regarding stormwater management and associated reserve requirements for sustainable urban growth in the Richmond South and Richmond West Development Areas, to protect future urban areas from flooding. Specifically the proposed designations generally reflect the indicative greenway networks already provided for in the TRMP.

There are two sectors of proposed drainage upgrade in NOR RM090604 that are additional to the greenways provided for in the TRMP. They are Whites Drain west (Channel J), to enable extension of the greenway network around the boundary of the Richmond South Development Area (RSDA) as far as Paton Road; and Borck Creek (Channel D) upstream of the Reed/Andrews Drain junction.

The Council's stated objectives in seeking these two designations are:

- "To provide a stormwater drainage network in the RSDA and RWDA that is capable of safely and efficiently conveying storm flows of  $Q_{100}$  to Waimea Inlet;
- To provide stormwater detention basins as necessary to detain stormwater run-off from urban development in the RSDA until such time as the downstream stormwater drainage network is fully developed; and
- To provide an open stormwater drainage network using existing waterways where possible, combined with an open space and recreational reserve network aligned with the greenway network of the RSDA and RWDA."

Whereas the envisaged greenway network is mostly provided for in the TRMP and much of it could be carried out as part of subdivision development in the RSDA and RWDA, designation of the required land areas is considered necessary to ensure Council's ability to coordinate provision of an upgraded drainage network in terms of time and location, and to protect the land required from incompatible uses or development in the interim.

The network of open drains and streams covered by NOR RM090604 comprises:

- Borck Creek from its mouth beside Headingly Lane on the shoreline of Waimea Inlet up to Main Road Hope (State Highway 6);
- Eastern Hills Drain between Borck Creek and the Railway Reserve;
- Reed/Andrews Drain;
- Bateup Drain; and
- Whites Drain (west) up to Paton Road.

This network includes over 7 kilometres of streams and drains. It has been divided into 10 sectors or channels (A-J) in order to determine design requirements for each channel with regard to the future volumes of stormwater run-off to be conveyed for storm flows up to  $Q_{100}$  (100 year return periods) and taking account of environmental factors. The width of the land area required for each channel includes an allowance for open space and recreational functions where applicable.

NOR RM090608 is for the land required for the two proposed detention basins on the Bateup Drain. The need for these two detention basins is envisaged to be "medium-term" because they are needed to control flood flows in the Bateup and Whites Drains until such time as the drainage network downstream has been fully upgraded. When no longer required, the detention areas can then be made available for open space reserve purposes.

A total land area of approximately 32 hectares is required for the drainage and reserve network; an additional 2.5 hectares is required for the two detention basins.

Three modifications to the notified NORs have been proposed by the requiring authority, following consultation with landowners. These modifications involve re-alignments on Channels B, F and J as detailed in the "Addendum to Notices of Requirement" dated August 2010.

#### **4. NOTIFICATION AND SUBMISSIONS RECEIVED**

The NORs were formally issued on 23 September 2009, prior to the most recent amendments to the Act that took effect from 1 October 2009. Therefore the Act as it was prior to 1 October 2009 applies to the processing and consideration of these NORs. Pursuant to Section 169 of the Act they were publicly notified on 3 October 2009.

A total of 28 submissions were received, mostly from affected landowners, but also three from statutory agencies. One submission (No. 26) was subsequently withdrawn, leaving 27 to be considered.

For a complete summary of the submissions we refer the reader to Attachment 1 of Mr Doole's Section 42A staff report. In summary submitters have raised the following matters:

1. The desirability of open drains and ponds within future suburban development;
2. Proposed widths of the drainage channels and reserves;
3. Inadequate consideration of alternative sites, routes and methods;
4. Issues with the re-alignment of Reed/Andrews Drain (Channel F);
5. Land fragmentation, especially on Bateup Drain above Paton Road (Channel H)
6. Impact of widening lower Borck Creek (Channel A);
7. Effects on existing land uses of widening Borck Creek (Channel B);
8. Effects on existing land uses of re-aligning Borck Creek (Channel D);
9. Issues with Eastern Hills Drain (Channel E);
10. Issues on Whites Drain (Channel J);
11. Effects on existing land uses of the lower detention basin area;
12. Effects on the State Highway network relating to future bridges and culverts;
13. Potential effects on the Transmission Lines corridor; and
14. Compensation and 20 year timeframe for works to be carried out.

## **5. PROCEDURAL MATTERS**

An enquiry was made as to whether we have the ability to consider the modifications to the NORs. From the submissions of Mr Beckett and Mr Doole's comments we are satisfied that all parties were made aware of the proposed changes and all parties have an opportunity to state their position on the changes.

## **6. EVIDENCE HEARD AND OUR FINDINGS**

In this section we go through each of the submitters heard and the other various issues raised at the hearing. We present the main evidence and arguments presented along with our findings.

### **Width of Channel A in comparison to Channel B / Richmond West Ltd**

Mr Dick queried the substantial width of Channel B and asked how it could need to be wider than Channel A which is further down-gradient. He suggested that the width is only being sought to provide for extensive recreation and park areas.

Mr O'Brien was the only expert witness to present evidence on this matter. Verbally, and in the course of the requiring authority's reply, Mr O'Brien said that the depth available is less in the case of Channel B. This means that hydraulically a greater width is needed. 1.3 metres of depth is available for Channel A and only 1.1 metres is available for Channel B. The maximum achievable depth is also controlled by the height of the adjacent land from which stormwater runoff has to be able to flow into the drain. Therefore the banks of the channels cannot be built up to increase the storage and flow volume.

We accept the expert evidence of Mr O'Brien. We understand that there are different hydraulic constraints on each of the channels and that, therefore, a 70 metre width is required for Channel B to achieve the objectives of the requiring authority.

### **Ms Judith Heslop**

Mr McFadden and Ms Heslop expressed concern over the necessity of taking a large portion of her property including the necessary demolition or relocation of her house. They suggested other options for providing for the passage of the stormwater to the sea.

Mr O'Brien addressed this for the requiring authority. He reviewed the other options but found them all to be unworkable.

We accept Mr O'Brien's evidence that there are no reasonable alternatives to the designation of Channel A as proposed. While we consider it unfortunate for Ms Heslop – she is a significantly affected person resulting from the NORs – we find that no alternatives are available and the mitigating circumstances are such that we are comfortable with the effects on her.

Firstly, the works are very unlikely to happen within 10 years and are likely to be closer to 20 years away. Secondly, much of Ms Heslop's land has been re-zoned as deferred light industrial and the value of the remaining portion of land outside of the area of designation will likely be increased. Thirdly, access to the property is retained via Artillery Place. Finally, if Ms Heslop wishes to move on sooner rather than latter

she can seek that the Council bring forward the purchase of her land. We suggest that it is highly likely that the Council (as requiring authority) will do so without need for her to go to the Environment Court.

### **Transpower**

Mr Warburton emphasised the importance of the electricity distribution network to New Zealand and to the District. Mr Warburton proposed a set of conditions. Mr Beckett, for the requiring authority, accepted the conditions with some minor amendments.

We find that given the low hydraulic energy nature of the environment the risk to Transpower infrastructure is low and the conditions are acceptable.

### **A E Field and Son Ltd**

Mr Field sought that the location of the designation stay as that which was originally notified. (The NOR was amended by way of an addendum which involved the movement of the designated area to the east away from Mr Field's packing shed.) Mr Field said that he would prefer that the original location, requiring relocation of the packing shed, as the packing shed will be unworkable with the amended location.

We are satisfied that the modified alignment proposed by the requiring authority is appropriate. No evidence was presented by Mr Field to demonstrate that there was a significant adverse effect upon him caused by the modified location.

### **E B and D J Mytton**

The Myttons expressed concern that the proposed Channel I goes through the centre of their property and will therefore bisect it, and that the width of the channel is excessive and will result in an inefficient use of land.

Once again we accept Mr O'Brien's evidence that the proposed location is the most efficient and that all of the proposed width is needed to accommodate the projected stormwater. We also accept that moving the channel to the Myttons' boundary would increase the width required due to less hydraulic efficiency caused by sharp turns in the drainage network. We disagree that the location of the channel and reserve will make it harder to develop the land when access is provided for on both sides in the Richmond West Structure Plan.

### **A D Johnston**

Mr Johnston questioned the width and position of Channel F. We accept the evidence of Mr O'Brien who says that the current design of the channel takes into account the higher level of development than envisaged in the 1980s, as well as the provision for increasing rainfall intensities due to climate change. He also said that the parameters have been agreed upon by independent consultants.

The position of the drain has been moved to the south by 4 metres and we accept the proposed location.



## **N and D Cardiff**

These submitters raised concerns about the compensation payable and the timing of purchase by the requiring authority. They also seek that the Detention Pond A be moved onto the adjacent Holer property.

Given the record of communications between the Cardiffs (via Mr McFadden) and the requiring authority we are comfortable that the requiring authority is genuine about purchasing the land should that be sought by the Cardiffs.

We also agree with Mr Beckett for the requiring authority that the NOR for the detention pond cannot be moved onto another's property without formally amending the NOR. We do not consider that this is appropriate. Finally, we accept the evidence of Mr O'Brien that Detention Pond A and drainage corridor are in the appropriate location from a hydraulic perspective.

## **D and K Orange**

Mr McFadden said that it is unclear why the drain (Channel J) needs to be upgraded and that it will affect the productivity of the Oranges' property. He also said that Detention Pond A should be moved onto the Holer property which is Rural 1 so that good residential land is not used.

We see the location and design of the Channel J as being appropriate. We also consider it appropriate that Detention Pond A be on residential land as it is required by residential activity. The land will be used as a park for residential purposes and this is more appropriate in the Residential Zone than in the Rural 1 Zone.

## **P and M Hill Trust**

Mr Swain said that the Trust's property will not be able to be used as efficiently as a result of the drain (Channel J) and walkway being constructed through the middle, between the house and the adjacent paddock to the south. Mr Swain said that it would be appropriate that the requiring authority approve the issuing of a new title for the estranged section of the property so that it can become a lifestyle block in its own right. He considered that no precedent would be created due to the manner in which it is created.

We have some agreement with Mr Swain. While a crossing could be created over the drain we find that the effects caused on the Trust would be addressed by the creation of an additional title. Clearly, this cannot be ensured through this process as we have no control over compensation matters. But we would recommend that this option be considered.

While generally Rural 1 subdivisions are not supported, we see that there are clear circumstances in this case resulting from the NOR process taking place on Rural 1 land that is not subject to rezoning. In this way it makes the Trust's position quite different from any other submitters to these NORs, and also different to any other subdivisions that may be proposed elsewhere.

## **R and D Humphries**

The Humphries have their property bisected by Channel H in a similar manner to the Hill Trust, except that the eastern side of their property is zoned as deferred residential.

The Humphries requested separate titles. We agree with Mr Beckett that this is a compensation matter and cannot be settled here. However, we consider that provision of a separate title may well be appropriate at acquisition time. It seems clear that the property will be subject to subdivision in the future on the eastern side of the drain.

Mr Beckett states that the requiring authority will provide a 2 metre wide access strip across the channel at the roadside end of the channel to provide for stock passage. A fence is also proposed by the requiring authority to keep stock out of the reserve area.

## **R J Flanagan**

Mrs Flanagan asked that her stock and farm entrance onto Main Road Hope be moved at the requiring authority's cost when the drain (Channel D) is constructed. We agree that this is a reasonable request but that it is complicated by the need to obtain the State Highway administrator's approval (New Zealand Transport Agency).

## **Consultation**

A number of submitters raised concerns about the quality and quantity of consultation that was carried out by the requiring authority. From what we have heard at the hearing, and also our past knowledge of the process of rezoning Richmond South and Richmond West we are satisfied that the consultation carried out has been satisfactory.

However, we do have some criticism of the consultation record. In short, it appears that consultation was carried out but that the nature of the consultation and the outcomes and opinions that resulted were not systematically recorded to provide greater integrity to the process.

## **7. RELEVANT STATUTORY PROVISIONS**

### **7.1 Policy Statements and Plan Provisions**

In considering this application, we have had regard to the matters outlined in Section 171 of the Act. In particular, we have had regard to the relevant provisions of the following planning documents:

- a) Tasman Regional Policy Statement (TRPS); and
- b) the Tasman Resource Management Plan (TRMP).

### 7.3 Part 2 Matters

In considering this application, we have taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act, as well as the overall purpose of the Act as presented in Section 5.

## 8. DECISION

Pursuant to Section 168A of the Act, we **CONFIRM** the notices of requirement, subject to conditions, and with two modifications:

1. The two amendments to the alignment of the NOR set out in the addendum dated August 2010 and circulated to all parties are accepted; and
2. The area of the NOR that is over the coastal marine area is removed.

## 9. REASONS FOR THE DECISION

We are satisfied that adequate consideration has been given to alternative routes for channelling and discharging stormwater. We except the unchallenged expert evidence presented by Mr O'Brien in this regard.

We are also satisfied that the work and the designation are reasonably necessary to achieve the stated objectives. In achieving the objectives we are satisfied that the parameters used in designing the drainage system (e.g. 100 year return period event and 250 mm freeboard) are appropriate in the circumstances.

We accept that in many locations the width of the flood drainage channel will be wide. This acceptance is born out of topographical and hydrological necessity – the land is low and very gently graded in the lower part of the catchment. The large width is also the result of a desire to plan for the drainage and growth of Richmond well into the future. Realistically, the requiring authority will only have one chance to acquire the land for the purpose and it is reasonable that it be secured for the long term.

We are satisfied that it is not overly wide. That is, additional land beyond that which is needed for the stated objectives has not been taken; and generally the designation is just over land needed for actual drainage of calculated stormwater volumes. The open space facilities are by and large within the profile of the channel and no greater width has been taken especially to provide these facilities. Further, we consider that the provision of the open space facilities will be of great benefit to Richmond in the future as it provides a high quality linkage through the town from the coast into Richmond South.

Channel A is the notable exception to the above paragraph as the shared walkway/cycleway facilities are outside of the channel. The reasons for this were well explained by Mr O'Brien (the ground level is so low that the land will be nearly tidal and the water table will be so close to the ground level in the channel that forming and maintaining the facilities will be impractical).

## 10. COMMENTARY ON CONDITIONS

We have accepted the condition sought by Humes Ltd and accepted by the applicant. There is also a requirement that the outline plans submitted give consideration to other stormwater discharges into the existing channels.

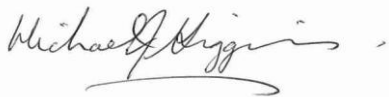
Similarly, we accept the comments of Mr Doole as a sensible way to proceed with dealing with the concerns of the New Zealand Transport Agency. We have included a requirement that the outline plans also deal with the existing assets and designations held by the Agency.

## 11. LAPSING OF DESIGNATION

Pursuant to Section 184(1) of the Act, designations, by default, lapse in five years unless they are given effect to it before then.

A period of 20 years was requested by the requiring authority and we accept this as appropriate.

Issued this 22<sup>nd</sup> day of October 2010



Cr Michael Higgins  
**Chair of Hearings Committee**



## REQUIREMENT DECISION

**NOTICE OF REQUIREMENT NUMBERS:** RM090604 and RM090608

Pursuant to Section 168A of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby decides to **CONFIRM** the notices of requirement, subject to conditions:

**Tasman District Council**  
(hereinafter referred to as “the requiring authority”)

### ACTIVITY AUTHORISED BY THIS NOTICE OF REQUIREMENT:

For a designation to set aside land for Local Purpose Reserve - Stormwater and Recreation Networks (RM090604) and for a designation to set aside land for Local Purpose Reserve - Interim Stormwater Detention and Open Space for Recreation (RM090608).

### LOCATION DETAILS:

The legal descriptions of the properties affected are shown in Annexure 1 and the locations of the designations are shown on the plans attached to this decision.

### CONDITIONS

Pursuant to Section 168A(4) of the Act, this decision is issued subject to the following conditions:

#### General

1. The requiring authority shall ensure that all works are carried out in general accordance with the information presented in support of the Notices of Requirement RM090604 and RM090608, and the following plans that are attached:
  - “Land Requirement Plan – Borck Creek” pages 1 to 5 dated August 2010;
  - “Land Requirement Plan – Batup Drain” pages 1 to 3 dated August 2010;
  - “Land Requirement Plan – Whites Drain” page 1 dated August 2010; and
  - “Borck Creek – Richmond South, Proposed Land Requirement Plan” Figures 1 to 3 and dated September 2010.

Where the application or plans are inconsistent with these conditions these conditions shall prevail.

2. Where appropriate the Outline Plans submitted to the Council pursuant to Section 176A of the Act shall, in addition to the matters set out in subsection (3) of that section, provide details on how it will deal with or accommodate the following matters:
  - (a) providing links for existing authorised or permitted stormwater discharges that will be interrupted by the works into the new drainage channels;
  - (b) providing opportunities for crossing stock over the designation area where appropriate; and
  - (c) crossing the designations held by the New Zealand Transport Agency including communication with the Agency, sizing of drainage structures, consistency with the Agency's construction standards and public access across the Agency's assets.
3. Where the channel adjoins land that is zoned rural (and has not any deferred zoning status), the requiring authority shall be responsible for fencing so as to prevent stock from entering onto the designated land.
4. All costs of relocating the Humes Pipelines stormwater discharge to the nearest discharge point will be met by the requiring authority. This includes physical construction, and consent costs associated with amending the existing discharge consent NN020027 held by Fletcher Properties Ltd (or another party if the permit was transferred under Section 137 of the Act), provided all parameters of the existing consent (other than the actual point of discharge) remain unchanged. This work, including a granted consent will be completed at least one month before physical works on Channel "I" (Eastern Hills Drain) commences.
5. The requiring authority shall relocate the stock/farm entrance way that currently accesses Lot 2 DP 20535 to the north east so that the owners of Lots 1, 2 and 3 DP 20535 are able to access their property. The requiring authority will undertake the relocation of the entranceway in consultation with the owners of the aforementioned property. However, this condition shall not apply if the approval of the New Zealand Transport Agency (or otherwise the administrator of Main Road Hope) does not provide its approval for the new crossing location.

**Advice Note:**

If agreement cannot be reached with the NZ Transport Agency to relocate the entranceway then it is anticipated that any adverse effects on the owners of the property be addressed through the compensation process.

6. The Requiring Authority shall contact Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.
7. The Requiring Authority shall be responsible for all contracted operations relating to the exercise of this resource consent, and shall ensure that all personnel working on the site are made aware of the conditions of this designation and with the Management Plans required by Condition 30, and shall ensure compliance with consent conditions.

8. A copy of these Conditions shall be available to contractors undertaking the works, and shall be produced without unreasonable delay upon request from a servant or agent of the Council.
9. The Requiring Authority shall appoint a representative(s) prior to the exercise of this designation, who shall be the Council's principal contact person(s) in regard to matters relating to this designation. At least 10 days prior to beginning the works authorised by this consent, the Requiring Authority shall inform the Council's Co-ordinator Compliance Monitoring of the representative's name and how they can be contacted within the works period. Should that person(s) change, the Requiring Authority shall immediately inform the Council's Co-ordinator Compliance Monitoring and shall also give written notice of the new representative's name and how they can be contacted.
10. The Requiring Authority shall carry out operations in accordance with the provisions of an Earthworks Management Plan which is to be submitted and approved by the Council's Co-ordinator Compliance Monitoring prior to the bulk earthworks commencing.

**Advice Note:**

Refer to Condition 30 for Earthworks Management Plan.

11. Any changes to the Earthworks Management Plan shall be made in accordance with the methodology and approved procedures in that plan and shall be confirmed in writing by the Requiring Authority following consultation with Council's Compliance Officer. Changes to the Earthworks Management Plan shall not be implemented until authorised by the Council's Co-ordinator Compliance Monitoring.
12. Should the Requiring Authority cease or abandon work on-site, it shall first take adequate preventative and remedial measures to control sediment discharge, and shall thereafter maintain these measures for so long as necessary to prevent sediment discharge from the site. All such measures shall be of a type, and to a standard, which are to the satisfaction of the Council Environment & Planning Manager.
13. Prior to bulk earthworks commencing, the Requiring Authority shall submit to the Council's Co-ordinator Compliance Monitoring, a certificate signed by an appropriately qualified and experienced engineer to certify that the appropriate erosion and sediment control measures have been constructed in accordance with the Earthworks Management Plan (Condition 30) and these conditions. The certified controls shall include, where relevant, diversion channels, sediment fences, decanting earth bunds and sediment retention ponds. The certification for these measures for each construction phase shall be supplied to the Council's Co-ordinator Compliance Monitoring.
14. The internal site work shall be carried out during the following normal work hours to limit the nuisance of noise and access of vehicles:
  - Monday to Friday (07.00 to 19.00); and
  - Saturdays (08.00 - 17.00); but excluding public holidays

## **Earthworks**

15. The Requiring Authority shall undertake all practicable steps to minimise the effect of any contaminant discharges to the receiving environment.
16. The Requiring Authority shall ensure that any discharge of contaminants onto or into land or water from any activity is avoided, remedied or mitigated to ensure no contaminants are present at a concentration that is, or is likely to have, a more than minor effect on the environment.
17. No petrochemical or synthetic contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into water from equipment being used for the activity and no machinery shall be cleaned, stored, or refuelled within 5 metres of any watercourse.
18. Fuels, oils and hydraulic fluids associated with the operation shall be stored in a secure and contained manner in order to prevent the contamination of adjacent land and/or water bodies.
19. The Requiring Authority shall notify the Council's Co-ordinator Compliance Monitoring as soon as is practicable, and as a minimum requirement within 12 hours, of the Consent Holder becoming aware of a spill of hazardous materials, fuel, oil, hydraulic fluid or other similar contaminants. The Requiring Authority shall, within seven days of the incident occurring, provide a written report to the Council, identifying the causes, steps undertaken to remedy the effects of the incident and any additional measures that will be undertaken to avoid future spills.
20. All practical measures shall be taken to ensure that any dust created by operations at the site and vehicle manoeuvring (in accessing the site and driving within it) shall not, in the opinion of Council's Co-ordinator Compliance Monitoring, become a nuisance to the public or adjacent property owners or occupiers. The measures employed shall include, but are not limited to, the watering of unsealed traffic movement areas, roadways and stockpiles as may be required.
21. All disturbed vegetation, excess soil or debris shall be disposed of off-site or stabilised to minimise the risk of erosion.
22. Topsoil and subsoil shall be stripped and stockpiled separately. On completion of the works topsoil shall spread over the subsoil.

## **Stormwater Control**

23. All disturbed vegetation, soil or debris shall be handled so that it does not result in diversion or damming of any river or stream. All stockpiled material shall be protected from stormwater by appropriate measures, eg, bunding.
24. The Requiring Authority shall take all practical measures to limit the discharge of sediment with stormwater run-off to water or land where it may enter water during and after the earthworks.



**Advice Note:**

In particular, the key earthworks should be carried out during fine weather periods when the likelihood of erosion and sedimentation will be least.

25. The discharge of stormwater shall not cause in the receiving water any of the following:
  - (a) the production of any visible oil or grease films, scums or foams, or conspicuous floatable or suspended material;
  - (b) any emission of objectionable odour;
  - (c) the rendering of freshwater unsuitable for bathing;
  - (d) the rendering of freshwater unsuitable for consumption by farm animals; and
  - (e) any adverse effect on aquatic life.
26. The Requiring Authority shall monitor weather patterns during the construction phase and works shall be discontinued and appropriate protection and mitigation measures put in place prior to forecast heavy rainfalls and where resulting floods reach the site works.
27. The Requiring Authority shall stop construction in heavy rain when the activity shows sedimentation in run-off that may enter water that is more than minor in the opinion of the Council's Compliance Officer.
28. Sediment and erosion controls shall be implemented and maintained in effective operational order at all times.

**Advice Note:**

Appropriate sediment control equipment including erosion protection matting and batter covers should be kept on-site for use in minimising potential sedimentation problems from areas of exposed soil.

29. All erosion and sediment control measures shall be inspected after any major rainfall event and any problems shall be rectified within 24 hours required.

**Earthworks Management Plan**

30. Prior to undertaking any activities authorised by this consent, the Requiring Authority shall prepare an Earthworks Management Plan.
31. The Earthworks Management Plan required by Condition 30 shall set out the practices and procedures to be adopted in order that compliance with the conditions of this consent can be achieved, and in order that the effects of the activity are minimised to the greatest extent practical. This plan shall, as a minimum, address the following matters:
  - (a) description of the works;
  - (b) engineering design details;

- (c) silt and dust control during earthwork stages;
- (d) temporary activities and equipment storage in specified areas;
- (e) construction programme including timetable, sequence of events and duration including any landscaping;
- (f) construction methods and equipment to be used;
- (g) dust sources and potential impact during construction;
- (h) methods used for dust suppression during construction activities;
- (i) location, design, operation and maintenance of stormwater run-off controls and sediment control facilities;
- (j) detailed specifications of the spoil storage and stabilisation;
- (k) staff and contractor training;
- (l) traffic management and property access management;
- (m) contingency plans (eg, mechanical failures, oil/fuel spills, flooding, landslips);
- (n) public access, community information and liaison procedures;
- (o) complaints and reporting procedures;
- (p) cultural and archaeological protocols (including discovery protocols);
- (q) assessment and monitoring procedures;
- (r) methodology and approval procedures for making changes to the Earthworks Management Plan.

**Advice Note:**

The following are the general principles that should be adhered to when writing and implementing the Earthworks Management Plan:

- (a) minimise the disturbance to land;
- (b) stage construction;
- (c) protect steep slopes;
- (d) protect watercourses;
- (e) stabilise exposed areas as soon as possible;
- (f) minimise the run-off velocities;
- (g) revegetate as soon as possible;
- (h) install perimeter controls and protect disturbed areas from run-off sourced above site;

- (i) employ detention devices;
- (j) take the season and weather forecast into account;
- (k) use trained and experienced contractors and staff;
- (l) update the plan as the project evolves;
- (m) assess and monitor.

Keep on-site run-off velocities low by the use of the following: contour drains, retention of natural vegetation, provision of buffer strips of vegetation, low gradients and short slopes, control anticipated erosion and prevent sediment from leaving the site.

The Requiring Authority is directed to the following documents for more detail on earthworks and sediment control: eg, Auckland Regional Council's Technical publication TP90, Erosion & Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

### **Electricity Transmission Lines**

- 32. The requiring authority shall prepare and implement an Electricity Infrastructure Management Plan (EIMP) so that design and construction of the designation works adequately takes account of, and includes measures for, the safety, integrity, protection (or, where necessary, relocation of) existing high voltage electricity infrastructure (the infrastructure).
- 33. The EIMP shall include, but not be limited to, the following matters:
  - (a) Provisions for liaison with Transpower New Zealand Limited (Transpower) where its infrastructure is directly affected by, or located in close proximity to, the designation works.
  - (b) Provisions to enable Transpower to access existing infrastructure for maintenance at all reasonable times, or emergency works at all times, whilst construction activities associated with the designation works are occurring.
  - (c) Provisions to ensure that all construction personnel, including contractors, are aware of the presence and location of the infrastructure which traverse, or are in close proximity to the designation works, and the restrictions in place in relation to those services. This shall include plans identifying the service locations and appropriate physical indicators on the ground showing specific surveyed locations.
- 34. In terms of Condition 33(b) where the requiring authority requires or causes a change in access arrangements, alternative arrangements shall be provided, in consultation with Transpower that ensure safe four wheel drive 24 hour access to the base of any support structure (including during construction period) or other options that will enable Transpower to undertake necessary works.

35. The EIMP shall be prepared in consultation with Transpower and, in addition to the matters listed in Condition 33, shall address the following matters in respect of works or activities in proximity to the electricity infrastructure:
- (a) Measures to accurately identify the location of the existing infrastructure;
  - (b) Measures for the protection, relocation and / or reinstatement of the infrastructure;
  - (c) Measures to provide for the safe operation of plant and equipment and the safety of workers in proximity to live infrastructure;
  - (d) Measures to manage potential induction hazards;
  - (e) Procedures to manage dust and any other material potentially able to cause damage to the infrastructure;
  - (f) Earthworks management, depth and extent of earthworks;
  - (g) Vibration management; and
  - (h) Incident emergency management.
36. In terms of Condition 35(b) either Pole 36 on the Stoke – Upper Takaka B transmission line may need to be relocated clear of the drainage channel or the designated works will need to include adequate erosion and scour protection. No construction works within the designated land parallel and adjacent to Headingly Lane shall commence until either Pole 36 has been relocated (if necessary) or adequate protection has been designed and approved.
37. Subject to Condition 39, without limiting the generality of Conditions 33 and 35 all works or activities authorised by the designation shall be designed and undertaken to comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances 2001 (NZECP 34:2001). For completeness, NZECP 34:2001 includes the following requirements:
- (a) All machinery and mobile plant operated within the designated area shall maintain a minimum clearance distance of 4 metres from all high voltage transmission lines.
  - (b) With reference to Clause 2.2.1 of the NZECP 34:2001, in the case of any pole supporting any conductor, no person shall excavate or otherwise interfere with any land:
    - (i) at a depth greater than 300mm within 2.2 metres of the outer edge of the visible foundations of the pole; or
    - (ii) at a depth greater than 750mm, between 2.2 metres and 5 metres of the outer edge of the visible foundation of the pole; or
    - (iii) in such a way as to create an unstable batter.

- (c) In accordance with Section 4 of the NZECP 34:2001 no material shall be deposited (either permanent or temporarily) under or near any transmission line where the change in ground level would reduce the clearance between the ground and the overhead conductors to less than 6.5 metres.

**Note:**

All the above requirements shall apply unless prior written approval is given by Transpower.

38. The EIMP may be prepared as a standalone management plan or may form part of a Construction Management Plan, as determined by the requiring authority.
39. If compliance with the NZECP34:2001 cannot be achieved, the requiring authority shall consult and liaise with Transpower to identify acceptable alternative options, including if necessary relocation of, or alteration to, the existing transmission structures to achieve compliance.
40. If any relocation of, or alteration to, Transpower's infrastructure is required to comply with the terms of the designation, the provisions of the designation shall not override or otherwise affect the provisions of the Electricity Act 1992, the Government Roothing Powers Act 1989 or any other statute or regulation that applies to such relocation or alteration. The terms of this designation shall not constitute an agreement or other arrangement that affects the rights or obligations of Transpower under any statute or regulation relating to relocation or alteration of Transpower's infrastructure.

**Advice Note:**

Conditions 32 to 40, proposed by Transpower, were accepted by the requiring authority with minor amendments.

**Lapse and Review**

28. Council may review these conditions to:
- (a) deal with any adverse effect on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
  - (b) to require compliance with operative rules in the Tasman Resource Management Plan or its successor; or
  - (c) when relevant national environmental standards have been made under Section 43 of the Resource Management Act 1991.
29. The designations that are the subject of these notices shall lapse 20 years from the date that the designations commence

**Advice Note:**

The designations are considered to have commenced once they are beyond legal challenge.

## ADVICE NOTES

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. The Requiring Authority should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.
3. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
4. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
5. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
  - (a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
  - (b) be allowed by the Resource Management Act; or
  - (c) be authorised by a separate resource consent.
6. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust should be notified within 24 hours. Works may recommence with the written approval of the Council's Environment & Planning Manager, and the New Zealand Historic Places Trust.
7. Plans attached to this Designation are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond Office of the Council. Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.

Issued this 22<sup>nd</sup> day of October 2010



Cr Michael Higgins  
**Chair of Hearings Committee**

## ANNEXURE 1 – LOCATIONS AND LEGAL DESCRIPTIONS

### RM090604

#### **Location:**

Land adjoining Borck Creek from the Waimea Estuary through the Richmond West Development Area across Lower Queen Street, State Highway 60 and State Highway 6 through existing and proposed drainage channels in the Richmond South Development Area and terminating at Paton Road and Hill Street.

#### **Legal Descriptions:**

Lot 1 DP 720

Lot 2 DP 380142

Lot 1 DP 380142

Pt Lot 1 DP 94

District Road

Pt Sec 101 District of Waimea East

Lot 6 DP 20409 & Lot 2 DP 19947

Lot 3 DP 19947

Lot 4 DP 19947

Lot 5 DP 19947

Lot 2 DP 15764

Lot 3 DP 15764 & Lot 1 DP 17994

Pt Lot 1 DP 18702

Crown Land Blk VI (under Action) Waimea SD

Pt Sec 108 District of Waimea East

State Highway

Lot 1 DP 18010

Pt Lot 3 DP 18010

Lot 2 DP 18010

Crown Land Blk VI (under Action) Waimea SD

Lot 9 DP 20535 & Lot 1 DP 15605

Lot 4 - 5 & 7 DP 20535

Lot 1 DP 9920

Crown Land Blk VI (under Action) Waimea SD

Lots 1 & 2 DP 20535

Lot 3 DP 20535

Crown Land Blk VI (under Action) Waimea SD

Lot 1 DP 15676

State Highway

Lot 1 DP 6754

Lot 1 DP 361254

Lot 2 DP 17738

Lot 1 DP 6789

Lot 1 DP 17738

District Road

Lot 1 DP 18100

Lot 2 DP 20544

Lot 2 DP 20243

Pt Sec 34 District of Waimea East

Lot 1 DP 8205 & Pt Sec 34 District of Waimea East

Pt Sec 35 District of Waimea East

Pt Lot 19 Dist of Waimea

Lot 3 DP 5961

Lots 1 & 2 DP 8349 & Lot 2 DP 396397

Lot 2 DP 15403

Lot 1 DP 396397

Lot 1 DP 7938

**RM090604**

**Location:** 7 Paton Road

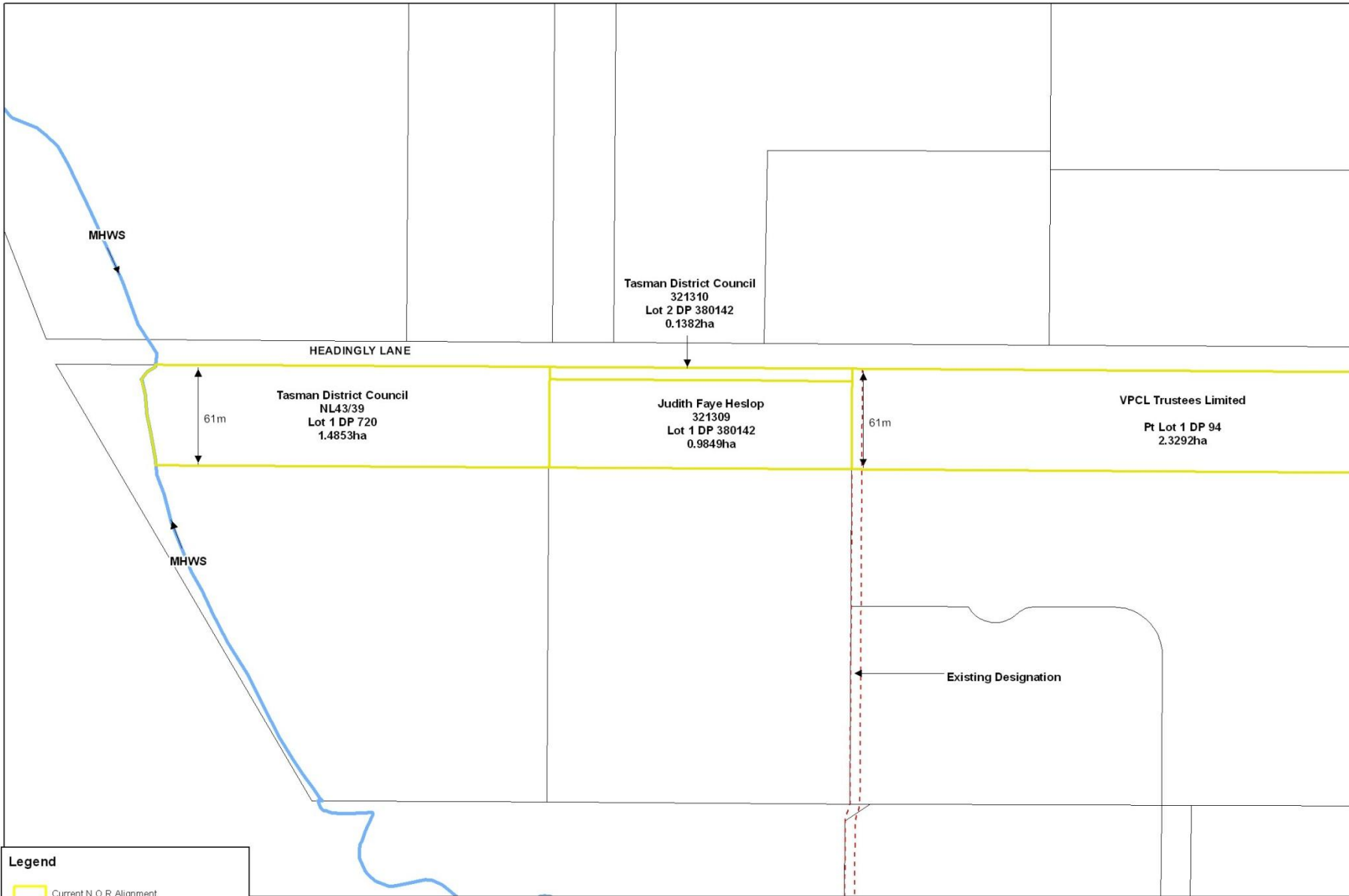


**Legal Description:**

52 Paton Road

Lot 1 DP 18100

Lot 2 DP 17738



**Legend**

 Current N.O.R. Alignment

Cadastre sourced from Land Information NZ data.  
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Current N.O.R. Alignment and are approximate only.

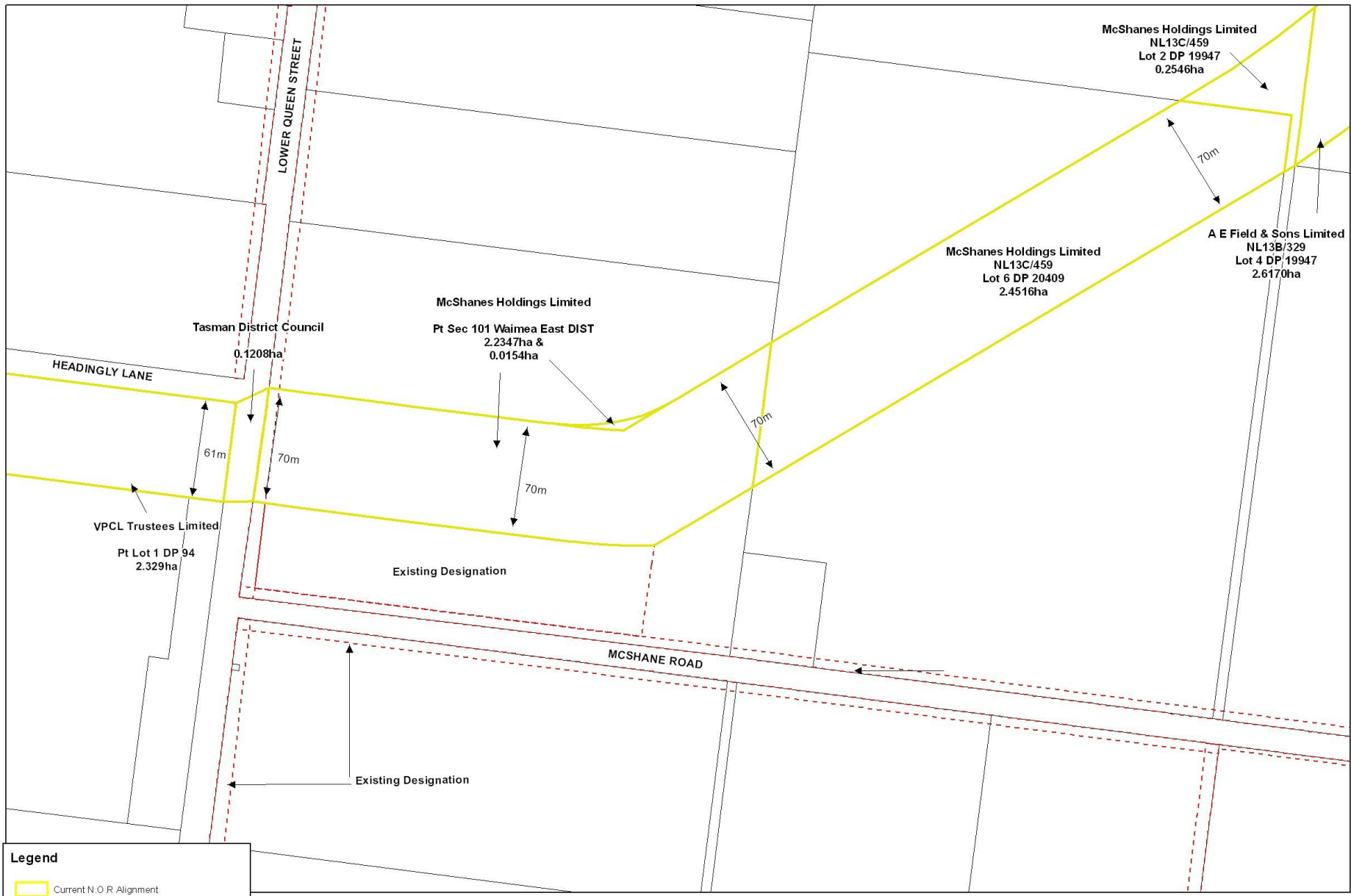
**Land Requirement Plan - Borck Creek  
August 2010**

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Page 1



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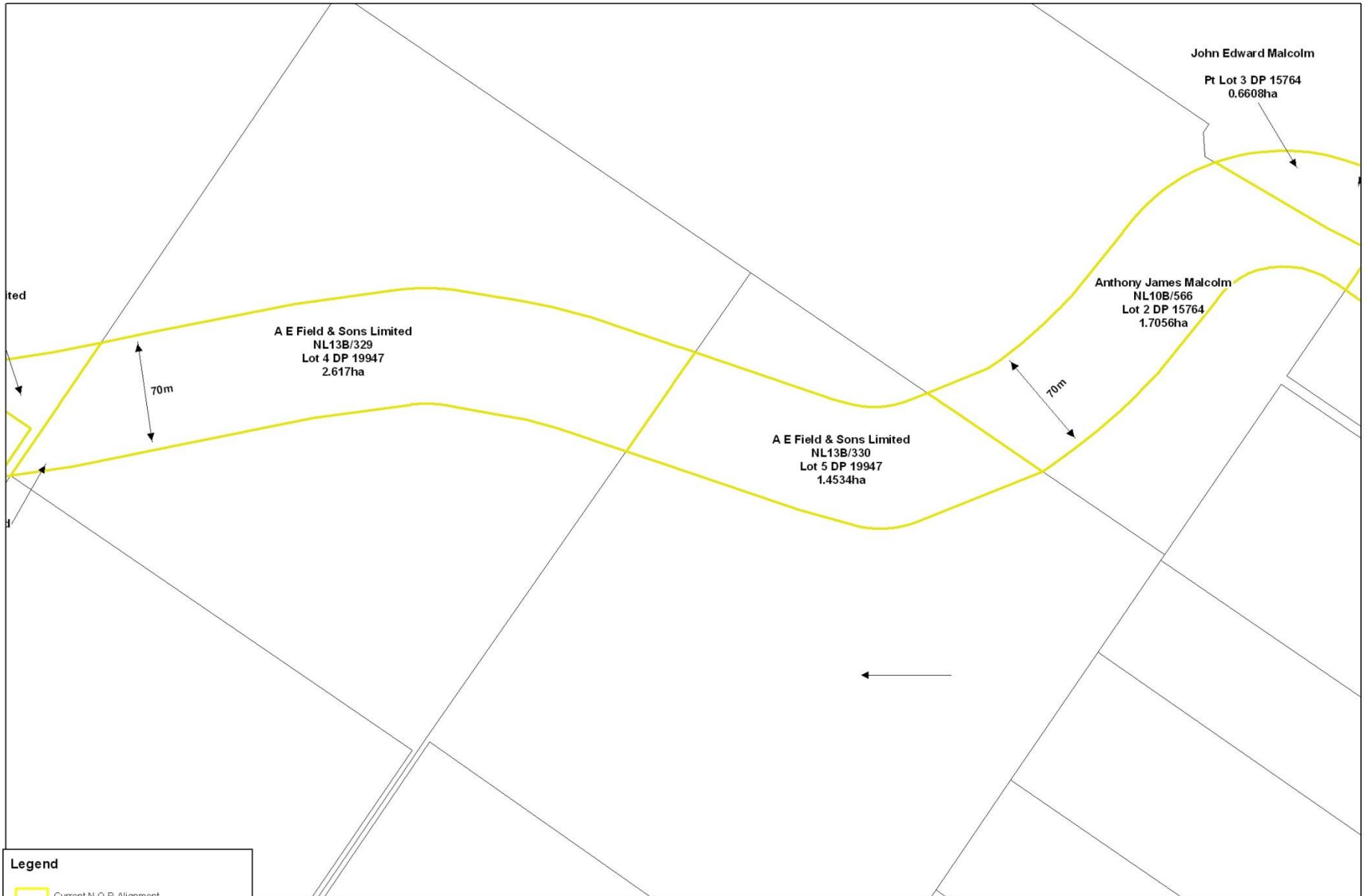
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**Land Requirement Plan - Borck Creek**  
**August 2010**



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 Page 2



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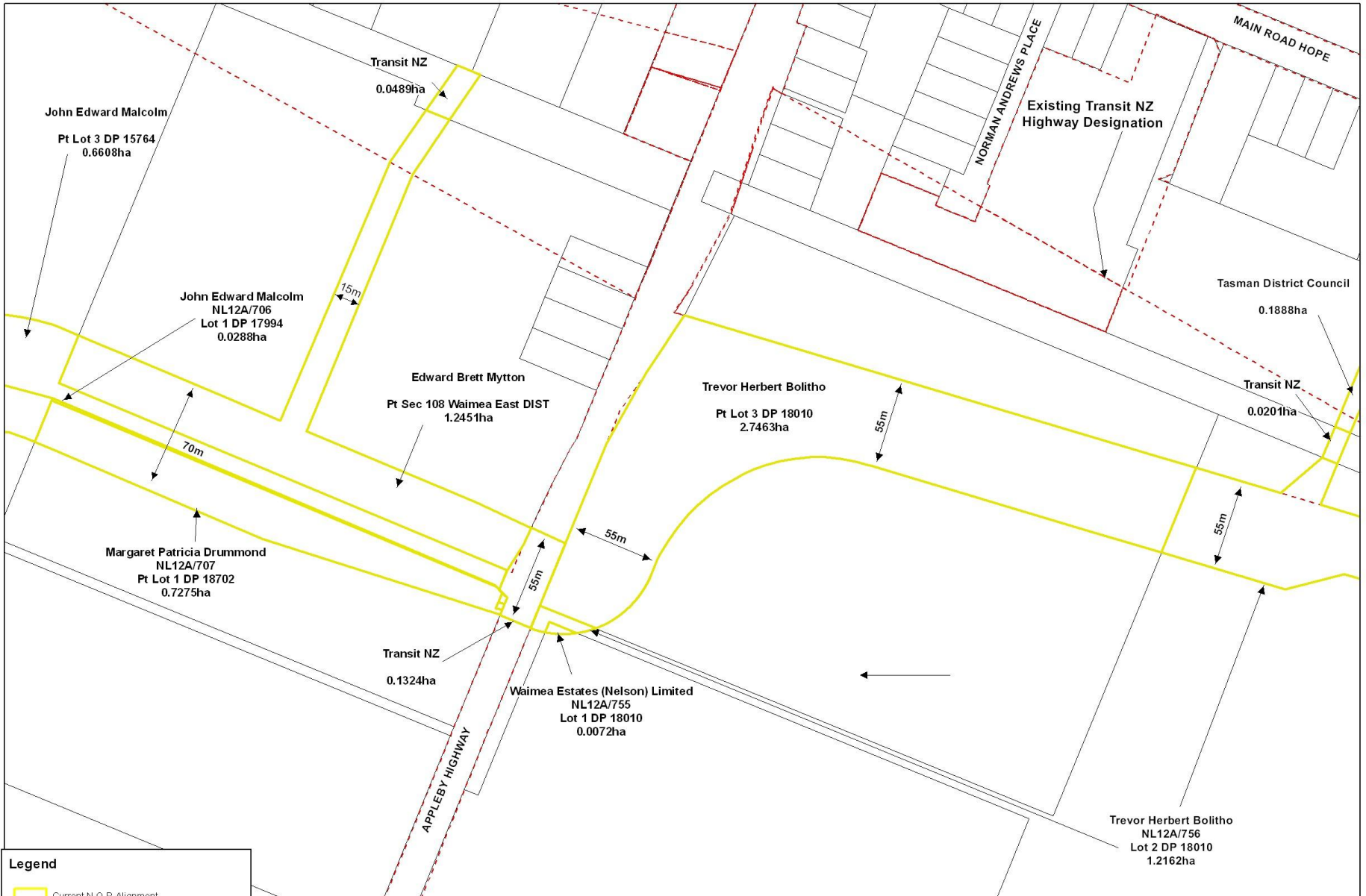
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**Land Requirement Plan - Borck Creek**  
**August 2010**



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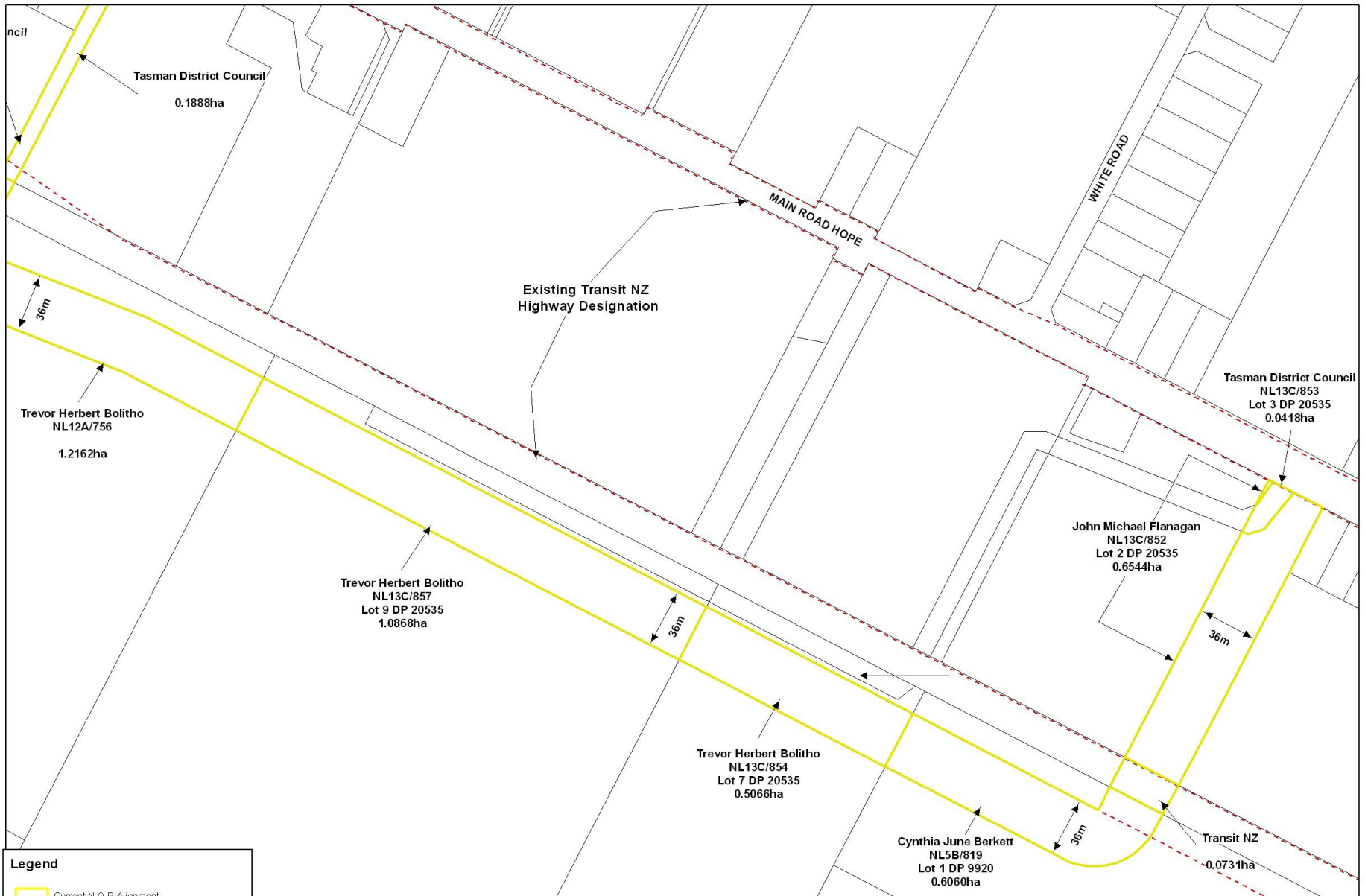
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**Land Requirement Plan - Borck Creek**  
**August 2010**



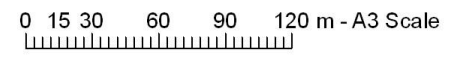


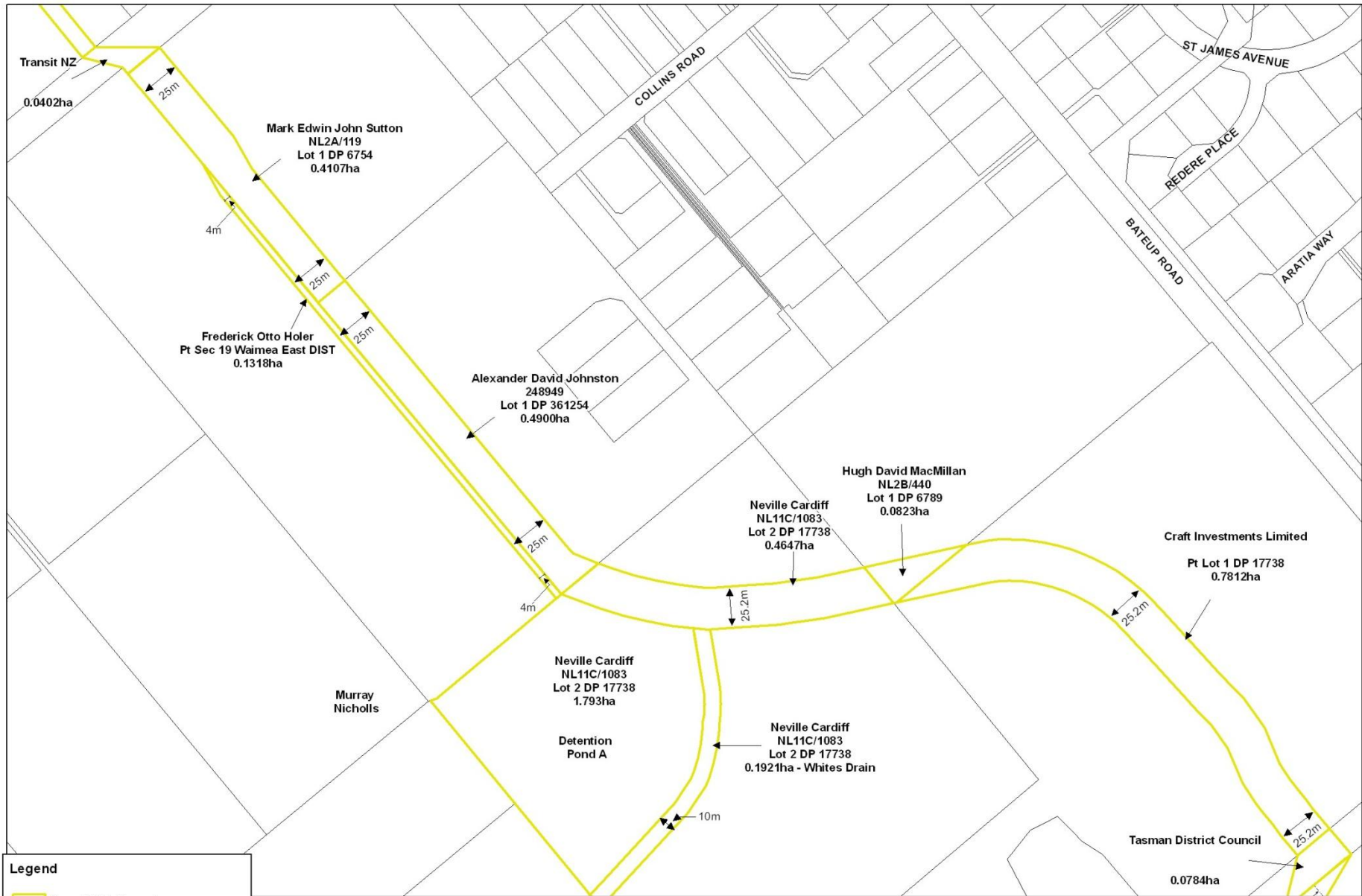
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**Land Requirement Plan - Borck Creek**  
**August 2010**





**Legend**

Current N.O.R. Alignment

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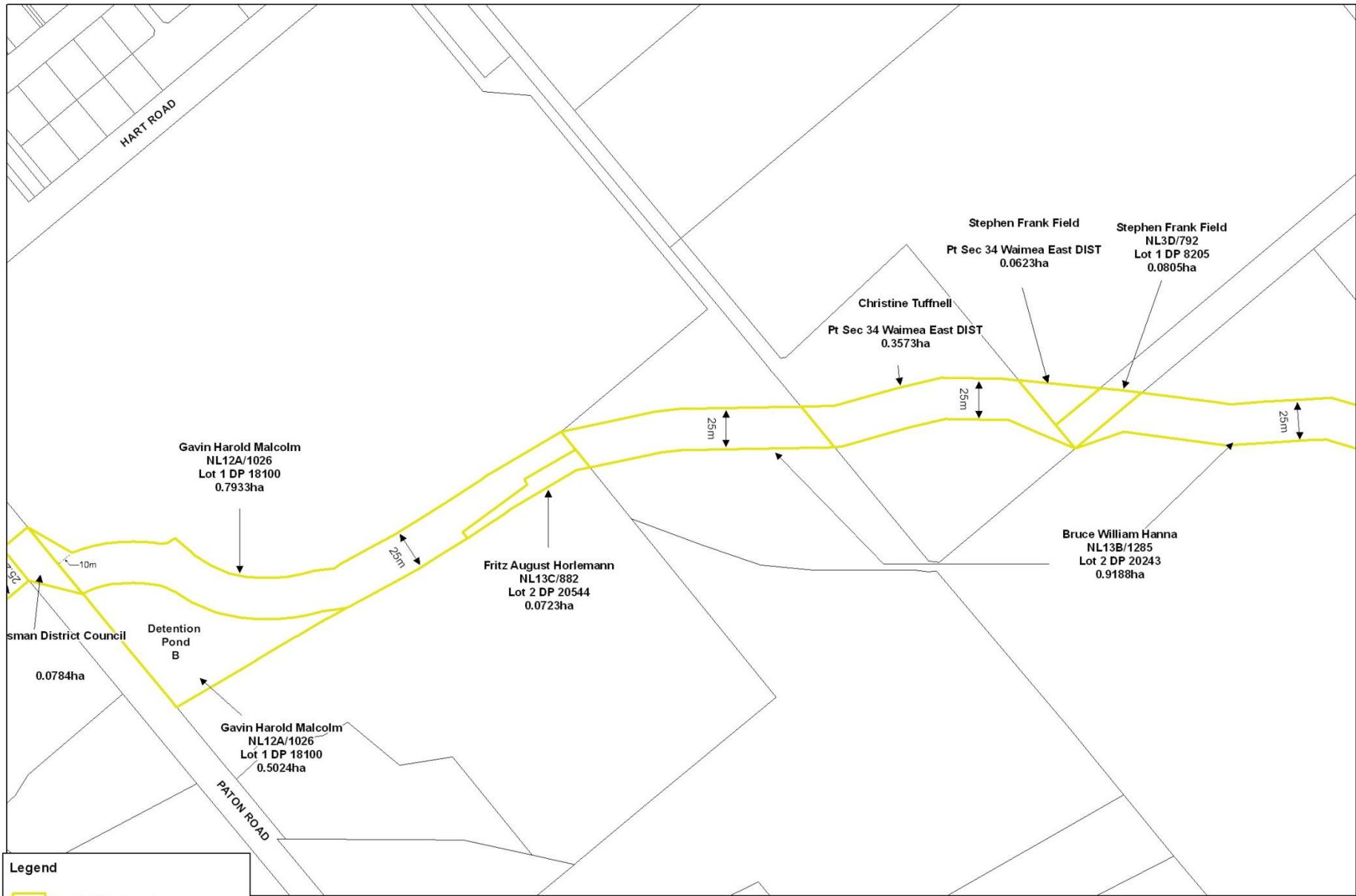
**Land Requirement Plan - Bateup Drain**  
**August 2010**

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Page 1

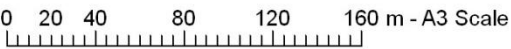


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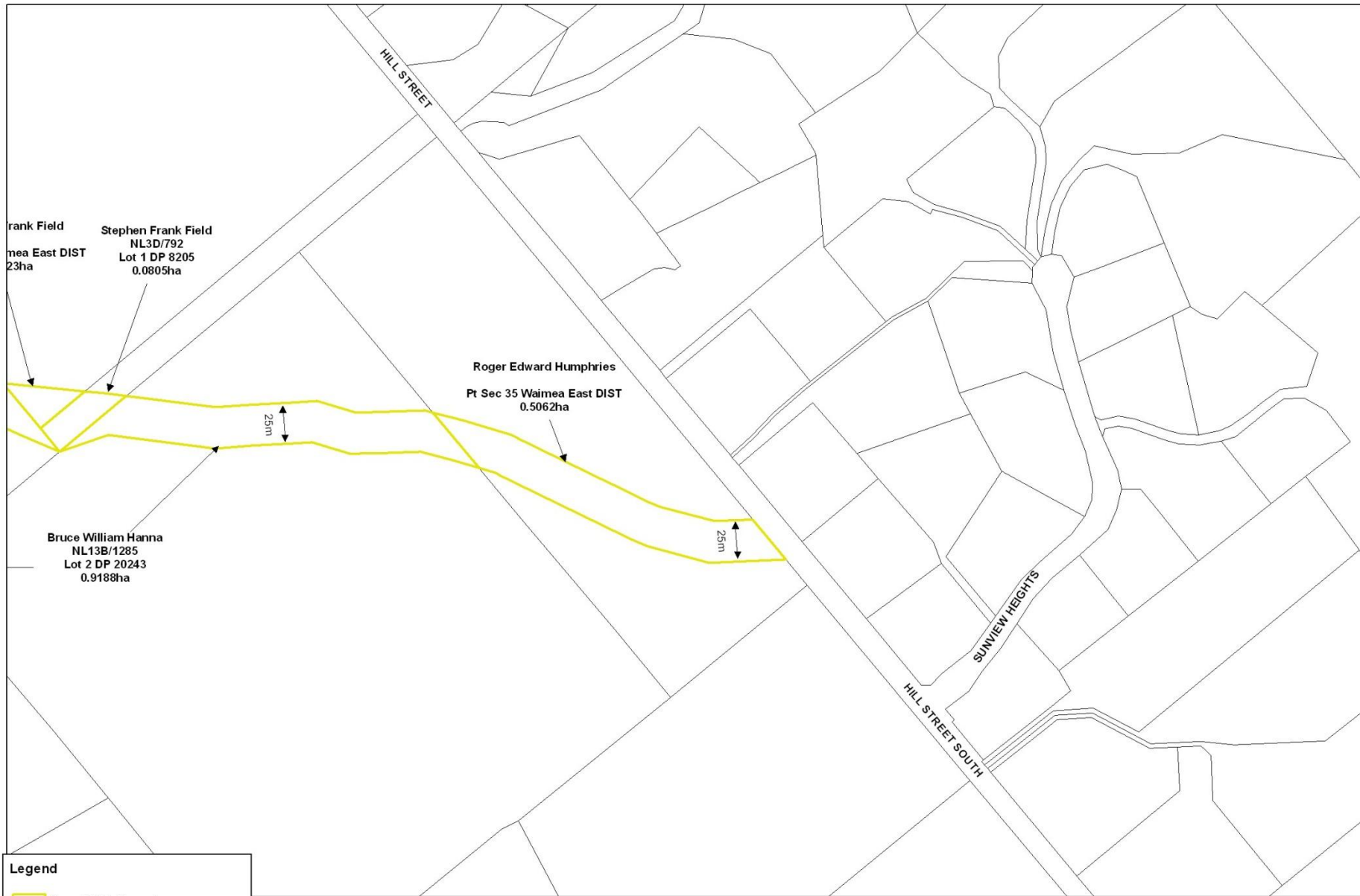
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**Land Requirement Plan - Bateup Drain**  
**August 2010**



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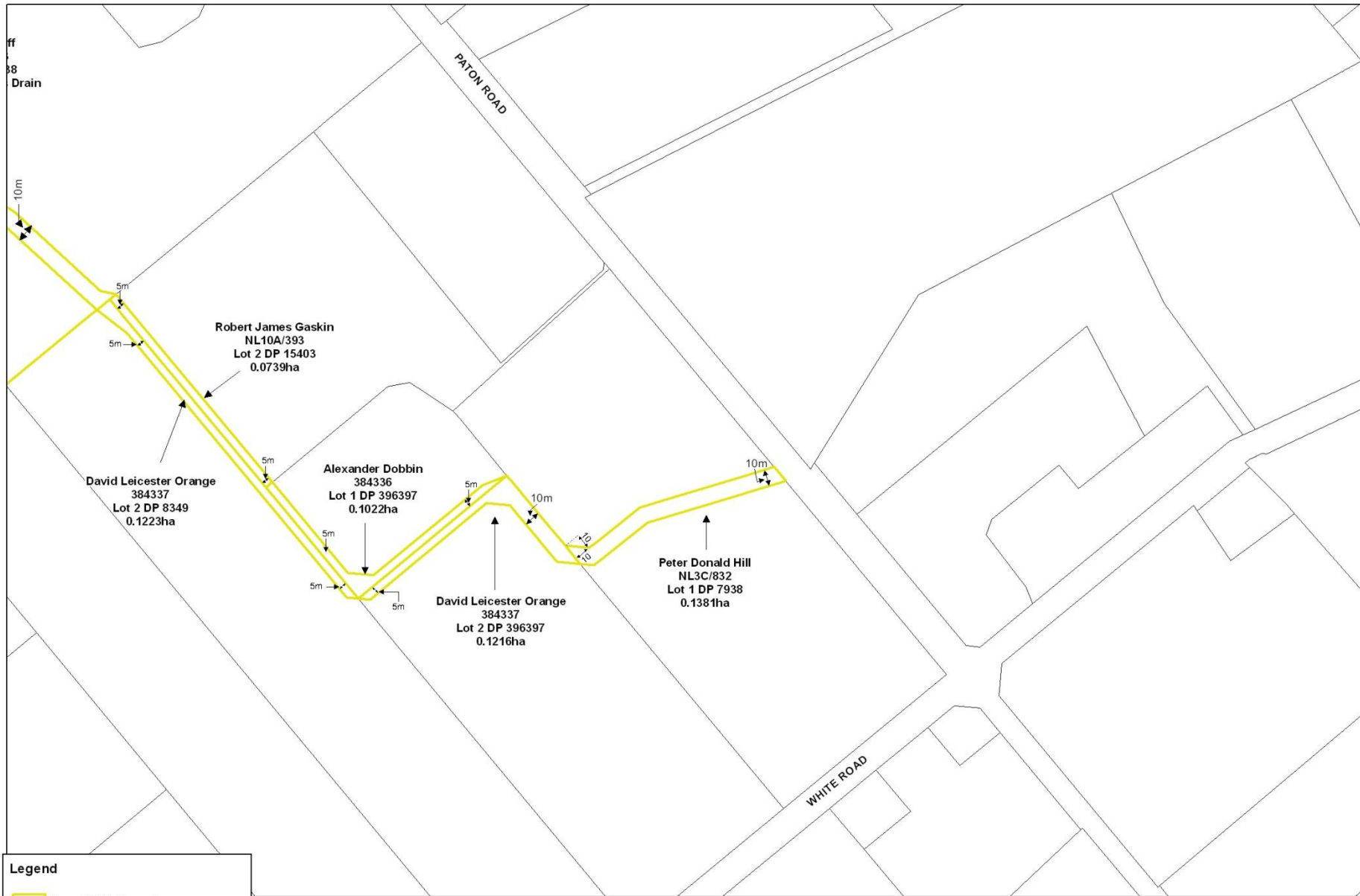
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**Land Requirement Plan - Bateup Drain**  
**August 2010**



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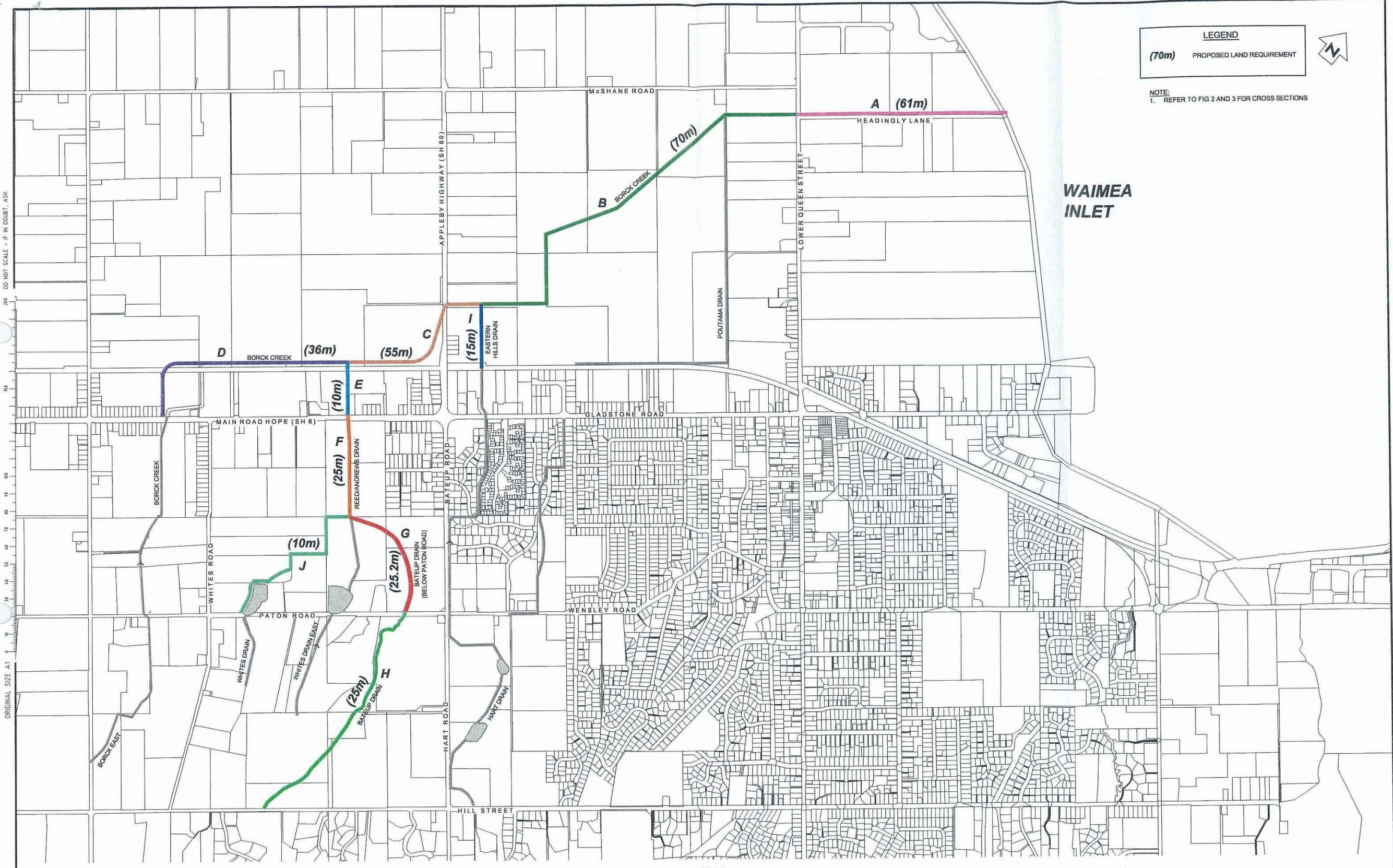
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**Land Requirement Plan - Whites Drain**  
**August 2010**



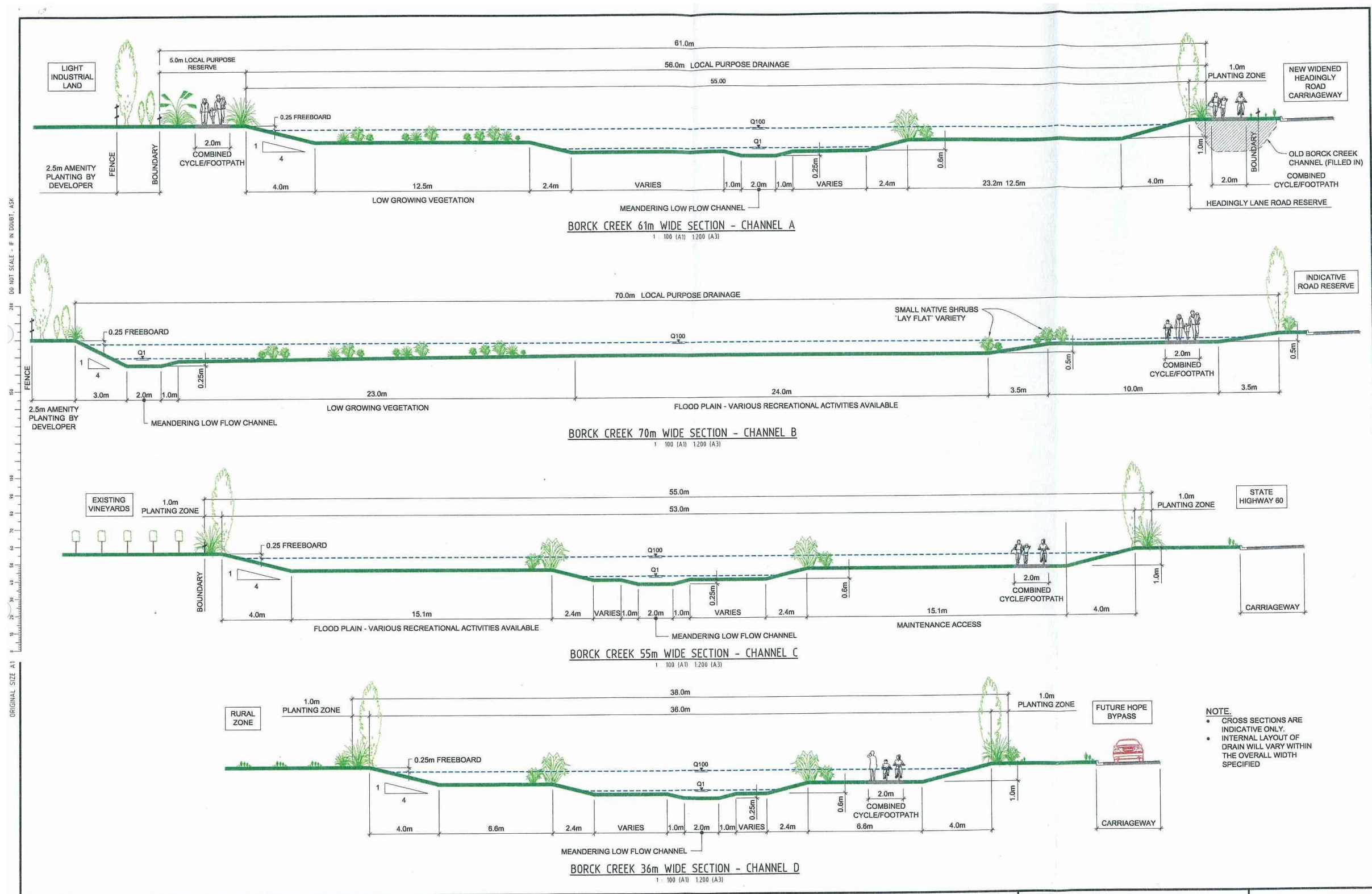
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**BORCK CREEK - RICHMOND SOUTH**  
**PROPOSED LAND REQUIREMENT PLAN**

JOB No.: Z2090006  
 DATE: SEPTEMBER 2010

FIG. 1



**BORCK CREEK - RICHMOND SOUTH**  
**PROPOSED LAND REQUIREMENT PLAN**

JOB No.: Z2090006  
 DATE: SEPTEMBER 2010

FIG. 2

Date Confirmed:

Chair:

