STAFF REPORT

TO: Environment & Planning Subcommittee

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REFERENCE: RM041079, RM0560370, RM050718, RM050719, RM050720, RM050721

SUBJECT **RICHMOND WEST GROUP (RWG) – REPORT EP07/05/14** – Report prepared for 23 - 29 May 2007 hearing

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1. INTRODUCTION

1.1 Locality

The property is relatively flat, with Borck creek running roughly through the middle of the site in a northerly direction and flowing under the Queen Street Bridge crossing opposite Headingly Lane.

The site has number of varied land uses ranging from small rural blocks along the Queen Street frontage being mainly used for pastoral farming and the main farming blocks being used for berry fruit framing on northern section of the block, market gardening, nursery production and dairy or pastoral farming.

Most of the existing dwellings on the site are close to the road frontages with very few buildings in the central part of the block.

All the land is zoned Rural 1 under the Proposed Tasman Resource Management Plan

1.2 Summary of consents

An application seeking six resource consents has been received for the subdivision and development of a 103 hectare site that adjoins both McShane Road and Queen Street.

The consents applied for are as follows:

RM041079
Subdivision consent to create:

i) 893 residential allotments of varying size with minimum lot size of 370m2 with an average size of 600 square metres

ii) Seven allotments to be used for commercial activities.

iii) A 2.49 hectare site (Lot 902) to be used as possible school site or community reserve.

iv) A recreation ground of 5.17 hectares opposite Jubilee Park, to vest as reserve.

v) Four neighbourhood reserves of between 2400 square metres and 2660 square metres to vest as reserve.

vi) An esplanade reserve of at least 44 metres width along the length of Borck creek as it runs through the site.

vii) A drainage reserve along the Poutama Street from the railway reserve on the eastern boundary of the site to where it joins Borck creek.

viii) Roads to vest.

A consent period of 15 years is sought.

RM050370

A land use consent to erect a single dwelling on each of the residential allotments and to allow dwellings to developed and used in accordance with the equivalent residential zone rules in Chapter 17.1 of the proposed Tasman Resource Management Plan, except for rule 17.1.4 (v) which requires a 25 metre setback for dwellings from a Rural zone boundary. Instead a 10 metre setback for dwelling from the adjoining Rural 1 land that adjoins the southern and south-western boundaries is sought.

The original application had a land use application to use seven lots (Lots 167-173) for commercial purposes. However this was withdrawn because of the difficulty in assessing a “generic” application for commercial activities because there is such a wide range of commercial activities each with different requirements for carparking and access. As a consequence the application was withdrawn. This means that no land use consent has been obtained for Lots 167-173 and any future land owner would have to make their own landuse consent application depending on what use they wanting to use their property for.

A consent period of 15 years is sought.

RM050718
A land use consent to carry out earthworks in order to construct the subdivision under RM050718.

A consent period of 15 years is sought.

RM050719
A stormwater discharge consent to discharge untreated stormwater from the proposed subdivision into Borck Creek and into the deviated Poutama street Drain

A consent period of 15 years is sought.

RM050720
A land use consent to modify Borck Creek and the proposed Poutama Street drain extension to cater for stormwater discharges from the land, any upgrading required necessary to cater for likely flows originating upstream and to create an esplanade feature of these drains including provision for pedestrian and cycle access within the Borck creek Reserve.

A consent period of 15 years is sought

RM050721
A land use consent under Section 13 of the Resource Management Act to construct bridges and culverts for traffic and pedestrian crossings across Borck Creek, across the diverted Poutama drain and the open drain along McShane Road.

One road crossing of Borck Creek, three traffic crossings of the deviated Poutama Drain and two traffic crossings of the McShane Road Drain are required.

A consent period of 15 years is sought

1.3 Existing Certificates of Title

The site consists of number of certificates of titles being:

(a)	CT NL 8C/312 – Lower Queen Street Ltd	Area: 4.98ha
(b)	CT NL 5B/766 – L and N Punt	Area: 7.69ha
(c)	CTs 56/119, 13C/459, 13C/459- McShane Holdings	Area: 43.07ha
(d)	CTs 13B/328, 13B/329, 13B/330 and 13B/331- AE Field and Sons	Area: 41.9ha.
(e)	CT 8B/156 – AS Salvador	Area: 2.43ha
(f)	CT 3A/233 Ltd – J and M Mcdonald.	Area: 2.43ha
(g)	CT 1A/1024 – Woodall Family Trust	Area: 0.40ha.

Total Area: 103 hectares.

1.4 Affected Parties Consent

Written consent from the following affected parties was provided with the application:

• P E and S A Field	397 Queen Street
• L Woodall	415 Queen Street
• J A and M MacDonald	421 Queen Street
• K H and J E Aitkin	431 Queen Street
• D Smith and K Polglaze (for the Grace Church Trust)	452 Queen Street
• A and C Frazer	50 Headingly Lane
• H C Fitzpatrick	70 Headingly Lane
• Queen Street Caravans	442 Queen street
• K and S Woodman	440 Queen Street
• J Wall	428 Queen Street
• M E Johnston and T E Levy	410 Queen Street
• A J and KF Gibbs	404 Queen Street

1.5 Submissions and Submitter Numbers

Ninety submissions were received to the application.

The submissions are numbered and summarised in Attachments 1 and 2

Twenty three of the submissions(65-87) were received LATE by one working day. Two submissions (88 and 90) were received LATE by for four working days and one(89) was LATE by 16 working days.

2. STATUS OF THE APPLICATION

There is one outstanding reference to the Rural 1 Zone subdivision provisions and as a result the subdivision proposal, which underwrites the land use applications, has a non-complying activity status.

The subdivision is a non-complying activity under Ordinance 3.1.2 of the Transitional District Plan (Richmond Section) because it does not comply with the minimum lot size of 10 hectares for a rural subdivision.

In considering a non-complying application under Section 104 of the Resource Management Act 1991 Council must have regard to the following matters:

a) Part II of the Act;

b) the relevant provisions of:

   i) any national policy statement;
   ii) the New Zealand Coastal Policy Statement;
   iii) any regional policy statement;
   iv) a plan or proposed plan;

c) any other matters Council considers relevant and reasonably necessary to determine the application;

d) any actual or potential effects on the environment of allowing the activity.

Once Council has had regard to these Section 104 matters Council may grant consent to a non-complying development proposal if it is satisfied that either of the two tests in Section 104D(i)(a) and (b) have been met. The two tests are:

"(1) Despite any decision made for the purpose of Section 93 in relation to minor effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either:

(a) the adverse effects of the activity on the environment (other than any effect to which Section 104(3)(b) applies) will be minor; or

(b) the application is for a activity that will not be contrary to the objectives and policies of:

(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or

(ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or

(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity."

The format of this report is to assess the four main matters that Council must have regard to pursuant to Section 104 and to then make a recommendation in respect of either or both of the Section 104D(1)(a) and (b) tests.

3. RESOURCE MANAGEMENT ACT 1991

3.1 Part II Matters

In considering an application for resource consent, Council must ensure that if granted, the proposal is consistent with the purpose and principles set out in Part II of the Act.

If consent is granted, the proposed subdivision must be deemed to represent the sustainable use and development of the land resource.

These principles underpin all relevant Plans and Policy Statements, which provide more specific guidance for assessing this application.

It is considered that there is only one Section 6 matters of national importance relevant to this application:

(*d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*

It is acknowledged that the proposed esplanade reserves along Borck creek will enhance public access along this waterway.

In the terms of section 7, the following are considered relevant:

(b) the efficient use and development of natural and physical resources:

The productive soil resource of the Waimea Plains is an important physical resource, that needs to be managed sustainably to provide for the needs of future generations.

Clearly this proposed development will effectively remove the ability for any of this site to be used productively for the present or future generations. The rural 1 zoning of the property anticipates that the primary use of this land will be for productive purposes and this will not be achieved by this proposal.

(c) the maintenance and enhancement of amenity values:

While the site does adjoin some residential properties on Queen street, it still clearly has very much a rural amenity, that is dominated by productive rural uses and openness and rural amenity that is associated with the Waimea Plains locality.. This rural amenity will effectively disappear as a result of the subdivision with the site becoming dominated by residential built development . I consider that the rural amenity of this site and the surrounding area will be significantly adversely affected by this proposal.

(f) maintenance and enhancement of the quality of the environment:

The quality of the environment of this site is centred around productive rural uses and lack of buildings except those associated with productive use and small number of buildings related to tourist activities. The immediate environment is rural in nature in spite of its close location to Richmond.

This proposal will not be able to maintain or enhance the rural environment of the site.

(g) any finite characteristics of natural and physical resources:

In regard to this site the Class A soils of this site are clearly a finite natural resource, making only 1.7% of the productive land resource according to Andrew Burton's report in Attachment XX.

(h) the effects of climate change:

The matter is covered by Eric Verstappen in his report in XXX

Overall, it is considered that the proposed subdivision and landuse is contrary to the matters in Part II of the Act in that it will:

a) Have significant adverse effect on the rural amenity of the site and surrounding area;

b) Have a significant adverse effect on the District's Class A soil resource, which is an important finite natural resource in that all the soils on the site will be effectively removed from productive use.

c) Have an adverse effect on the quality of the rural environment of the site and the surrounding area.

3.2 National Policy Statement and New Zealand coastal policy statement.

There are no national policy statements that are relevant to this application.

3.3 Tasman Regional Policy Statement

The Regional Policy Statement seeks to achieve the sustainable management of land and coastal environment resources. Objectives and policies of the Policy Statement clearly articulate the importance of protecting land resources from inappropriate landuse and development. It has been operative since 1 July 2001.

It is accepted that the Objectives and Policies of the Regional Policy Statement have been carried through into the Proposed Tasman Resource Management Plan, however there are some objectives and policies that are particularly relevant as follows:

Objective 6.1
Avoidance of the loss of the potential for land of productive value to meet the needs of future generations, particularly land with high productive values.

Policy 6.1
Council will protect the inherent productive values of land from effects of activities which threaten those values, have particular regard to:

(i) the effects of land fragmentation on productive values; and

(ii) the protection of land with high inherent productive values; and

(iii) the protection of significant natural and heritage values: and

(iv) the availability of water to support productive values.

Policy 6.2
The Council will ensure that subdivision and uses of land in the rural areas of the District avoid, remedy or mitigate adverse effects on:

(i) productivity and versatility of land, particularly in areas of high productive value; and

(ii) provision of services, including roading, access, water availability, wastewater treatment or disposal; and

(iii) amenity, natural and heritage values of sites, places or areas including landscape features such as Karst terrain; and

(iv) accessibility of mineral resources; and

(v) socioeconomic viability of adjacent areas;

and that are not unnecessarily exposed to adverse effects from:

(a) adjacent land uses across property boundaries; and

(b) natural hazards.

It is considered that the proposed subdivision is contrary to the objective and policies the Regional Policy Statement for the following reasons:

a) The proposal will not avoid the loss of productive potential of the site to meet the needs of future generations as required by Objective 6.1

b) The inherent productive values of the application will not be protected by this application as required by Policy 6.1.

c) The proposed subdivision will create urban expansion of residential development into a highly productive area without any mitigating measures to mitigate the loss of productive value.

3.4 Transitional District Plan (Richmond)

The following is the policy for Rural Land under Section 4.4 of the Richmond Section of the Transitional District Plan:

The rural land of the Borough is well suited for agriculture, particularly horticultural production due to unique combination of soil quality and climate. The main constraint on increased productivity is shortage of water.

Rural land in the Borough is already fragmented by subdivision and many holdings are too small to be considered economic farm units.

It is Council policy to retain land zoned Rural for primary production.

Further fragmentation of land by subdivision may be a hindrance to its management for purposes of primary production. Accordingly, further subdivision to create lots smaller than 10 hectares will not be permitted unless special circumstances prevail. This is also to ensure that new holdings are of sufficient size to ensure that a diverse range of crops can be grown so that changing market conditions can be responded to.

The erection of dwellings in the Rural zone is also subject to special control.

The proposal is considered to be contrary to the policies of the Transitional District Plan (Richmond Section). However due to the fact that the Transitional Plan was developed under the previous Town and Country Planning Act and the advanced state of the Proposed Plan, I consider that little weight can be accorded to the Transitional District Plan.

3.5 Tasman Resource Management Plan

The sections of Proposed Tasman Resource Management Plan that are considered relevant to this proposal are:

Chapter 5: Site Amenity Effects

Chapter 6: Urban Amenity Effects

Chapter 7: Rural Environment Effects

Chapter 9: Landscape

Chapter 11: Transport Effects

Chapter 13: Natural Hazards

3.5.1 Chapter 5 Site Amenity Effects

The relevant objectives and policies are:

Objective 5.1.0
Avoidance, remedying or mitigation of adverse effects from the use of land, use and enjoyment of other land and on the qualities of natural and physical resources.

Policy 5.1.1

To ensure that any adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values, and contamination and natural hazard risks are avoided, remedied, or mitigated.

Policy 5.1.4

To avoid, remedy, or mitigate effects of:

(a) noise and vibration;

(b) dust and other particulate emissions;

(c) contaminate discharges;

(d) odour and fumes;

(e) glare;

(f) electrical interference;

(g) vehicles;

(h) buildings and structures;

(i) temporary activities

Policy 5.1.9A

To avoid, remedy, or mitigate adverse effects of urban use and development on rural activities at the interface between urban and rural areas.

The Plan anticipates that the rural sites such as this one will still be available to be used for rural activities, including productive activities, even those areas that adjoin the urban areas.

From my understanding of this site the entire site is used for productive rural activities ranging from pastoral farming on the smaller titles to berry farming, market gardening, orcharding and dairy farming on the larger titles. All these activities will eliminated from this site completely, if this application is approved.

Objective 5.2.0
Maintenance and enhancement of amenity values on-site and within communities, throughout the District.

The Rural 1 zone anticipates a high level of rural amenity being retained within sites with a 12 hectare minimum lot size. Clearly the on-site amenity associated with a Rural 1 zone will not be able to be maintained or enhanced with this application.

Policy 5.2.1

To maintain privacy in residential properties, and for rural dwelling sites.

With the rural zoning of this site dwelling sites will not be able to achieve the privacy envisaged by the rural zoning of the overall site.

Policy 5.2.8

To avoid, remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural living areas.

The proposed subdivision and development will create significant adverse traffic effect on the McShane Road area which adversely the rural amenity of the area. These matters are covered in assessment of traffic effects

3.5.2 Chapter 6 Urban Environment Effects

Chapter 6.1 sets out the significant issue for urban development in Tasman District:

"How to provide for urban growth that keeps the loss of land of high productive value to a minimum and that avoids or mitigates the risks of extending onto land subject to natural hazards."

It goes on to state the following objective under 6.1.0

" Urban growth that avoids or mitigates the loss of land of high productive value and the risks of extending onto land subject to natural hazards."

The following policies are relevant to this application:

6.1.1 To allow infill development of existing allotments in the serviced townships that have urban zoning as means of minimising encroachment on the most versatile soils.

6.1.3 To minimise the loss of land of high productive value in allowing for further urban development, while having regard to:

(a) the efficient use of resource, including land, infrastructure and energy;

(b) The quality of the urban environment , including :

(i) access to services:

(ii) water and air quality;

(iii) amenity values

6.1.4 To avoid extending urban development onto natural flood plains with a moderate to high risk of river or costal erosion or inundation or land instability.

6.1.5 To require new areas of residential development to be adequately buffered from the effects of rural activities on the urban- rural interface.

It is consider that this proposal is contrary to the above policies and objectives in that it will not be able to avoid the loss of land of high productive value.

As the entire site is considered to have highly versatile class A soils, there is no possibility of minimising the loss of land of high productive value, as required by policy 6.1.3.

6.1.30 in the "Principal reasons and Explanation" it states the following:

"The townships on the Waimea, Motueka and Riwaka Plains are located on land with the highest productive value in the District, which coincides with a favourable climate for horticultural, viticultural and agricultural production. Such production contributes significantly to the regional economy. Versatile land is a scarce resource in the District (estimated at only 5.4% of the land area of the District) that should be kept available to meet the needs of future generations.
Any urban expansion onto these lands should be minimised as much as practicable."

This sets out the intention of the Plan to retain (or keep available) the most versatile land (which is generally the Class A and B soils) in the District to meet the needs of future generations. Because of this it states:

"urban expansion into these lands should be minimised as much as practicable".

This cannot be achieved by this application, whereby the land is all Class A soils , the most versatile soils in the district, and the entire site will be taken up with residential development.

Chapter 6,7 sets out the settlement specific issues for Richmond that are designed to address Objectives 6.1 to 6.6. These are set out below:

6.7 Issues - Richmond

The key issues for the future development of Richmond are:

(a) The management of peripheral growth in a manner that enables Council to progressively upgrade services on the south-eastern and north-eastern margins of Richmond.

(b) Additional industrial land located to minimise adverse effects on neighbours and the productive potential of land.

(c) Enhancement of the setting of Richmond, especially the coastal margin and the hill backdrop.

(d) Upgrading of the amenity of the central business area and main highway routes into the township.

Policies

[Policy 6.7.1 deleted]

6.7.2 *To investigate further industrial land in the vicinity of Richmond.*

6.7.3 *To provide serviced rural-residential land on the less versatile land on the north-east fringe of Richmond and to establish higher performance standards for the use of on-site disposal of domestic wastewater systems in the Richmond Foothills SDWDA.*

6.7.4 *To extend business zoning on Gladstone Road south-west of the existing commercial zone from Lower Queen Street to the northern end of Jubilee Park.*

6.7.5 *To defer commercial development of residential land in Talbot Street and Oxford Street until late in the planning period.*

6.7.6 *To develop a reserve network along the coastal margin where practicable to protect the wetlands and high conservation values of the Waimea Inlet and to provide reserve linkages between the coastline and the Richmond hills.*

6.7.7 *In the north-east Richmond Rural Residential Zone, to utilise as far as practicable natural watercourses in an unenclosed and natural state for stormwater disposal.*

6.7.8 *To enable the expansion to the south of Richmond, limited by the spur ridges between Hart Road and White Road, while ensuring:*

(a) a range of housing densities with high amenity levels is encouraged;
(b) the efficient use of land and infrastructure; and
(c) the provision of high levels of amenity and public access within the area.

6.7.9 *To retain a rural environment on the spur ridges between Hart Road and White Road, but to consider urban development of this area in the future once an appropriate standard of infrastructure services is provided.*

6.7.10 *To require residential development in the Richmond South Development Area to occur in a staged manner based on the provision of infrastructure, including water, wastewater and stormwater, and so defer development until these services can be upgraded.*

6.7.11 *To establish in the Richmond South Development Area a linked open space network with public access, integrated with:*

(a) walkways and cycleways; and
(b) waterway networks to ensure effective stormwater management.

6.7.12 *To provide for contained commercial development on the land at the corner of Hart and Paton roads in recognition of the future local needs for accessible day-to-day commercial services resulting from development in the Richmond South Development Area.*

This sets out the clear intention of allowing further development and expansion to the south of Richmond. This development is not in accordance with these policies in that pushing development westward in to the highly productive Waimea Plains.

6.22 sets out the anticipated environmental results for urban development in the District:

(a) Compact and coherent urban form which recognises the need to achieve:
(i) sustainable management of versatile and productive land on the urban fringe;
(ii) protection of property and lives from the effects of known natural hazards;
(iii) protection of the natural character of the coastal environment, wetlands; lakes, rivers, and their margins;
(iv) efficiency in the provision of urban infrastructure;
(v) adequacy of provision of residential, industrial and commercial land.

(b) Retention and enhancement of the particular identity of each urban community in the District.

This proposal will not be in accordance with these "anticipated results" in that it will not achieve "*sustainable management of versatile and productive land on the urban fringe.*"

3.5.3 Chapter 7 Rural Environment Effects

This chapter is primary chapter dealing effects in the rural and rural residential zones and therefore is the most relevant to this site which is zoned Rural 1.

In the introduction in 7.0 it states:
"Tasman District's land resource is largely rural. Rural character, amenity values a and the productive use of rural land underpins the social, economic and cultural well-being of the people of the District. The rural land resource also provides the District's main opportunities to safeguard the life supporting capacity of water, soil and ecosystems; to preserve and protect the natural character of the coast; to protect

outstanding natural features and landscapes; to address the environmental quality and amenity values of the District; and to sustain the land and soil resource to meet the reasonably foreseeable needs of future generations."

According to the applicant's Soils report provided by John Bealing of Ag First Consultants, the soils of the property have a soil classification of "Class A" which is the highest class in the District.

In Objective 7.1.0 it sets out its principle objective to:
" Avoid the loss of potential for all land of existing and potential productive value to meet the needs of future generations' particularly land of high productive value".

Policy 7.1.1 seeks to:
"avoid, remedy or mitigate the adverse effects of subdivision of rural land, particularly land of high productive value.'

Policy 7.1.2 seeks to*: "avoid, remedy or mitigate the effects of activities which reduce the area of land available for soil-based production purposes in rural areas."*

In this case the subdivision will result in a result in residential development over the entire site (103 hectares) clearly resulting in the reduction in the area of highly productive land available for soil-based productive purposes.

Policy 7.1.2A seeks to avoid, remedy or mitigate the *"cumulative effects on the soil resource and productive value of the land."*

In this particular case, the actual effects on soil productive values will be significant in terms of actual loss of productive land given the relatively small area of Class A land in the District.

Even more so, if its approval lead to other residential applications in the Rural 1 zone, that if subsequently approved, would create a significant cumulative adverse effect on the productive rural land resource. This would be particularly significant for the Class A land which amounts to only 1.7% of the land in the district, according to Andrew Burton's report.

Policy 7.1.3 requires land parcels *"upon subdivision"* to be of a size that *"retains the land productive potential"*, having regard to the *"versatility of the land*".

The Proposed Plan has set down 12 hectares, whereby an acceptable level versatility and productive potential can be achieved. It is clear that in the Rural 1 zone that the main criteria for subdivision is whether productive versatility and long term productive use can be achieved within each lot.

In 7.1.30 it states the reasoning for the zoning rules for the Rural 1 zone:

"The rural zoning pattern is the basis for administration of the objective and policies. The Rural 1 zone comprises the most inherently productive land in the District and includes about five per cent of the total land area. Threshold subdivision standards in this area provided flexibility for a range of productive uses to be made of the soil and land resource, while sustaining it long term availability. Subdivision below the threshold will be limited to that which supports the objective."

Clearly this proposal does not achieve the objective of provide for a range of productive uses within each allotment.

Objective 7.2.0 states:

"Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural-residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value."

This objective relates primarily to the provision of "papakainga, tourist services, rural-residential and rural industrial activities.." none of which are being applied for in this application which is residential and commercial activities. Also there is the requirement to avoid "the loss of land of high productive value." Which cannot be achieved with this application where the entire soil resource of the site will be taken up with residential development.

The following policies are relevant to this application:

Policy 7.2.1

To enable activities which are not dependent on soil productivity to be located on land which is not of high productive value.

Policy 7.2.1A

To enable sites in specific locations to be used primarily for rural industrial, tourist services or rural residential purposes (including communal living and papakainga) with any farming or other rural activity being ancillary, having regard to:

(a) the productive and versatile values of the land;

(b) natural hazards;

(c) outstanding natural features and landscapes, and the coastal environment;

(d) cross-boundary effects, including any actual and potential adverse effects of existing activities on such future activities;

(e) servicing availability;

(f) the availability of specific productive natural resources, such as aggregates or other mineral resources;

(g) transport access and effects;

(h) potential; for cumulative adverse effects from further land fragmentation;

(i) maintaining variety of lot size;

(j) efficient use of the rural land resource:

(k) cultural relationship of Maori to their land.
Policy 7.2.4

To ensure that activities which are not involved or associated with soil based production do not locate where they may adversely affect or be adversely affected by such activities.

Clearly the emphasis of the Rural 1 zoning is facilitating long term productive use by ensuring subdivision lots have a degree of productive versatility within each allotment.

Objective 7.3.0 states:
"Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character values."

The following policies are relevant to this application:

7.3.3
"To provide for the maintenance and local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation, style and scale of structures.

7.3.4
"To exclude from rural areas, uses or activities (including rural-residential) which would have adverse effects on rural activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated."

It is considered that the proposed subdivision and landuse would be contrary to the above objective and policies in that it would not be able to maintain the existing rural character and amenity. The existing open character of the site will be replaced by a very high level of residential built development and hard surface area that would not be associated with a productive farming block in a Rural 1 zone.

It is concluded that Council's planning documents and the policies that are set out above, seek to avoid the adverse effects of fragmentation of productive land and seek to retain the existing rural character and amenity while enabling non-soil based activities such as residential development, to be developed in specific zoned areas rather than in rural zones.

7.4 sets out the Environmental results anticipated in the Rural areas that are relevant to this application:

(a) Minimal cumulative loss of availability of rural land for productive purposes, and maintenance of a sustainable level of availability of land of high actual or potential value.

(b) Limited or no increase in conflicts between rural-residential development and adjacent activities, hazard or contamination risks, amenity or natural heritage values.

(d) Maintenance of rural character and rural amenity values throughout the District's rural areas.

(e) The accommodation of additional development with limited adverse effects on productive values, rural character, amenity values and landscape values in the Rural 3 Zone.

This proposal will not be accordance with these anticipated results in that it result in that the entire site be lose its ability to be used for productive purposes, now or in the future. The rural character and amenity of the site and the surrounding area will not be able to be maintained or enhanced.

3.5.4 Chapter 9 Landscape

The relevant objectives and policies in this chapter are as follows:

Objective 9.20

Retention of the contribution rural landscapes make to the amenity values and environmental qualities of the District, and protection of those values from inappropriate subdivision and development*.*

Policy 9.2.1

To integrate consideration of rural landscape values into any evaluation of proposals for more intensive subdivision than the plan permits.

Policy 9.2.3

To retain the rural characteristics of the landscape within rural areas

Policy 9.2.5

To evaluate, and to avoid, remedy or mitigate cumulative effects of development on landscape values within rural areas.

This site and the surrounding area has high rural landscape values and rural amenity. The application has made no attempt to retain these landscape values and characteristics within the site. It will have a far reaching effect on the landscape of the immediate area that will not be able to be mitigated.

Given the Rural 1 zoning the existing landscape of the site, the proposal is considered to be inappropriate subdivision in terms of objective 9.20 in that the rural landscape values will not be able to be protected.

3.5.5 Chapter 11: Land Transport Effects

The relevant objectives and policies this chapter are as follows:

Objective 11.1.0

A safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated.

Policy 11.1.2A
To avoid, remedy or mitigate adverse effects of high traffic –generating land uses on the community cost of the road network resource of the District.

Policy 11.1.2B
To avoid, remedy or mitigate adverse effects of traffic on amenity values.

Policy 11.1.2C
To ensure that all subdivision design, including the position of site boundaries, has the ability to provide each allotment with vehicle access and a vehicle crossing sited to avoid adverse effects on the safety and efficiency of the road network.

Policy 11.1.3
To control the design, number, location and uses of vehicle accesses to roads; including their proximity to intersections and any need for reversing to or from roads; so that the safety and efficiency of the road network is not adversely affected.

Policy 11.1.4
To ensure that adequate and efficient parking and loading spaces are provided, either on individual sites or collectively, to avoid or mitigate adverse effects on the safety and efficiency of the road network.

It is considered that the proposal will not be contrary to the objectives and policies in Chapter11, in that conditions will be able to be imposed on access and parking to ensure that the adverse effects in terms of traffic are no more than minor.

3.5.6 Chapter 13: Natural Hazards

Objective 13.1.0 states:

"Management of areas subject to natural hazard, particularly flooding, instability, coastal and river erosion, inundation and earthquake hazard, to ensure that development is avoided or mitigated, depending on the degree of risk."

The relevant policies are:

Policy 13.1.1

To avoid the effects of natural hazards on land use activities in areas or on sites that have a significant risk of instability, earthquake shaking, flooding, erosion or inundation, or in areas with high groundwater levels.

Policy 13.1.3

To avoid, unless there is effective mitigation, the expansion of flood-prone settlements onto those parts of the surrounding flood plains where they might be subject to flooding hazard.

In this case, the north eastern portion of the subject site is subject to a significant flood hazard from the overflow from Borck Creek.

4. ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

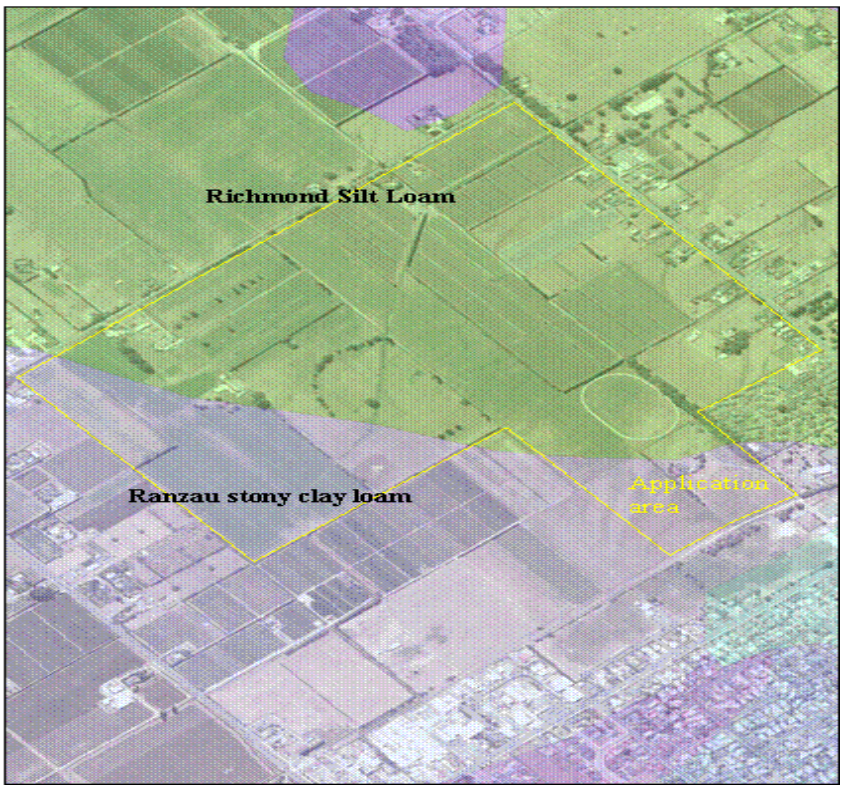
Part 4 of the report has been undertaken by various officers as indicated in each sub section

4.1. Effects of Fragmentation of Productive Land – Andrew Burton

Soil and Land Productivity Report

RM041079 Richmond West Subdivision

The application area, covering 103 hectares, is situated on Richmond's northwest boundary on flat land being part of the Waimea Plains. The National Fundamental Soils Dataset indicates that two soil types are present on the application area. Map 1 indicates the extent of these two soils. Soil Bureau Bulletin 30, Soils and Agriculture of the Waimea County New Zealand (1966) has separated the Richmond silt loam in and adjacent to the application area into two distinct soil types being the Richmond silt loam and the Richmond Peaty clay loam. These latter two soils are "associated" soils, formed on similar parent material with the silt loam having a lower organic matter content. The thin layer of peat found on the peaty clay loam has, over the years become depleted or mixed in due to agricultural practises and fundamentally there is little difference between the Richmond silt and peaty clay loams.



Map 1. Soil types in the application area.

The Richmond silt loam and the Ranzau stony clay loam are acknowledged as being highly versatile soils and suited to a wide range of productive uses. This is

highlighted by their ranking in the "Classification System for Productive Land in the Tasman District" produced by Agriculture NZ for the Tasman District Council in 1994. This system classes the soils of the application area as "A". . The classification system takes into account the climate and topography and the intrinsic properties of the soil, including fertility, depth and structure.

Class A land is the most versatile land in the district. The potential uses for this class of land are nursery, floriculture, orchards, market garden, cropping, pastoral, production forestry The quality of the land in the application area has been accurately assessed by the applicant and its potential has been realised as some of the past land use operations, which include dairying and berry fruit production, indicate.

The Classification System for Productive Land in the Tasman District report indicates that class A land, which is land capable of sustaining very-intensive horticulture, covers 22,223 hectares which is approximately 2.3% of the land in the Tasman district. With this figure in mind the applicant argues that there is ample high quality land in the district for horticultural expansion and the like. However the accuracy of this figure is in question.

Recent soil survey work has been carried out for Council in the Takaka Valley. The higher versatile soils were targeted and mapping was carried out at a scale of 1:20,000 whereas the old published maps were at a scale of 1:260,000. Far greater detail was obtained and, with this new information, the area was reclassified with regard to land productivity.

The comparison between the two classifications highlighted that the Classification System for Productive Land in the Tasman District report, which was carried out as a desktop exercise using the old soils information, had significantly over estimated the area of class A land. The new Takaka Valley soils survey area which totalled 3000 hectares shows approximately 1210 hectares of class A land present. This compared with the 1600 hectares classed as A in the original classification report for the same area. Hence the original report overestimated the amount of class A land by 32%.

From ongoing soil survey and land productivity assessment work being carried out by the Council in the Golden Bay district, the indications are that this same trend exists for other areas. It is estimated that regionally there may be 5500 hectares less class A land than that noted as existing in the Classification System for Productive Land in the Tasman District report. This would equate to only 1.7% of the District being class A land which is an extremely small proportion even for New Zealand standards.

With regard to the availability of land for productive purposes the application report implies that there is more than adequate class A to C land, which is primarily arable land, available in the district. What must be understood is that the lower classes of land (class B and C) although capable of growing a range of crops cannot grow the same range as class A land, hence their versatility is less.

The production of crops on soils of lower quality also requires higher inputs such as fertiliser, drainage and irrigation. Generally these soils are classed B or C and not A because they are shallower and have lower inherent fertility and consequently require more irrigation and fertilizer to sustain the same level of production. In simple terms the cost of production is higher on lower classes of land.

If inputs, such as irrigation water, are limited it would make sense that they are used on the soil types that make the most efficient use of them i.e. the class A land.

The application report puts much weight on the argument that the potential of the class A soils affected by this application and on the Waimea Plains in general will not be fully realised because of the lack of irrigation water. This is a short term view which does not take into account the possibility of future or potential irrigation water sources and improving irrigation technology. This topic will be covered in other staff reports.

Competition by different land uses for easily accessible land is a certainty. This has been comprehensively argued in the application report and the expansion of urban and industrial land will happen in the district. The reality is that there isn't vacant or unproductive land sitting there waiting to be used. An expansion of the urban and industrial area of Richmond onto the Waimea plains can only lead to the reduction in land available for primary production. If this expansion is onto land that is of high potential productivity, as is the case in this application, then the effect is a permanent loss of part of a very small and valuable resource.

4.1.1 Conclusions on Effects on productive Values

- **The soils of the site are considered to be all Class A soils which ranks amongst the top 1.7% of productive land in the district.**

- **The soils of the property are highly versatile soils in that they have the potential for a wide range of crops, to provide for the needs for future generations, allowing for changing economics of farming over the long term.**

- **The site has sufficient area, together with available irrigation to further enhance the productive versatility.**

- **Effectively the entire site will be no longer be used for soil based productive used.**

- **The Class A soils resource is finite in area and the loss of this area of Class A without any mitigating factors is a significant adverse effect on the soil resource of the District.**

- **The loss of productive potential of the site, if approved for residential is effectively irreversible.**

4.2 Availability of Irrigation Water (Neil Tyson, Consent Planner - Water)

No resource consent applications have been lodged by the Richmond West Group relating to water or fire-fighting supply. It is understood that Richmond West are looking to TDC to supply the necessary water reticulation and the applicant has offered to surrender their LCA groundwater consents relating to the subject property if the subdivision is approved. Richmond West state that this LCA water can then be re-allocated by Council to other users.

However, the writer understands that significant upgrading of the TDC water supply reticulation would be required to supply the subdivision. In response to this, the applicants have suggested the option of servicing the subdivision utilising their (Field's) LCA water consents. For completeness, some background information and comments are included on this option.

The other main issue addressed in this report concerns the availability of water for the productive use of the applicant's land, particularly relating to comments by Duke & Cook.

Current Consents

For the applicant's land there are four current water permits, which authorise irrigation. A E Field & Sons hold two consents NN010099 and NN010100 to take from their two Lower Confined Aquifer (LCA) bores (ie WWD's 28 & 29) located on their property. Until recently these two bores have irrigated dairy pasture on the subject land. The third consent NN990129 is in the name of McShane Holdings Ltd and is a surface take consent from Borcks Creek, which is used to irrigate berryfruit. This latter consent NN990129 and a small LCA allocation under NN010013 for the Salvador property from their own LCA bore are not mentioned in the applicant's AEE.

The four current consents are allocated the following volumes:

Table 1: Current Richmond West Group Water Consents

	Holder Name	Consent Nos	Source	M3/week	Hectares
	A E Field & Sons	NN010099	LCA (WWD29)	13,300	38
	A E Field & Sons	NN010100	LCA (WWD28)	3,500	10
Subtotal 1				*16,800*	*48*
	McShane Holdings	NN990129	Borcks Creek	6,650	19
	A S Salvador	NN010013	LCA	350	1
Subtotal 2				*7,000*	*20*
Total (1 + 2)				*23,800*	*68*

From the above table, it can be seen that the applicant is authorised to take from various sources up to 23,800 cubic metres per week, which allows for irrigation of 68 hectares at the maximum rate of 35mm per hectare per week.

The applicant's LCA bores tap the same (LCA) aquifer as TDC's supply to Richmond from their bores along Lower Queen Street. Therefore, at least potentially, the larger Field bores (ie WWD 28 and 29) are a possible source of water for the Richmond West Group subdivision. However, there are problems with this as discussed below.

LCA Water Quality

Council has no recent water quality data from the applicant's LCA bores. TDC has some old nitrate-nitrogen data from bore WWD 28 which showed an incremental increase in nitrate from 1971 to the last survey of this well in 1981. The 1981 reading of 15 g/m3 is above the New Zealand Drinking water standard of 11.3g/m3.

However, several nitrate surveys have been done as part of the regional aquifer monitoring program with the latest carried out in 2005. This latest survey (data and maps available from Joseph Thomas at TDC) show the LCA, in the locality of the applicant's wells, to fall in a zone where nitrates range between 11.3 – 15 g/m3. Neither bore WWD 28 or 29 were tested directly in the recent surveys but surrounding bores show nitrates at or above the New Zealand Drinking water standards.

To remove nitrate from bulk water supplies is understood to be problematic and expensive and it is particularly relevant that TDC bore water from the Lower Queen Street bores (which also fall into this higher nitrate level zone (ie 11.3 – 15 g/m3)), is mixed with Roding River water at the Hill Street Reservoir prior to reticulation to Richmond.

Comprehensive chemical test data would be required from bores 28 and 29 to make more substantive comments on the potability of the groundwater from these two bores as other parameters come into play in this assessment.

Hydraulics

Both bores WWD 28 and 29 are drilled into the LCA. WWD 28 is drilled to 34.1 m depth and is screened 28-34.1 m whilst WWD 29 is drilled to 35.8 and screened 29.9 to 35.8 m deep. Yield tests indicate a flow of about 82 m3/hr for WWD 28 and about 44 m3/hr for WWD 29. These bores were drilled in the sixties and 70's.

There is limited information about the current condition of the two LCA bores or their performances. Normally, a bore discharge step test would be undertaken to provide data on performance and long term yields. In this case, historic metered usage is available from each LCA bore and this indicates the LCA is both reliable and of high yield where it underlies the applicant's property at WWD 28.
Metered usage for summer 2003-04 showed usage peaking at around 14,000 cubic metres per week but weekly usage has significantly reduced since dairying was abandoned by the Fields.

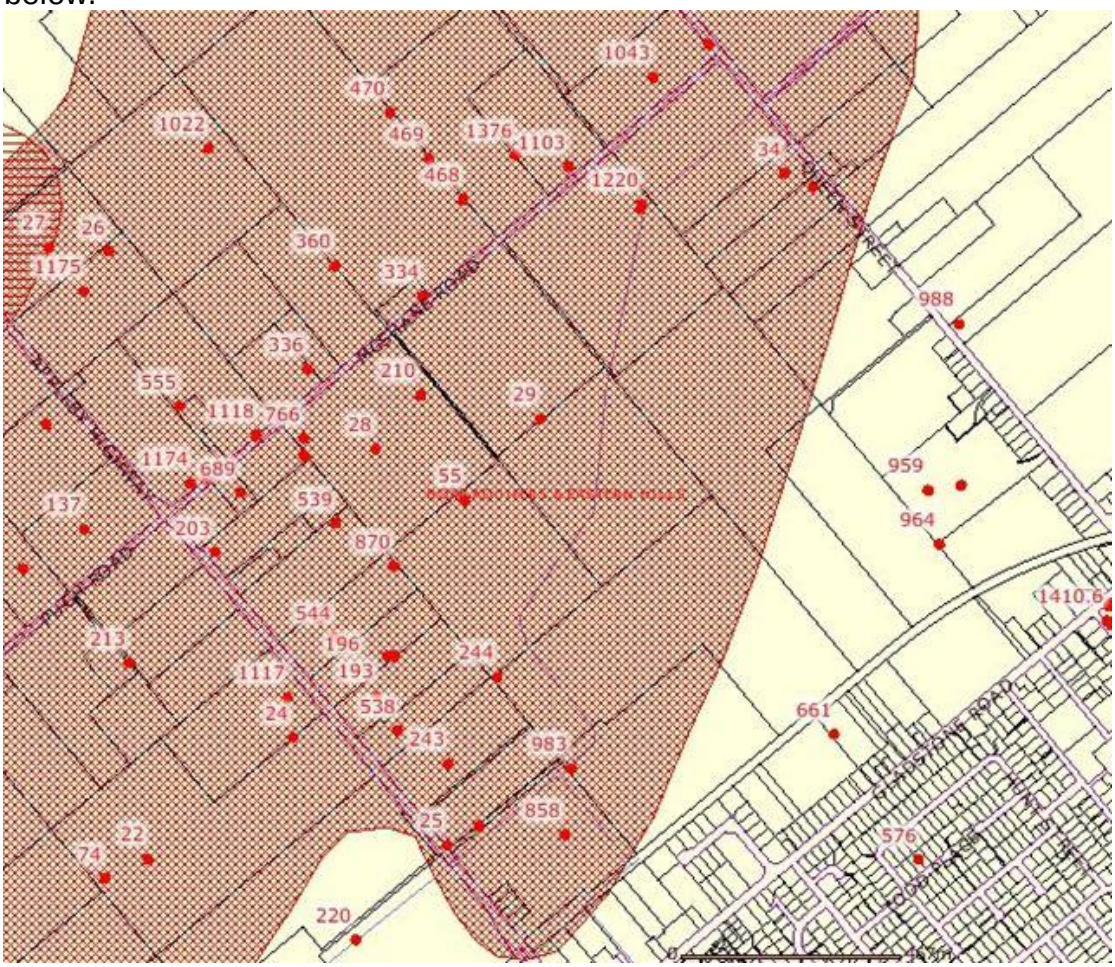
RMA - Change of Use

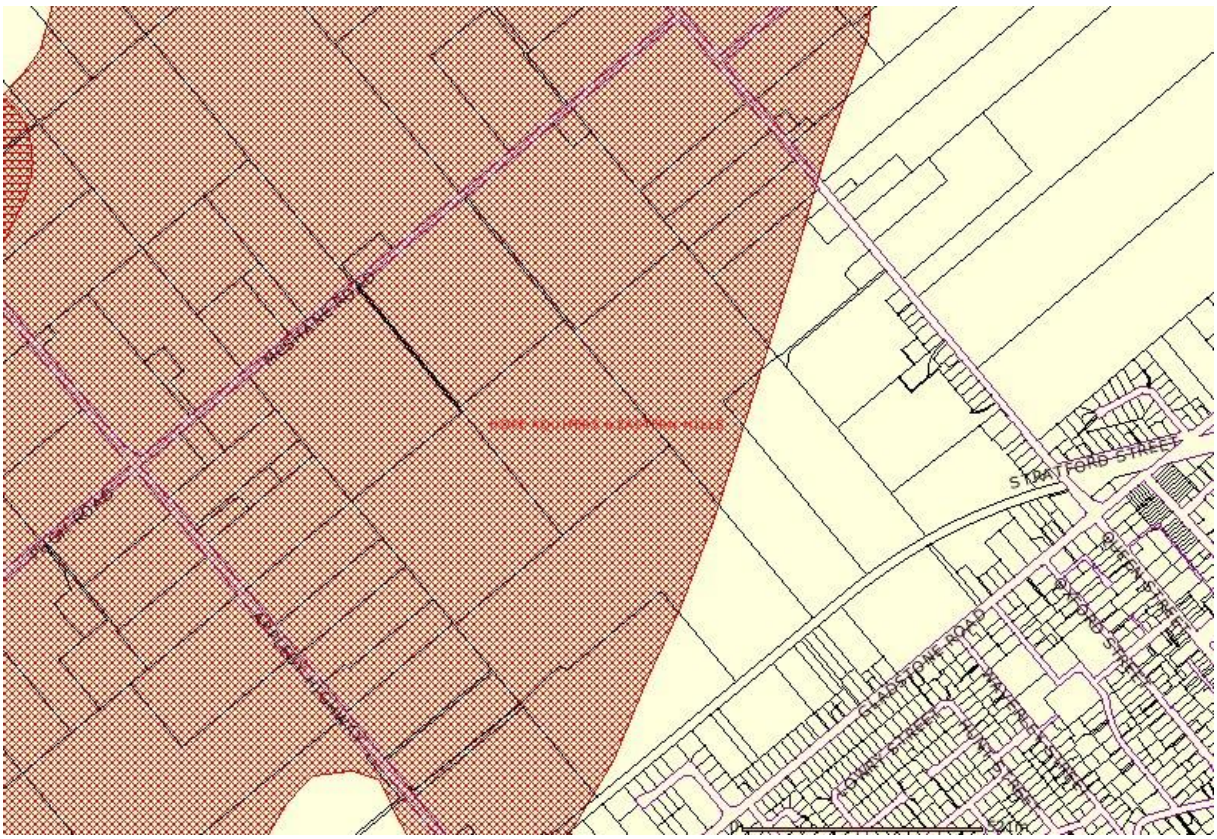
The applicant's LCA consents authorise the taking and use of water for irrigation. A change in use from irrigation to community supply has aquifer management implications particularly because community supply is year round supply, not just

summer demand. As stated above, no application has been lodged by Richmond West for a change in use.

Water Availability

The applicant's land overlies the Hope Aquifer Zone and part of their land overlies the LCA. The location of the LCA relative to the applicant property is shown below: The applicant's various LCA bores ie WWD's 28, 29 and 34 (Salvador) are also shown below.





Borck Creek also flows through the property and this is understood to have reasonably reliable flows in its lower reaches in the vicinity of the applicant's existing intake (see NN990129 below) owing to springs on the applicant property.

TDC consent database shows the LCA is currently fully allocated meaning new consents are not being granted by Council and a waiting list has been established. The Hope Aquifer Zone is also fully allocated, and no new consents are likely to be granted from Borck Creek.

The writer agrees with Duke & Cooke that the combined Field land has been soundly and intensively farmed for many years. During these years, water availability has been an issue for the Fields but, for the most part, acceptable solutions to water (irrigation) demand and availability have been developed.

The applicant states that A E Field & Sons and McShane Holdings have consents sufficient for 48 hectares of irrigation but this overlooks 19 hectares of irrigated land (currently boysenberries) authorised from Borck Creek under NN990129. If NN990129 is added, then instead of the stated 50% of available land having irrigation (Duke & Cooke report Pg 2) it is closer to (68/103) 66% of the total application area of 103 hectares.

It is also considered relevant that the writer can find no record of any application to drill bores or dig wells etc for potential irrigation of either the Punt block or the Lower Queen Street Ltd blocks. Removing the non-Field owned land then 81.2% (67/82.5) of the land owned by A E Field & Sons and McShane Holdings is authorised for full irrigation. This percentage also increases as some land is practically unirrigable e.g. land immediately adjacent to Borck Creek, houses and buildings, farm tracks etc.

The Field's land also has various soil types including heavier soils which may require less than the 35mm/ha/week allocation. This, coupled with crop choices requiring less water combined with efficient irrigation systems would not, in the writer's opinion, lead to rural/residential landuses as predicted by Duke & Cooke. The Field's hold a substantial allocation of 23,450 cubic metres per week and there is clear evidence that the property's soil types are highly versatile and productive.

The applicant's claim that the productive potential of the available land cannot be realised because of water unavailability is, in the writer's opinion, unsubstantiated.

If the Field land was sold as separate titles, there appears to be sufficient available irrigation water for all or most of the irrigable land.

Water Augmentation and Transfer

Should the Richmond West application be approved then at least part of their surrendered LCA consents would become available for reallocation. There is currently a total of around 50 hectares registered with Council on the LCA waiting list, so this demand would be largely satisfied by the surrendered consents.

The applicant's argument that water augmentation is unlikely for the Waimea Plains appears to overlook the recently commissioned Kainui Dam in the Wai-iti Valley. Waimea East Irrigation Scheme is not normally considered to be a water augmentation scheme. Simply a large user taking directly from the Wairoa River as it does not augment the supply available from the river.

Conclusions on water availability for productive use.

The subject property has highly versatile soils and sufficient allocated water to sustain high productivity over all or most of the land, particularly if the available water is allocated in recognition of the existing soil type. Legal easements may be required to provide for access to the source of the water supply in some cases.

4.3 Visual and Amenity Affects (Mark Morris, Senior Consents Planner, Subdivision)

In spite of it close proximity to Richmond, the subject site has a high level of rural amenity centred around soil based productive uses, including pastoral farming, berry farming, nursery production, dairy farming and market gardening. This productive use contributes to the rural amenity of the area.

The Queen Street frontage of the site does contain more dwellings because of the small size of the existing titles. However even these properties still retain reasonable level of rural amenities with the most of the dwellings close to Queen Street and bulk of the properties still being used for small scale pastoral farming.

The McShane frontage of the site has a high level of open rural, with relatively few dwellings and buildings except those associated with productive use. There have been some changes in McShane Road with the establishment of the Eyebright centre and the Grape Escape café, however the rural amenity has still been able to be retained even with these ventures.

Below are some of the examples of the rural amenity if the site when viewed from McShane Road.

Fig 2: Market garden land viewed from McShane Road.

Figure 3: Nursery production McShane Road.

Figure 4: Berry Farming viewed from McShane Road -Queen street intersection

Fig 5: Pastoral Farming viewed from McShane Road.

The area adjoining the railway reserve on the property has a surprising low level of built development and has high level open rural amenity. Below are some of the views of the sites and the adjoining Malcolm block

Fig 6: Looking north towards the site over the Malcolm block from the railway reserve.

Fig 7: Pastoral Farming from the eastern boundary with the railway reserve.

Conclusion of visual and amenity effects:

- **The site has high level of open rural amenity that is still based around productive uses.**

- **There relatively few dwellings, particularly along McShane Road with most buildings be associated with productive use.**

- **Even with the recent development of the Eyebright complex and the Grape Escape café, the McShane Road has still been able to retain a high level of rural amenity.**

- **The Queen Street frontage of the site does contain more dwellings , but still retains a reasonable level of rural amenity.**

- **The proposed subdivision and development will effectively destroy the rural amenity of the site.**

- **While the applicant has proposed a landscape buffer strip to mitigate some cross boundary effects, the subdivision will have wide reaching effects on the amenity of the area.**

- **McShane Road will cease to be a rural road and with the likely upgrading required, will become an urban road with a consequential loss of rural amenity.**

- **The increased traffic resulting from the subdivision, will have significant impact on the amenity of McShane Road.**

- **The applicant has not proposed any mitigating measures to retain the rural amenity within the site.**

4.4 Reverse Sensitivity and Environmental Health Effects (D Lewis, Co-ordinator – Regulatory Services)

1. Background

1.1 The Richmond West Group's (the applicant's) application for subdivision land use and associated consents relates to their proposal for a comprehensive development to subdivide land bordering Lower Queen Street and McShane Road to provide 893 varying sized allotments for residential development, seven commercial allotments and land for community activities and reserves.

1.2 This report will be focused on cross-boundary issues that could result in "reverse sensitivity" which has been defined by the Environment Court (Auckland R C v Auckland C C 1997) as "the effects of the existence of sensitive activities on other activities in the vicinity, particularly by leading to constraints and the carrying on of those other activities".

1.3 The land subject to this application is zoned Rural 1 and is surrounded by land zoned mainly Rural 1 (although some of this is used for rural/residential

purposes) and Recreation. It is used at present for horticultural purposes (boysenberries, nursery, market garden) and livestock purposes.

1.4 The land to the north and opposite the applicant's property is zoned Light Industrial with a Rural Industrial zone bordering the Light Industrial zone further to the north. Although the Light Industrial zone has not been developed as yet the Rural Industrial zone contains the Nelson Pine Industries Ltd fibreboard and laminated veneer lumber complex and Dynea N Z Ltd resin plant and these are well established industries that producing air discharge contaminants which are subject to current discharge permits and noise which is controlled by rules in the proposed Tasman Resource Management Plan.

2. Submissions

2.1 Of the submissions received six referred specifically to cross-boundary effects and "reverse sensitivity". The details of all submissions are set out in a summary for the reports.

2.2 Each of the six submissions will be dealt with separately in relation to their opposition to the application.

2.2.3 Nelson Pine Industries Limited (NPI) (9)

2.2.3.1 This submitter states that it is inappropriate to plan for residential development so close to established heavy industry that runs 24 hours per day, seven days a week. NPI also have requested that a 200 metre wide Commercial Zone be provided to run the full length of McShane Road (presumably as a buffer) and that covenants be imposed requiring dwellings to be constructed in a manner to mitigate complaints arising from noise and emissions arising from industrial activities nearby.

Comment

2.2.3.2 This industry is associated with the manufacture of medium density fireboard and laminated lumber veneer on their Rural Industrially zoned land that is some 290 metres to the north of the applicant's property. Being a wood processing operation they have contaminant discharges arising from the storage of wood and woodchips, the heating and treating of wood and fibres and mixing of fibres and wood veneer with resins. Discharge permits have issued to this company stipulating limits on the emission of the contaminants formaldehyde and particulate matter (PM_{10}). The company is also obliged to comply with rules applying to their zone under the proposed Tasman Resource Management Plan (TRMP). These include controls on noise emission, dust emission and lighting.

2.2.3.3 The discharge permits were imposed following public hearings of their resource consent applications during which considerable opposition was voiced by the directors of McShane Holdings Limited and A E Field and Sons (the major owners of the land involved in this application). This opposition was initially directed towards the formaldehyde gas emissions but, at a later hearing, the emphasis was more on the adverse effects of the particulate emissions.

2.2.3.4 The levels of emissions from NPI's operations that were set for their discharge permit were based on the principles of protection of public health as contained in the Ministry for the Environment's Ambient Air Quality Guidelines. These do not set limits of zero emissions outside the property boundary but allow levels of emission that are considered to have no detrimental effect on human health. As a consequence, levels of both formaldehyde and particulate matter are emitted outside NPI's boundaries and have been the subject of complaint, despite proven compliance by NPI with their discharge permits.

2.2.3.5 The allowance of a residential development within 300 metres of this industry means that, from the computer modelling predictions of maximum ground level concentrations of the contaminants emitted, any houses in this area will be subject to levels of formaldehyde ranging from 65 to 30 micrograms per cubic metre 1 hour averages ($\mu g/m^3$) and less than 10 $\mu g/m^3$ 24 hour average of PM_{10} (moving away from the NPI property). Such levels are within public health guidelines but, as the volatile organic compounds from wood have a distinctive odour and the particulate matter can be observed as fibres or dust, nuisance conditions could well be experienced.

2.2.3.6 This office is aware that there can be a high level of sensitivity and uncertainty on the part of people living under such contaminants and our best attempts to assure people that the contaminants comply with public health guidelines sometimes does little to satisfy complainants.

2.2.3.7 The recently published Richmond Airshed variation to the TRMP imposes boundaries within which there are strict controls on the emissions of particulate matter (particularly from fires and home heating). The present western boundary of this Airshed is McShane Road and Headingly Lane and this basically provides a buffer from the existing residential development. The creation of the proposed intensive residential development by the applicant could alter the centre of gravity of residential development and require in the future a further move to the west of the Airshed boundary. If this did eventuate it would include the existing Rural Industrial and Light Industrial zones and have dire consequences on the operations of the existing industries in these zones. This could well mean that existing air discharge permits would not be able to be renewed with their current provisions and so seriously curtail, if not prevent, the continuing operation of these industries and NPI in particular.

2.2.3.8 The noise emission rules under the TRMP for Rural Industrial Zones are basically triggered by the existence of the nearest dwelling in the adjoining Rural zone whereby the measurements are taken from the "Notional Boundary" (20 metres from the dwelling or the actual boundary of the property, whichever is closer). With reference to this application, this would be the dwelling owned by the Cargills on the western boundary of McShane Road. It should be noted that an exemption has been granted to NPI for their night time noise emission levels to be 45 dBA (L_{10}) instead of the usual 40 dBA (L_{10}). This in fact would result in an elevated night time noise level for a significant part of the proposed residential development. (The full extent of this effect would only be ascertained by producing a noise contour plan of the area). It should also be noted that the TRMP noise emission rules for Rural Industrial Zones do not apply to Residential zones as it was obviously considered that these zones would not be appropriate in close relationship to such industries as permitted by

the Rural Industrial zone. Cognisance of such a situation would have to be made if the proposed development is approved and, in future, a Plan Change is made to make the area a Residential Zone in recognition of its use.

2.2.3.9 Another factor to consider is that of the effect of vehicle noise on those proposed sections bordering Lower Queen Street. Heavy traffic servicing the existing NPI and Dynea industries (as well as any other industry that may develop in the Light Industrial Zone) utilise Lower Queen Street as their main access route. Although such traffic may not occur constantly 24 hours a day, its effect on the night time noise climate in particular would be far greater than would be expected in a Residential zone.

2.2.3.10 Complaints were also actioned by the submitting company relating to lights from the plant causing problems to residents beyond their site. The adverse effects of their lights outside their property can vary dependant upon their siting and weather conditions.

2.2.3.11 No comment is made on the practicability of a requested Commercial "Zone" but by changing the type of land use will not necessarily prevent complaints about cross-boundary effects that could result in reverse sensitivity. Commercial businesses can be just as sensitive to airborne emissions as residential use of property.

2.2.3.12 No problem is envisaged with covenants requiring dwellings to be constructed in a manner to mitigate noise effects. Such mitigation could result in an acceptable internal noise climate but would not achieve any improvements to the outside noise climate for residents. The requirement to construct a residence to mitigate complaints about emissions apparently, according to the submitter, relates to the provision of air conditioning that would negate the need to open windows. Again, this would have no benefit as far as the outside use of the property is concerned and would not negate nuisance aspects of particulate build-up and fume odours. Also, the cost would be an added loading on the desire to provide "affordable" housing.

2.2.4 **Dynea N Z Ltd (26)**

2.2.4.1 Dynea are also sited in the Rural Industrial Zone to the north of and some 420 metres away from the applicant's property. They operate a chemical plant 24 hours a day that handles dangerous and hazardous chemicals to produce resins. Like NPI, they have an air discharge permit that permits the emission of formaldehyde beyond their property boundary but at levels that have no consequence as far as public health is concerned. Testing has proven compliance with their discharge permit conditions.

Comment

2.2.4.2 Potential cross-boundary effects relating to this industry are the possibility of complaint relating to the odours from the fumes emitted from their processing, noise (including traffic on Lower Queen Street) and safety with the chemicals being used. The potential consequences of any reverse sensitivity would therefore be the same as would affect NPI, including the affect on their air discharge permit if the Richmond Airshed boundary was moved to include the

Rural processing Zone, which could result in their operations being unsustainable.

2.2.4.3 Dynea have asked for the same relief as that of NPI and the comments in paragraphs 2.2.3.11 and 2.2.3.12 also apply.

2.2.5 Appleby Village Development Ltd (28)

2.2.5.1 The Appleby Village Development Ltd have submitted against the application on the grounds of increased traffic volumes at the McShane Road/State Highway 60 intersection and the request for a waiver from the 30 metre setback requirement from adjoining rural blocks. They believe that a significant setback is required to mitigate probable significant cross-boundary effects which could result in "reverse sensitivity" issues.

Comment

2.2.5.2 This submitter has resource consent to permit development of a tourist facility by erecting a comprehensive village style arts and craft centre. They border the applicant's land on the southern boundary along with other landholders where the land use ranges from intense horticulture (berries and orchard) to lifestyle blocks.

2.2.5.3 A 30 metre setback for buildings is required in Rural 1 zones to mitigate the possible adverse cross-boundary effects of crop spraying and other rural-type emanations. If sufficient setback is not maintained then complaints could arise that may well result in "reverse sensitivity" on the permitted rural activities and seriously compromise the long-term viability of the productive use of this adjoining rurally zoned land.

2.2.5.4 The applicants state on page 21 that "specific controls are proposed within this area to minimise potential cross-boundary effects to and from adjacent rural land to the point where by are no more than minor". What these specific controls are have not been quantified and so cannot be commented on in this report.

2.2.6 Club Waimea (32) and T Rowe (33)

2.2.6.1 The submission from the two above submitters were the same and they both stated that the residential use would conflict with too many existing uses creating cross-boundary use conflicts. They believe it would not be possible to impose conditions to mitigate adverse effects and ask that the application be declined.

Comment

2.2.6.2 Until further information relating to these submissions is received, it is not possible to comment on specifics.

2.2.7 **Combined Rural Traders Society Ltd (38)**

2.2.7.1 Again this submission refers to some portions of the subject land not having the benefit of a land use consent and so will revert to the underlying Rural zone. They submit that this will cause conflicts and cross-boundary effects effectively making the surrounding residential sections unsuitable for building on.

Comment

2.2.7.2 In general terms the suitability of the residential use of the applicant's land has been addressed in the body of this report.

3. Conclusions

3.1 The development of a large scale residential complex as proposed by the Richmond West Group in close proximity to Rural Industrial and Light Industrial zones does have the potential for cross-boundary effects with likely complaints relating to air emissions, noise and light from industries within these zones.

3.2 Council has received ongoing complaints relating to the operation of the existing industries (particularly Nelson Pine Industries) from areas well removed from the plant. These have included complaints about "formaldehyde" smells, noise and lights. Although this particular industry is pro-active in ensuring their compliance with their discharge permits and TRMP rules and take steps to try and satisfy complaints, it is indicative of the potential for cross-boundary effects affecting a large area. Intensification of complaints could well cause reverse sensitivity and lead to restraints on these permitted industrial activities.

3.3 As previously noted, any movement of the present Richmond Airshed boundary to the west by the presence of the proposed extensive residential development would have disastrous effect on the existing and any proposed industries in the appropriately zoned areas.

3.4 Mitigation of cross-boundary effects by the imposition of covenants requiring dwellings to be constructed with noise and emission attenuation and the provision of a Commercial Zone buffer on McShane Road would help the internal climate of such dwellings and shops. However, this does not address the problems that would arise with the external living areas for such properties that could be subjected to noise above the normal residential night time level and the effect of deposition of particulate matter. The Nelson lifestyle depends a lot on the enjoyment of outdoor living and includes entertaining with barbeques and other outdoor dining as well as gardening and appreciation of one's property. Also, the cost factor or providing such remedies could well negate the principles of "affordable" housing promoted by the applicants.

3.5 It has been suggested that covenants also be imposed that would prevent the occupiers of the properties developed by the applicants from complaining about cross-boundary effects from adjacent industrial land use. Whether or not such a solution is legal is a question on which legal advice should be sought. However, as an environmental practitioner, I have some misgivings about imposing restrictions which prevent complaints especially where they hold some validity worthy of investigation.

3.6 The conclusion that has been reached in the assessment of this application is that the proposal to provide an extensive residential development on the applicant's land will be adversely affected by the operations of the existing industries on the Rural Industrial Zone land, potentially by any industry that may develop on the Light Industrial zoned land directly opposite a part of the subject land and also by rural activities on the land to the south and east of the subject land.

3.7 Cross-boundary effects are likely to be significant as they pertain to the residential use of the applicant's land and could be to the extent that reverse sensitivity would occur that could result in constraints being placed on activities that are legitimately operating outside the applicant's land.

3.8 It is not believed that the imposition of buffer zones to segregate those industries would be effective for residential purposes on the applicant's land as this rural land is already regarded as a buffer between the established industries and the existing Residential Zones in Richmond.

4.5 Stormwater Effects (RM050719) (Jeremy Butler, Senior Consent Planner, Natural Resources)

1. Introduction

This report addresses the planning considerations surrounding the discharge of stormwater to land and to water as a result of the proposed Richmond West subdivision.

The content of this report will overlap with the reports provided by Dugald Ley/Jeff Cuthbertson (stormwater servicing and drainage) and Eric Verstappen (Flooding and Coastal Inundation Hazards). Where possible repetition will be avoided.

The proposed subdivision is near the bottom of the Borcks Creek catchment which drains the southern Richmond residential and rural resident areas. Given this location and the low gradient of the flood plain on which the proposed subdivision site is located, stormwater management and flooding is a major consideration.

2. Status Under Transitional and Proposed Plans

Under the Council's Transitional Regional Plan the discharge of stormwater is permitted by General Authorisation 10. Similarly, under the Council's Proposed Tasman Resource Management Plan (Proposed TRMP) discharges of stormwater to land or water on land zoned Rural 1 are also permitted by Rule 36.4.2. However, both of these authorisations are subject to a range of conditions. In my opinion these conditions are not satisfied as the discharge has the potential to increase the impact of flooding or inundation. The discharge may also cause degradation of an aquatic environment. Therefore, if treated in isolation from the other resource consents applied for, most notably the subdivision consent (RM041079), the discharge is a controlled activity under Rule 36.4.3A of the Proposed TRMP.

However, and most importantly here, case law (notably South Park Corp Ltd v Auckland CC EnvC A111/00) finds that in a situation such as this where there is a principal consent (subdivision) and all other consents are consequential upon that principal consent they should be all treated as having a common status and a common recommendation. It would be nonsensical for a consequential consent to be granted when the activity that it is a consequence of is declined. Therefore, this application to discharge stormwater is considered to be a non-complying activity following the status of the subdivision application, and the recommendation is addressed in Mr Mark Morris' planning report.

3. Statutory Considerations

Part II Matters

In considering an application for resource consent, Council must ensure that if granted, the proposal is consistent with the purpose and principles set out in Part II of the Act.

If consent is granted, the proposed activity must be deemed to represent the sustainable use and development of the land resource. The critical issues of this consent are the contribution of stormwater to a channel that drains a large urban area at the bottom of the catchment, the high potential for flooding and inundation, and the effect of the discharge on the aquatic Borck Creek environment.

These principles underpin all relevant Plans and Policy Statements, which provide more specific guidance for assessing this application.

Section 104

Subject to Part II matters, Council is required to have regard to those matters set out in Section 104. Of relevance to the assessment of this application, Council must have regard to:

- Any actual and potential effects of allowing the activities to go ahead (Section 104(1)(a));

- Any relevant objectives and policies in the Tasman Regional Policy Statement and the Proposed Tasman Resource Management Plan (Section 104(1)(b));

- Any other relevant and reasonably necessary matter(s) to determine the consent (Section 104(1)(c)).

In respect of Section 104(1)(b), the Proposed Tasman Resource Management Plan is now considered to be the relevant planning document, given the operative status of the discharge rules.

Sections 104B and 104D set out the framework for granting or declining a consent based on the status of the activity as set out in the relevant Plan and discussed above.

Section 105

If an application is for a discharge permit the Council must, in addition to the matters in section 104(1), have regard to:

- the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and

- the applicant's reasons for the proposed choice; and

- any possible alternative methods of discharge, including discharge into any other receiving environment.

Section 107

Section 107 restricts the granting of certain discharge permits which would otherwise allow:

- The discharge of a contaminant or water into water; or

- A discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or

if, after reasonable mixing, the contaminant or water discharged (either by itself or in combination with the same, similar, or other contaminants or water), is likely to give rise to all or any of the following effects in the receiving waters:

- The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:

- Any conspicuous change in the colour or visual clarity:

- Any emission of objectionable odour:

- The rendering of fresh water unsuitable for consumption by farm animals:

- Any significant adverse effects on aquatic life.

4. Submissions

While a number of submissions concern the effects of flooding and inundation from upstream these will be dealt with by the appropriate staff report (that written by Mr Eric Verstappen). Only 1 submission materially concerns the actual discharge of stormwater from this subdivision. That submission is lodged by the Department of Conservation (DoC or the Department).

DoC supports the applicant's proposal to create a 44 metre wide esplanade reserve for recreation and conservation values. However, DoC are concerned that the application does not contain any detailed information with respect to the proposal to reconstruct, divert and upgrade Borcks Creek. The Department is concerned that this work will cause adverse effects on the creek both within the site and further downstream. DoC states that the waterway should be protected by planting and by reconstructing a variable bed with run-riffle sequences. DoC also states that native planting should be undertaken elsewhere in the subdivision. Finally, the Department notes that the application is for land that is zoned Rural 1 under the Proposed TRMP and that particular regard should therefore be given to the objectives and policies of Chapter 7. DoC considers that the application does not address these objectives and policies.

5. Assessment

Flooding and Inundation

The applicant's agent addressing stormwater matters is Mr John McCartin of Natural Systems Design Ltd. Mr McCartin states that the stormwater system has been designed so that all runoff can be discharged through a piped network and into Borcks Creek. He also suggests that infiltration may be used to reduce the effects of the stormwater discharge to the Creek but the success of the stormwater system is not dependent on infiltration.

Advice from Council's engineering staff is that if Borcks Creek was to be upgraded to the necessary level to cope with the stormwater load from the catchment upstream then the system will have capacity for stormwater from the proposed development. However, it is the scale of the required upgrade that is of central concern. The applicant has stated that a flood channel 44 metres wide would be required to achieve the necessary capacity in a 1 in 50 year event. However, the Council's consultant has stated that a width of 65 to 93 metres would be required to accommodate projected flows (75% of the catchment in residential land use) in a 1 in 100 year event with 0.3 or 0.5 metres freeboard respectively. If this level of flood protection can be accommodated into the subdivision design then the stormwater created by this subdivision should be adequately catered for.

It is considered appropriate the a 100 year planning horizon for upstream development be taken into account for this application given that it is into the Borcks Creek catchment that is the obvious location for residential development in the future. Council should not allow itself to be constrained at the bottom end of this catchment and be forced to either allow houses to be flooded, remove 1

or more entire row of houses or halt any upstream development because of the stormwater it will create.

Therefore, as the application currently stands, it is not considered that there will be capacity in the long term for the stormwater from the subdivision to be discharged into Borcks Creek.

Stormwater Quality and Ecosystem Effects

Very little information has been provided about the quality of the stormwater runoff. It is stated in the application that the stormwater will be "untreated". Therefore it is assumed that roadside sumps will discharge directly into the creek and water from allotments will be disposed of through soakage in the first instance and thereafter into Borcks Creek. The applicant also states that the quality of the Creek is likely to be improved as a result of a land use transition from agricultural to suburban.

While heavily modified, Borcks Creek is of high value for whitebait spawning and native fish habitat, particularly in the lower Headingly Lane area where it flows permanently.

Further information was requested on this matter but none was received. I consider that there will be a decline in water quality as a result of this development. While a transition from an agricultural land use to a residential land use can, in some instances, be of benefit, particularly from a bacteriological point of view, the scale of this development means that a whole raft of new contaminants are almost certain to enter the waterway. These include:

- Organic carbon which stagnates the water;
- Fine silts and sediment which increases the turbidity, reduces the clarity of the water and clogs the bed;
- Nutrients from fertilisers which promote unsightly and nuisance growths;
- Faecal coliforms from animal faeces;
- Hydrocarbons, including carcinogenic polycyclic aromatic hydrocarbons;
- Trace elements such as zinc, chromium and cadmium
- Detergents, chemicals, antifreeze and paints etc.

In addition, hard surfaces will heat the stormwater runoff to increase the temperature of the stream which is a major cause of fish and invertebrate death. Further, it should be noted that urban stormwater discharges to waterbodies is becoming a concern among the Council's staff with an investigation into the extent of the problem beginning in the next financial year.

Therefore, without treatment it is expected that the stormwater from this scale of development will have significant effects on water quality. It is unlikely that the bacteriological content will improve and a wide range of other contaminants are likely to cause adverse effects on aquatic habitat and life. Section 107 of the Act is relevant here as it states that "a consent authority shall not grant a discharge permit [that would allow] any significant adverse effects on aquatic life"

Relevant Objective and Policies of the Proposed TRMP

The relevant objective of the Proposed TRMP is:

The discharge of stormwater so that:

(a) there is no increase in risk of damage caused by flooding or associated channel damage arising from increased stormwater flows in any urban or rural catchment as a result of urban or rural-residential development;

(b) the contamination effects of stormwater flows in streams and the coastal marine area, especially in those receiving water bodies with significant natural character or habitat value for plants and animals are avoided, remedied or mitigated;

(c) stream habitat values are retained and, where practicable, enhanced or established in drainage catchments consistent with the efficient passage of increased stormwater flows, as a result of urban or rural-residential development and channel modifications;

(d) the effects of increased stormwater flows and contaminating discharges are avoided, remedied or mitigated by the development of stormwater collection and disposal systems to service urban or rural-residential development.

The policies to achieve the above objective are:

33.3.1 To require all owners, particularly the Council as stormwater asset manager, of all or part of any stormwater network to avoid, remedy, or mitigate adverse effects of stormwater discharges.

33.3.2 To advocate works to restore and protect stream or coastal habitats and improve and protect water quality affected by stormwater and drainage water discharges.

33.3.3 To avoid, remedy or mitigate the adverse effects of stormwater and drainage water discharges, including:

(a) the effects of contaminants such as sediments in stormwater or drainage water on receiving environments;
(b) the cumulative effects of toxic contaminants in stormwater, particularly in the coastal marine area;
(c) the flooding and erosion effects of stormwater discharges.

It is considered that, as the application stands, these policies, and therefore the objective of the Plan, will not be met by the proposed stormwater discharge as both the effects of the quantity and quality of stormwater will be more than minor and in some cases are likely to be significant.

6. Conclusions

With regard to the quantity of stormwater to be discharged from the proposed development, it is considered that this can be adequately catered for, should the applications be granted, but only with significant upgrades over and above those stated by the applicant. This matter therefore becomes a subdivision matter based on the locations of the boundaries of the floodway and reserve areas. A floodway of between 65

and 93 metres would be required to accommodate the flows into the next 100 years.

With regard to the quality of the stormwater, the application as it stands will lead to a decline in the quality of Borcks Creek. The life sustaining capacity of the creek will be reduced.

7. Recommendation

As discussed above, this application is completely consequential upon the subdivision consent (RM041079) and therefore shares its status. It also shares its recommendation as it would be pointless and misleading to provide a different recommendation.

4.6 Flooding and Inundation Effects (Eric Verstappen, Resource Scientist Rivers and Coast)

1. Introduction

This report addresses the actual and potential flood hazard risks that this proposed development is exposed to, and assesses whether these risks have been adequately addressed and mitigated by the applicant.

2. Background

The subject property has an area of approximately 95 ha and lies at the bottom of the Borck Creek catchment, having an area of approximately 1400 ha. The property is bisected by Borck Creek, which rises at the head of the catchment above Haycock Road and discharges to the Waimea Inlet at Headingly Lane. Borck Creek is a heavily modified watercourse, both in configuration and alignment. It has numerous tributaries arising from sub-catchments along the Barnicoat Range between Clover Road and Richmond South. The character of these tributaries ranges from largely natural watercourses in their upper reaches, to heavily modified, realigned drainage networks.

The capacity of parts of Borck Creek and much of its tributary network has historically been little more than the mean annual flow. Consequently, localised overland flow occurs with reasonable frequency. However, as land uses have changed and increasing development has occurred adjacent to these drainage networks, works to increase channel capacity and decrease floodplain flooding frequency have been undertaken in a number of locations.

Despite progressive improvements being made, the capacity of the drainage network within the Borck Creek catchment is still significantly variable. Only key sections of the network (such as the Eastern Hills drain through the Waimea Village, for example), have been designed and built to contain a 2% annual exceedence probability flow (50 year return period on average). This capacity includes actual and anticipated runoff from the land as zoned at the time of design. Drainage improvements elsewhere in the catchment have been to a generally lesser standard, reflecting the mainly rural nature of the catchment and the minor to modest consequences of capacity exceedence (ie floodwater breakout).

The most recent significant rainfall event that resulted in widespread areas of flooding in parts of the catchment, including the subject property, occurred on 29 June 2003. However, the rainfall intensity varied widely between Richmond and Brightwater (max. 3 hour rainfalls varied between a 1 in 3 year in Richmond to a 1 in 80 year event at Brightwater.) Thus flooding was not as severe in the catchment (or on the property) as it would likely have been for a "design storm", the storm on which channel design is based. This is where rainfall falls with a uniform intensity for a prescribed period on the catchment. This period is known as the time of concentration and is approximately 3 hours for Borck Creek.

Other rainfall events have occurred that have resulted in floodwater over the subject site, including January 1986. However, flooding into the property or floodwater breakout from the channel within the property has not occurred as often as the channel capacity may suggest likely. This is due to the fact that in the upper and middle reaches of the catchment, much of the drainage network (and Borck Creek itself) has historically had only modest capacity at best. This has resulted in channel breakout and ponding occurring in various locations around the catchment. With significant floodplain storage occurring, much less flow than would be otherwise expected for a given rainfall event has remained within the channel to reach the subdivision property. Even with no further development in the catchment, progressive channel upgrading works will result in a greater frequency of flooding on the subject land from the channel. The applicant acknowledges this and proposes a channel configuration that he believes will provide adequate capacity for a present day Q50 flow with freeboard.

As previously, significant areas within the Borck Creek catchment have both experienced and remain at risk from flooding hazard. This is particularly true of the subject property, due to its location at the bottom end of the catchment and its modest channel capacity. While the property remains in pasture or similar rural land use, this risk poses no significant hazard and is of no great concern. However, the flooding risk and consequent potential adverse effects thereof requires significant mitigation and management should a small township of approximately 900 dwellings be located on that land. Importantly, it is not only the present risk that needs to be managed, but also future risk as well. Once any subdivision is built, it's there forever!

3. Application Assessment

The application is for a very substantial residential development on rural land subject to flooding hazard, generated both within and beyond the property. The applicant's consultant, Mr JP McCartin, acknowledges the flood hazard risk to the land and has provided a report (Appendix 6 in the application) that addresses how drainage and stormwater is to be managed. With all due respect to Mr McCartin, in the context of the scale of this application, I considered this report to be somewhat perfunctory and lacking in detail, particularly in terms of assessing potential future hazard risks to the land. A request for further information was sent, as well as conversations and meetings held with him, to discuss these matters. This resulted in a supplementary report from Mr McCartin.

With respect to present day flooding risk, Mr McCartin acknowledges that flooding occurs on the land from beyond its boundaries at more than one location, as well as from capacity exceedence of the Borck Creek channel within the property itself. This entire hazard is proposed to be managed simply by having a general section level within the development that is higher than the crown of Lower Queen St, or the applicable Q50 flood level plus 300mm freeboard, whichever is greater, along with capacity improvement to the main channel itself.

With respect to floodwater entering the property, this hazard may reduce in time as channel capacity improvements are made beyond the property. However, such works cannot be relied on to occur to any extent at present, as no specific works are programmed to be undertaken. The proposed flood hazard mitigation measures, nevertheless, may well suffice. However, no assessment of the Q50 flood level is made, either for the present day scenario of in the future. In addition, no assessment is made of the quantum and effect of any likely potentially diverted floodwater, either within or beyond the main property, resulting from such a management remedy. Adjacent properties already suffer from overland flooding effects, and additional flows diverted from entering the subject property may have cumulative adverse effects on these properties that are more than minor.

With respect to flow capacity required for the drain through the property, to mitigate floodwater breakout from the channel within the property, Mr McCartin uses a "present day" Q50 figure of 35 cumec (calculated by Council in the past as the Q50 design flow), with a 30m wide channel, including an unspecified amount of freeboard. He uses this design flow figure as not only being the "ultimate existing development" flow from the catchment into the subdivision, but also the "ultimate design flow". This is on the basis that any future catchment development or land use change must independently mitigate the effects of any additional flow generated.

With all due respect, I consider this design position is simplistic and fails to address some fundamental parameters requiring consideration. The proposed channel design is simplistic in that:

1. The Q50 figure of 35 cumecs is determined from "present day" rainfall intensity and only includes runoff from all present-day planned development in the catchment. It excludes any additional runoff generated from permitted changes in land use within the current land zoning pattern in the catchment;

2. The quantum of freeboard is unspecified, but assumes to be sufficient to allow drainage into the channel from the subdivision, as well as contain (or adequately manage) the "probable maximum flood" scenario (ie flows exceeding Q50) without significant adverse effects occurring;

3. It assumes that it is feasible and reasonable for all future development in the catchment to fully internalise and mitigate generated runoff, and not contribute to an increase in peak flow in the existing primary watercourse running to the sea;

4. The potential for a present day nominal design flow and channel capacity to change due to possible climate change in the future, including possible intensification of rainfall and effects of elevated groundwater and seawater levels on the subdivision and channel flow. These are potential effect that should be assessed and given regard to.

Looking at these matters in turn, a channel with capacity for a Q50 of 35 cumecs is no longer adequate when flowing through built development rather than its present rural setting. I understand that Council regards Borck Creek as the primary watercourse for storm and floodwater disposal for future as well as present-day catchment development. If this is accepted, then an adequate waterway corridor must be provided through any development proposed for the subject property. This waterway should cater for a Q100 flow with freeboard, use potential rainfall figures in a 2100 design scenario, and incorporate a future catchment development scenario where increased development may exist in a 100 years time.

This was discussed with Mr McCartin, with the view that several possible future development and runoff scenarios be investigated to determine an envelope of corridor widths through the subdivision. This was considered pragmatic and reasonable, as the potential alternative of needing to rip out a row of houses in the subdivision and/or remove an established reserve and possible specimen trees (as may exist in 60 years time), to provide the necessary watercourse corridor width beyond the 30m initially proposed, is unlikely and unreasonable in the extreme.

In his supplementary report, Mr McCartin models some scenarios that result in an ultimate channel width of 44m and capacity of 60 cumecs with no freeboard. The design parameters used to generate these figures are not identified.

The provision of no freeboard in a channel design is generally not supported. Reducing freeboard has an effect on the efficiency of pipe networks to discharge stormwater runoff from adjoining development to the channel. This may result in secondary ponding occurring within that development, which will also occur if the channel capacity is exceeded. The adverse effects of this may not be significantly adverse, but the frequency or risk of such occurrence needs to be assessed, but has not been. In a subdivision context, residents should expect a high level of security and egress. Major access roads should remain accessible, even in extreme rainfall events.

With respect to future catchment development, it is potentially not pragmatic or feasible for additional stormwater to be disposed of elsewhere than Borck Creek. While some degree of floodplain flow may still be tolerated in a significant rainfall event, this is likely only to occur onto rural land. As the catchment progressively urbanises or develops, overland flow and off-channel storage opportunities may diminish. It is pragmatic, in my view, to determine potential effects of increased development and stormwater disposal to the channel, if only to give some lower bound or minimum waterway corridor width through any major development.

Climate change effects may occur either as increased rainfall intensity generating increased peak flows, or elevated sea levels having an effect on

channel capacity (and thus freeboard) due to backwater effects. Neither has been assessed and the latter is of particular concern, given that Mr McCartin states that normal tidal influence just occasionally reaches almost as far as the Lower Queen St bridge, 840m up Borck Creek from the estuary and at the immediate outlet point of Borck Creek from the subdivision.

If this is the case, then it is at least likely that an increase in sea level due to climate change, particularly in an abnormally high tide rather than normal tide, will have some measurable effect on channel flow capacity through the subdivision, as well as on freeboard. If there is no freeboard allowance, then any future backwater effects may increase the incidence of flooding in the development itself. The likelihood and effect of such has not been assessed.

Mr McCartin does assess the backwater effect of the present bridge and concludes that it is soon dissipated, although dissipation distance is not identified. Should the present day bridge be further upgraded in the future, this effect may be eliminated. However, the backwater effect of future tidal levels has not been assessed to determine what, if any, effect it may have on channel capacity and freeboard.

4. Preliminary Channel Capacity Analysis

In an attempt to quantify the effect on waterway capacity by future development, several simple model scenarios were commissioned from MWH. The brief report of this modelling is attached as Appendix 1.

From the report, it can be seen that for the “present day” development and rainfall scenario, a Q100 flow of 41 cumecs is calculated. This increases to 46 cumecs in a 2080 rainfall scenario, where a nominal 15% increase in rainfall is allowed for as a climate change effect. Similar figures are given for progressively increasing percentages of catchment development, up to a theoretical maximum of 90%. As development increases, the “design storm” time of concentration (outflow) decreases, and a nominal allowance of 1 hour has been incorporated.

The channel capacity required to conduct these flows has subsequently been calculated. Two types of channel configuration are considered. The first is a basic trapezoidal-shaped channel, designed purely to provide the least cross section area to conduct the greatest flow. The second is described as an “environmental channel”. This is a more aesthetic design, incorporating a small low flow channel nested within the base of a standard trapezoidal channel having the capacity to contain the mean annual flow. This in turn sits within a wider channel with floodplain on either side, which only conducts flow in larger flood events exceeding the mean annual flow.

An environmental channel of 44m total width is calculated for a 75% development scenario, 2080 design rainfall and no freeboard. This configuration is in the same “ballpark” as Mr McCartin’s calculations provided in his supplementary report. However, as freeboard is provided within the channel, which is considered a necessary adjunct to any channel design, channel widths necessarily increase.

Finally, a range of environmental channel corridor widths are calculated for a future 2080 scenario with varying degrees of catchment development. These vary from 39m-54m for a 10% development scenario (present day) and 0.3-0.5m freeboard respectively, through to 65-93m width and 0.3-0.5m freeboard respectively, for 75% catchment development. This significantly exceeds the 30m and more recent 44m channel width (no freeboard) that the applicant proposes.

In my opinion, a scenario where the catchment is at least 50% developed in the future with runoff directed to the Borck Creek, is not an unrealistic or unreasonable scenario for the applicant to design to. Pragmatically, if not reaslistically, a waterway corridor that allows for even greater catchment development into the very distant future should be provided for.

As far as stormwater inputs from the development to the channel are concerned, the applicant allows for a 3 cumec addition to the Q50 35 cumec flow. In the MWH assessment, no different assumption has been made and accordingly, stormwater inputs need to be incorporated into the final channel width and freeboard allowance. The effect of this input on width and freeboard has not been assessed either by the applicant or Council and clearly needs to be resolved. One thing is obvious – the necessary channel corridor width is sensitive to its modelling parameters and freeboard allowance. In my view, it is critically important to get right for a subdivision proposal of this magnitude.

5. Summary

In my view, the applicant has not presented a coherent assessment of flood hazard risk to (and by) this proposed major development. An analysis of a range of runoff/channel capacity scenarios, allowing for future catchment development and potential effects of climate change, including change to rainfall intensity, sea level rise and groundwater level effects remains outstanding. The presently proposed 30m width corridor, or a 44m width corridor without freeboard provision, is considered to be totally inadequate, for a major development in this location.

It would be very short-sighted, to say the least, if the waterway corridor width did not allow for some significant future catchment development. Furthermore, appropriate waterway width must be provided for today in any subdivision consent granted, as part of a comprehensive drainage and landscaping plan. Such a plan must also consider the needs for a recreation reserve, either within or beyond the drainage corridor.

It is a moot point as to whether the applicant should or must totally provide for a waterway corridor of a given width to “future-proof” against potential future development, particularly to its theoretical maximum in the catchment. This is a political rather than technical judgement. However, a corridor of significant width that is sufficient for drainage and reserve purposes must be provided for, taking into account potential future change and to protect the needs of the community and future generations. This must be provided for now, as to have to retrofit a wider channel, in a corridor that proves to be too narrow and through a subdivision the size of a small township in the future, is a scenario that would be almost intractable and is to be avoided at all costs.

APPENDIX 1

To Eric Verstappen

From Dennis O'Brien, MWH

Subject Borcks Creek Flows

MWH

First Floor, 281 Queen Street, P O Box 3455, Richmond, Nelson 7050, NZ

Tel: 64-3-546 8728 - Fax: 64-3-548 2016

We have reviewed the hydraulic design of the Borcks creek drain upstream of Queen Street based on the premise of future developments in the upstream catchment. It is recognised that this development might be on a long term horizon and the location,scale and nature of the development is uncertain.

Hydrology

The Borcks Creek catchment has a total area of about 1400 ha and extends from Clover Road to the Waimea inlet. When the lower reaches of Borcks Creek is developed then adequate provision must be made for possible future flows. This area has flooded in the past with the most recent flooding occurring in 2003. At present the catchment is largely rural with only about 10% of the overall catchment developed.

The following scenarios were considered to determine the range of flows that could be experienced at the lower reaches of the Creek.

% Development of total catchment	Q100 flow 2005 rainfall depths m^3/s	Q100 flow 2080 rainfall depths m^3/s	Time of Concentration assumed
10 %	41	46	3 hrs
20 %	43	48	3 Hrs
50 %	61	70	2 Hrs
60 %	62	72	2 Hrs
75 %	65	75	2 Hrs
90 %	68	78	2 Hrs

The future flows was calculated on the following basis:

- Using the modified rational method as larger catchment
- Time of concentration for existing catchment is 3 hrs
- Time of concentraction for developed catchment is likely to be 2 hrs (faster response due to development)
- Rainfall depths taken from the Opus Report for TDC, "Richmond and Motueka Design rainfall" March 2007. This considerers increased rainfall due to climate change.

Channel Design

As preliminary channel design has been undertaken for the selected 75% development scenario. This channel has been assumed to be a typical environmental channel which has the following features:

- Low flow channel for dry weather flows
- Active channel for average flows(based on 2.33 year return period)
- Storm berms designed for maximum flood flows
- Both 300 mm and 500mm of Freeboard
- Planting along the channel edges and on flood berms
- Overall channel depth 1.7m depth, this includes freeboard.
- Design is based on a channel slope of 1 in 250 grade

The width of channel required is detailed in the table below:

Channel type	Trapezoidal Channel width	Environmental Channel width	Notes
No Freeboard		44m	12 m berm for storm channel on each side of 20m wide active channel
Freeboard 0.3m	32m	65m	20m berm for storm channel on each side of 25m wide active channel
Freeboard 0.5m	41m	93m	30m berm for storm channel on each side of 33 m wide active channel

No allowance for access strips walkways etc in this channel width .

Width of flood channel required depending on various developments in the upstream catchment.

Scenario	Flow m^3/s	Corridor width for 0.3m Freeboard	Corridor width for 0.5m Freeboard
Existing 10 % Developed	46	39	54
20 % Developed catchment	48	40	58
50 % Developed catchment	70	57	73
75 % Developed catchment	75	65m	93m

Conclusion

This analysis confirms that the future flows in Borcks Creek are sensitive to the development of the overall catchment. In discussion with TDC staff it was considered that 75% of the total catchment could be developed in the very long term. Based on this premise the flow at Queen Street Bridge could be in the region 75 m^3/s. The width of channel required depends on the depth of freeboard required as detailed above.

Please contact me if you require any further information on this.

Yours faithfully
MWH NEW ZEALAND LTD

4.7 Servicing and Traffic Effects (Dugald Ley, Development Engineer and Jeff Cuthbertson, Utilities Asset Manager)

1. Introduction

The above application for 900 Residential lots covers an area of approximately 103 hectares bordered generally by McShane Road, Queen Street, the Railway Reserve and properties fronting the Appleby Highway.

This report will focus on wastewater disposal and water supply for the area and will have general comments of roading and stormwater servicing (as these will be covered in detail in other officers' reports).

2. Background

This development will have a major impact on the development of Richmond and environs. Of significance is that by comparison it is approximately half the size of the new Pegasus town north of Woodend, Canterbury, ie 1700 residential house sites and 295 commercial sites.

The Woodend application took some eight years to become operative in the plan (private plan change) and the hearing took 18 days to hear all the submissions.

The Richmond West application will create the following (approximately):

1. 11,000 metres of roads (41 new streets)
2. 11,500 metres of wastewater reticulation
3. 11,000 metres of principle water reticulation
4. 10,600 metres of stormwater reticulation
5. 1300 metres of stormwater open drains (other than that of Borck's Creek)

The land generally has a ground level of RL 6.0 above mean sea level in the Queen Street/Headingly Lane area and RL 12.0 at the south western (uphill) end of the site (Malcolm property).

The major feature traversing the site is "Borck Creek" which, from the applicant's submission, was formed many years ago by previous farmers to control the low lying swamp nature of the area. High ground water levels in winter are known to be located in the area with field-tile drains in and around Jubilee Park which run continuously.

The site will be accessed by two roads off Queen Street and two roads off McShane Road. The applicants plan show that both Queen Street and McShane Road will not have vehicle access to individual sites from them however Queen Street will have 'frontage'. Adjoining properties to the south and west of the applicant's land have "road links" to them at five locations.

3. Wastewater

It is this officer's view that with the general grade of the land falling towards Headingly Lane, the property can be served via a "gravity" system.

A conceptual plan by the applicant shows two discharge points being:

1) At the "Jockey Club's" land near the show grounds where an existing reticulation system is located. This services the existing properties on the southern side of Queen Street such as the Richmond Bowling Club and properties at 361-389 Queen Street. The system has capacity to accept the additional 57 residential sections.

2) The balance of the site, ie 843 lots (which may include a school, shops and commercial area) is likely to drain towards the Queen Street/Headingly Lane intersection.

Council has programmed the installation of a wastewater pumpstation and rising (pressure) main at the seaward end of Headingly Lane (ie 680 metres from the applicant's land). This work is programmed by Council in the LTCCP for 2007-2008 and is to be funded by Development contributions from developers and subdividers.

There is no funding allocated for the gravity main from Queen Street to this proposed pump station and this is therefore required to be funded by the developer with no credits attributable for this work.

The applicant is therefore required to lay a principal main from the applicant's site to the proposed pumping station located at the seaward end of Headingly Lane. The exact route is to be determined.

4. Summary

In relation to wastewater, the area can adequately be served by a gravity system via a pumpstation and rising main to be installed at the Northern end of Headingly Lane. It is the responsibility of the land owner to reticulate their site and also lay a principal main from this site to connect to that pumping station.

Note that any other pumpstation location, other than that located at the northern end of Headingly Lane is not consented to by Engineering Services and would not be in the best interests of the ratepayers.

The applicant has suggested a pumpstation at the McShane Road/Queen Street locality and rising main (pressure) back along Queen Street to the railway reserve and suggested that these costs, as advised by the applicant, be credited to the Development Contribution payment. This is also rejected by Engineering Services staff.

5. Water Supply

This application will need to be supplied with domestic water to serve the 980 lots which will be made up of residential properties, school and commercial areas. The supply will also need to deal with fire fighting capability and pressure to service these areas.

Currently Council has twp supplies which are general groundwater bores in the lower Queen Street area near the Nelson Pine Industries site and groundwater

bores in the Waimea River area. These come from the lower confined aquifer and delta zone aquifer respectively. These supply reservoir systems which are located at the eastern end of Queen Street and the eastern end of Champion Road plus a further reservoir in Valhalla Heights.

These reservoirs and other smaller supporting reservoirs contain approximately 7200m^3 storage and provide supply and pressure to properties in the urban areas of Richmond, Hope and Brightwater and a further number of properties via Council's urban/rural extension who are on restricted supplies. In addition, Council supplies some of the industrial areas in Nelson including the freezing works and the adjoining subdivision, the ENZA processing plant in Nayland Road and the Nelson Pine Industries plant in Lower Queen Street.

Council has been advised that the above supply is reaching its limits as to pipe infrastructure and storage and this subsequently reflects on Council's ability to give adequate supply in regard to flows and reliability in regard to storage i.e. There is less than one days storage supply at the present time should a major pipe failure occur and reducing this is not in the best interests of Council.

To that end and with new re-zonings around Richmond pending to maintain its level of service to existing properties Council has programmed to carry out "network modelling" of the Council system. This modelling is being refined and as yet no firm data has been received.

It is suspected however that this modelling will confirm that the present system could not cope with an out-of-zone application of 900 lots and for that matter any re-zoning of this location to a "Business Park" as set out in Council's draft re-zoning. Hence, if a proposal is contemplated in those locations, they will need to have a "deferment" due to inadequate water supply.

With developments predicted in Richmond, such as Richmond south, Council has items in the LTCCP for the years 2009 to 2014 to upgrade reticulation systems to service the Richmond south area. No allowance has been made in the LTCCP for upgrading or upsizing pipework to accommodate this additional area.

Without having the network modelling finalised, Engineering Services cannot guarantee reliability of supply to the above applicant for either domestic/industrial water or for fire fighting supply.

6. The Applicant's Proposal

The applicant has suggested that they have water rights (010100 and 01099 for 16,800m^3/week = 2,400 m^3/day) which have been allocated or used for horticultural use. However, the system will still be substandard due to the inability to provide the required fire fighting flows and Council's existing substandard reticulation systems. It is therefore Engineering Service's view that there is no reliability of supply for this proposal and none can be provided until the proposed and additional works, as outlined in the LTCCP, are reviewed in light of this application.

The capital projects outlined in the LTCCP are solely for getting supply and upgrade reticulation systems to areas other than this applicants land and therefore even the option for the applicant (as has been taken up by some developers) to enter into a side agreement with Council to pay interest monies on the water reticulation "capital project" to "bring the project forward" on the programme, is not available as to supply this area would involved additional funding projects such as increasing the size of storage reservoirs. Therefore Engineering would recommend declining the consent until adequate service is available and installed as per a LTCCP revised programme or a new programme incorporating this development.

7. Stormwater

This is being covered in more detail in officers' reports but in essence there are three crucial design issues that officers feel need to be addressed and which require further information from the applicant if they wish a favourable outcome from TDC engineering:

1) Flood flow from the catchment in its fully developed state and for a 100-year design flow together with a 500mm freeboard.

2) A record of ground water levels over a 12-18 month period to show that properties will not be adversely affected and that stormwater disposal options as proposed by the applicant will be achievable all year round.

3) An assessment of the latest evidence in regard to climate change and how this will affect this subdivision, ie sea level rise -50mm, high ground water and back water effects from tidal influence, four fold increase in storm events.

I understand some of this information is to hand at writing this report however and there may well be a difference in opinion as to the design criteria used by the applicant and that promoted by Council staff.
The applicant has promoted in ground infiltration as part of the stormwater reticulation system and Officers are not satisfied that this is a viable option considering the high ground water levels. The better option may well be to reticulate via open channels and piped reticulation systems.

Remember Borck Creek's significant as the major stormwater artery for Richmond and its growth to the south and west. Borck Creek and its embankments need to be wide enough to accommodate a Q100 storm in 100 years time and will be a major feature of Richmond in years to come.

8. Roading

This again will be covered in a separate report by MWH. However the following is noted.

With **900** new lots the resulting traffic movements in and out of the area will equate to 9000 vehicles per day. These movements will be proportioned over the four entrance intersections in McShane Road and Queen Street. There will also be additional pedestrian movements on adjacent streets and roads, with

the immediate roads being Queen Street, McShane's Road and SH60. These roads and potentially other roading areas will all be affected by this development and upgrades/reconstruction will be required by the developer to mitigate these effects.

The LTCCP sets out capital roading projects contemplated by Council to take place within the next ten years. No items are shown for this area in regard to upgrades and if not completed and paid for by the developer causing the need, then it will be left to the ratepayer to fund the upgrades through their rates. Road widening issues have not been adequately addressed such as widening on McShane Rd and the subsequent vesting of road widening at no cost to council.

9. Conclusion

In regard to services the following is noted;

Wastewater –can discharge to TDC systems subject to the applicant, at their cost getting to those systems.

Stormwater- Other than Borck creek, can be via piped and open channel systems subject suitable engineering designs being approved by council once engineering plans and calculations have been submitted.

Water –There is an inadequate system available to serve this area, The LTCCP has projects which will allow the development of Richmond south only at this stage and an extra 980 lots cannot be accommodated at the present time or when works in the next 10years have been completed i.e. there needs to be new items to allow this area to proceed to be developed.

Roading –This proposal will create approx 9000 additional VPD on to Richmonds surrounding roads and has been covered in TDC consultants report attached. Suffice to say these will have affects which I believe have not been adequately mitigated.

Power and Telephone –The line operators will need to confirm at the hearing that they have ability to provide a service to these new customers over the stage time frame and that all the systems will be under grounded to the required Standards.

10. Recommendation

That the application be declined as adequate services cannot be provided to the proposal and the adverse effects generated by the application cannot be adequately mitigated.

4.8 Traffic Assessment (Nick Oliver MWH)

Richmond West Subdivision
Transportation Assessment

1. Introduction

1.1 Terms of Reference

MWH were commissioned, as part of their existing professional services contract with Tasman District Council(to provide a report on the transportation issues associated with a resource consent application for a major proposed residential subdivision at Richmond West.

1.2 Availability of Information

MWH identified some time ago that the Transport Assessment prepared by TDG in September 2004 was obsolete and inadequate for assessing the application traffic effects as the overall development strategy for the area has advanced in the interim. The 2004 TDG report preceded the strategic transportation corridor model development, and the current proposals for SH6 intersection improvements at the Queen Street, Oxford Street and MacGlashen Street intersections.

MWH have been unable to advance the preparation of this report until such time as an updated transport assessment was received from the applicant. TDC was advised of this position.

1.3 Information Supplied

On 1 May 2007 the TDG report dated 30 April 2007 and titled “Richmond West Subdivision. Revised Transport Assessment Report” was received from the applicant in relation to this development. As a result MWH has had insufficient time available to undertake a thorough and comprehensive review of this report.

2. Transportation Assessment (TDG)

2.1 General

The TA does not assess the development proposal against the permitted baseline contained in the Tasman Resource Management Plan which is Rural 1. Rather the TA compared the proposal with a ‘TDG2021 Base’ which the report does not satisfactorily describe. It is expected that viewed against the permitted baseline, the development proposal will have significant adverse traffic effects and that to mitigate the effects of the development of the subdivision, the proposal would require the earlier delivery of the Hope Bypass and possibly other improvements , which would have an associated cost for which the developer would be responsible. In any event for resource consent application purposes, particularly one not involving a plan change, there has been no discussion of the permitted baseline development of the zone.

It is important to note that although the TA states that development over a number of stages over a period of time is anticipated, there is the possibility that development could take place over a short time span of only a few years. In this situation the traffic impacts would be felt much earlier. It therefore make additional good sense to review the development against the existing level of development ie the permitted baseline.

2.2 Deficiencies Identified

Notwithstanding that the Transportation Assessment (TA) did not review the development proposal against the permitted baseline development the following deficiencies in the TA were identified:-

- The Transport Assessment contains no analysis of historical crash patterns and trends and thus no assessment of road safety issues.
- The model assumed that the right turn out of Oxford Street onto SH 6 Gladstone Road is to be banned, but this is not the case.
- The Transport Assessment contains limited information on the land use assumptions.
- Peak hour turning movement information was not provided for two intersections along SH 6 (McGlashen Ave and Oxford St) and one intersection (Headingly Lane) along Lower Queen Street. Or at the following key intersections on the local network

    - Salisbury Road / Queen Street 4 leg roundabout
    - Salisbury Road / Talbot Street Tee intersection
    - Salisbury Road / Champion Road / Main Road Stoke 4 leg roundabout
    - Main Road Stoke / Whakatu link 3 leg roundabout
    - Whakatu link / Whakatu Drive / Richmond Deviation 3 leg roundabout.
    - Turning movement data is essential for comparing performance between different scenarios.

- Intersection performance analysis information (aaSIDRA outputs) is generally lacking and there is insufficient information to enable an informed judgement
- The Transport Assessment implies that land immediately to the south and west of the subdivision could also in due course become developed and presumably as residential given that there are three internal residential roads leading to the areas and stopping right on the boundary. There is no discussion of existing or future development of adjoining land, nor the cross boundary impacts of this development.
- The Transport Assessment excludes consideration of the effects of the potential major future network improvements comprising four laning of SH 6 Richmond Deviation and the Hope Bypass
- No details have been provided of the typical performance indicators / measures for the Richmond or wider road networks for the different scenarios, or screenline counts.

A letter which sets out these deficiencies more fully was sent to TDC on 11 May 2007 for forwarding to Traffic Design Group and is appendixed.

2.3 Implications to Roading Infrastructure

The TA implies that neither Queen Street nor McGlashan Street would be improved from their current rural standards other than to accommodate intersections to provide access into and from the development. The TA confirms that traffic flows would increase significantly on both these roads, as would be expected with a development of this scale in this location. It is reasonable therefore, even with an inadequate TA, to anticipate that the nature of both these roads would change from their current more rural characteristics to an urban type of road. It would also be expected that any developer would be expected to contribute towards the upgrading of these roads from rural to urban standards.

The section of the TA that refers to the Assessment of Pedestrians and Cycle Facilities is wholly inadequate. In essence, the TA refers to the internal layout and its compliance with the District and to "the opportunity to provide for a properly integrated network of pedestrian and cycle facilities". There is no indication provided of any cycling or walking provisions or demonstration that these "opportunities" in any way support the development proposal adequately. It should be noted that due to severance by the former rail corridor and by State highway 6, locating residential development with its propensity for generating walking and cycling trips requires detailed planning of the appropriate facilities. This has been entirely ignored.

Furthermore, the Transportation Assessment appears to make no reference at all to public transport accessibility, provision or availability.

2.4 Inadequacy of Information

In normal circumstances a comprehensive review of the TA should be undertaken wherein the deficiencies identified above would be clarified and the modelling adjusted to incorporate changes. Although MWH has been asked by TDC to provide commentary for the benefit of the Hearing on the TA as it has been presented, there is insufficient information provided in the Transportation Assessment to provide a reasoned judgement.

3. Assessment Against Future Development Options

3.1 Introduction

Tasman District Council (TDC) and Transit New Zealand (Transit) jointly commissioned the Richmond Development and Transportation Study (the Study).

MWH New Zealand Limited (MWH) in association with Gabites Porter NZ Limited (Gabites Porter) undertook the Study which used the strategic transportation model which had been developed on behalf of Transit, TDC and Nelson City Council, for the North Nelson to Brightwater Corridor Study. The results of the Study were intended to assist in the development of a preferred urban form and to inform the subsequent structure planning phase for the above expansion areas.

Whilst the development proposal is required to be assessed against the currently permitted baseline it nevertheless is sensible to also consider the development in the context of the likely future development of Richmond.

3.2 Development Scenarios

The report and its findings are summarised in the following paragraphs. A copy of the complete report is attached at Appendix B.

The study considered four land use development scenarios for the west side of Richmond which is a more extensive area than and is not to be confused with the Richmond West subdivision application site which is only a portion of the west side of Richmond. The four development options were:-

- Option 1 - a mixture of residential and mixed business (including commercial and industrial) development.
- Option 2 – a "constrained" business park concept – with no residential development and limiting business development primarily to the eastern side of Borkes Creek.
- Option 3 – an "ultimate" or "final" urban boundary for Richmond. It meets the demand for both residential and business development over a longer term planning horizon of at least 50 years, by providing for the land as far as Swamp Road to be fully developed.
- Option 4 - basically a "Do Minimum" scenario – it allows for continued rural residential development along Queen Street, but only minimal other future urban development within the Richmond West area.

Additionally, each of the land use scenarios included Richmond East / South Nelson (Champion Road – Hill Street area) residential development, Richmond South residential development and Richmond CBD intensification. Illustrations of the four land use scenarios are provided in the complete report attached as Appendix B and referred to above.

In essence, the Richmond West subdivision proposal is reflected in Option 1. The subdivision would provide a major element of the residential component as can be identified from the illustrations of the scenarios contained in the Richmond Development and Transportation Study at Appendix XX.

It is further understood that TDC are in the process of developing a Plan Change for Richmond West which is, in essence, most closely reflected in the Option 2 scenario. The purpose of the Richmond Development and Transportation Study was, in part, to test the performance of the Option 2 scenario against alternative scenarios in transportation terms.

3.3 Results

The results of this study showed that overall:

Option 2 resulted in the road network performing significantly better than Options 1, 3 and 4,
Option 4 results in the road network performing better than either Option 1 or Option 3 do, but not nearly as well as Option 2 does,

Option 1 resulted in the road network performing poorly relative to Options 2, 3 and 4, and
Option 3 results in the road network performing poorly relative to Options 1, 2 and 4

Detailed examination, in terms of the New Zealand Transport Strategy Objectives, indicated that in all objectives Option 2 performed best, followed by Option 4 in all objectives apart from Safety and Personal Security, where Option 3 was second best performing. Generally however, Option 3 performed the worst except in fuel consumption related outcomes where Option 1 is worst.

The report concluded that Option 2 the "constrained" business park in Richmond West would result in the road network performing significantly better than any of the other land use options being considered. Option 1 which most closely equates to a development pattern that includes the application site as residential was the worst performing option apart from the scenario which considered a fifty year development horizon.

4. Conclusions

The Transportation Assessment does not consider the development proposal against the permitted baseline. This is a major omission.

Viewed against the permitted baseline the proposal is likely to require the earlier delivery of the Hope Bypass and possibly other improvements, which would have an associated cost for which the developer would be responsible. This item has not been addressed in the Transport Assessment.

The Transportation Assessment is inadequate and deficient for a number of reasons spelt out in this report.

Due to late receipt of the Transport Assessment insufficient time has been available to review the report in an appropriately thorough and robust manner

The Richmond Development and Transportation Study shows that in transportation terms the development scenario that includes the proposal performs poorly.

This current application should not be considered further from a transportation point of view until the inadequacies and deficiencies of the TA have been rectified and then properly assessed.

Nick Oliver
MWH NZ

Appendix A:

Attention:Mark Morris
Richmond West Hearing

Dear Mr Morris

Request for Further Information

We have completed an initial review of the supplied information in relation to the proposed Richmond West residential Subdivision development located within the block of land between the Railway reserve, McShane Road, Lower Queen Street and SH 60 Appleby Highway. In order to aid our analysis we seek a number of clarifications and /.or further information which will enable us to complete our assessment, time permitting.

1. INFORMATION SUPPLIED

The following information has been received from the applicant in relation to this development:

- TDG report dated 30 April 2007 entitled "Richmond West Subdivision. Revised Transport Assessment Report".

2. REQUEST FOR FUTHER INFORMATION

2.1 Accident Analysis

The Transport Assessment contains no analysis of historical crash patterns and trends.

Please provide a crash assessment for the surrounding road network and the expected impact on road safety arising from the traffic from the proposed sub development.

2.2 Traffic Model road network assumptions

The model assumed that the right turn out of Oxford Street onto SH 6 Gladstone Road is to be banned, but this is not the case.

2.3 Traffic Model Land Use assumptions

The Transport Assessment contains limited information on the land use assumptions, providing merely the Corridor Study 2021 Base; TDG 2021 Base modification; TDG 2021 Base with development number of households; population per household; and population for the traffic zone containing the development (also split into four sub-zones); Hill Street North; Richmond South; [Nelson Regional] Hospital; Tahunanui; and Stoke zones. The number of jobs was not given except for the development zone.

No map is provided showing the zones (or subzones); let alone shown with regard to the road network; neither is the Corridor Model roading network including the zone centroid connectors provided.

Please provide maps overlaid on the road network showing the traffic zone boundaries, and the Corridor Model roading network including the zone centroid connectors, with greater detail shown for Richmond township and outskirts.

Please provide the land use figures for the 2021 sensitivity testing scenario if applicable or explain in detail how they were derived (evidently not by applying a constant factor to the other 2021 flows or difference thereof).

Please provide for each of the three plus one 2021 scenarios the land use data for all the zones, including the number of jobs.

Please provide the land use data for all the zones for Corridor Model 2001 base year, 2006, and 2031 years.

2.4 Modelled existing (2007) traffic flows

Details of the existing (2007) flows were provided for the AM peak (7:45-8:45, refer Figure 3) and PM peak (4:15-5:15am, refer Figure 4) for five intersections.

Please provide the AM and PM peak turning movements for the other two intersections along SH 6 (McGlashen Ave and Oxford St) and one intersection (Headingly Lane) along Lower Queen Street, analysed in the transport assessment

Please provide the existing interpeak (IP) flows for all eight existing intersections analysed in the transport assessment.

Please also provide the existing AM, Interpeak and PM peak turning movements at the following key intersections

- Salisbury Road / Queen Street 4 leg roundabout
- Salisbury Road / Talbot Street Tee intersection
- Salisbury Road / Champion Road / Main Road Stoke 4 leg roundabout
- Main Road Stoke / Whakatu link 3 leg roundabout
- Whakatu link / Whakatu Drive / Richmond Deviation 3 leg roundabout

2.5 Modelled future (2021) traffic flows

Details of the modelled AM and PM peak flows based on the TDG 2021 Base (Figures 7 and 8) and also for the TDG 2021 with development (Figures 9 and 10) where provided, along with the so-called sensitivity testing flows for TDG 2021 with 957 trips to/from development in PM peak cf 696 trips for that arising without adjustment from the Corridor Model (TDG 2021 Base). No explanation is really given as to why there is such a large discrepancy.

Please provide the existing interpeak (IP) flows for all eight existing intersections analysed in the transport assessment for the three 2021 scenarios.

Please also provide the existing AM, Interpeak and PM peak turning movements at the following key intersections

- Salisbury Road / Queen Street 4 leg roundabout
- Salisbury Road / Talbot Street Tee intersection
- Salisbury Road / Champion Road / Main Road Stoke 4 leg roundabout
- Main Road Stoke / Whakatu link 3 leg roundabout
- Whakatu link / Whakatu Drive / Richmond Deviation 3 leg roundabout

2.6 SIDRA intersection performance of existing intersections

SIDRA was used to assess the 2007, 2021 without development, and 2021 with development for the eight nearby intersections for the AM and PM peaks. In addition the 2021 with development sensitivity testing flows were reported for three (not four as stated) of the Priority controlled intersections. However reporting was undertaken only on an approach, not movement basis, and the key SIDRA parameter values were not stated, nor SIDRA output provided.

The performance of the expected improvements to the existing intersections by 2021 were not tabulated for some if not all intersections where improvements are expected.

Please provide the sensitivity testing SIDRA results for the McShane/SH 60 / Pugh intersection, and the four intersections along SH 6 for the AM and PM peak.

Please provide the Interpeak sensitivity testing SIDRA results for the eight intersections.

Please also provide the 2021 sensitivity testing results for the AM, Interpeak and PM peak turning movements at the following key intersections

- Salisbury Road / Queen Street 4 leg roundabout
- Salisbury Road / Talbot Street Tee intersection
- Salisbury Road / Champion Road / Main Road Stoke 4 leg roundabout
- Main Road Stoke / Whakatu link 3 leg roundabout
- Whakatu link / Whakatu Drive / Richmond Deviation 3 leg roundabout

The above should provide the results on a movement basis, rather than on an approach basis, and include the intersection upgrade options.

Please provide the SIDRA .aap files for all the above, and state what are the key parameter value assumptions.

2.7 SIDRA intersection performance of proposed new intersections

SIDRA was used to assess the 2021 sensitivity testing AM and PM peak flows for the proposed four Tee intersections serving the development. Again the key SIDRA parameters (such as the assumed critical gap and follow-up for the right turns in particular, the peak flow factor and peak flow period, and the

percentage of heavy vehicles, and geometric delay parameters) were not stated.

Please provide the Interpeak sensitivity testing SIDRA results for the four proposed intersections.

The above should provide the results on a movement basis, rather than on an approach basis.

Please provide the SIDRA .aap files for all the above

2.8 Land Use with the zone within which the development is located (zone 549)

Figure 6 of the Transport Assessment report infers that land immediately to the south could also in due course become developed (presumably generally residential), given that there are three internal roads leading to the area, stopping right on the boundary.

There is no discussion of existing or future development of adjoining land within the traffic zone 549, and while there is no map showing the subzones, it is evident that half the development is assigned to the northeast subzone and half to the northwest subzone. From this it might be inferred that the southwest subzone includes the land between the development and SH 60 and the old railway reserve (assumed to have 1172 jobs in 2021), while subzone southeast (100 jobs in 2021) perhaps comprises the various parcels of land off Lower Queen Street which are not part of the development (there is also one small parcel of land off McShane Road that presumably has been ignored – land use unknown).

There is no discussion of where and how the 1172+100 jobs are provided in the remainder of the zone not part of the proposed development, and for example if the number of jobs for this figure had assumed that the development land would be mixed business rather than residential.

In any event for resource consent application purposes, particularly one not involving a plan change, there has been no discussion of the permitted baseline development of the zone.

Please provide detailed discussion relating to land use activities within traffic zone 549.

Please extend the report to include assessment of a further scenario for 2021 where the zone 549 is largely as presently developed and/or as permitted, and include AM, Interpeak and PM peak analyses of intersection for this additional scenario.

2.9 Hope Bypass and Lower Queen Street grade separation

The Transport Assessment excludes consideration of the effects of the major future network improvements comprising four laning of SH 6 Richmond Deviation and the Hope Bypass.

Please extend the report to include assessment of a further scenario for 2021 whereby the Hope Bypass (from Lower Queen Street to somewhat beyond or at SH 60 Appleby Highway) is completed by 2021, along with four laning of Richmond Deviation and any associated improvements required to the three nearby northern roundabouts. Include AM, Interpeak and PM peak analyses of intersection for this additional scenario.

2.10 Network Efficiency

No details have been provided of the typical performance indicators / measures for the Richmond or wider road networks for the different scenarios, or screenline counts.

Please provide the typical network performance and level of service indicators for the Corridor Study area as well as for a new cordon area encapsulating Richmond and outskirts.

Please discuss and compare the network figures in relation to the objectives and policies within the Tasman District Plan and related documents.

Please provide a copy of all the traffic model outputs from the Corridor Study model as provided by Gabites Porter Ltd, who developed the model on behalf of the owners Tasman District and Nelson City Councils and Transit NZ.

2.11 Scenario assumed network improvements

Please clarify as to what future network improvements were assumed in the Corridor Models for 2021 TDG Base and 2021 TDG with development, and also please clarify that a further scenario 2021 TDG sensitivity testing was undertaken.

Yours sincerely
MWH New Zealand Limited

David Wanty
Senior Consultant Traffic & Safety

Reviewed By: Nick Oliver

4.9 Land Disturbance Effects and Structures in a water course.

The following consents are largely consequential to the subdivision consent:

RM050720 Upgrade Borck Creek and Poutama Street Drain
RM050718 Bridges/Culverts over Borck Creek
RM050720 Land Disturbance

These consents are directly related to the subdivision construction works and unless full engineering plans are provided it would be difficult to accurately assess the adverse effects on the environment.

Until the decision is made on the overall subdivision proposal, it is not realistic to require the applicant to provide full engineering plans of these works.

Therefore the staff assessment, by Council's Natural Resources Consent Planner, Donna Hills, of the these consequential consents is limited by the lack of detail of the proposed works:

Donna Hills (Consent Planner, Land Management)
RM050720 Upgrade Borck Creek and Poutama Street Drain
RM050718 Bridges/Culverts over Borck Creek
RM050720 Land Disturbance

RM050720/RM050718

An application has been made to upgrade Borck Creek and Poutama Street Drain to cater for increases in stormwater discharge from the subdivision and upstream drainage system and to create an esplanade reserve of approximately 44 metres wide including both banks.

A report has been provided by John McCartin on the upgrade. In his report Mr McCartin states that the drain will be upgraded to full 2% AEP plus freeboard design, and in a manner that improves the visual amenity of Borck Creek . The writer does not intend to restate the contents of this report which may be referred to under Appendix 6 in the application.

Application has also been made to install bridges and/or culverts to provide access across the creek to the subdivision. The applications states that the bridges/culverts include a crossing of Borck Creek on "Field Drive", and three road crossings of the relocated Poutama Drain and two crossings of the open channel on McShane Road. The crossings will either be bridging, piped or box culverts as engineering and hydraulic design deems necessary. All crossings will be designed to cater for design storm flows with bases set at design bed levels so as not to interfere with low flow bed levels or to interfere with the passage of fish in the waterways.

The application states that no adverse effects are anticipated, but no assessment of effects has been provided so the writer is unable to comment any further on either the effects of the upgrade to the creek or the proposed structures.

Section 13 of the Resource Management Act 1991, requires that consent be obtained to erect a structure in, on, under, or over the bed of a river, or excavate, drill, tunnel, or otherwise disturb the bed, unless expressly allowed by a rule in a regional plan and in any relevant proposed regional plan or resource consent.

Presently, the only proposed or operative regional plan pertaining to the use of river and lake beds at the applicant's site is the Transitional Regional Plan (TRP). Under the provisions of the TRP, consent is required for the proposed activity as a discretionary activity.

Application has been made for such land disturbance consents necessary for the subdivision. No further details have been supplied, so no planning assessment can be made, except that the property falls within Land Disturbance Area 1 where it is likely that Rules 18.6.2 (ic) and (l) may be breached.

4.10 Reserves, Walkways and Esplanade Reserves (Rosalind Squire, Planner, Community Services)

The report by the principal planner outlines the proposed subdivision. This report summarises the issues with respect to the acquisition of reserves and walkways in relation to this subdivision proposal. Staff from the Community Services are familiar with the application site, considered it in the wider context and make the following recommendations.

1. Provision of Walkways and Reserves

When Council is planning for future growth it needs to provide for cycle and pedestrian linkages and open space for both informal and structured recreation. In order to achieve this objective Community Services staff met with the applicant in the early stages of the proposal to discuss options for the provision of recreational open space and walkways.

The department gave some initial feedback to the applicant with respect to the location of reserves and walkway links within the proposed subdivision. The Community Services Department is generally supportive of the proposed network of reserves and walkways within the proposed development. However, there are a number of outstanding issues which are outlined in sections 1.1 to 1.5 below.

1.1 Walkway links

The application identifies six walkway links which, in conjunction with the proposed road and reserve network, provide a pedestrian and cycle network through the subdivision towards the main road/future walkway connections to Richmond town centre. The location of these links is supported in principle. However, it is considered that an additional link would be beneficial between proposed lots 222 and 223 and the proposed link between proposed lots 320 and 321 would be better placed between proposed lots 383 and 384.

1.2 Local Purpose Reserves

The application involves the vesting of four local purpose reserves:

Proposed Lot 901 of 2,600m^2;
Proposed Lot 903 of 2,560m^2;
Proposed Lot 904 of 2,400m^2; and
Proposed Lot 905 of 2,530m^2.

These all provide large open space areas within the main housing clusters, they provide for walkway links and informal recreation areas where amenity planting can be undertaken. They are located between access roads rather than collector roads and away from principle intersections. This will provide sufficient visibility to offer a safe environment for users of the reserve and will minimise road hazards.

1.3 Proposed School

The application proposes a central open area and park to accommodate a future school (Proposed Lot 905 of 2.49 hectares).

The Ministry of Education supports the allocation of approximately 2.49 hectares of land for the purpose of a school or neighbourhood reserve. The Ministry also supports the provision of a pedestrian and cycleway path through the reserve that runs parallel with Lower Queen Street (Poutama Drain). However, they submit that sufficient measures need to be adopted to ensure the safe passage of pedestrians and cyclists across State Highway 6 to access central Richmond. They suggest that possible mitigation measure include a pedestrian/cyclist underpass or a signal controlled pedestrian crossing. They acknowledge that the applicant cannot alone alleviate the Ministry's safety concerns and that a third party such as Council and Transit need to be involved which is outside the scope of this application.

Given the level of existing open space provided for within the proposed subdivision, the Community Services would be reluctant to see the vesting of additional land in Council which may or may not at some future date be developed as a school.

1.4 Proposed Sports Field

The initial plans accompanying the application did not provide for any additional area for future sports fields. The need for an additional sports field adjacent to Jubilee Park was highlighted and the application plan was amended accordingly. The notified plan shows a proposed reserve of 5.17 hectares (proposed lot 906), which is supported by the Community Services Department.

1.5 Borck Creek

Section 230 of the Resource Management Act 1991 requires that where any proposed allotment created by a subdivision is less than 4 hectares a 20 metre esplanade reserve or strip is created adjacent to rivers which have widths greater than 3 metres at their annual fullest flow (AFF).

The application includes a 44 metre wide greenway which includes the bed of Borck Creek and a 20 metre wide esplanade reserve on either side.

The submission from the Director General of Conservation seeks that the application be declined unless specific matters are addressed. The submission supports the proposal to create an esplanade reserve of at lest 44 metres in width along the length of Borck Creek, including both banks and the channel of the creek. He submits that this would provide the opportunity to improve the

conservation values of Borck Creek and to provide for public access and recreational use. However, he submits that the application does not contain sufficient information with respect to landscaping and enhancement planting associated with Borck Creek and the Poutama Street Drain.

(The other issues raised are addressed as part of the report for RM050720).

The vesting of the proposed esplanade reserve is consistent with Part II of the Resource Management Act 1991, which states that in achieving the purpose of the Act, all persons exercising functions and powers under it shall recognise and provide for the maintenance of public access to and along the coastal marine area, lakes and rivers as a matter of national importance and shall preserve the natural character of rivers and their margins.

The vesting of an esplanade reserve is also considered to be consistent with the objectives and policies in the Tasman Resource Management Plan. The reserve will enhance access to and along Borck Creek and facilitate access to other reserves and the coastal environment area adjoining the Waimea Inlet. It will also provide for the enhancement of the natural character of the margins of Borck Creek.

2. Resource Management Act 1991

The purpose of the Resource Management Act 1991 as outlined in Part II is to manage the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety. Providing access to and along rivers and the coast is a matter of national importance. These are both reflected in the objectives and policies in chapters 8 and 14 of the Proposed Tasman Resource Management Plan.

3. Proposed Tasman Resource Management Plan

Objectives and Policies

Chapter 14 outlines Council's objectives and policies for reserves and open space

Objective 14.1.0 aims to provide adequate area and distribution of a wide range of reserves and open spaces to maintain and enhance recreation, conservation, access and amenity values.

Policy 14.1.1 aims to provide at least four hectares of Council land per 1,000 residents for recreation and amenity space which is in addition to Crown and private land.

Policy 14.1.3 aims to identify potential open space areas in advance of urban subdivision in order to provide for the open space needs of the future residents and workers in the area.

Policy 14.1.4 aims to provide for new open space areas that are convenient and accessible for users, including the provision of walking and cycling linkages in and around townships, between townships and between reserves

Chapter 8 outlines Council's objectives and policies for the margins of rivers, lakes and the coast.

Objective 8.1.0 aims to maintain and enhance public access to and along the margins of lakes, rivers, wetlands and the coast, which are of recreational value to the public.

Policy 8.1.1 aims to maintain and enhance public access to and along the margins of water bodies while avoiding, remedying or mitigating adverse effects on other resources or values, including: indigenous vegetation and habitat; public health, safety, security and infrastructure; cultural values; and use of adjoining private land.

Policy 8.1.4 provides for the setting aside of esplanade reserves, esplanade strips or access strips at the time of subdivision of land adjoining water bodies where there is a priority for public access.

Policy 8.1.5 seeks to provide public access linkages between reserves and public access adjoining water bodies.

Objective 8.2.0 aims to maintain and enhance the natural character of the margins of rivers and the protection of that character from adverse effects of the subdivision, use and development.

Policy 8.2.1 aims to maintain and enhance riparian vegetation, particularly indigenous vegetation as an element of the natural character and functioning of rivers and their margins.

Policy 8.2.4 aims to set aside or create an esplanade reserve, esplanade strip or access strip at the time of subdivision of land adjoining water bodies where there is a priority to protect the natural character of the those margins.

Policy 8.2.15aims to pursue and encourage restoration and enhancement of riparian areas where natural character has been degraded by past human activities

4. Summary

The proposed subdivision is considered to be consistent with Council's objectives and policies for both reserves and open spaces and for the margins of rivers. The esplanade reserve will provide for enhanced public access to and along Borck Creek and the coast and will ultimately provide the ability for the Council as the new landowner to restore and enhance riparian vegetation (subject to any plantings being able and suitable to withstand flood events) and a more natural functioning of the creek.

Policy 14.1.1 aims to provide at least four hectares of Council land per 1,000 residents for recreation and amenity space. It is anticipated that once fully developed the proposed subdivision would provide for 3,000 residents (based on an average household unit of 2.8 people). The area of green space provided by the esplanade reserves, neighbourhood parks and proposed sports field within the proposed subdivision is 12 hectares, this is consistent with Council's policy.

Policy 14.1.4 aims to provide for new open space areas that are convenient and accessible for users, including the provision of walking and cycling linkages in and around townships, between townships and between reserves. It is considered that the proposed subdivision achieves this aim.

4.11 Contaminated Site Issues

The applicant has provided a soil contamination report from the Cawthron Institute dated 14 December 2004 which is included as Appendix 8 of the application.

The report found that testing indicated that the site was suitable for residential development , except for a small area next to the chemical shed near the northern end of McShane Road. This was very small area and it was found that if the topsoil of the site was the concrete spray pad were removed and disposed safely then the area was suitable for residential.

Jenny Easton, Council's Resource Scientist dealing with contaminated sites, confirmed the report's findings and recommended mitigation measures were acceptable.

5. OTHER MATTERS

5.1 Urban Growth and Provision of Residential Housing

The matters relating to Urban Growth and provision residential housing in the Richmond and Nelson region, is covered by following report by Marc Baily of Boffa Miskell Ltd:

Urban Planning Report for Tasman District Council
Prepared by M Baily. Boffa Miskell Ltd
10 May 2007

The following report has been prepared to address urban planning considerations associated with the development of the western area of Richmond with particular reference to the resource consent application lodged by Richmond West Group [RM041079, RM050719, RM050720 RM050721, RM050730].

This report has been prepared by Marc N Baily, Urban Planner of Boffa Miskell Ltd.

Urban Growth Planning Background

The subject of Richmond's future growth [and Nelson City's] and the directions for that growth have been the subject of planning consideration over the last several years [Richmond Development Study 2003 (RDS) and Nelson Urban Growth Study

2004 (NUGS)]. [1] The outcomes of that work are now beginning to filter through the statutory planning system in the form of zone changes incorporating structure plans for residential growth areas. It is recognised that both of these studies have no statutory weight under the RMA, but they provide a planning context within which the applications' effects may be assessed.

Of some significance for the future planning for this 'sub-regional' area of Nelson and Richmond has been the establishment of the Nelson Richmond Futures Working Group - a joint working group of the two Councils tasked to recognise the interrelationship between these urban areas in future planning projects. That working group has agreed to progress a joint work programme work on urban growth planning for the sub-region which recognises the interlinked nature of development between Richmond and Nelson.

Supply and Demand

In progressing RDS and NUGS further work has also been undertaken to understand the supply and demand projections for the joint area recognising that the demand and supply for both places need to be 'read' together.

A recent report on that subject [Review of Growth Projections Richmond and Nelson and Environs August 2006] cross references various new (Tansley 2006 and Cole 2006) and existing (NUGS and RDS) studies as well as the current Nelson-Brightwater Corridor Study (joint project of Transit NZ/NCC/TDC) to determine estimates of future population growth, job growth and then land demand. Although some rationalisation of the different projection periods and different spatial extents was required, the outcomes from these various studies revealed very similar population and employment growth land needs. The report concluded that shared between Richmond and Nelson there was a projected increase (from 2001) of **10,300 residential households** and a projected increase of **110 ha of mixed use commercial/industrial** land to 2031. Some 50 ha is estimated to be available in the subregion, leaving an estimated shortfall of at least **60 ha** for the period to 2031.

Residential Land Supply

The provision for <u>all</u> of the projected additional households in Nelson and Richmond is currently by way of a strategy for *both* greenfields land development [eg Richmond South, Hill Street/Champion Road, Stoke Foothills - Ngawhatu, Marsden Valleys] [together some 3700 new households/lots] and intensification of use of the existing urban areas at key points along the main transportation routes and based around existing centres [eg Nelson Central, Waimea/Hospital area, Stoke, Tahunanui, Richmond Central] – see Attachments 1 and 2. It is noted that there is an assumed existing land supply of residentially zoned land in Nelson and Tasman that has not been taken up of up to (there will likely be less now) 3000 households based on analysis of available land from NUGS and RDS.

[1] Planning for growth is not a new phenomenon – the last round being NUGS 86 and Richmond in the early 1990's.

It is significant for the future development for the Nelson and Richmond urban system that the joint Transit NZ/NCC/TDC corridor study has identified substantial differences in the performance of the transport network depending on whether the growth provision includes intensification or relies entirely on greenfields development. The corridor study identified that relying entirely on greenfields growth would be unsustainable without very high levels of transport infrastructure investment that would be well beyond the funding capabilities of the responsible public agencies. By providing for intensification in combination with greenfields growth the study has showed a significantly more achievable network performance through investment in peak

It is also important to recognise that selection of the areas for growth has not been random. The RDS and NUGS work both included a constraints mapping exercise and established principles (see Attachment 3) to be used for planning growth and the growth locations identified by those studies have aimed to be consistent with those principles.

It is important to remember that there are influences that affect projections including slowing economic growth and migration which causes fluctuations up and down in demand. This is illustrated by the building consents data for dwellings in Richmond in Table 1 below:

Table 1 Richmond Building Consents for Dwellings

Year	Richmond dwellings	whole district
2003	160	(*587)*
2004	90	(*410)*
2005	64	(*286)*
2006	76	(*315)*
(average 97.5 per year) It is noted that the RDS projected an average of 114 per year		

On the basis of these data all of the new greenfields residential land being provided for in Richmond (south and east) (equivalent to 2155 households worth) would provide for 13.5 years growth based on 2003 figures, but 33.5 years growth in 2005. The average provides for 22 years residential growth.

The greenfields land development areas in Richmond are being provided for currently through zone changes in Richmond South and Champion Road/Hill Street by resource consents for subdivision. The hearings for the Richmond South area have concluded and will remain subject to appeals until approximately July 07. The consents for Champion Road have been approved. Nelson City is also close (June 07) to approving private plan changes for the Stoke foothills areas.

The intensification part of the strategy is not as straight forward to achieve as greenfields land development. However, it is an achievable strategy with the right conditions. Experience locally and nationally shows that there are certain conditions that motivate intensification. The joint workgroup has commissioned a significant project [complete by August 2007] which will identify the most effective way to achieve intensification in the Nelson/Tasman context. This work will look at the range of issues around the subject including housing affordability, governance, urban form, economics, and community. Out of that work the Councils will then be in a position to lead actions for achieving intensification in the locations set out by the strategy (and possibly others).

In summary in respect of the provision for residential household growth for the period to 2031 the current strategy described above [part greenfield growth which is in action now in terms of rezoning and part intensification which will have a longer period of realisation but towards which steps are being made] will satisfy demand to 2031. Accordingly the Richmond West area is not required to provide households to meet current projected demand to 2031.

Business Land Supply

As noted above the projections are for a 60ha of business land being required to 2031 to meet both Nelson and Richmond's demand for commercial/industrial land. Although the strategy is to provide for mixed uses at intensification nodes where some small scale business and residential can occur comfortably alongside one another, there is a significant deficit of commercial and industrial business land available for this sub-regional area of Nelson and Tasman. The nature of the larger scale of these types of businesses and their reliance on movement of goods is that they require relatively flat land with good access to main transport routes. There are no ready options for this type of land use to grow in Nelson city to the area required.

Richmond and in particular the Lower Queen Street area provides a good location for business land growth given its relatively flat topography and access to both SH6 and SH 60 as well as proximity to the existing urban system in terms of a work force. The strategic value to the region of business land is significant and the Lower Queen Street area provides a long term solution (given the area for expansion) for its provision – there appear to be no alternatives with the same qualities. Despite consideration in NUGS of locations including Wakapuaka, Tahunanui and more latterly by TDC of Hope as alternative locations, they were each considered to be less suitable in the long term than Lower Queen Street for business landuses.

Urban Form

The shape and direction of growth (or urban form) for Richmond was considered by the RDS. The different strategies of continued expansion outwards, intensification within the existing urban 'footprint' and containment were all put to the community as options. The feedback from that consultation (summarised in TDC Committee Paper February 2004) showed support for maintaining the valued characteristics of Richmond, retaining clear urban limits, and maintaining distinct villages, or clustered development separated by green belts and not letting the built/urban environment sprawl over productive land and support for development that is higher density in the central area of Richmond.

The current strategy for Richmond is to enable limited growth to the south (Richmond South Development Area) and in the east at the end of and above Hill Street, and enabling intensification in Richmond central.

The decision to enable limited growth of Richmond for greenfields development is to provide some more immediate opportunity for projected future households, but that the extent of this growth needed to be limited to satisfy the planning principles and positive community feedback in respect of some level of containment and protection of the open landscape within which Richmond sits.

This is achieved through (a) the proposed extension to the south to the spur ridges beyond Bateup Road which remain rural and form a prominent natural landscape feature as an urban edge, and (b) the proposed extension to the east limited by Saxton Field and rural land (Raines) as an urban edge to the north and separating Richmond as an entity from Nelson/Stoke. The extent of that eastern area will be determined by structure plan to be completed in August 2007.

The land in Richmond west has few 'natural' boundaries upon which to base an effective urban limit. The Waimea Plains open up from west of Gladstone Road – this land is versatile and productive. Although some limited residential and tourism services development has occurred here it is not substantial at this time. The most dominant feature in the landscape in the area is the Nelson Pine plant.

The Tasman District Coast Landscape Character Assessment (2005) identifies a landward extent of the coastal environment to SH60 and back in to Lower Queen Street along McShane Road closer to Richmond town. The assessment recommends that further development should not occur beyond the north western boundary of the Nelson Pine plant and that the coastal edge should be rehabilitated. The Assessment recognises that the environment south west of Nelson Pine is being reviewed by Council and points to the opportunity to physically and visually link the inlet to existing and future developments.

The containment concept currently proposed in Lower Queen Street is to utilise Borck Creek as a basis for a western-most extent to urban Richmond and for this land to be developed over time for business type landuses. Borck Creek provides the link between the inlet edge, Saxton Field, Richmond Hills and the spur ridges for effectively a continuous town or greenbelt belt for Richmond.

The value of using a natural or open space boundary is that this provides a more effective and enduring basis than a road and enables the realisation of a town belt which has some amenity values (landscape and recreation) associated with it. Borck Creek would also serve a stormwater function carrying water from the upstream catchment to the Waimea Inlet.

History has shown that town belts may eventually be surpassed (eg Wellington, Ashburton) depending on the fortunes of the place, but are a useful tool for a defined planning period to (a) maintain a clear difference between urban and rural and enable productive landuses to continue with some certainty and without reverse sensitivity issues, (b) ensure an efficient use of the urban land contained by the belt where otherwise low density sprawl would naturally occur with additional amenity, land and infrastructure costs, (c) enable a distinction between towns or neighbourhoods which would otherwise form one large urban area, (d) provide a valuable amenity resource for the people living in the area.

In summary, in the Richmond West area the vulnerability to continued urban growth across the Waimea Plains is high if the urban extent steps beyond Gladstone Road and the Richmond Deviation corridor without a clear strategy for the current planning period as to where it will stop. The strategy being currently pursued is to limit the urban extent at Borck Creek with a wide green belt. Although urban growth might step beyond this point in the longer term, the land embraced by the town belt for Richmond is considered to provide sufficiently for the town's (and in conjunction with Nelson city) urban growth for some 25 years.

Housing Choice

It is clearly an issue for the Nelson Tasman area (as it is in other places in New Zealand) that housing is becoming less affordable to more people as the cost of houses increases at a different pace than their ability to pay.

This is not a simple issue to resolve (as noted by the New Zealand Planning Institute recently) as it is affected by the dynamic interplay between demand (influenced by overall economic growth, inflation, building construction costs, income, population growth including net migration and household formation, individual preferences and financing) and supply (mortgage interest rates, investment patterns, vacant available land, building construction, infrastructure costs, the labour market and building stock).

These are not factors that can all be overcome, nor enhanced affordability sustained over time, by just rezoning of large areas of land. It is also important not to confuse affordable with cheap or a lesser quality environment. The implications socially of providing for large areas of 'affordable' housing in one place must also be considered. It is well understood now that affordable housing needs to be carefully provided for an integrated as the ability for those people to advocate or address the quality of their environment will be limited. In addition, market dynamics in a high demand situation will drive against affordability, despite any promise to the contrary with individual development proposals. Artificial or voluntarily constrained property prices will quickly merge with the rising market upon property transfer (assuming the quality of that place is of a reasonable standard). In summary the ability to afford a house will need to be addressed by a multifaceted approach where governance, combined with financial planning, and strategic planning as to location and mix.

Summary

In summary the key points noted from this report are that:

- **The strategies of NUGS and RDS provide for the medium term growth projected for the sub-region in respect of housing and business in a combination of greenfields and intensification locations.**

- **The enabling of those areas for growth is underway and the first of those areas (RSDA) is likely to become available (assuming no appeals) in the short term (2007)**

- **There is no demonstrated need for the Richmond West area to be developed for residential uses given the above and it is considered that its most strategically beneficial future use is for business land for which there are no better options in the sub-region.**

- **The concept of Richmond being 'contained' for the current planning period (ie to 2031) within a greenbelt reflects community aspirations and enables planning principles to be satisfied.**

- **The proposed line of Borck Creek defines the greenbelt edge more effectively than road edge as it provides for a greenway with stormwater, recreation and open space values whereas a road will easily be built on the other side of.**

- **The issue of housing affordability needs to be addressed in a careful way with the influence of governance and careful planning to ensure that affordability is sustained into the future and that the conditions for the communities locating there are appropriate.**

ATTACHMENT 1

TABLE 1 CURRENT STATUS OF PROVISION FOR PROJECTED HOUSEHOLD DEMAND		
Richmond Urban Area	Households	Status in Planning Process
Richmond South	1070*	Notified Plan Variation (49 and 50) decision and rezoning due June 07
Richmond Central Area	690	Subject to intensification study
Wahanga + Sutton (in Nelson) Champion Rd	195	Subdivision consent granted
Richmond East	890**	Structure planning and rezoning to follow late 07
Sub total Richmond approx	2845	

Nelson Urban Area		
Stoke Foothills and valley greenfields	500***	Not currently actioned
Solitare 2 + Stoke Valley Holdings	1050	Private Plan Changes - Operative from June 07
Intensification Areas	4416	Subject to intensification study
Sub total Nelson approx	5966	
Total approx	8811	

* it is noted that this yield is based on a net yield of 625m^2 lots - if the more compact forms of housing encouraged by the new zone rules are taken up this number could increase substantially

** structure planning will determine yield as extent likely to be greater

*** estimate only with significant potential for variation

ATTACHMENT 2
RDS PLANNING PRINCIPLES

Community Interest Principles

- Recognise the community interest in the development study and the importance of increasing awareness of the need to plan growth for the benefit of sustainability and livability.
- Recognise the aspirations of landowners in the areas affected by growth, within and beyond the developed area, and over time.
- Provide for achievement of principles in a planned way such that the incremental development of parts add up to good new areas of town.

Built form and Subdivision Principles

- Plan for development around nodes on transport corridor
- Range of lot size sizes/densities around centres (eg 25dw/ha)
- Establish nodes within clusters of neighbourhoods (see Figure 10)
- Ensure neighborhoods have a focal point or heart which is a people place
- Promote centres of employment and mixed uses
- Avoid development of areas where there are hazards – eg instability or sea level rise threats
- Provide in new subdivision for higher density to come in the future

Streets and Movement Network Principles

- Provide streets that are safe and comfortable for use by walkers, cyclists, car drivers and other modes of transport
- Provide for walkability and cycling as healthy, sustainable and accessible ways of moving around Richmond
- Ensure streets are interconnected to assist with efficient movements, walk-ability and way finding
- Establish clear hierarchies in street design to direct through traffic to arterial roads (eg SH6), distributor roads, local traffic to collector roads and residential traffic to neighbourhood streets
- Ensure that the roading system provides adequately for the community's long term public transport needs.

Open Space and Ecology Principles

- Provide a linked network of open space that provides for alternative movement network for walkers, recreational use, and ecological corridors
- Provide for natural values and biodiversity both inland and on the coast
- Ensure that open space is safe and comfortable for public use
- Provide for the formal and informal recreational needs of people of Richmond – sports and casual use
- Provide for definition to the neighbourhoods by local parks and for Richmond as a town – eg town belt concept
- Maintain the open landscape at the edges of Richmond to define the urban/rural boundary and to protect the productive values of the rural land.

Infrastructure Principles

- Provide water, sewer, stormwater to an adequate standard (eg relevant NZ standard?) throughout the urban area
- Minimise stormwater and over flow management by environmental design
- Provide a safe and effective movement network for cars, cyclists, freight, walkers and public transport

5.2 Richmond West Urban Development Community Consultation Paper

In November 2006, Council published a Richmond West Community Consultation Paper looking at options for development of the Richmond West area including the subject site. The study provided opportunity for public

submissions, but was not a statutory document in terms of a variation to the Proposed Tasman Resource Management.

No decisions have made by Council on this consultation paper and therefore no weight has been given to it, in the assessment of this proposal.

A legal opinion has been obtained from Council's solicitors on what weight can be given to the Richmond West Development Consultation Paper and this is included as Attachment 3 to this report.

5.3. Precedence and Cumulative Effects

Precedence in itself is not an "effect" but the subsequent approval of this subdivision is likely to lead to lead to other similar applications from Rural 1 properties each wanting like treatment. This can lead to a cumulative effect that is very much a relevant adverse effect under Section 3 (d) of the Act.

In resource management terms, the cumulative effect of establishing a pattern of consent decisions based on other applicants wanting similar outcomes, can have adverse effects on significant resource management issues.

In the case of this application to subdivide, the key issue is the potential for a cumulative loss of productive land, rural character and amenity values associated with more dense residential development in the rural landscape.

The issue of "precedence" must be acknowledged in practical terms as giving rise to cumulative adverse effects.

- Applications for consent are lodged on the basis that consent to previous applications have been granted under like conditions.

- Council can expect pressure to act consistently in its application of Plan objectives, policies, rules and assessment criterion. That is, Council is expected to be consistent in its decision-making.

Precedence is clearly an issue with this application in it could lead further subdivision in the immediate area and many other areas of the Rural 1 zone throughout the District, which would contribute to a cumulative adverse effect which would be significant.

I have no doubt that if this subdivision was approved, then it would lead to other subdivisions of Rural 1 land for residential development, throughout the District.

The Tasman District has over thirty individual residential zoned areas, most of which have rural land adjoining them and it is likely that approval for this subdivision would be used as a reason for seeking residential subdivision outside zoned areas.

The integrity of the Council's Planning documents to contain residential development within residential zoned areas and achieve the environmental outcomes for Rural zoned areas would be significantly undermined by approval of this application.

5.4 Permitted Baseline Test

Under Section 104 (2) of the Resource Management Act, a consent authority may use what is called the "permitted baseline test" to assess what are the actual and potential effects on the environment of allowing the activity.

Under this principle the proposal is compared with what could be done as permitted activity under the relevant Plan.

As there is no subdivision as a permitted activity under the Proposed Plan and no additional dwellings are allowed as a permitted activity in the Rural 1 zone, it is considered that the permitted baseline test is not relevant to the assessment of this subdivision development proposal.

6. OVERALL SUMMARY AND CONCLUSIONS.

6.1 The land is zoned Rural 1 under the Proposed Tasman Resource Management Plan and Rural under the Transitional District Plan (Richmond Section)

6.2 The subdivision application has been assessed as a non-complying activity as there is one outstanding reference to the Tasman Resource Management Plan and the status of the application under the Transitional District Plan (Richmond Section) would be a non-complying activity.

6.3 The RWG application for residential dwellings is a restricted discretionary activity under the Proposed Tasman Resource Management Plan as it is a Rural 1 which does not allow for the erection of dwellings as a permitted activity or as a controlled activity on lots less than 12 hectares.

There are no relevant references to the relevant rules, thus the Proposed Tasman Resource Management Plan is the only relevant Plan in terms of the land use application.

6.4 The applications have been considered pursuant to Part II and Section 104B of the Resource Management Act 1991.

6.5 The proposal is considered to be contrary to Part II of the Act, in that there will significant adverse effects on the rural amenity and the environment of the area and will have a significant adverse effect on the Class A soil resource.

6.6 The proposal is considered to be contrary to the provisions of the Tasman Regional Policy Statement, in particular the requirement to avoid the loss of potential of the productive land resource and the Council's obligation to protect the inherent productive values of land in the District.

6.7 The proposal is considered to be contrary to the objective and policies of the Transitional District Plan, though little weight should be given to this, because of the advance state of the Proposed Tasman Resource Management Plan.

6.8 The proposal is considered to contrary to the policies and objectives of the Proposed Tasman Resource Management Plan, in particular the objective 7.1 of avoiding

adverse effects on productive land and the requirement under Objective 7.3.0 to avoid, remedy, mitigate the adverse effects on rural character and amenity values.

6.9 The soils of the site are classified as Class A which is the highest classification of soils in the District and only makes up 1.7% of the productive land resource. The productive potential of the site will effectively be eliminated from the site by the residential development.

6.10 The erection of 900 dwellings in close proximity to the heavy industrial area of lower Queen street has potential to create "reverse sensitivity" effects in terms of new residential landowners seeking curtail these legitimate industries that operate 24 hours of the day.

6.11 The Borck Creek that runs through the site is prone to flooding. In order to deal with all future adverse flooding effects, the flood channel will need to substantially increased over what the applicant has proposed.

6.12 The subdivision can be serviced for sewer reticulation. Water may be able to be provided for water supply from the surrender of the applicant's water rights but the there not sufficient water storage capacity for the subdivision to be able to be serviced for an urban water supply.

6.13 The traffic effects of an additional 900 dwellings in Rural area will be more than minor. Even though the applicant has provided a revised traffic assessment , there still many questions and uncertainties on how the applicant will effectively mitigate the adverse effects of the subdivision on the Regional transport network. The proposal is dependent on the Transit New Zealand's "Corridor Project " being completed, in spite of this project not finalised in terms of funding or a construction date.

6.14 The proposal is inconsistent with Council's policy for providing for future residential growth to the south of Richmond.

6.15 Part of the site is being considered as part of the Richmond West Community Consultation Paper. However because no formal variation has made to the District Plan, no weight should be given to this paper as part of the assessment of this proposal.

6.16 The effects of this subdivision will wide reaching throughout the productive rural areas of District, in particular the many rural areas adjoining residential zones. An approval would lead to pressure for Council to approve other "out of zone" residential applications.

6.17 The integrity of the Council's planning documents to achieve the retention and enhancement of the rural amenity in rural zones and avoiding the adverse effects on productive values, would significantly undermined by any approval of this proposal.

6.18 The proposal is not considered to be sustainable management of the productive land resource, and the Act's overarching intention of sustainable management of natural and physical resources is best served by the site remaining as a productive rural block.

7. RECOMMENDATIONS

7.1 That the application for subdivision consent RM041079 by Richmond West Group be DECLINED.

7.2 As all the other consents being applied for with this application are consequential to the subdivision application, it recommended that the resource consents RM050370, RM050718, RM050719, RM0506720 and RM050721 be also DECLINED.

8. CONDITIONS

8.1 It is considered that the adverse effects of the proposed subdivision and development in a Rural 1 zone cannot be mitigated by way of conditions.

Therefore no recommended conditions are proposed.

Mark Morris
Senior Planner - Subdivisions

ATTACHMENT 1
GENERAL SUMMARY OF ADVERSE EFFECTS RELATED TO SUBMITTERS

General Summary Of Adverse Effects	Submitter No.
Traffic	3, 10, 16, 34, 36, 49.
Storm water servicing	1
Infrastructure	36
Riparian Values	39
Conservation values	39
Recreational facilities, reserves.	39,
Pedestrian walkways, cycleways	12
Reverse Sensitivity with existing Industrial users.	9, 26
Reverse sensitivity with existing rural properties	28
Productive land effects	36, 63
Urban Sprawl effects	36, 63
Rural character and amenity	5,
Flooding	1,2, 49, 52
Long Term Development of Richmond.	14,17,32, 33, 34, 46.
Educational Facilities.	12

Richmond West Group

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
1. DP and MP Drummond	Opposed to the application in particular the stormwater and flooding effects of the subdivision. Have experienced the effects of severe on their property causes by excessive runoff in the upper reaches and the inability of water to be able to drain freely into Waimea Inlet. This situation will be exasperated by the proposed development. Major upgrading of Borck Creek required.	Oppose	No
2. T F O'Brien	Support the application. • Prefer low cost housing and support the proposal that industrial area be located west of McShane Road. • Supported the proposal for a bypass along the Waimea Estuary along to Beach Road and the deviation. • Support the extension of the 70 kmh zone along Lower Queen street to Sanderman Lane. • If the application is approved need to make sure that Borck creek is widened for future flood protection because of the large number of houses and stormwater runoff.	Support	No
3. R V Knalmann	Supported the application in particular the following: • The provision of a round-about on the Queen Street, McShane Road intersection with a new road link to Headingly Lane. • Need to keep large trucks from using this alternative route to the deviation .	Support	No
4. A and E Salvador	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond. Also stated that the area is ideally situated for families with close proximity to schools, shops and sports facilities.	Support	No

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
5. R Haines	Opposed to the application for following reasons: • The views from Best Island and the rest of Richmond will be ruined if industry is allowed along the coast. • The Waimea Basin is a natural amphitheatre with the estuary as the stage. • The coastal strip should be set aside for recreation and relaxation. • The area should be subject to a zero carbon emission policy. • Special conditions need to be imposed on minimising visual, audible and odour impacts.	Oppose	Yes
6. J I Fish	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond.	Support	No
7. K S Fish	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond.	Support	No
8. J Raine	Opposed to the application for the following reasons: • Opposed to any further subdivision of highly productive land in the Lower Queen Street area. The land is fertile, flat, warm relatively well sheltered and has available irrigation water. • Other areas of the northern Waimea Plans such as North of Wakefield for commercial, light industry and residential and Brightwater East And Eves Valley for heavy industry.	Oppose	Yes

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
9. Nelson Pine Industries.	Opposed to the application, stating it is inappropriate to plan for residential development so close to heavy industry that runs 24 hours per day, seven days a week. Wanted a commercial zone, at least 200m wide along the full length of the eastern side of McShane road. If the application was approved, wanted covenants requiring dwellings to be constructed in a manner to mitigate complaints arising from noise and emissions arising from industrial activities nearby.	Oppose	Yes
10. D W Isbister	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond. • The proposal is a natural extension to the town of Richmond. • The proposal provides for ease of road access that will not be detrimental to other residential properties. • The proposal appears to be ideally sited for extensions to sewage reticulation and the stormwater systems should have greater capacity than what is already available to be required. • With the bulk of the land in the ownership of a small number of people, efficient subdivision in an orderly manner should be possible. • Flat land development should result in a more affordable sections.	Support	No
11. B L Isbister	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in	Support	No

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
	Richmond. • Preserves access to the coastal belt for the general public.		
12. Ministry of Education.	Supported the application, in particular the allocation of approximately 2.49 hectares for the purpose of a "school or neighbourhood reserve". Supports the provision of pedestrian and cycleway paths. If the subdivision is fully completed to 893 residential lots, it is estimated that subdivision will support approximately 280 children up to the age of 12 years. In the interim, schoolchildren will have to cross the very busy state highway. Mitigation measures could be imposed such as an underpass or a signal controlled pedestrian crossing. However because this would be off-site, they could not be a carried out by the applicant.	Support	Yes
13. DD and K Edwards	Supported the application. If the application was approved, then Council's decision to decline the subdivision of our property at 82 Whites Road (RM060195) should be reversed to show consistency in Council rulings.	Support	No
14. J Harrey	Supported the application for the following reasons: • The land is well suited to the proposed development as residential allotments with limited commercial land and provision for future educational needs. • The land is well located in relation to existing Richmond amenities and can be readily serviced. • The proposal will provide for the future needs of the growing community of Richmond, especially in anticipation of the significant expansion in commercial and industrial areas in Richmond. • There is lack of suitable flat land available to either the north or south of Richmond to cater for affordable housing. There is a need for new areas of flat land to be rezoned for development. • Richmond is bound to the east by steep hills	Support	Yes

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
	and the western expansion is one of ribbon development that will not result in optimum use of existing services and amenities. • Allowing growth to west is the natural and most practical means of allowing the Richmond urban area to grow. • A long term strategy is required to provide stage and orderly development of residential, commercial and industrial zonings, together with road networks to provide for diversion of western traffic away from Queen Street/Gladstone Road intersection.		
15. C Wilson	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond.	Support	No
16. Transit New Zealand.	Opposes the application for the following reasons: • The proposed subdivision has the potential to generate high traffic volumes that are likely to have an adverse impact on the safe and sustainable operation of State Highway 6. • Concerned that the proposed development will compromise the upgrade of the stretch of Sate Highway between McGlashen Ave and Oxford Street(generally known as the "McGlashen Ave project"). • The applicant's traffic assessment is obsolete in that it is based on a earlier version scheme of the McGlashen Ave project that will not be implemented.	Opposes	Yes.
17. P Ellis	Opposes the application for the following reasons: • The use as solely residential seems inappropriate when demand for 900+ residential sections would take many years to be taken up. • Do not support the claim that the subdivision will provide affordable housing.	Oppose	No

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
	• New business shifting into the Richmond/Tasman area is small. Most will "relocating" firms from Nelson, which will not necessarily mean that employees will live in the Richmond area. Supported the following: • Mix of housing with light commercial and mixed use such as schools, churches and shops. • Sizable green areas. • McShane road to continue as the "Arts and Craft" area with a greenbelt between the proposed development and McShane Road. • The main commercial area in one area, preferably at the southern end (off the Appleby Straight) or along lower Queen Street. • Industrial along Lower Queen street, moving west to the speedway.		
18. M Macdonald	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond. • If it were not for subdivisions like this , such as the Wilkes subdivision, back in 1960's and 70's, Richmond would not be the place it is today. • We need more low cost sections in Richmond to make Richmond a young family town.	Support	No
19. J A McDonald	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond. • Council has got it wrong with their proposal	Support	No

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
	and it must have originated from Wellington and not from local TDC Richmond staff.		
20. R N Punt.	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond.	Support.	No.
21. N Punt	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond.	Support	No
22. C Punt	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond. This is particularly relevant to me as I am currently living in Wellington and would like to move back to Nelson but it is too expensive. • This wise use of land, but it has the potential to provide excellent recreational amenity such as the extension to the existing sporting facilities at Jubilee Park with good cycle and pedestrian connections to the Richmond Town Centre and the Showgrounds. • The use of existing Oak trees will provide unique opportunity to create an identity for Richmond West that will make it a high quality and low cost community to live in.	Support	No

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
23. A Punt.	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond. This is particularly relevant to me as I am currently living in Wellington and would like to move back to Nelson but it is too expensive.	Support	Yes.
24. Matt L'Huillier	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond. This is particularly relevant to me as I am currently living in Wellington and would like to move back to Nelson but it is too expensive.	Support	No
25. Lars Jensen	Supported most of the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter residential land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond. Raised the following points in relation to development in the area: • The use of prime land for industrial use, as proposed Council' is poor use of this land. • Industrial development is much better suited to the lower value land along Queen Street between McShane Road and Swamp Road. • Consider Lower Queen Street for limited	Support	Did not state

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
	commercial development and tourism development. • McShane Road west is valuable multi use agricultural area that should not be used for industrial development. This are should not become a division between the Richmond West residential development and the industrial development further o the west. This would create an barren and undesirable break. There needs to be a green belt. • Future main road requirements would be better met by developing a new or the existing Swamp Road to service the industrial development. • McShane and Landsdowne Roads are popular for residential and tourism development and should not be ruined by diverting large amounts of traffic from future development in the area.		
26. Dynea NZ Ltd	Opposed to the application for the following reasons: • It is not a good option to plan for residential development in area of already established heavy industry that runs 24 hours a day and seven days a week. • We transport, make and store several chemicals on site, some of which are considered dangerous and hazardous goods. If the application is approved, the residential zone should be limited along south east side of McShane Road with being set back to Borck creek. There should be a requirement for covenants to construct housing in such a manner to mitigate complaints from noise and emissions arising from industrial activities.	Oppose	Yes
27. Paula Gill	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land,	Support	Not stated.

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
	especially for low cost housing, is provided in Richmond.		
28. Appleby Village Development Ltd.	Opposed to the application for the following reasons: • Impact from increased traffic volumes on McShane Road and the McShane Rd SH 60 intersection. • Object to the applicant request fro a waiver of the 30m setback from adjoining rural blocks, as this would not mitigate the probable significant cross boundary effects including future " reverse sensitivity" issues.	Oppose	Yes.
29. J P Whaanga	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond.	Support	No
30. Peter Owens.	Opposed to the application for the following reasons: • The establishment of residences would result in the Richmond Commercial core being ring fence by home owners. The effect of this will be a near impossibility of redevelopment to commercial in the future ie stifling future commercial development. • The proposed residences would engender the creation of an isolated homogenous economic grouping instead of a mix of income groups.	Opposed	Yes.
31. E and E Wilde	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in	Support	No

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
	Richmond • The application makes sound logical sense in terms of the future of our town.		
32. Club Waimea- D Beeching	Opposed to the application for the following reasons: • The proposal is contrary to the current TDC proposal for the area and should not be considered or granted consent until the results of the TDC proposal are known. • This is not an appropriate area for residential development as it is on the opposite side of a major arterial road making it an unsafe location. • It will conflict with too many existing uses. Some of the titles being created do not have a landuse consent (Lots 167-173), creating cross boundary conflicts. • Not possible to impose conditions to mitigate adverse effects.	Oppose	Yes
33. T Rowe	Opposed to the application for the following reasons: • The proposal is contrary to the current TDC proposal for the area and should not be considered or granted consent until the results of the TDC proposal are known. • This is not an appropriate area for residential development as it is on the opposite side of a major arterial road making it an unsafe location. • It will conflict with too many existing uses. Some of the titles being created do not have a landuse consent (Lots 167-173), creating cross boundary conflicts. • Not possible to impose conditions to mitigate adverse effects	Opposed	Yes
34. Nelson Chamber of Commerce.	Opposed to the application for the following reasons: • This major residential development that will have an impact regionally plus it will have a specific upon the roading infrastructure. • Both Nelson and Tasman Council's are rezoning large areas of land to allow for residential growth. Residential growth in this	Oppose	Yes.

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
	locality is not supported by both Councils. • This proposal is contrary to Council's option for the area which has mixed business up to Borck Creek and the remainder rural. • This application considers its option in isolation to the options for the overall area. Asked that no decision be made on this proposal until the results of the public consultation with the Council's options plan are finalised.		
35. Combined Rural Traders (CRT)	Opposed to the application for the following reasons: • This is a major development that should be considered as part of plan change or variation proposal. • There are inconsistencies in the proposal such as no land use consent applications for Lots 167-173. • Council is currently undertaking a public consultation process for development options for the lower Queen street area. The proposal is contrary to the Council's preferred option. Council should not be making a decision on this application until the results of public consultation are finalised. • Creating a major residential suburb in this locality is not desirable in an area that is bisected by a major arterial route and already carries a mix of recreational, hospitality, commercial and industrial activities. The area is more suited to a mixture, rather then straight residential.	Oppose	Yes.
36 A Owen	Opposed to the application for the following reasons: • Object to the word "affordable housing" because you cannot guarantee that. It is unlikely that that middle and low income families would be able afford the sections in this subdivision. • This type of development is urban sprawl and is no longer considered good planning by most modern planners. • Urban sprawl such as this, produces a huge impact on natural resources. • The development of this type will further restrict the development of the Richmond		

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
	Town Centre in that the residential use limits the expansion of the commercial centre. • This development will increase traffic and traffic congestion. There has been no consideration for public transport facilities. Although there has been provision for walkways, it is still likely that most people will travel by vehicle, which compound traffic congestion around the Richmond Town Centre. • Low density residential development such as is very energy intensive, which add further air pollution to Richmond's existing air pollution problem. • The number of additional households and hard surface area will put huge strain on Council's service infrastructure, particularly the Best Island sewage plant. • It is important to retain high quality land for food production for future generations. • The proposed development does not take into account the effects of global warming and close proximity to the coast. With sea level rise the site could become threatened by the encroaching sea in the future.		
37. J and B Healey	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
38. B Deaker	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
	• Don't make the same mistake again of having a fibreboard plant so close to the centre of Richmond. • Keep the handy flat areas for housing that are not in close walking and bike distance to Richmond.		
39. Department of Conservation. (Director General)	Opposed to the application for the following reasons: • No information has been supplied on how conservation and amenity values of Borck Creek and Poutama Drain will be enhanced. • The application does contain any assessment against the policies and objectives of the Chapter 7 of the Plan "Rural Environment Effects". • The application does not contain sufficient information on how the proposed development will avoid, remedy or mitigate the effects on the environment. • Therefore, it is contrary to Part II of the Resource Management Act. Supported the creation of the esplanade reserve along Borck Creek. Supported any landscaping planting along Borck Creek and Poutama Street Drain that would enhance conservation and amenity values.	Opposed	No
40. Metlife Oakwoods Limited.	Supported the application for the following reasons: • The development is residential in nature is keeping with the nature of the Oakwoods retirement village. • People move to the Oakwoods village with the expectation that they will be living in a quiet residential area. • The proposal has merit based on the need for good quality housing in close proximity to the centre of Richmond.	Support	Yes
41. T Lindbom	Support the application stating that it is a logical location and that section costs will be less than development in hillside areas.	Support	No

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
42. J Miles.	Support the application stating that the proposal is a logical extension to Richmond's residential area.	Support	No
43. R McFadden	Support the application stating that it provides for residential growth close to the existing town centre. Without it growth will forced further south onto better agricultural land.	Support	No
44. M A Holland	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
45. G M Holland	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
46. Tinline Properties Ltd	Support the application for the following reasons: • The TDC has not made adequate provision for residential land and the Richmond West Ltd Option is the best alternative proposal at this stage. • There is significant shortfall of residential sites to cater for new housing in the Nelson region up to 2031. • TDC needs the Richmond West option to meet the expected demand. If the application is declined, then TDC should identify areas additional to the Boffa Miskell Review of Growth Projections Richmond and Nelson) (Aug 2006).	Support	Yes

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
47. B Wilson	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
48. M K Wilson	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond • It seems natural for Richmond to continue to grow the residential area from Lower Queen Street rather than further along the Hills. • It is important to offer low priced sections fro middle income families as the hill sites become priced out of their range. • There are many other sites for industrial to be zoned. • Many residents, including ourselves, are very happy to remain in a residential area that is surrounded by industrial land.	Support	Did not say.
49. T A Francis	Support the application but was concerned about the following matters: • The traffic problems in lower Queen Street have to be addressed first. • The SH 60 needs to rerouted from Whakatu Drive along behind the Transfer Station and the Aand P Show grounds to join with Landsdowne Road. • Council needs to look 50 years ahead not 3-5 years.	Support	Yes

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
	• The subdivision should single storey dwelling with no underneath garages. • The land height of the subdivision at my boundary should be no higher than the present level, so as not cause any flooding problems.		
50. B K Stratford	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
51. R A Yarrell and L M Manera	Did not oppose the application as long as it does not interfere with what the Council proposes as a 133 hectare business park for Richmond West which as landowners we fully support. If consent is granted, there needs to be some sort of buffer dividing the residential area from the mixed business on the north-west side of Borck creek.	Neutral	No
52. M Clark and S McBride	The whole lower Queen Street (West) needs to be done in co-ordinated manner by TDC so one development does not adversely affect another. We do not support any development with section sizes as low as 370m2. Lower Queen Street (on the Field side) is low lying and prone to flooding. Opposed to any raising of the ground levels to mitigate flooding effects as it will push stormwater in to other properties including our own, on the other side of Queen Street which currently does have flooding problem.	Neutral	Yes
53. PD, DJ and GM Campbell	Support the application for the following reasons: • The property owners wishes must be considered. • There is widespread concern about the	Support	Yes

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
	proposed industrial and commercial development. • Concern must be given to the large numbers of residents affected by the proposed industrial commercial zone. • This land is too good for industrial and commercial zoning. • Have residential development in Richmond West instead of Richmond South will enable more to walk or cycle to work or town. • Providing more sections will help erase the shortage of sections in Richmond. It is much cheaper to develop sections on the flat than on the hillside areas. • It is important that Richmond has a mix of people in society so young people can live here and Richmond does not become a rich retirement village. • The application constitutes wise use of the land in close proximity to Richmond. • The land does not benefit from an irrigation scheme. • There are few profitable productive uses for the land. Property owners are investing large sums of money to make their land productive. They need a long term vision that is clear about what lies ahead in terms of zoning issues. If the application is approved the cost to the ratepayer should be less than the alternative Richmond South Development.		
54. J McColl and D A Wall	We are supportive of the Council's draft proposal for Richmond West in relation to the proposal for the northern side of lower Queen Street. If the application is approved there needs to be an effective buffer/separation between any residential development and any business park development which may occur.	Neutral	No
55. I Gourdie	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond.	Support	Yes

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
	• There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond • The proposals are more logical and sensible than the current TDC proposals for the area.		
56. N Berkett	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	Did not say
57. C Pash	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
58. D M Berkett	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
59. M Pash	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond.	Support	No

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
	• There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond		
60. P A Gaugler	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
61. P L Gaugler	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
62. K D Whalen	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
63. Nelson Province of Federated Farmers	Made the following comments: • The Tasman District has a very limited amount of Rural 1 land. • Asked that Council owner consider land on the northern side of Lower Queen Street for Light Industrial development. • Urban sprawl is becoming a major problem in Tasman and New Zealand as a whole.	Did not say	Yes.

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
	• Farming is still the main industry for the Tasman District and its importance should be reflected in Council's treatment of these sorts of applications. • Once a precedent is set it will be very hard to stop into further Rural 1 land in the area. • Unless Council on land use around urban areas, speculators not farmers will bid Rural 1 land up in price on the chance of gaining zone changes in the future. • The bigger picture of rating land next to urban areas needs to be addressed so the land can be economically farmed. This would provide a healthy attractive and economic climate for all concerned. • As residential development is already in the east and south, there seems to be no need to develop the west. • A number of farmers have expressed their concern about this type of development.		
64. E Horder	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
65. H Rushton **(LATE)** (one working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
66. B Burgess **(LATE)**	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond.	Support	No

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
(One working day)	• There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond		
67. D A T Bowden **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
68. M Torrens **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
69. C Boutle **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
70. G Boulton **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land,	Support	No

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
	especially for low cost housing, is provided in Richmond		
71. N and Y Thomas **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
72. J Birch **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
73. C and J Moresby **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	Did not say
74. C H Rusbatch **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
	• More logical for residential in the lower price range. • I do not support the TDC proposal.		
75. B C Rusbatch **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond • I do not support the TDC proposal.	Support	No
76. W McCrorie **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
77. A Ewers **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
78. G Vercoe **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and	Support	No

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
	Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond		
79. D Daly **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
80. W Holmes **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
81. P L Stringer **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
82. V Taylor **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
83. A Holmwood **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond • I don't support the TDC proposal.	Support	No
84. G B Taylor **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
85. B Wilson **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
86. D Horncastle **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
87. B Gibbs **(LATE)** (One working day)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	No
88. S Creedy **(LATE)** (Four working days)	Landowner in McShane Road, next to the grape escape complex. Supported the application for the following reasons: • It represents a very desirable and workable shape to the development of Richmond, with good consideration of many of factors. • The subdivision incorporates well designed work/recreation/cultural facilities. • The factor of access and traffic flows is well though out • The costs of the proposal (ie providing water and waste disposal services) have been sensibly considered. • With view to the future this proposal maps progressive development over several decades. • The character of Lower Queen Street has been established round facilities such as the showgrounds, Town and Country Club, Bowling Club, and Oakwoods retirement Village. It makes sense to retain this social fabric • Any further industrial development belongs in the lower Queen Street area, near the MDF plant and fertiliser works.	Support	Did not say
89. A Koch-Van Breugel **(LATE)** (16 working days)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond	Support	Did not say.

Submitter	Summary	Support, Oppose, neutral or conditional	Wish to be Heard
	• There is a need for an additional road link between Headingly Lane and SH6 and the Richmond deviation via the coast as proposed by the Richmond West Group.		
90. A Koch **(LATE)** (Four working days)	Supported the application for the following reasons: • The proposal is wise use of land in close proximity to the centre of Richmond. • There is a shortage, especially of easily developed flatter land in Richmond and Nelson and it is imperative that land, especially for low cost housing, is provided in Richmond. • There is a need for an additional road link between Headingly Lane and SH6 and the Richmond deviation via the coast as proposed by the Richmond West Group.	Support	Did not say.

FLETCHER VAUTIER MOORE
LAWYERS

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8 May 2007

Dear Mark

SUBDIVISION APPLICATION BY RICHMOND WEST GROUP

I refer to your email sent on 1 May 2007 and our subsequent discussion. You have asked us to address three legal issues that have arisen in the course of preparing the hearing report for the Richmond West Group's (**RWG**) subdivision application in McShane Road (due to go to hearing on 23 May). We address these issues under the headings below.

1. ***Weight to be given to Richmond West Urban Development Community Consultation Paper***

1.1 You have provided us with copies of the Richmond West Urban Development Community Consultation Paper (November 2006) and the Staff Report prepared for the Council's Environment and Planning Committee meeting on 9 May 2007 (2332-5). The Staff Report is entitled 'Richmond West Urban Development Community Consultation Paper, Community Responses, Strategic Consideration and Options – Report EP07/05/10' (**Staff Report**).

1.2 By way of background, in December 2005 Council's Resource Management Policy Committee adopted in principle a concept development plan for Richmond West. In March 2006 the Council commissioned four key planning investigations which were considered necessary to support any plan change to provide for urban development and to assist Council to assess the costs and benefits of alternative options (in accordance with section 32 of the Resource Management Act 1991 (**RMA**)). One of these investigations was the development of a Structure Plan for Richmond West. In November 2006 the draft Structure Plan was released for public consultation as part of the Richmond West Urban Development Community Consultation Paper (**RWCCP**). Submissions on the RWCCP closed on 28 February 2007.

1.3 The RWCCP (at section 10) sets out the likely next planning steps to be taken by Council following the close of submissions as follows:

- Confirmation of strategic planning principles and the structure plan for Richmond West (indicated as likely by March 2007).

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PO Box 90, Tel: (03) 548 1469,
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Richmond
2 Cambridge Street,
PO Box 3029, Tel: (03) 544 8666,
Fax: (03) 544 4036, DX WC 71017

Motueka
12 Wallace Street,
PO Box 23, Tel: (03) 528 7030,
Fax: (03) 528 9120, DX WC 72002

- Draft change to the Tasman Resource Management Plan (indicated as likely by May 2007).

- Notification of a Plan variation (indicated as likely by July 2007).

1.4 Council has not yet made any decision on the submissions, nor has it formally notified any variation under the First Schedule of the Resource Management Act 1991 ("RMA").

1.5 During the course of the consultation period, the RWG (the applicant for the current consents) prepared an alternative Structure Plan for Richmond West (**Alternative Structure Plan**). We understand that the Alternative Structure Plan was based on more land in Richmond West being made available for residential (as opposed to commercial and industrial) development. The RWG conducted a survey, which requested the public to state their preferred Structure Plan option – Option A, being the Council Structure Plan, or Option B, being the Alternative Structure Plan. The results of this survey were provided to Council and are discussed in the Staff Report.

1.6 Council's Environment and Planning Committee is due to meet tomorrow (9 May 2007) to consider the matters raised in the Staff Report. While it is not certain what the outcome of this meeting will be, it appears from the Staff Report that there are still a number of matters that require further consideration and investigation before a draft Plan variation can be prepared and publicly notified.

1.7 The key issue from Council's perspective is whether the RWCCP should be taken into account as part of its assessment of RWG's subdivision application under the RMA, and if so, what weight should be given to it.

1.8 We consider that the RWCCP may be "another matter" under section 104(1)(c) of the RMA that is relevant and reasonably necessary for the Council to have regard to when determining the application by RWG. In particular, the RWCCP and the background to it may be of some relevance for Council when considering the effects of the proposed subdivision on the quality of the environment, and residential amenity considerations, both now and into the future.

1.9 However, we think that Council needs to be careful about giving too much weight to the RWCCP. This is because where documents (such as planning strategies) have not been prepared in accordance with the First Schedule of the RMA (ie as a formal variation), the Courts have accorded them little weight. For instance, in *Campbell v Napier CC EnvC W067/05* the Court considered the relevance of urban growth strategy documents prepared by the Council in consultation with the community which encompassed the land subject to the appeal. The Court concluded that it could place little weight on these documents because they could not be a substitute for statutory documents produced under the processes of the First Schedule of the Act by which the public are entitled to comment through formal processes of submission and appeal. (Refer also to *Infinity Group Limited v Queenstown Lakes District Council C10/2005*).

1.10 In considering the relevance of the RWCCP to the application, Council needs to keep in mind that it is still very early in the First Schedule process (i.e. the public consultation stage). As the Council has not yet decided upon or notified a proposed

variation, it should be cautious about giving too much weight to the RWCCP and background studies. In particular, Council needs to keep in mind that no formal submissions have yet been lodged, and the owners of affected neighbouring properties will have opportunity to comment and possibly to object to any proposed variation(s), meaning that the outcome is by no means certain.

1.11 Without having heard any variation proceedings, including the submissions of those with an interest in the outcome, the Council needs to be careful about coming to any conclusion about the prospects of rezoning being endorsed (i.e. being seen to have predetermined the outcome of decisions on zoning of the land in question without going through the First Schedule processes).

1.12 We therefore recommend that while the RWCCP should be included as a "relevant factor" in your report for consideration by Council as part of its overall assessment under section 104 of the RMA, at this stage of the process it should be accorded little weight. We also consider that you need to make it clear that there are two alternative Plans being considered by Council, the RWCCP and the Alternative Structure Plan prepared by the RWG, and that you highlight the differences between them.

2. ***Weight to be given to Submissions on RWCCP***

2.1 The submissions to which you refer are responses to the RWCCP, not formal submissions under the RMA.

2.2 For the reasons outlined above, we consider that (without having heard any variation proceedings, including formally considering the submissions of those with an interest in the outcome), Council needs to be careful about coming to any conclusion about the prospects of rezoning being endorsed, or the likelihood of any submissions being accepted. We therefore recommend that no weight can be given to the submissions at this stage and no reference should be made to them in your report.

3. ***Operative Zoning for the Property***

3.1 We understand from your email that the whole of the RWG site currently has a Rural 1 Zoning with Class A soils. We assume that under the TRMP the application for subdivision would be assessed as a discretionary activity under Rule 16.3.7A.

3.2 However, as you have noted, the Transitional District Plan (Richmond Borough) (**Transitional Plan**) is still relevant because of an outstanding unresolved reference (*Thoma v Tasman District Council*[1]) which relates to rural subdivisions under the TRMP. Because this is a live reference, the rules of the Transitional Plan are not inoperative under section 19 of the Resource Management Act 1991. As such, the status of the subdivision must be derived from both the Transitional Plan and the TRMP.

3.3 You have stated that under Ordinance 3.1.2 of the Transitional Plan subdivision is permitted for subdivision creating allotments of at least 10 hectares. You have also noted that traditionally subdivision that didn't comply with the permitted activity rule was considered a non-complying activity.

[1] *Klaus Thoma v Tasman District Council* RMA 001/99, dated 24 December 1998

3.4 Under section 405(2)(a) of the RMA (Transitional Provisions for Subdivisions) every subdivision of land that is contrary to the provisions of the district plan (in this case the Transitional Plan) shall be deemed to be a non-complying activity in respect of that plan. This classification in the RMA overrides the more general provisions of section 77C(1)(b), which provides that an application for resource consent shall be treated as a discretionary activity where a plan requires a resource consent to be obtained but does not classify the activity as controlled, restricted discretionary, discretionary, or non-complying under section 77B.

3.5 We therefore consider that the application for subdivision should be assessed as a non-complying activity and will need to satisfy the additional requirements of section 104D of the RMA. Under section 104D(1)(b)(iii) this will include a consideration of whether the proposed subdivision will be contrary to the objectives and policies of both the Transitional Plan and the TRMP.

Yours faithfully
Fletcher Vautier Moore

Julian Ironside / Kate Mitchell
Partner / Solicitor
(Richmond Office)

Copy To: Jean Hodson, Consents Manager, Tasman District Council