



## STAFF REPORT

**TO:** Environment & Planning Committee

**FROM:** Mary Honey, Policy Planner

**REFERENCE:** L332 -3

**SUBJECT:** **COUNCIL SUBMISSION ON THE APPLICATION FOR RESOURCE CONSENT TO NELSON CITY COUNCIL BY WAHANGA LTD: 93 CHAMPION ROAD - REPORT EP08/08/06 - Report Prepared for Meeting of 28 August**

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### 1. PURPOSE OF REPORT

This report recommends approval of a submission from this Council to Nelson City Council concerning a subdivision application affecting land situated in Nelson City, on the northern corner of Champion Road and Hill Street North.

### 2. APPLICATION AND SUBMISSION

The applicants, Wahanga Ltd, are seeking resource consent for a seven lot residential subdivision with an average site area of 973 sqm on about 7,000 sqm of land situate at 93 Champion Road. The site is generally known as the "Malcolm block".

The attached Council submission was prepared by policy, asset engineering and community services staff. In summary, the submission supports the approval of the application subject to the fulfilment of conditions. Should these conditions not be fulfilled, Council requests that the application be declined.

The submission approach and contents flow from the decisions made by this Committee regarding the growth and development of Richmond. More specifically, during 2004, after the community feedback from the Richmond Development Study was received, this Committee identified the Richmond East Nelson South precinct for residential expansion and / or densification. During March this year, this Committee, jointly with Nelson City Council, approved the release of the Nelson South Richmond East draft Structure Plan report for public comment. On 28 August, this Committee is scheduled to receive a report that reviews the draft structure plan in the light of the feedback from the consultation process.

The submission conditions address issues of concern to this Council such as roading standards and the receipt of fees for water that will offset the cross boundary effects attributable to the development as well as the protection of the protected trees and other prominent trees and shrubs on the Champion road frontage of the subdivision site.

The submission period for the application closed on 1 August 2008. This report seeks Committee approval for the action taken.

### **3. RECOMMENDATION**

It is recommended that the Committee **approve** the lodging of the attached submission on the resource consent application by Wahanga Ltd for the subdivision and residential development of the land situate at 93 Champion Road.

Mary Honey  
**Policy Planner**

**APPLICATION FOR RESOURCE CONSENT 085003  
BY WAHANGA LTD: 93 CHAMPION ROAD**

**Submission by Tasman District Council**

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## **SUBMISSION BY TASMAN DISTRICT COUNCIL**

### **1. INTRODUCTION**

Tasman District Council (TDC) and Nelson City Council (NCC) are immediate neighbours. Previously, both Councils have acknowledged that activities undertaken in each district potentially affect the other and that managing these cross-boundary effects requires a co-ordinated and integrated planning approach. Both the NCC and TDC operative Regional Policy Statements contain objectives and policies supportive of an integrated planning approach. Since 2003, in accordance with these objectives and policies, NCC and TDC councillors and staff have been working together on future growth options for Richmond (Richmond Development Study) and Nelson (Nelson Urban Growth Strategy) and the potential cross-boundary effects.

The application by Wahanga Ltd for a seven-lot residential subdivision affects land situated within Nelson City and adjoining Tasman District at Champion Road, Richmond. The application, if granted, will generate cross-boundary effects for Tasman District and TDC. Direct cross-boundary effects include:

- The urban design qualities of a residential area in close proximity to a present low-density residential area within Richmond town.
- The effect of the development on existing infrastructure services and provision of additional infrastructure services such as roading, stormwater, wastewater and water supply reticulation.

### **2. EXPANDING AND DEVELOPING RICHMOND EAST/NELSON SOUTH AS A HIGH QUALITY, SUSTAINABLE RESIDENTIAL AREA**

The TDC Richmond Development Study investigated future growth options for Richmond. Resulting from this Study, TDC has adopted a combination of options to accommodate the anticipated urban growth needs of Richmond. The proposals include:

- Limited southwards expansion of Richmond, between State Highway 6 north of Hope, and Hill Street to create a high amenity urban living environment.
- Residential and business intensification of central Richmond.
- Limited residential intensification in suitable locations in Richmond east, including land south of Champion Road and east of Hill Street.
- Future urban expansion in the Lower Queen Street area.
- Support for limited northward residential expansion towards Stoke in Nelson City, north of Champion Road.

Over the past two years, the Nelson South/Richmond East precinct has been the subject of successive individual applications for subdivision for residential development. Prior to this application, during 2006, 2007 and 2008 the Wahanga (Moturoa and Waimeha) and Sutton subdivisions were approved that are providing a

total of about 280 residential sites north of Champion Road, but with three of their five access points onto Champion Road.

During March 2008, the Councils, jointly, released the draft Nelson South/Richmond East structure plan, which reflects the urban design principles recognised by the Richmond Development Study and the Nelson Urban Growth Strategy. The purpose of the structure plan is to promote best practice urban development and to provide a framework within which developers can design subdivisions to fit. The draft structure plan supports higher density residential development (300 sqm lots) for the area in which this subdivision is located. Currently the Councils are assessing the issues and options arising from the public consultation process.

### ***Relief Requested***

- (1) *Nelson City Council support development proposals that give effect to the draft Nelson South/Richmond East structure plan principles and proposals.*

## **3. INFRASTRUCTURE**

Structure planning is demonstrating that a co-ordinated NCC/TDC programme for the upgrading of infrastructure services will promote servicing efficiencies and orderly development for the Nelson South Richmond East precinct within which this development is located.

Currently, a Memorandum of Understanding exists between the Councils regarding cross-boundary servicing in the precinct. Where relevant, this Memorandum is referred to in relation to particular network services.

### **3.1 Land Transportation Network**

The Memorandum of Understanding that exists between the Councils regarding cross-boundary servicing in the Nelson South Richmond East precinct provides that:

- i. As Champion Road falls within the TDC, NCC will ask TDC for proposed roading conditions with respect to any resource consent application impacting on Champion Road.
- ii. The conditions prescribed by TDC will be considered in any proposed conditions for a resource consent.
- iii. Where any work is required on Champion Road, between Main Road Stoke and Hill Street, as a requirement of a resource consent, TDC will fund the local authority share of any upgrade work required with the balance to be funded by the resource consent applicant.”

The cumulative demand on the road network from this and the recently approved developments referred to above is expected to increase pressure on the surrounding road network of TDC and Transit, particularly Champion Road, Hill Street and Salisbury Road. This demand will be exacerbated by the lack of through road from Hill Street North to Saxton Road East and/or Suffolk Road. Of necessity, all residents of this development will use Champion Road or Hill Street to connect with the surrounding road network. Regarding the Champion Road subdivision frontage, there are several issues of relevance to TDC:

## **Inter District Boundary**

Currently, the Nelson City/Tasman District boundary runs along the northern boundary of the Champion Road legal road corridor. The widening of the road reserve and vesting of the additional land in TDC does not automatically shift the District boundary. Consequently, the protected trees situated within the proposed widened road reserve remain with Nelson City Council jurisdiction and subject to those planning requirements.

## **Access Crossing(s) onto Champion Road**

TDC requests that only one access crossing up to a maximum of 6.0 metres in width be formed to serve Lots 1 and 2, that is, a combined right-of-way to serve the lots for the first 5.0 metres. This promotes traffic safety and efficiency in that it mitigates vehicle conflicts with pedestrians/cyclists.

## **Footpath/Cycleway along Subdivision Frontage onto Champion Road**

TDC notes that a combined footpath/cycleway from Hill Street North to the western boundary of Lot 1 along the Champion Road footpath has been agreed with the applicant.

On advice from its consultant arborist, Mr Brad Cadwallader, TDC considers that a 2.5 metre wide pedestrian/cycleway would not require the removal of trees along Champion Road and that they could co-exist. Careful design and installation of the pedestrian and cycleway will minimise impact on the trees to be retained.

TDC requests that this footpath/cycleway be 2.5 metres in width for its entire duration along Champion Road and be designed to protect the root zone of the protected trees, preferably through a raised board walk(s). TDC also requests that this footpath/cycleway continues to the western boundary of Lot 1.

## **Widening of Champion Road Reserve**

TDC notes that the widening of the Champion Road reserve to 11 metres from the centreline of the road (to vest in Tasman District Council) has been agreed with the Applicant and requests that this proposed condition of consent no. 7 be retained.

## **Hill Street North/Champion Road Corner Snipes**

TDC notes that corner snipes of at least 7.0 metres x 7.0 metres on the corner of Champion Road and Hill Street North have been agreed with the Applicant and requests that this proposed condition of consent no. 8 be retained.

## **Services Underground and Fence Height**

TDC supports and requests retention of the proposed consent conditions which require overhead services to be relayed underground and which regulate the height of fences on lots fronting onto Champion Road (consent conditions nos. 4 and 9).

## **Relief Requested**

### First Alternative

*NCC approve the application subject to the following conditions:*

- (2) The Cardno TCB Roding Plans WO8037/CR-03(B) and WO8037/CR-04(B) are amended to provide one access crossing from Champion Road up to a maximum of 6.0 metres in width to serve Lots 1 and 2.*
- (3) The Cardno TCB Roding Plans WO8037/CR-03(B) and WO8037/CR-04(B) are amended to provide a footpath/cycleway 2.5 metres in width along the entire frontage of the subdivision on Champion Road that is designed to protect the root zone of the protected trees, preferably through a raised board walk(s). TDC also requests that this footpath/cycleway continues to the western boundary of Lot 1.*
- (4) Proposed consent conditions 7 and 8 are retained.*
- (5) Proposed consent conditions 4 and 9 are retained.*

### Second Alternative

*NCC decline the application.*

## **3.2 Water Supply**

The application states that the proposed allotments will connect to TDC water supply and that:

“Any water supply connection fees payable to Nelson City Council should therefore be deleted from total calculated contributions and the appropriate contributions for Tasman District Council invoiced accordingly.” (Application, page 7)

The applicants proposed Consent Conditions relevant to water supply include the following:

11. The point of connection for supply of water shall be Tasman District Councils main in Champion Road and Hill Street North. All connections shall be to the requirements of Tasman District Council.
12. All pipes fittings, hydrants valves and metres shall be constructed to Tasman District Council engineering standards.

#### Note 1

The consent holder shall pay a water supply connection fee to TDC equal to the total amount of the TDC development contributions payable for the number of lots created by the subdivision as required by the TDC Long Term Community Council Plan which is applicable at the time the subdivision is granted. (Appendix K, page v)

TDC requires that the applicant pay TDC, per new lot created:

- a connection fee of \$1,300. (GST inclusive) (plus outwork and administration excluding GST);

- a water fee equivalent to the development contribution payable in terms of the TDC Long Term Community Council Plan which is applicable at the time the subdivision is granted. Currently this amount is \$3,515. (GST inclusive).

TDC requests that Note 1 be amended to reflect this.

### ***Relief Requested***

#### ***First Alternative***

*NCC approve the application subject to a condition / note that:*

- (6) *The consent holder pay TDC, per new lot created:*
  - *a connection fee (plus outwork and administration excluding GST);*
  - *a water fee equivalent to the development contribution payable in terms of the TDC Long Term Community Council Plan which is applicable at the time the subdivision is granted;*  
*before the Section 224 certificate is issued.*
- (7) *Proposed consent conditions 11 and 12. are retained*

#### ***Second alternative***

*NCC decline the application.*

### **3.3 Wastewater**

TDC confirms its understanding that all lots are to connect to NCC wastewater reticulation.

### **3.4 Stormwater**

TDC confirms its understanding that any stormwater flows attributable to the development will drain toward the north within the Nelson City catchment area.

### **4. Protected Trees**

The Applicant's report notes that there are two protected trees located on the Champion Road boundary, the northern most one with heritage status and the other with landscape status. The Applicant draws attention to other significant trees on the property including the trees along of the Champion Road frontage.

Unfortunately it appears that about 30 percent of the root zone of the oak tree with heritage status was excavated during the development of the Moturoa subdivision site and this may affect the life of that tree.

TDC supports the retention and continued protection of the protected trees and the retention of other prominent trees and shrubs on the site, particularly along the Champion Road boundary. As mentioned above, TDC considers that with careful design and installation, a 2.5 metre pedestrian and cycleway with raised board walks around the root zones of the protected trees would not require the removal of the tree belt and could minimize the impact on retained trees.



Site works in lots 3 and 4 could seriously affect proposed tree retention in a similar way that has occurred with the Heritage Oak, especially if this entails stripping the soil. Construction activity near established trees can cause considerable damage. Services could be 'thrust' passed trees if they are to be retained. Site monitoring during development work could avoid unnecessary damage during site construction.

To avoid unnecessary damage of the site during the construction phase, TDC requests that the Tree Protection Plan and Site Monitoring procedure set out in the attached Annexure A is adopted as a condition of consent.

### ***Relief Requested***

#### ***First alternative***

(8) *NCC approve the application subject to a condition that the consent holder adopt the Tree Protection Plan and Site Monitoring procedure set out in the attached Annexure A.*

#### ***Second alternative***

*NCC decline the application.*

## **5. CONCLUSION**

Overall Tasman District Council supports the approval of the application subject to the fulfilment of conditions (1) to (8) above. Should these conditions not be fulfilled, TDC requests that the application be declined.

Tasman District Council wishes to present its submission at the hearing.

## **ANNEXURE A**

### **TREE PROTECTION PLAN AND SITE MONITORING PROCEDURE**

#### **Prior to on-site works**

1. The Project Arborist shall be appointed to supervise the tree protection measures. The Project Arborist shall report to the appropriate Local Authority Tree Officer when protected trees are involved.
2. On site meeting with the Project Arborist to review tree protection measures with Project Coordinator and construction personnel.
3. Rigid fencing material shall be installed around the Tree Protection Area (TPA). Attach appropriate "Tree Protection Area" signs at regular intervals.
4. Temporary vehicle access ways or corridors shall be established away from any trees to be retained.
5. All construction working drawings shall clearly define the TPA.
6. No open trench underground service installation shall encroach the TPA. Trench-less service installation plans shall be reviewed and approved by the Project Arborist.
7. Landscaping plans within the TPA shall be approved by the Project Arborist.
8. Proposed footpaths within the TPA shall be of raised boardwalk design.

#### **Pre-excavation Phase**

1. Project Arborist to inspect and approve rigid fencing around TPA of trees to be protected

#### **Excavation Phase**

1. Project Arborist to supervise any excavation around retained protected trees and other desired trees on site and monitor integrity of TPA fencing.
2. Any incursions into the TPA shall be reported to the Local Authority Tree Officer when protected trees are involved.
3. Construction Phase
4. Project Arborist to inspect TPA fencing.
5. Project Arborist to monitor retained trees on a weekly basis for development, environmental, disease and insect related stresses and take appropriate actions.
6. Prune branches from interfering with new building profiles and access routes if required. All pruning work shall conform to current Arboricultural Standards and be directed by the Project Arborist.
7. Any incursions into the TPA shall be reported to the Local Authority Tree Officer when protected trees are involved.
8. Construction or excavation within the TPA (including service installation) shall be monitored by the Project Arborist.

9. Landscaping methodology within the TPA shall be approved by the Project Arborist.
10. Post Construction Phase
11. Project Arborist to monitor trees during post-development year and take appropriate remedial actions as necessary.