

STAFF REPORT

TO: Environment & Planning Committee

FROM: Phil Doole, Resource Consents Manager

REFERENCE: RM090604 and RM090608

SUBJECT: **TASMAN DISTRICT COUNCIL - NOTICES OF REQUIREMENT - REPORT REP10-09-03** - Report prepared for hearing of 20 and 21 September 2010

1. SUMMARY OF PROPOSAL

- 1.1 The Tasman District Council, acting as a Requiring Authority, has issued two Notices of Requirement (NORs) to designate land in Richmond South and Richmond West for public works.
- 1.2 The proposed public works comprise the upgrading of the network of open stormwater drains and streams to the south and west of the current Richmond urban area, including two proposed stormwater detention basins; and to provide for public open space and recreation areas aligned with this drainage network. It is envisaged that the lands covered by the proposed designation will become Local Purpose Reserves for Drainage and Recreation purposes.
- 1.3 These proposed public works are aligned with existing provisions of the Tasman Resource Management Plan (TRMP) regarding stormwater management and associated reserve requirements for sustainable urban growth in the Richmond South and Richmond West Development Areas, to protect future urban areas from flooding. Specifically the proposed designations generally reflect the indicative greenway networks already provided for in the TRMP. Refer to **Attachment 3** for up-to-date copies of the planning maps, and a plan of the drainage network.
- 1.4 There are two sectors of proposed drainage upgrade in NOR RM090604 that are additional to the greenways provided for in the TRMP. They are Whites Drain west (Channel J), to enable extension of the greenway network around the boundary of the Richmond South Development Area (RSDA) as far as Paton Road; and Borck Creek (Channel D) upstream of the Reed/Andrews Drain junction.
- 1.5 Upgrading of the Poutama Drain across the Richmond West Development Area (RWDA) to Borck Creek is covered by another proposed designation (RM080291), which is related to, but is not a component of the NORs being considered here.
- 1.6 The Council's stated objectives in seeking these two designations are:

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

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

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

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

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

1.8 Summaries of the 10 channel designs are set out in Section 3 (pages 8-10) and on Figures 1-3 in Appendix A to the “Report on the Borck Creek Notice of Requirement” dated September 2009 (the NOR Report).

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

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

1.11 Three modifications to the notified NOR have been proposed by the Requiring Authority, following consultation with landowners. These modifications involve re-alignments on Channels B, F and J as detailed in the “Addendum to Notices of Requirement” dated August 2010.

2. THE DESIGNATION PROCESS

- 2.1 The terms 'requirement' and 'designation' may cause confusion - they are part of the same process by which land can be set aside for existing and future public works. The requirement is the notice, hearing and decision-making phase initiated by an authority that has financial responsibility for a public work that it wants shown as a designation in the TRMP.
- 2.2 Tasman District Council has the status of a Requiring Authority in terms of the definitions in Sections 2 and 166 of the Resource Management Act 1991 (the Act).
- 2.3 Designation has no effect on the actual land acquisition process or compensation payment amounts which are beyond the scope of the RMA 1991 and dealt with under separate legislation (Public Works Act 1981).
- 2.4 The information supplied with a Notice of Requirement is also different in nature to that supplied with a resource consent application for several of reasons:
- a) In making a decision, the matters for which consideration must be given differ in nature (compare Sections 168A and 176A of the Act for designations with Section 104 for a resource consent);
 - b) Much of the information supplied with a notice of requirement relates to those matters that are relevant for determining whether to confirm, modify or withdraw a requirement. For example, the consideration of effects on the environment also has a different perspective in that, by their nature, public works, particularly large-scale projects can have some form of adverse effects on private landowners and use of land that are unavoidable if the works are to proceed.
- 2.5 The Committee's role is that prescribed for a territorial authority under Section 168A of the RMA 1991. When considering these notices of requirement and submissions to them, the Committee must, subject to Part 2 of the Act, consider the effects on the environment of allowing the requirement, having particular regard to:
- a) Relevant national policy statements and all relevant provisions of the Tasman Regional Policy and TRMP (Section 168A(3)(a));

The relevant provisions are addressed in Sections 6.2 and 6.3 (pages 17-22) of the NOR Report, except for the National Policy Statement on Electricity Transmission which is referred to below at paragraph 4.16.
 - b) Whether adequate consideration has been given to alternative sites, routes or methods of achieving the public work where the requiring authority does not own the land or the work will have a significant adverse effect on the environment (Section 168A(3)(b)).

Except for three land parcels (on Channels A, D and E), the Council does not own the land covered by the two NORs. Consideration of alternatives is addressed in Section 8 (page 27) of the NOR Report. An assessment of environmental effects is presented in Section 7 (pages 23-26) of that Report.

- c) Whether the work and designation are reasonably necessary to achieve the objectives of the requiring authority for which the designation is sought (Section 168A(3)(c)).

The need for the proposed works, and the designations, is addressed in Section 4 (pages 11/12) of the NOR Report.

- d) Any other matter considered reasonably necessary for Council to make a decision on the requirement (Section 168A(3)(d)).

Having heard the proposals and submissions to them, the Committee must make a decision to confirm, modify, impose conditions, or withdraw the requirements to designate the lands involved.

- 2.6 The Act provides that Requiring Authorities make the decisions on NORs. This applies whether or not the Requiring Authority is a territorial authority (Council). The decisions of Requiring Authorities can be appealed to the Environment Court.
- 2.7 When a designation has been confirmed, Section 176A of the Act requires an Outline Plan (or Plans) of the proposed works to be prepared before construction is commenced. The Outline Plan process is a separate process where the details of the landscaping and other matters listed in Section 176A(3) are considered along with compliance with any conditions that may have been imposed on the designation.

3. TASMAN RESOURCE MANAGEMENT PLAN

District Land Use

- 3.1 The effect of a designation is that the **District land use** rules in the TRMP are not applicable to the public works undertaken in accordance with the purpose of the designation. In this case, without the proposed designations, the land disturbance activity required to upgrade the drainage channel network would require **land use** consent for work within 20 metres of a stream and/or within any flood plain. Otherwise, the **land use** components of the proposed works and reserve uses would be permitted activities that comply with the land use provisions in the TRMP.
- 3.2 Conditions are usually imposed on land disturbance activities close to waterways, for the purposes of controlling sediment in stormwater run-off and to protect in-stream values. Similar conditions should be imposed on these designations.
- 3.3 It is acknowledged that there are two “live” appeals on specific aspects of the TRMP provisions for the indicative greenways in the RWDA. There is a submission yet to be heard on Variation 1 to Plan Change 10 relating to the position of the Eastern Hills Drain joining Borck Creek (ie, Channel I in proposed designation RM090604).

Regional Rules

- 3.4 Aspects of the proposed works will be subject to the relevant Regional rules in the TRMP. Resource consents or permits will be required for works in waterways, disturbing the beds of waterways, diversion of water, and discharges of sediments associated with forming the proposed drainage channel profiles. Regional consents are also likely to be required for discharges of stormwater from re-aligned drains.

3.5 The proposed designations will not over-ride the need for the Council to obtain the necessary Regional consents in due course. The Outline Plan requirements referred to above should be addressed by the Requiring Authority at the same time as applications are made for the regional consents.

4. NOTIFICATION AND SUBMISSIONS

4.1 The NORs were formally issued on 23 September 2009, prior to the most recent amendments to the Act that took effect from 1 October 2009. Therefore the Act as it was prior to 1 October 2009 applied, and still applies, to the processing and consideration of these NORs. Section 169 of the Act required them to be publicly notified. That was done on 3 October 2009, with the submission period closing on 2 November 2009.

4.2 A total of 28 submissions were received, mostly from affected landowners, but also three from statutory agencies. One submission (No. 26) was subsequently withdrawn, leaving 27 to be considered. Of those, 21 have requested to be heard.

4.3 A summary of the 27 submissions is set out in the table attached to this report (Attachment 1). Submitters have raised the following matters:

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

Most of the above matters, such as the proposed widths of the drainage channels, and effects on existing land uses, are addressed comprehensively in the NOR Report. For areas within the RSDA and RWDA, the actual effects will depend on whether the timing of the public works can be coordinated with urban development of those properties.

Alternative Sites, Routes and Methods

- 4.4 As noted above, Section 168A(3)(b) of the Act requires that **adequate** consideration be given to alternative sites, routes or methods of achieving the public work where the requiring authority does not own, or otherwise have an interest in the land sufficient for undertaking the proposed works.
- 4.5 In this case, the proposed works mostly reflect the greenway provisions for the Richmond South and Richmond West Development Areas set out in the TRMP. The submitters who have raised this issue have not indicated what other viable or feasible alternative sites, routes or methods should be considered.

Eastern Hills Drain

- 4.5 Submitter 25, Humes Pipelines, has raised concerns regarding the impact that the new alignment (Channel I) will have on their stormwater discharge to the existing drain. There may also be other stormwater discharges (including permitted activities) that will be affected in a similar way. The Requiring Authority should advise at the hearing its acceptance, or otherwise, of a condition that would effectively require Council to provide links for existing stormwater discharges to the new drains where required, as part of the proposed works.

Reed/Andrews Drain

- 4.6 Regarding Reed/Andrews Drain (Channel F), the Requiring Authority has proposed a modification that shifts the required 25 metre wide reserve across the property boundary onto the Holer property, to reduce the effects on the Sutton and Johnston properties. The August 2010 addendum to the NOR has been sent those submitters for consideration.

Land Fragmentation

- 4.7 Several landowners have raised this issue with regard to properties that are bisected both by the proposed greenway for Bateup Drain (Channel H), and by the boundary of the Deferred Residential Zone in the RSDA. Having regard to the zone boundary, and the expected future development of the subject properties, there does not appear to be any reasons to prevent separate titles from being created either side of the greenway reserve when the land is acquired by Council.
- 4.8 The Hill property at 86 Paton Road, that is proposed to be bisected by the Whites Drain greenway (Channel J), is in a different situation in that it falls wholly within a Rural 1 Zone - in which Council has consistently discouraged the further subdivision and fragmentation of highly productive land. The consequence of bisecting this property and allowing separate titles to be created either side of the proposed greenway reserve, would be to allow an additional dwelling to be constructed on the resulting block of flat land on the Paton Road/Whites Road corner. Having regard to the existing size, use and occupation of this property, and the existing pattern of land parcels in the locality, the adverse impacts on land productivity of effectively allowing another dwelling would appear to be minor.

Whites Drain Issues

- 4.9 The Requiring Authority has proposed to modify the alignment of Whites Drain west (Channel J), shifting it away from the Nicholls and Orange properties. This may have alleviated the concerns expressed by Submitter 27, D & K Orange.
- 4.10 Submitter 13, R & D Gaskin, has raised issues regarding the Whites Drain upgrade, including an apparent miss-match in the design details for Channel J between Table 3-1 and the cross-section in Figure 3 in Appendix 1 of the NOR Report. The Requiring Authority should confirm that Channel J is to be a 4 metres wide hydraulic channel, within a 10 metre wide reserve that includes a public access component.

Twenty Year Timeframe

- 4.11 The 20 year life that is being sought for the proposed designations reflects the estimated time period for development of the RSDA and RWDA. Landowners will have the ability to force the Council to acquire their land if they cannot wait for the works or development to reach their property.

Compensation

- 4.12 As noted in paragraph 2.3 above, compensation for loss of land and other possible adverse effects relating to the proposed works, is a matter that is dealt using provisions of the Public Works Act 1991, or by negotiation directly between Council and individual landowners. Compensation may include physical works such as replacement of shelter belts.
- 4.13 The quantum of compensation will depend on several factors, including the provisions of the TRMP that require the drainage and reserve network to be provided in any case as integrated components of the urban development in the Richmond South and Richmond West Development Areas.

State Highway Network

- 4.14 Land can be designated for more than one purpose, by more than one requiring authority. The effect of having dual designations is that Council will require the written approval of the NZ Transport Agency (NZTA) before it can carry out drainage upgrade work in the areas also designated for State Highway purposes.
- 4.15 NZTA has requested that a condition be imposed, as follows:

THAT the existing and proposed drainage structures under the State Highway network necessary to give effect to the Council Designation will be upgraded at the Council's expense and that the upgraded structures will comply with the NZTA Bridge manual June 2003 or the equivalent standard at the time of construction.

The Requiring Authority should indicate its acceptance, or otherwise, of this condition during the hearing.

Electricity Transmission Lines

- 4.16 Transpower has raised concerns regarding the impacts that the proposed drainage works could have on the transmission lines that cross the lower sector of Borck Creek (Channel A). Specifically Pole 36 on the Stoke to Upper Takaka B transmission line is located within the proposed designation area on Lot 1 DP 380142 at 61 Headingly Lane being the Heslop property.
- 4.17 The National Policy Statement on Electricity Transmission covers the wider electricity system of generation, lines, towers, poles, switching stations and substations. The policy statement recognises that the availability of electricity and its security of supply play a vital role in the well being of New Zealand. The objectives and policies are to be applied and weighed up with other considerations by decision makers in considering notices of requirement for designations:

The objective of the National Policy Statement on Electricity Transmission is “to recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while managing the adverse environmental effects of the network; and managing the adverse effects of other activities on the network.”

Policy 10 states: In achieving the purpose of the Act, decision makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that the operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

The requiring Authority should indicate at the hearing how it intends to address the position of Pole 36 and other matters relating to the presence of the two transmission lines.

5. OTHER MATTERS

- 5.1 NOR RM090604 includes the full extent of Lot 1 DP 720 being 81 Headingly Lane owned by Tasman District Council which extends out into Waimea Inlet. However, the area of that allotment below the line of Mean High Water Springs is part of the coastal marine area, and as such it is under the jurisdiction of the Regional Coastal Plan, not the District Plan. The same applies to the adjoining small area shown as legal road reserve on the land requirement plans (it is actually now foreshore and seabed). Those two areas cannot be designated, and must be deleted from the proposal.

6. OTHER STATUTORY CONSIDERATIONS

- 6.1 This application has to be considered, in accordance with the provisions of Section 168A of the Act as detailed in Part 2 of this report.
- 6.2 Section 5 sets out the Purpose of the Act, and states:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing 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 while—*
- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

6.3 Section 6 of the Act details matters of national importance to be recognised and provided for. Of relevance to this application is:

*6(a) the preservation of the natural character of the coastal environment, wetlands, and lakes **and rivers and their margins, and the protection of them from inappropriate subdivision, use and development...***

Section 7 of the Act provides other matters that Council shall have particular regard to. Of relevance to this application are:

*7(c) the maintenance and enhancement of amenity values, and
7(f) maintenance and enhancement of the quality of the environment.*

Amenity values are defined in the Act as

Amenity values mean those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

As described in the NOR Report, the general aim of the proposed works is to integrate environmental factors to the extent practicable, with the flood channels required to serve Q₁₀₀ storm run-off flows. The proposed works in or close to the existing streams will require regional permits, at which time appropriate controls can be imposed, including sediment control plans, to ensure water quality and other environmental standards are maintained.

6.4 Section 8 of the Act relates to the principles of the Treaty of Waitangi. No specific issues in this regard have been raised by iwi and I am satisfied that there are no matters pertaining to the Treaty of Waitangi that are of a concern for this application.

7. CONCLUSION

7.1 As with many important public works long term forward planning is needed in order to meet anticipated future needs and secure land where development can occur without significant adverse environmental effects. The primary adverse effects of the proposed works will be disruption of existing land uses. For many of the properties

involved, the degree of disruption will depend on the pace of works compared with the pace of urban development in the RSDA and RWDA.

- 7.2 The proposed works are generally in accord with the provisions in the TRMP which set out the policies and infrastructure requirements for future urban development in the RSDA and RWDA. The proposed designations are a method for implementing those plan provisions, necessary to ensure that drainage can be provided in an orderly and timely fashion.
- 7.3 The proposed designations are based on and augment the greenway components of the RSDA and RWDA infrastructure provisions in the TRMP - therefore those greenway provisions should be retained in the TRMP if the NORs are confirmed.
- 7.4 The NORs do introduce new public works to the TRMP, being the proposed upgrades of Whites Drain (Channel J) and Borck Creek (Channel D).
- 7.5 I consider it appropriate that the Council Committee consider these NORs (with the modifications proposed by the Requiring Authority) and the issues raised by submitters so that the decisions made on them are fully integrated with the decisions that Council has made for the RSDA and RWDA; and also having regard for the fact that Council has financial responsibility for the proposed works.

8. RECOMMENDED CONDITIONS

- 8.1 As discussed in Parts 3 and 4 of this report, if the Committee decides to confirm these NORs, then I recommend that that the Committee consider imposing conditions for the following purposes:
1. Controlling potential effects of land disturbance close to waterways. A recommended set of conditions is provided in Attachment 2.
 2. Protecting the State Highway network bridges and culverts.
 3. Protecting the Electricity Transmission line support structures.
 4. Protecting existing authorised stormwater discharges that will be affected by the re-alignment of streams and drains.

Phil Doole
Resource Consents Manager

Summary of Submissions

Submitter and address to which the submission relates	Summary of Reasons	To be Heard?
Opposing		
1. J Westbrooke Wensley Road, Richmond	<ul style="list-style-type: none"> Opposes the requirements to have open drains and open ponds of water in a future housing suburb; stormwater should be put into underground pipes. 	Yes
2. A D Johnston 28 Collins Road, Richmond	<ul style="list-style-type: none"> Opposes the location of proposed redevelopment of Reed/Andrews drain [<i>Channel F</i>] - will impact on land available for residential development. This should be redeveloped on the Holers rural land; The proposed local purpose reserve should remain on my land adjoining the proposed residential road. 	Yes
3. P & M Hill Trust 86 Paton Road, Richmond	<ul style="list-style-type: none"> Support in general but oppose how the reserve [<i>Channel J</i>] will split our property. It affects its future use so the Council should provide 86 Paton Road with two separate titles for either side of the reserve at no cost to the land owner. 	Yes
5. M & K Sutton 45 Main Road Hope	<ul style="list-style-type: none"> Do not support the realignment of the Reid/Andrew drain [<i>Channel F</i>] and subsequent green belt entirely onto our property, which removes a significant portion (16.67%) of our small land block; Wish to see the requirement changed to have any drain upgrade follow existing define channels to lessen the impact on our property; Wish to see the existing hydraulic drain be extended south west from SH6 to a terminus at the crossover between our block and the Holar property to avoid demolition of existing buildings on the boundary. 	Yes
6. F Horlemann 33 Paton Road, Richmond	<ul style="list-style-type: none"> The land required in upper region of Borck Creek [<i>Bateup Drain Channel H</i>] between Paton Road and Hill Street is too wide, less than 25 m width would seem sufficient for drainage and walkways; Agree the upgrade is required for future land development but it should be able to be achieved on smaller scale; Spend the money more wisely; construction costs and compensation will be significant. 	Yes
10. Holer Diamond Tools 65 Main Road Hope	<ul style="list-style-type: none"> Chanel J has not been part of previous consultation with landowners. Designation over this portion of the system is not considered necessary to meet the object of managing stormwater in Richmond South and Richmond West development areas; Wishes Council to refuse Channel J but if is considered necessary then public access should be removed from the designation as public access and linkages to the various channels is provided 	Yes

	through detention basin A, and additional access is not considered necessary.	
11. Transpower, C/- Environment Group, PO Box 1021, Wellington	<ul style="list-style-type: none"> The works to be authorised by the designation will result in adverse effect on Transpowers high voltage transmission lines and corridors (Stoke - Upper Takaka A and B (STK-UTK A & B) 66kV single circuit transmission lines on poles); Location of the designation, associated construction works, maintenance and planting will be under overhead transmission lines (in Transpower transmission corridors) so further investigation to how the potential effects can be avoided, remedied or mitigate is required; Require the current proposal to be withdrawn or modified to be subject to conditions that adequately avoid or mitigate potential and actual adverse effects on the high voltage transmission line assets. 	Yes
12. J Heslop 61 Headingly Lane, Richmond	<ul style="list-style-type: none"> The requirement will require almost 1 ha of my land, impacting on all of the improvements on the land and my ability to make most efficient use of my land; The requirement does not reflect sustainable management and will have adverse effects - it is not considered reasonably necessary for achieving the objectives of the requiring Authority; There has been inadequate consideration given to alternative sites, routes or methods particularly as a requiring authority does not have an interest in the land sufficient for undertaking the work; 20 year time frame not fair nor reasonable - blighting effect on the property during this period, preclude efficient use and devalue the land. 	Yes
13. R & D Gaskin 72 Paton Road, Richmond	<ul style="list-style-type: none"> Proposed location of the White Drain [<i>Channel J</i>] will compromise our peace and privacy of our property, 5m taken will remove trees and our privacy and security will be destroyed ; Flooding issue of concern from increased water volumes in creek; Will Tasman District Council maintain the area regularly? Possible error in Appendix E being MWH Stormwater Summary Report Page 14 Section J channel width of 10m - is this correct? If granted wish to see conditions that take 10m from adjoining vineyard land rather than 5m of our land, the walkway/cycleway to be on the far side of the creek and replanting of native trees and appropriate fencing that we agree to. 	Yes
14. M A Nichols 87 Main Road, Hope	<ul style="list-style-type: none"> Concerned with the size of the drains that have been presented, 1 in 100 year design is not realistic, a 1 in a 50 year flood design is all that is required, the land is stony allowing fast draining of surface water; 	No

	<ul style="list-style-type: none"> Relating to drain J, instead of encroaching 10m into my property I propose that before it reaches my boundary it be diverted around the detention pond. 	
17. B & K Hanna 36 Hart Road, Richmond	<ul style="list-style-type: none"> We do not entirely oppose the reserve areas, we need to protect our future development; Our land is not rezoned so there are no benefits to us from taking the land as reserve, our land will be land locked and access is an issue for our existing access and access to our back hill area. 	Yes
18. G Malcom 7 Paton Road, Richmond	<ul style="list-style-type: none"> Object to the misleading and inconsistent approach so far; I oppose both of these 'Notice of Requirements' as referred to on Table 0-1 and Table 0-2; Should council reconsider its decision with regard to services and the residential deferred zoning as it applies at present then I will be prepared to discuss this matter further, a definitive time scale needs to be provided so I can make constructive plans for future. 	No
19. C Tuffnell 42 Hart Road, Richmond	<ul style="list-style-type: none"> Commandeering privately owned land, the NOR proposes to take more than 20% of my land and no discussion of possible compensation formulae; Lack of an outline plan means landowners are not being consulted adequately and details are unclear, therefore too much to be left to be decided later by monopolistic council, with vested interest; Longer lapse period could be seen as unfair by some landowners affected as it gives them a high degree of uncertainty; Implanting a recreational reserve in the middle of private land introduces issues of visual effects, noise, rubbish, fencing, signage and protection. 	Yes
20. R & D Humphries 520 Hill Street, Richmond	<ul style="list-style-type: none"> The proposal will divide our property in two with the 25m wide strip from east to west; the land includes a large shed. Our property will devalue; Concerned about public access during lambing, moving stock across drain, loss of land & buildings; If granted we want two titles (at Council cost) and compensation (at current market value) for land and buildings and we would want to use the land and buildings until construction and reduced rates. 	Yes
21. EB & DJ Mytton 28 Appleby Highway, Hope	<ul style="list-style-type: none"> Concerned about [<i>Channels B & C</i>]: <ul style="list-style-type: none"> ➤ the necessity and purpose of the designation width which seems excessive; ➤ the inability to consider the resource consent applications that are necessary for the public works, and therefore an inability to consent the relevant issues in an integrated manner; ➤ insufficient consideration of alternatives and ➤ the 20 year lapse period places a significant 	Yes

	burden on our land, a five year timeframe would be reasonable.	
22. McShane Holdings Ltd McShane Road	<ul style="list-style-type: none"> • Supports the general thrust of the NOR but opposes the width of the drainage reserve network of 70m as it is an inefficient use of land; • Inadequate consideration to alternative methods of undertaken the work or achieve the outcomes sought by the NOR so as to reduce the area of land required for the drainage and reserve network; • As proposed it will lead to inefficient and adverse effects on the Submitters existing horticultural and farming activities; • We wish for the requirement to be modified to reduce the area of land required for the drainage and reserve network as marked B on Appendix A to the application for NOR. 	Yes
23. AE Field and Son Limited McShane Road	<ul style="list-style-type: none"> • supports the general thrust of the NOR but opposes the width of the drainage reserve network of 70m as it is an inefficient use of land; • Inadequate consideration to alternative methods of undertaken the work or achieve the outcomes sought by the NOR so as to reduce the area of land required for the drainage and reserve network; • As proposed it will lead to inefficient and adverse effects on the Submitters existing horticultural and farming activities; • We wish for the requirement to be modified to reduce the area of land required for the drainage and reserve network as marked B on Appendix A to the application for NOR. 	Yes
24. Richmond West Group (consortium of land owners in the Lower Queen Street and McShane Road area)	<ul style="list-style-type: none"> • supports the general thrust of the NOR but opposes the width of the drainage reserve network of 70m as it is an inefficient use of land; • Inadequate consideration to alternative methods of undertaken the work or achieve the outcomes sought by the NOR so as to reduce the area of land required for the drainage and reserve network; • As proposed it will lead to inefficient and adverse effects on the Submitters existing horticultural and farming activities; • We wish for the requirement to be modified to reduce the area of land required for the drainage and reserve network as marked B on Appendix A to the application for NOR. 	Yes
27. D & K Orange & T Nelson Whites Road, Richmond	<ul style="list-style-type: none"> • Width of drain and reserve network had major impact on our land and creates additional drains where none appear to exist now, it will lead to inefficiencies and adverse effects on the submitter existing activities; • Inadequate consideration of alternative means for undertaking the work and the requiring authority does not have an interest in the land sufficient for 	Yes

	<ul style="list-style-type: none"> undertaking the work; Designation is not considered reasonably necessary; 20 year term too long, places too much of a blot on the submitters land and should be shortened to no more than two years. 	
<p>28. N & D Cardiff & P LeGros 52 Paton Road, Richmond</p>	<ul style="list-style-type: none"> Width of drain and reserve network had major impact on our land and creates additional drains where none appear to exist now, it will lead to inefficiencies and adverse effects on the submitter existing activities; Inadequate consideration of alternative means for undertaking the work and the requiring authority does not have an interest in the land sufficient for undertaking the work; Designation is not considered reasonably necessary; 20 year term too long, places too much of a blot on the submitters land and should be shortened to no more than two years. 	Yes

Neutral Submissions		
<p>7. A Dobbin 70 Paton Road, Richmond</p>	<ul style="list-style-type: none"> Wish to ensure that if the proposed designations in regard my land [<i>Channel J</i>] varies from the current Borck Creek Report (Sept 2009) that my agreement is obtained to changes that affect my land. 	No
<p>8. A & C Berkett 185 Ranzau Road, Hope</p>	<ul style="list-style-type: none"> Neutral to the application but opposes the location [<i>Channel D</i>]; We are concerned about the relocation of the stream onto our property which causes a loss in production land and income from that land; If to proceed we expect adequate compensation for these losses and a reduction in rates. 	No
<p>9. New Zealand Transport Agency (NZTA) PO Box 5084, Wellington</p>	<ul style="list-style-type: none"> The increase in stormwater flows created by the proposal will: <ul style="list-style-type: none"> ➢ require the flood capacity of culverts under SH6 and SH60 to be increased, and ➢ Generate additional expense for NZTA to engineer a larger bridge or culvert structure under the proposed Hope Bypass. SH6 and Hope Bypass corridor are designated, and are affected by the proposal; written approval is required from NZTA to designate this land; NZTA wish for a condition to be imposed that requires: <i>the existing and proposed drainage structures under the State Highway network necessary to give effect to the Council Designation will be upgraded at the Council's expense and that the upgraded structures will comply with the NZTA Bridge manual June 2003 or the equivalent standard at the time of construction.</i> 	No

<p>16. H & S McMillan 92 Bateup Road, Richmond</p>	<ul style="list-style-type: none"> • The 20 year time frame is an unreasonably long time for a landholder to have no certainty about timeframes for development; • Compensation is not specifically stated for the affected land [<i>Channel G</i>], this needs to be clarified whether its current market price of a percentage land effect for each section etc. 	<p>Yes</p>
<p>25. Humes Pipelines Systems C/- Hill Young Cooper, Po Box 8092 Wellington</p>	<ul style="list-style-type: none"> • Humes does not object to the NOR in principle but would like assurances and or conditions on the requirement that all physical works and costs to change current discharge permits affected by the proposed works [<i>Channel I</i>] will be covered by the Council; • Council to be responsible for organising and carrying out all related works. 	<p>Yes</p>
<p>Supporting Submission</p>		
<p>4. Director-General of Conservation</p>	<ul style="list-style-type: none"> • The proposal is consistent with Part 2 of the Resource Management Act 1991, policies of the NZ Coastal Policy Statement, Objectives and Policies of the Tasman Regional Policy Statement, and Objectives and Policies of the Tasman Resource Management Plan • The proposal is reasonably necessary to mitigate the adverse effects of new urban development in the Richmond West and South developments on the ecological values of Borck Creek, and the Waimea Inlet. 	<p>No</p>
<p>15. Rosemary Flannagan 154A Main Road Hope</p>	<ul style="list-style-type: none"> • Consideration of compensation for the value of our land is important to us; • If granted wish to see: <ul style="list-style-type: none"> ➢ Relocation of our entry gateway so we still this access, and ➢ New fencing to be next to the area of requirement - it needs to be fawn netting deer fencing, as is existing on our southern boundary, this fencing keeps dogs out of our paddocks 	<p>Yes</p>

**Recommended Conditions
(Based on Standard Conditions for a Land Disturbance Resource Consent)**

General

1. The Consent Holder shall ensure that all works are carried out in general accordance with the information presented in support of the Notices of Requirement RM090604 and RM090608, and Plans [??] attached, unless inconsistent with these conditions, in which case these conditions shall prevail.
2. The Requiring Authority shall contact Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.
3. The Requiring Authority shall be responsible for all contracted operations relating to the exercise of this resource consent, and shall ensure that all personnel working on the site are made aware of the conditions of this resource consent and with the Management Plans required by Condition 26, and shall ensure compliance with consent conditions.
4. A copy of these Conditions shall be available to contractors undertaking the works, and shall be produced without unreasonable delay upon request from a servant or agent of the Council.
5. The Requiring Authority shall appoint a representative(s) prior to the exercise of this designation, who shall be the Council's principal contact person(s) in regard to matters relating to this designation. At least 10 days prior to beginning the works authorised by this consent, the Requiring Authority shall inform the Council's Co-ordinator Compliance Monitoring of the representative's name and how they can be contacted within the works period. Should that person(s) change, the Requiring Authority shall immediately inform the Council's Co-ordinator Compliance Monitoring and shall also give written notice of the new representative's name and how they can be contacted.
6. The Requiring Authority shall carry out operations in accordance with the provisions of an Earthworks Management Plan which is to be submitted and approved by the Council's Co-ordinator Compliance Monitoring prior to the bulk earthworks commencing.

Advice Note:

Refer to Condition 26 for Earthworks Management Plan.

7. Any changes to the Earthworks Management Plan shall be made in accordance with the methodology and approved procedures in that plan and shall be confirmed in writing by the Requiring Authority following consultation with Council's Compliance Officer. Changes to the Earthworks Management Plan shall not be implemented until authorised by the Council's Co-ordinator Compliance Monitoring.
8. Should the Requiring Authority cease or abandon work on-site, it shall first take adequate preventative and remedial measures to control sediment discharge, and shall thereafter maintain these measures for so long as necessary to prevent

sediment discharge from the site. All such measures shall be of a type, and to a standard, which are to the satisfaction of the Council Environment & Planning Manager.

9. Prior to bulk earthworks commencing, the Requiring Authority shall submit to the Council's Co-ordinator Compliance Monitoring, a certificate signed by an appropriately qualified and experienced engineer to certify that the appropriate erosion and sediment control measures have been constructed in accordance with the Earthworks Plan (Condition 26) and these conditions. The certified controls shall include, where relevant, diversion channels, sediment fences, decanting earth bunds and sediment retention ponds. The certification for these measures for each construction phase shall be supplied to the Council's Co-ordinator Compliance Monitoring.
10. The internal site work shall be carried out during the following normal work hours to limit the nuisance of noise and access of vehicles:
 - Monday to Friday (07.00 to 19.00); and
 - Saturdays (08.00 - 17.00); but excluding public holidays

Earthworks

11. The Requiring Authority shall undertake all practicable steps to minimise the effect of any contaminant discharges to the receiving environment.
12. The Requiring Authority shall ensure that any discharge of contaminants onto or into land or water from any activity is avoided, remedied or mitigated to ensure no contaminants are present at a concentration that is, or is likely to have, a more than minor effect on the environment.
13. No petrochemical or synthetic contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into water from equipment being used for the activity and no machinery shall be cleaned, stored, or refuelled within 5 metres of any watercourse.
14. Fuels, oils and hydraulic fluids associated with the operation shall be stored in a secure and contained manner in order to prevent the contamination of adjacent land and/or water bodies.
15. The Requiring Authority shall notify the Council's Co-ordinator Compliance Monitoring as soon as is practicable, and as a minimum requirement within 12 hours, of the Consent Holder becoming aware of a spill of hazardous materials, fuel, oil, hydraulic fluid or other similar contaminants. The Requiring Authority shall, within seven days of the incident occurring, provide a written report to the Council, identifying the causes, steps undertaken to remedy the effects of the incident and any additional measures that will be undertaken to avoid future spills.
16. All practical measures shall be taken to ensure that any dust created by operations at the site and vehicle manoeuvring (in accessing the site and driving within it) shall not, in the opinion of Council's Co-ordinator Compliance Monitoring, become a nuisance to the public or adjacent property owners or occupiers. The measures employed

shall include, but are not limited to, the watering of unsealed traffic movement areas, roadways and stockpiles as may be required.

17. All disturbed vegetation, excess soil or debris shall be disposed of off-site or stabilised to minimise the risk of erosion.
18. Topsoil and subsoil shall be stripped and stockpiled separately. On completion of the works topsoil shall spread over the subsoil.

Stormwater Control

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

Advice Note:

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

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

Advice Note:

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

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

Earthworks Management Plan

26. Prior to undertaking any activities authorised by this consent, the Requiring Authority shall prepare an Earthworks Management Plan.
27. The Earthworks Management Plan required by Condition 26 shall set out the practices and procedures to be adopted in order that compliance with the conditions of this consent can be achieved, and in order that the effects of the activity are minimised to the greatest extent practical. This plan shall, as a minimum, address the following matters:
- (a) description of the works;
 - (b) engineering design details;
 - (c) silt and dust control during earthwork stages;
 - (d) temporary activities and equipment storage in specified areas;
 - (e) construction programme including timetable, sequence of events and duration including any landscaping;
 - (f) construction methods and equipment to be used;
 - (g) dust sources and potential impact during construction;
 - (h) methods used for dust suppression during construction activities;
 - (i) location, design, operation and maintenance of stormwater run-off controls and sediment control facilities;
 - (j) detailed specifications of the spoil storage and stabilisation;
 - k) staff and contractor training;
 - (l) traffic management and property access management;
 - (m) contingency plans (eg, mechanical failures, oil/fuel spills, flooding, landslips);
 - (n) public access, community information and liaison procedures;
 - (o) complaints and reporting procedures;
 - (p) cultural and archaeological protocols (including discovery protocols);
 - (q) assessment and monitoring procedures;
 - (r) methodology and approval procedures for making changes to the Construction, Erosion and Sediment Management Plan.

Advice Note:

The following are the general principles that should be adhered to when writing and implementing the Construction, Erosion and Sediment Control Plan:

- (a) minimise the disturbance to land;
- (b) stage construction;
- (c) protect steep slopes;
- (d) protect watercourses;
- (e) stabilise exposed areas as soon as possible;
- (f) minimise the run-off velocities;
- (g) revegetate as soon as possible;
- (h) install perimeter controls and protect disturbed areas from run-off sourced above site;
- (i) employ detention devices;
- (j) take the season and weather forecast into account;
- (k) use trained and experienced contractors and staff;
- (l) update the plan as the project evolves;
- (m) assess and monitor.

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

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

28. Council may review these conditions to:

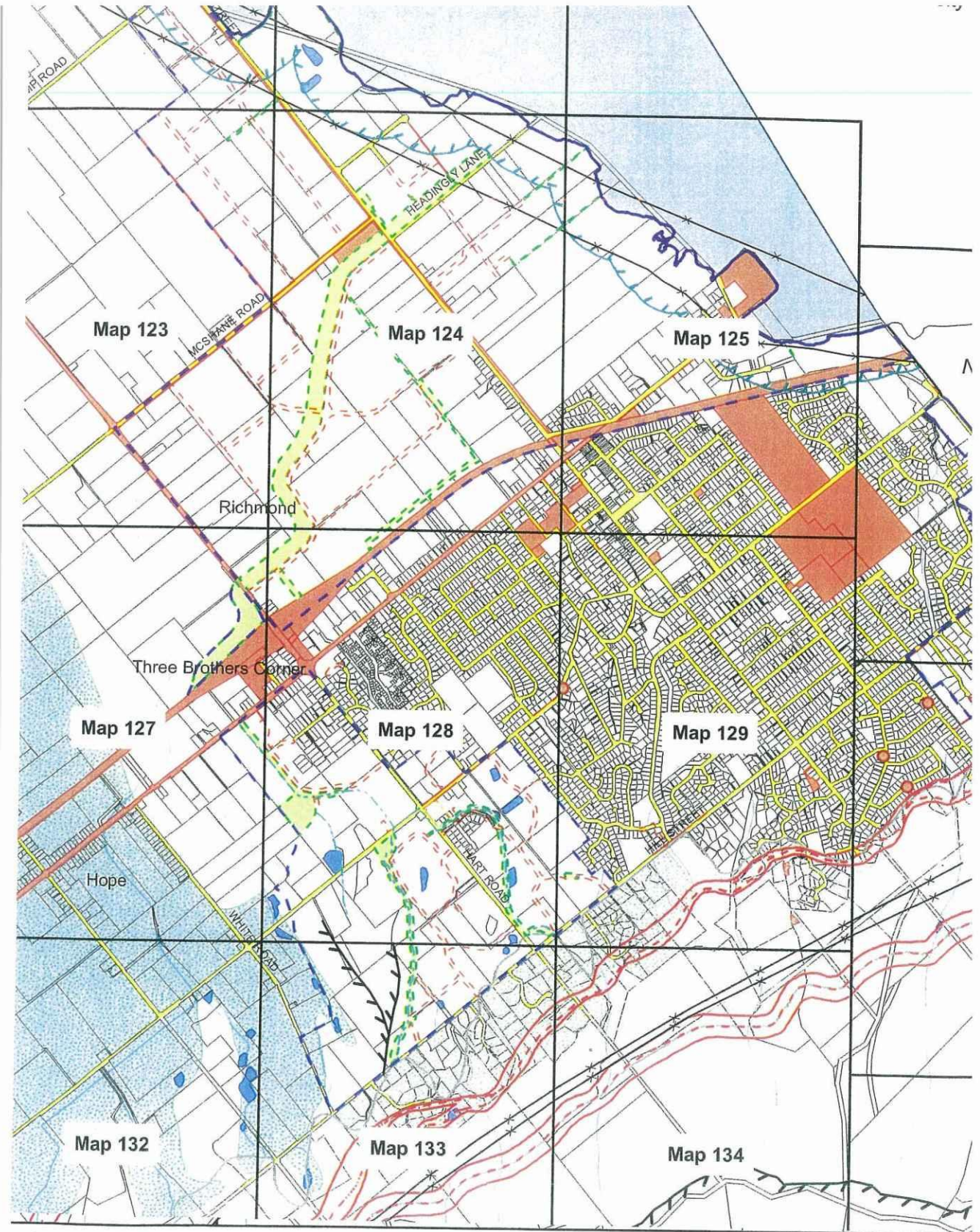
- (a) deal with any adverse effect on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage;
or
- (b) to require compliance with operative rules in the Tasman Resource Management Plan or its successor; or
- (c) when relevant national environmental standards have been made under Section 43 of the Resource Management Act 1991.

ADVICE NOTES

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

**Planning Map 57
Zones and Areas
As at 28 August 2010
(2 x A4)**

**Proposed Land Requirement Plan Fig. 1
(1 x A3)**



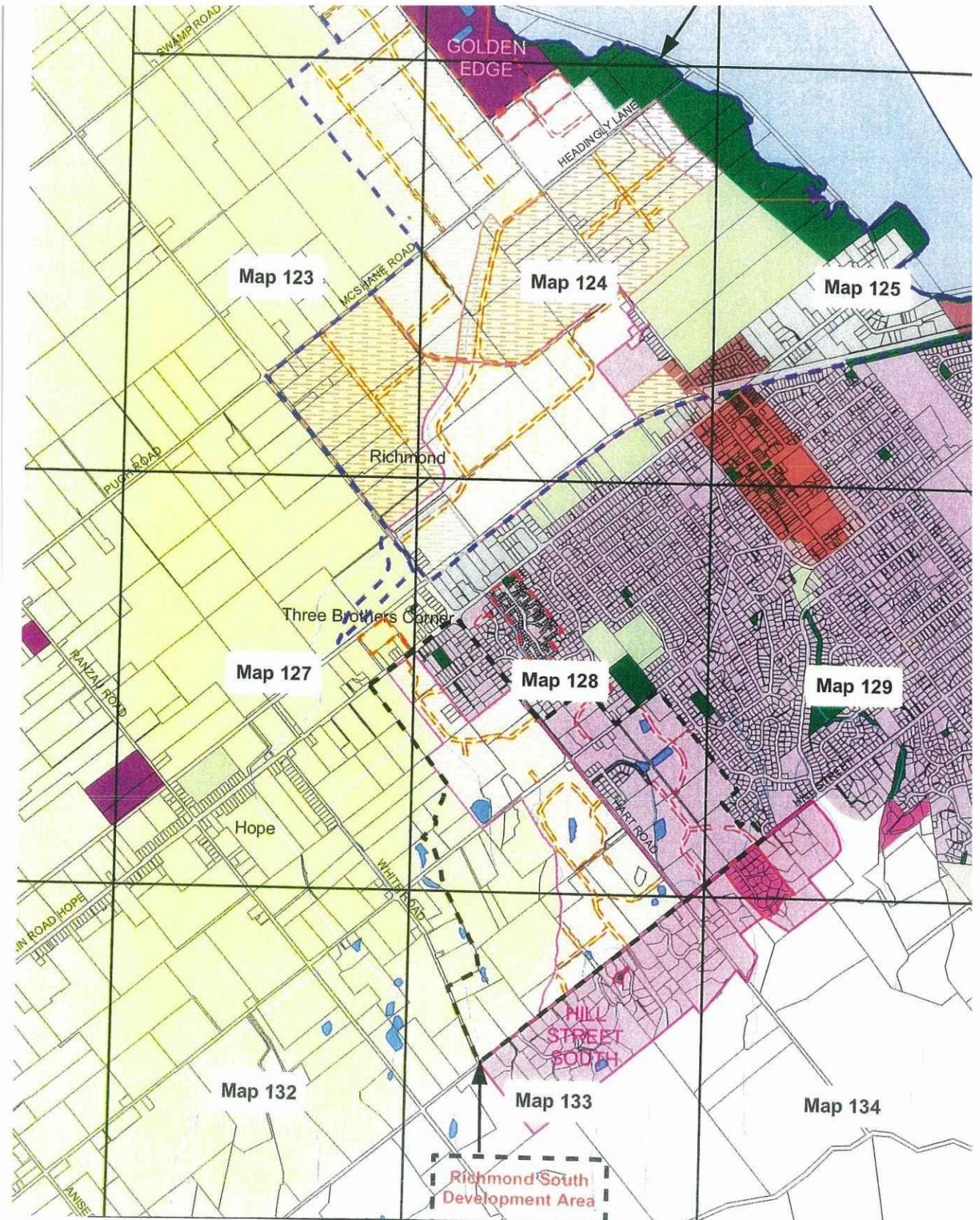
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AREAS



TASMAN RESOURCE MANAGEMENT PLAN
28 August 2010
Not Yet Operative



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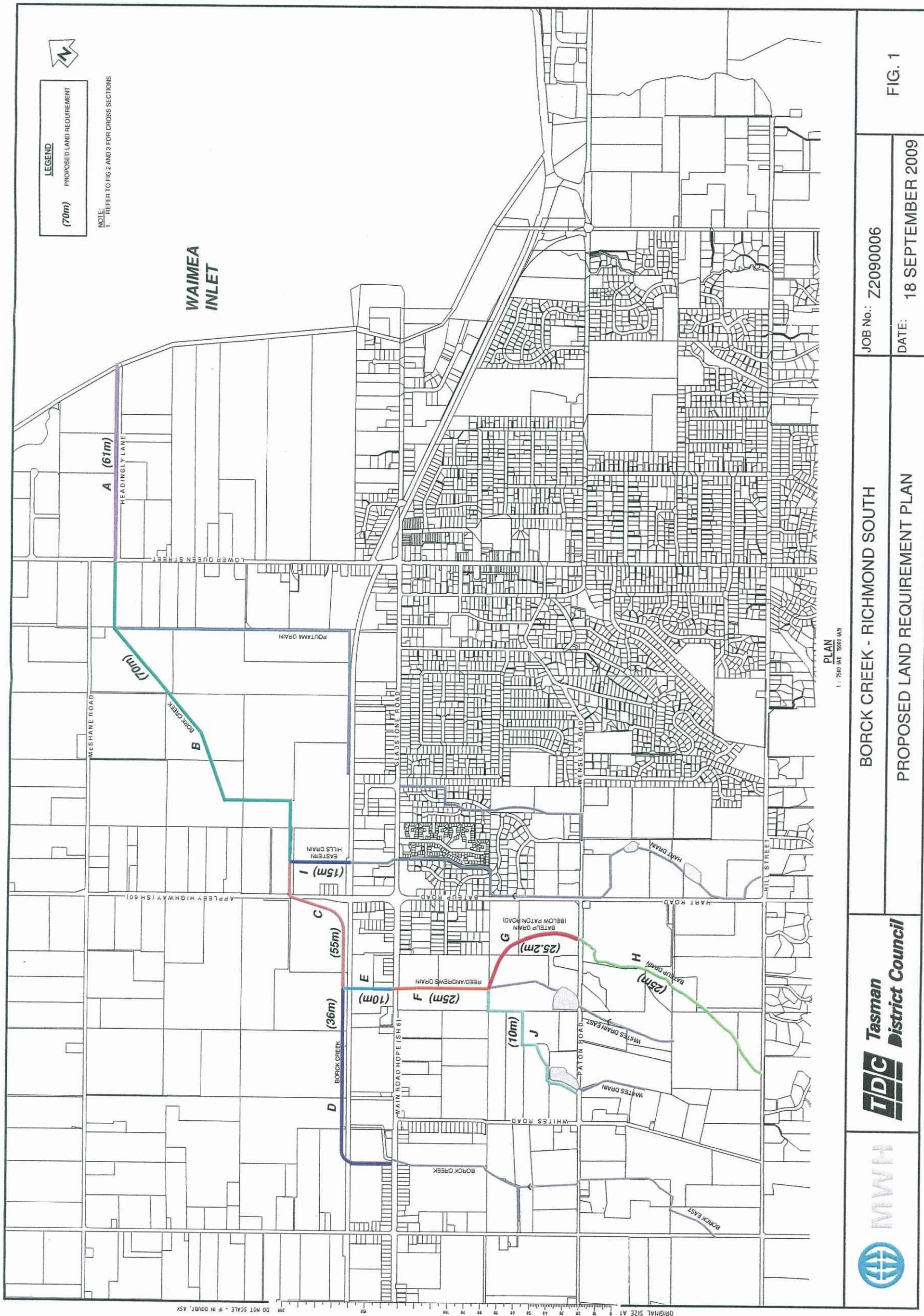


TASMAN RESOURCE MANAGEMENT PLAN
28 August 2010
Operative in Part

ZONES

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BORCK CREEK - RICHMOND SOUTH
 PROPOSED LAND REQUIREMENT PLAN

JOB No.: Z2090006

DATE: 18 SEPTEMBER 2009

FIG. 1