Tasman Resource Management Plan

PROPOSED PLAN CHANGE NO. 79

Deferred Zoning

Submitters Evidence for the Hearing

Due Date and Time: 4pm Friday 6 June 2025

and

Tabled Evidence for the Hearing

Contents

Expert Evidence Received for the Hearing				
#	**From:**		**Date Received:**	**Time Received:**
1	Email from Staig & Smith on behalf of: K Hanna and 187 Hanna Trustee Ltd.		5 June 2025	4:45pm
2	Email from Staig & Smith on behalf of: S&A Field		6 June 2025	3:47pm
	2.1	Field Planning Evidence on PC79		
Tabled Evidence Received for the Hearing				
#	**From:**		**Date Received:**	**Time Received:**
3	Email from Duncan Cotterill on behalf of Submitters: - AB & SL Family Trust - Wai West Horticulture Ltd. - Coral and Tracy Yelverton - Flowerlands Ltd.		6 June 2025	4:03pm
	3.1	Planning Evidence		
	3.2	Planning Evidence Appendix A: Inundation Practice Note		
	3.3	Planning Evidence Appendix B: Artillery Place Decision and Coastal Hazards Report		
	3.4	Planning Evidence Appendix C: Comen Decision and Natural Hazards Report		
4	Covering email from Duncan Ballinger on behalf of: A&S Talley & P Percy		6 June 2025	4:19pm
	4.1	A&S Talley & P Percy Planning Evidence		
	4.2	A&S Talley & P Percy Schedule of Amendments		
5	Covering email from Transpower		6 June 2025	7:39pm
	5.1	Transpower Hearing Statement		

From: Jackie McNae
To: Narissa Armstrong; Mary Honey; Jeremy Butler
Cc: Kate Hanna
Subject: 12563 Hearing Documentation for Plan Change 79..- Confirmation that we will not be attending the Hearing...
Date: Thursday, 5 June 2025 4:44:59 pm
Attachments: image001.png
image003.png
image004.png
image005.png

Good Afternoon, Policy Team
Thank you for the provision of the Hearing Documentation and advice on the timetable for the provision of evidence.

I have lodged a Submission on behalf of K Hanna and 187 Hanna Trustee Ltd. I have reviewed the Section 42A report and wish to confirm that we will not attend the hearing to present evidence in support of our Submission.

We maintain the position set out in our Submission, firstly in relation to point 4226.1 where we sought that the Council retain the proposal to upzone a portion of the Hanna land from Deferred Residential to Residential. We note the staff recommendation is to allow that Submission, we accept and support the recommendation and note there is no further Submission lodged in relation to 4226.1.

In relation to Submission point 4226.2 our submission opposed the removal of the indicative road from the Field land which connects this land to Hill St, we maintain that position for the reasons set out in the Submission.

Thank you for the opportunity to present the Submissions at the hearing. We look forward in due course to the confirmation of the Decisions on the Hanna Submission.

Regards

Jackie McNae BRP Hons
Director • Planner • Resource Management Consultant • 03 548 4422

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From: Narissa Armstrong <Narissa.Armstrong@tasman.govt.nz>
Sent: Wednesday, 21 May 2025 3:59 pm
To: Mary Honey <Mary.Honey@tasman.govt.nz>; Jeremy Butler

<Jeremy.Butler@tasman.govt.nz>
Subject: Hearing Documentation for Plan Change 79....

Kia ora koutou,

Hearing documentation for Plan Change 79, can now be found on-line via the following link.

Change 79: Deferred Zoning | Tasman District Council

Ngā mihi,

Narissa Armstrong
Environmental Policy Administrator
DDI +64 3 543 8630 | Narissa.Armstrong@tasman.govt.nz
Private Bag 4, Richmond 7050, NZ

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From:	Jane Bayley
To:	Narissa Armstrong
Subject:	12330 Field #4225 Planning Evidence on PC 79
Date:	Friday, 6 June 2025 3:47:34 pm
Attachments:	image001.png image002.png image003.png 12330 Field #4225 Planning Evidence on PC 79.pdf 12330 Field #4225 Planning Evidence on PC 79.docx

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Good afternoon Narissa

Please find attached the Planning Evidence for Submitters Stephen Field and Abbie Field, Submitter Number: 4225

Regards

Jane

Jane Bayley BSc MRRP

Planner • Resource Management Consultant • **03 545 6883** • **027 221 8332**

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BEFORE THE HEARING COMMISSIONERS

UNDER	the Resource Management Act 1991 ("RMA" or "the Act")
IN THE MATTER OF	A hearing on submissions on Proposed Plan Change 79 – Deferred Zoning Topic: Richmond South Zoning and Indicative Road **Stephen Field and Abbie Field** Submitter Number: 4225

STATEMENT OF EVIDENCE OF JANE BAYLEY

Dated 6 June 2025

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1.0 INTRODUCTION AND SCOPE OF EVIDENCE

Introduction

1.1 My full name is Jane Rushton Bayley. I am a Resource Management Planning Consultant and hold the qualification of Master of Regional and Resource Planning from Otago University.

1.2 I have 24 years experience as a Planner and Resource Management Consultant. I am employed as a Resource Management Consultant at Staig & Smith Ltd which is a Surveying, Land Development and Planning Consultancy based in Nelson.

1.3 I am familiar with and have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note and I agree to comply with it. My evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.

2.0 EXECUTIVE SUMMARY

2.1 Stephen Field is the owner of Lot 2 Deposited Plan 572986, being 472 Hill Street, and Abbie Field is his daughter.

2.2 Stephen Field and Abbie Field made a submission on Plan Change 79, with a particular focus on the zoning of the Field's property at 472 Hill Street and the indicative road layout on said property.

2.3 The submission was broken into three submission points by the Council. I break the first submission point into two parts, as indicated by the underline below:

#1(a) Council upzone all of RS14, including the Submitters land s42A Recommendation decline

2.4 I note that 472 Hill Street had a Date of Resolution for Removal of Deferral of 5/11/20 which has since passed, and the Council under Clause 17.14(a)(ii) should be uplifting the deferred zoning.

2.5 I question whether the amendments made to the Reasons for Deferral Uplift are within Scope of the notified Plan Change. If confirmed within Scope, I question whether the reference to the Water Supply Activity Management Plan in relation to the Low Level Reservoir is correct.

#1(b) Support upzone RS15 and RS15A-C s42A Recommendation Accept

2.6 The Submitter acknowledges acceptance of their submission.

#2 Council delete Deferred Fire Ban Area over RS14 s42A Recommendation decline

2.7 The Submitter acknowledges that changing of the Fire Ban Maps is subject to Submission #1(a).

#3 Retain Indicative Road to Hill Street on 472 Hill Street s42A Recommendation decline

2.8 I do not accept the arguments used for a significant increase in traffic flows from the Future Development Strategy Area, and support the Field's submission that the Indicative Road remains.

3.0 PLANNING EVIDENCE FOR SUBMITTER #4225

Background

3.1 In 2006, the Tasman District Council (Council) notified Plan Change 5 as part of a long-term strategic approach to provide for medium density forms of residential development for the growth of Richmond. Plan Change 5 recommended the Richmond South Development Area be included in the Tasman Resource Management Plan (TRMP). These changes became Operative in 2010.

3.2 Schedule 17.14A of the TRMP lists the Reasons for Deferral of deferred zones, as well as a Date of Resolution for Removal of Deferral. In relation to the Field's land at 472 Hill Street, the reason for deferral is "Reticulated Water Supply Service Required" and the date of resolution of the deferral being "5/11/2020". The expectation being that a 10 year implementation of services to be provided to the area.

3.3 Within this time, at least two developers within the Richmond South Development Area provided developer funded water storage to develop prior to Council's timeframe, which addressed Council's requirement for the uplift of the deferral.

3.4 In 2023, Council commenced into the process of the water supply process for the Richmond South Development Area

3.5 My Planning Evidence in response to the Section 42A Report is broken down into the submission points.

#1(a) Council upzone all of RS14, including the Submitters land

3.6 Clause 17.14.2(a) of the TRMP advises that the deferred zoning becomes effective as the zone that is deferred, from the date that Council resolves that:

(i) the relevant service being a reticulated water supply, wastewater, stormwater, or transportation service, as applicable, has been provided, or can be provided to the satisfaction of the Council, either for the whole or for any part of each area of land, including any part that is sought to be developed, to service the land; or

(ii) where applicable, the date until which the area remains deferred is now due.

(my emphasis underlined)

3.7 I note that date of resolution of the deferral for 472 Hill Street has now passed, and under Clause 17.14.2(a)(ii) of the TRMP, the time to uplift the deferral has now been reached, and Council should as part of Plan Change 79, be changing the zoning of 472 Hill Street from Rural 1 deferred Residential to Residential Zone.

3.8 The Section 32 Analysis of the Options for the uplift of deferral noted four options were available:

Option 1: Rezoning land from an existing deferred zone to the anticipated 'live' urban zone, where the initial reasons for the deferral are satisfied. Generally land that is subject to a deferred zone is upzoned because three waters servicing has been delivered.

Option 2: Rezoning land from an existing deferred zone that cannot be adequately serviced or is otherwise inappropriate to a more appropriate zone.

Option 3: Downzoning land from an existing deferred zone that is considered inappropriate for urban use to its underlying (pre-deferral) zoning

Option 4: Retaining a deferred zone framework on land where the reasons for the existing deferral are not yet met. Adopt the modified deferred zone framework that is being advanced by this Plan Change. To remain deferred, funding for the infrastructure should be included in the TDC's Long Term Plan (LTP) within the next 1 to 10 years. The infrastructure upgrades required to service the area are to be clearly identified.

3.9 The Submitter acknowledges that Council's Section 32 Evaluation of their land recognises that the site can be adequately serviced and is considered appropriate for urban use, and therefore Options 2 and 3 are not applicable to the Section 32 assessment.

3.10 Therefore, whether adequate servicing has been provided are the options available for Council to consider to whether Option 1 (uplift Rural 1 deferred Residential to Residential) or Option 4 (retain Rural 1 deferred Residential) is appropriate for the Field's submission on RS14.

3.11 Appendix 1 - Options Assessment for Proposed Zoning of Deferred Location (Appendix 1) of the Section 32 Evaluation concluded that the area RS14 has not been fully serviced and that the servicing require has been clearly identified and the Long Term Plan 2024 to 2054 included provision for servicing the water in the next 10 years. Further, the assessment concluded that when reticulated water supply was provided, that the deferred zoning can be uplifted without having to do a Schedule 1 Plan Change.

3.12 I note that there were discrepancies between Appendix 1 of Section 32 Evaluation and Appendix 2 - Stantec Deferred Zones Infrastructure Report Final (Appendix 2) of the Section 32 Evaluation as to what constitutes the level of service required to uplift the deferral. I underline my emphasis of the discrepancies below.

3.13 Appendix 1 noted in the table headed 2024 Summary of Key Considerations and Reasons for Changes to planning maps, the trigger that enables use of residential plan provisions requires "provision of the planned Richmond High Level Reservoir to service the Richmond South area, or equivalent measure proposed by Council or developers to provide adequate level of service for water supply".

3.14 Appendix 2 noted that the Infrastructure requirement for RS14 was "Richmond High level reservoir construction or equivalent measure to provide adequate label of services for water supply, required prior to the development of this location". However under 2.1.5 of the Stantec report also notes that "To provide full water reticulation to these areas, construction of the Richmond South Low-Level Reservoir (which is identified in the Long term Plan) is required to lift the deferral"….. "Council has purchased land at 520 Hill Street for the future construction of the Richmond South Low-Level Reservoir. The reservoir site is intended to include two concrete tanks and a pump station that will service the locations in the future but this will be confirmed at detailed design".

3.15 I therefore note that the Stantec report, in itself provides confusion as to whether the requirement for the uplift of the deferral is the High level reservoir or the Low level reservoir.

3.16 Appendix 5 – PC79 Schedule of Amendments (Appendix 5) included in the Section 32 Evaluation identified within the table for uplifting of deferral that Southwest Hart Road RS14 was being deferred for the following purposes "*Water supply provision of planned Richmond high-level Reservoir to service the Richmond South area or equivalent measure proposed by council or developers to provide adequately service for water supply".*

3.17 In the Section 42A report, the Council staff noted that the Richmond South low level Reservoir currently being constructed on 520 Hill Street will provide water to the Richmond South Development Area that is already zoned Residential. Thereby not being the areas of RS15, 15A-15C? This requires clarification for the Hearing Commissioners.

3.18 The report notes that "A booster pump is needed to supply the remaining land covered by the deferral (marked RS14 on update zone map 76-10). The pump station which is expected to cost about $1 million is NOT specifically provided for in LTP 2024 / Annual Plan 2025. AMP ID 86178 - provision for growth upgrades in years 4-5 will need to be utilised to provide for the booster pump station. There is a significant amount of uncertainty about this project at this time."

3.19 The Hearing Version of the Deferred Zoning Schedule of Amendments amends the Reasons for Deferral from what was notified, changing the requirement from a High level to a low level reservoir and adds the additional requirement of the pump.

3.20 Of note, both the Notified and the Hearing Version refer to AMD ID 86120 being the Richmond South Reticulation - High Level Reservoir.

3.21 I therefore request that the Hearings Committee consider whether the amendments in the Reasons for uplifting the deferral are within Scope of the Notified Plan Change.

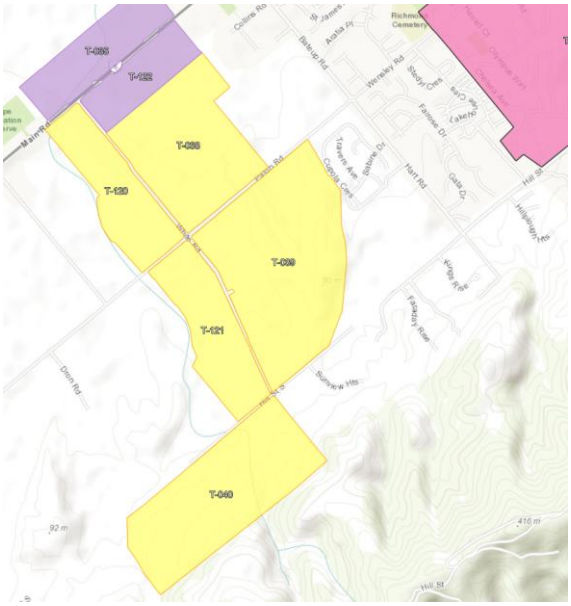
3.22 Should the Hearings Committee consider the amendments to be within Scope, I question the Council's reporting officer as to whether the reference to the Water Supply Activity Management Plan should be to AMD ID 86121 which is the Richmond South Reticulation - Low Level Reservoir Stage 1?

A	B	C	D	E	F	G	H	I	J	PC79
Deferred Site Location	Deferred Site location number	Plan provisions that apply before services are provided	Infrastructure or servicing that is required to be delivered (Rule 17.14.2.2 refers)	Legal descriptions of land to which Column G ~~H planning~~ provisions apply	Where infrastructure or services proposed by developer, references to detailed performance requirements and engineering plans of services agreed with Council	Plan provisions that apply after services are delivered	Date when Column G provisions apply	Number and Operative Date of plan change that rezones site location to a deferred zone ~~rezoning land to end use zone~~	Number and date of plan update that updates Column I	
South West Hart Road	RS14	Chapter 5, Site Amenity Effects. Chapter~~s~~ 7, Rural Environment Effects. Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. ~~16.3.2.1 16.2.5~~ Section 16.3.5, Subdivision- Rural 1 Zone. ~~and~~ Chapter 17.5, Rural 1 Zone Rules.	**Water Supply:** ~~Provision of planned "Richmond High Level Reservoir" to service the Richmond South area, or equivalent measure proposed by Council or developers to provide adequate level of service for water supply. See AMP ID 86120 in LTP 2024.~~ Provision of "Richmond South Low Level Reservoir" (AMP ID 86120) at 520 Hill Street South and construction of a Booster Pump Station (AMP ID 86178 programmed for years 4-5), or equivalent measure proposed by Council or developers to provide adequate level of service for water supply.			Chapter 5, Site Amenity Effects. Chapter~~s 5,~~ 6, Urban Environment Effects Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. ~~16.3.2.1 16.2.5,~~ Section 16.3.3, Subdivision – Residential Zone ~~and~~ Chapter 17.1, Residential Zone Rules.				

3.23 The Submitter seeks confirmation that when water supply is achieved, that the uplift the deferral of zoning will take priority in terms of allocation of supply. Plan Change 79 notes that once water is available, that the zoning deferral is to be uplifted without further Plan Change, and they have been waiting since the Richmond South Development Area became operative in 2010 for water allocation.

3.24 The Water Supply Activity Management Plan notes that the works for the Richmond South Reticulation - Low Level Reservoir Stage 1 AMD ID 86121 and AMD ID 86178 will be completed by 2030.

3.25 Appendix 1 notes that Council is to meet its NPS-UD required Future Development Strategy short- and medium-term housing targets for Richmond. To that purpose, Council has notified its intention of Draft Change 1 to the Regional Policy Statement and Draft Plan Change 81 to the TRMP which are major changes necessary to implement the first 10 years of the Nelson Tasman Future Development Strategy.



3.26 Plan Change 81 does not include the Future Development Strategy Areas around White Road (T-039, T-121, T-040). It is therefore the Submitter's understanding that demand on the Richmond South Reticulation from the Future Development Strategy should not occur prior to the uplifting of the Deferred zoning, in accordance with the Water Supply Activity Management Plan. Therefore the Deferred zoning is to have precedence over the Future Development Strategy.

#1(b) Support upzone RS15 and RS15A-C

3.27 The Submitter acknowledges acceptance of their submission.

#2 Council delete Deferred Fire Ban Area over RS14

3.28 The Submitter acknowledges that changing of the Fire Ban Maps is subject to Submission #1(a).

#3 Retain Indicative Road to Hill Street on 472 Hill Street

3.29 In 2006, the Council notified Plan Change 5 as part of a long-term strategic approach to provide for medium density forms of residential development for the growth of Richmond and included the Indicative Road network. At that time, traffic flow from the Richmond South Development Area was considered to be acceptable for medium density forms of residential development at the Hill Street/Hart Road intersection and the indicative road through the Field property to Hill Street was put forward by Council.

3.30 Appendix 1 of the Section 32 Evaluation recommended to delete a portion of indicative road connecting the Richmond South Deferred Residential Area to Hill Street. The Section 32 Evaluation identified that removal of indicative road through the Field property to Hill Street will avoid the opportunity for a "rat run" that connects Hart Road and Hill Street, protecting the amenity of the Residential Zone.

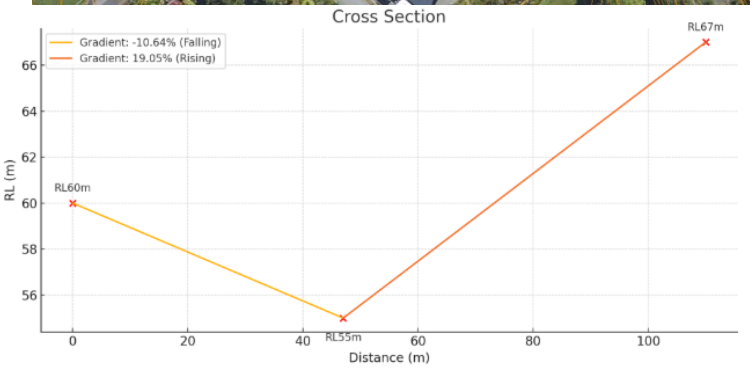
3.31 The Section 32 Evaluation did not explain what had changed in analysing the effects of traffic and how matters had changed, leaving the Submitter with nothing to gauge the reasons for the removal of the Indicative Road.

3.32 The Section 42a Report notes that the Hill Street/Hart Road intersection will become too congested, and references a presumed future connection between Richmond South Development Area and the areas of the Future Development Strategy along White Road (T-039, T-121 and T-040). The argument for removing the Indicative Road connection to Hill Street in the Section 42a Report is that the extent of development would significantly increase the use Hill St and have an adverse effect on the residential amenity.

3.33 I am not a traffic engineer and cannot comment on the likelihood of traffic movements, preferred routes of travel or traffic volumes. However, I do note that there are physical constrains for connecting the Richmond South Development Area and the White Road Future Development Strategy areas.

3.34 The Indicative Road through the Field property to the south-west is physically constrained by Designation 247, which is set aside as Reserve Land for the purposes of stormwater, being the upper portion of the Borck Creek. This therefore is not assumed to service the Future Development Strategy areas.

3.35 Furthermore, from the northern end of Hill Street South to the southern end of Hill Street, the road corridor crosses a portion of land which is steep in topography. As the road would progress north, the gradient drops by -10.64% then rises steeply at 19.05% to the southern end of Hill Street, as shown below:



3.36 The Nelson Tasman Land Development Manual requires gradients for Local Roads to be no steeper than 14.3%. As such, and without any information from the Future Development Strategy Sites, it cannot be anticipated within the current roading layout, that the White Road Future Development Strategy areas would be connecting to Hill Street, and therefore I do not accept the arguments within the Section 42A Report that there will be a significant increase in traffic which would have an impact on the residential amenity. Rather I can only conclude that that effect of anticipated traffic from the Indicative Road and the Richmond South Development Area would remain as considered by Council at the time of Plan Change 5.

3.37 The Submitter does not support the arguments for declining their submission on removing the Indicative Road, and seek that the Indicative Road remains.

Dated 6 June 2025

Jane Rushton Bayley

From:	Derek McLachlan
To:	Narissa Armstrong
Cc:	Katherine Forward
Subject:	PC79 - Evidence [DC-DOCUMENTS.FID3603232]
Date:	Friday, 6 June 2025 4:07:10 pm
Attachments:	image001.png Planning Evidence final 060625.pdf Planning Evidence final 060625.docx Planning Evidence Appendix B Artillery Place decision and coastal hazards report.pdf Planning Evidence Appendix A Inundation-Practice-Note.pdf Planning Evidence Appendix C Coman Decision and natural hazards report.pdf

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Dear Narissa,

Please find **attached** evidence of Mr. Taylor (Planning) on behalf of the following submitters:

i. AB & SL Family Trust (**OS 4222**);
ii. Wai West Horticulture Limited (**OS 1651**);
iii. Coral and Tracy Yelverton (**OS 4230**); and
iv. Flowerlands Ltd (**OS 4228**)

We also advise, pursuant to Paragraph 22 of Minute 1, that we recommend that Panel undertake a site visit of the RW1 land. If you can advise of the Panel's preferred dates for a site visit, we can liaise with landowners to ensure access.

For hearing scheduling purposes, while planning evidence has been filed jointly, the submitters each seek time to present on their individual sites. Similarly, legal submission will have both a joint and 'individual component'.

Kind regards

Derek McLachlan
Associate

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Duncan Cotterill

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BEFORE THE HEARING PANEL

APPOINTED BY THE TASMAN DISTRICT COUNCIL

In the matter	to the Tasman Resource Management Plan under Schedule 1 of the Resource Management Act 1991.
Submitter	AB & SL Family Trust (**OS 4222**); Wai West Horticulture Limited (**OS 1651**); Coral and Tracy Yelverton (**OS 4230**); Flowerlands Ltd (**OS 4228**) ('**Submitters**')

EVIDENCE OF HAYDEN TAYLOR

(PLANNING)

Duncan Cotterill

Solicitor acting: Katherine Forward /Derek McLachlan
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Fax +64 3 379 7097
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derek.mclachlan@duncancotterill.com

Duncan Cotterill

MAY IT PLEASE THE PANEL

Credentials and Experience

Current Position

1 My full name is Hayden Craig Taylor.

2 I am a Resource Management Consultant at, and a Director of, Planscapes (NZ) Ltd, a surveying and resource management consultancy based in Nelson.

Qualifications and Experience

3 I hold a Bachelor of Science with Honours (Geography) degree from University of Otago, and I am an associate member of the New Zealand Planning Institute.

4 I have 17 years' experience in resource management and planning practice. I have been employed by Planscapes as a Resource Management Consultant since May 2018, and became a Director in 2022. Prior to my employment with Planscapes I worked in Auckland as a Resource Management Consultant for two years, and before that for Auckland Council in various resource consenting roles including Senior Planner and Resource Consents Team Leader. Prior to that I worked as a Planner for a London Borough Council for a period of three years.

5 I have prepared evidence and appeared both for private clients and local authorities as an expert witness at Council and Environment Court hearings, and have also participated in Environment Court mediation proceedings.

6 For the past seven years most of my work has been in the Nelson/ Tasman Region and this has involved preparation of numerous applications for resource consent under the Tasman Resource Management Plan (the TRMP), including for the subdivision and development of greenfield land. I have also been involved in the preparation of submissions on Council Plan Changes, and attendance at Council Plan Change Hearings.

7 I have visited the land at Lower Queen Street that is subject of PC79 (annotated as RW1 on the plan change maps) and am familiar with this land.

Environment Court Practice Note

8 I acknowledge that I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and agree to comply with it.

9 Other than where I state that I am relying on the advice on another person, I confirm that the issues addressed in this statement are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Executive summary

10 The submissions made by the group of landowners from the Lower Queen Street RW1 area generally supported the Plan Change but sought greater flexibility than provided for by the proposed land use rules, in relation to duration-limited consent and removable/ relocatable buildings.

11 The key tension between the submissions by these landowners and Council Officers' (as detailed in their s42A report) relates to the management of coastal hazard risks. In particular, the introduction of proposed rules prohibiting subdivision in parts of the RW1 area.

12 Council Officers' consider that National Direction necessitates a prohibition on subdivision, and also the proposed land use controls. This evidence reviews the relevant National Direction and concludes that it does not necessitate the provisions proposed by Council Officers.

13 This evidence examines the existing policy regime relating to management of natural hazards, as well as other mechanisms available to Council to address this matter. It concludes that these provide an adequate framework to enable assessment and management of natural hazard risks on a case by case basis at resource consent stage, and provide Council with sufficient ability to refuse consent where necessary.

14 I generally support the relief sought in the submissions of the Lower Queen Street Landowners but suggest some changes to TRMP provisions to address the concerns of Council Officers.

Background to Submission

15 Submissions were made by Wai-West Horticulture Limited, Coral and Tracy Yelverton, AB and SL Family Trust, and Flowerlands Limited. As these parties (referred to collectively henceforth as 'the Landowner Group") have shared interests in the Lower Queen Street RW1 and RW2 plan change area,

their submissions requested a number of key common points of relief. In summary:

15.1 Support for the Plan Change overall, supporting in part and opposing in part specific aspects/provisions;

15.2 Overall relief sought that Council approve the Plan Change, subject to amendments to specific aspects/ provisions of the Plan Change.

15.3 Support for the RW1 land to be rezoned from Rural 1 deferred Light Industrial, to Light Industrial.

15.4 Support for the introduction of the Schedule 17.4A area, subject to changes that seek to provide flexibility in relation to the requirement for industrial activities and buildings to be temporary, relocatable or readily removable. These changes sought to provide an 'exemption pathway' to enable greater certainty to landowners/ developers through avoiding limited duration consents and/ or consent conditions requiring removal of buildings when a sea level rise trigger point is reached, subject to expert assessment. A change was also sought to amend the Schedule 17.4A area boundary to match cadastral boundaries.

16 In summary, the overall submission relief sought by the Landowner Group is to support the notified version of the Plan Change, which sought to preserve the existing TRMP framework for subdivision within the RW1 area, with additional flexibility for long term consents.

17 The following evidence addresses these common aspects of the Landowner Group submissions. For clarity, I was involved in the drafting of the submission relief and confirm through this evidence that I support the approach taken in those submissions in relation to the above matters. The specific relief is discussed in more detail later in my evidence.

COASTAL HAZARD MANAGEMENT – POLICY DIRECTION

18 The key points of disparity between the relief sought by the Landowner Group and Council Officers (as reflected in the Council's s42A report) relate to coastal hazard management. Key aspects of this are:

18.1 Council Officers disagree with the 'exemption pathway' approach proposed by the Landowner Group. Council Officers consider that sufficient flexibility exists in the provisions (as drafted) on a case-by-case basis (which will require expert assessment), whilst providing

strategic direction and recognising the need for a long-term sustainable risk reduction approach within the scheduled location. Officers consider that National Direction does not allow for an approach that increases the exposure to future coastal hazards, and that the submitters' approach proposes an exemption pathway that may lead to that outcome.

18.2 Council Officers consider that subdivision within the Schedule 17.4A area should be a prohibited activity. Officers consider that if a subdivision consenting pathway is allowed for land in Schedule 17.4A, this will enable the creation of more property titles, affording property rights and privileges to more landowners. They consider that this would result in enabling future landowners that may become 'locked in' with land holdings (known as 'stranded assets') that are vulnerable to rising sea levels, in addition to coastal and rainfall hazards. Officers consider that this may create future liabilities for Council given their decision would not be in accordance with current national guidance. Concern is also raised with the impact on Council infrastructure that may be created through subdivision.

19 This disparity in positions appears to stem from Council Officers' treatment of the higher order guidance and policy documentation on coastal hazard management. In my opinion the Officers' Report adopts a narrow interpretation of these documents, which fails to adequately consider the various management options available at the time of development. These documents will be considered further below.

New Zealand Coastal Policy Statement 2010 (NZCPS)

20 The following Objectives and Policies of the NZCPS are considered relevant.

Table 1: Relevant Provisions of the NZCPS	
Provision	**Explanation/Relevance**
Objective 5: To ensure that coastal hazard risks taking account of climate change, are managed by: • locating new development away from areas prone to such risks; • considering responses, including managed retreat, for existing development in this situation; and • protecting or restoring natural defences to coastal hazards.	Council's s42A report confirms that, having considered coastal hazard risks, this area is generally appropriate for development for light industrial purposes. I support this position. I disagree with Council Officers in relation to additional controls that may be necessary for new development in the plan change area in relation to natural hazards.
Objective 6: To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that: • the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits; • …	The zoning of the land for light industrial purposes is required to meet the social and economic needs of the Richmond/ Tasman community in relation to the adequate provision of land suitable for light industrial land uses. This is confirmed in the Council's s32 report. In my opinion a prohibition on subdivision is likely to make realisation of this more difficult, particularly for the larger landholdings within the plan change area.
Policy 3: Precautionary approach 1. Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse. 2. In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:	A precautionary approach is required, however in my opinion introducing very restrictive controls such as prohibited subdivision is an overly cautious approach, that does not recognise the range of potential vulnerabilities to coastal hazards within the Schedule 17.4A area, or the responses available to address these. In my opinion Council Officers have appropriately applied a precautionary approach in relation to identifying areas of potential hazards, in accordance with current MfE guidance.

1. avoidable social and economic loss and harm to communities does not occur; 2. natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and 3. the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.	A precautionary approach can also be applied at consenting stage, based on detailed and site-specific expert assessment of risks and potential mitigation of these. In my opinion the concept of a precautionary approach should not be used to avoid the need to consider site-specific factors.
Policy 7: Strategic planning 1. In preparing regional policy statements, and plans: a. consider where, how and when to provide for future residential, rural residential, settlement, urban development and other activities in the coastal environment at a regional and district level; and b. identify areas of the coastal environment where particular activities and forms of subdivision, use, and development: 1. are inappropriate; and 2. may be inappropriate without the consideration of effects through a resource consent application, notice of requirement for designation or Schedule 1 of the Resource Management Act process; and provide protection from inappropriate subdivision, use, and development in these areas through objectives, policies and rules. 2. Identify in regional policy statements, and plans, coastal processes, resources or	Council's s42A report confirms that, having considered coastal hazard risks, this area is generally appropriate for development for light industrial purposes, which I support. Whilst the inclusion of provisions in the plan to manage significant risks is appropriate, insufficient technical assessment has been undertaken by Council to support the implementation of very restrictive provision (prohibited subdivision) to manage this risk, particularly over a large land area that has a range of vulnerabilities to coastal hazard risks. Policy 7 also refers to preparation of Regional Policy Statements. Policy 7 therefore should take some guidance from the Regional Policy Statement on strategic land development. I discuss this link below in relation to Policy 5.3 of the RPS.

values that are under threat or at significant risk from adverse cumulative effects. Include provisions in plans to manage these effects. Where practicable, in plans, set thresholds (including zones, standards or targets), or specify acceptable limits to change, to assist in determining when activities causing adverse cumulative effects are to be avoided.	
Policy 24: Identification of coastal hazards 1. Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunami), giving priority to the identification of areas at high risk of being affected. Hazard risks, over at least 100 years, are to be assessed having regard to: 1. physical drivers and processes that cause coastal change including sea level rise; 2. short-term and long-term natural dynamic fluctuations of erosion and accretion; 3. geomorphological character; 4. the potential for inundation of the coastal environment, taking into account potential sources, inundation pathways and overland extent; 5. cumulative effects of sea level rise, storm surge and wave height under storm conditions; 6. influences that humans have had or are having on the coast; 7. the extent and permanence of built development; and 8. the effects of climate change on:	In my opinion, Council Officers have fulfilled this requirement in identifying areas of potential hazard within the plan change area. Adoption of the 2024 MfE guidance controls the 'screening' and 'identification' of coastal hazards pursuant to Policy 24 but is not a directive policy on whether land development should occur.

1. matters (a) to (g) above; 2. storm frequency, intensity and surges; and 3. coastal sediment dynamics; taking into account national guidance and the best available information on the likely effects of climate change on the region or district.	
Policy 25 Subdivision, use, and development in areas of coastal hazard risk In areas potentially affected by coastal hazards over at least the next 100 years: 1. avoid increasing the risk of social, environmental and economic harm from coastal hazards; 2. avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards; 3. encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events; 4. encourage the location of infrastructure away from areas of hazard risk where practicable; 5. discourage hard protection structures and promote the use of	These provisions do not require avoiding use or development of land potentially affected by coastal hazards over the next 100+ years, rather avoidance of increasing risk of harm associated with these activities. Council Officers have determined that the land is suitable for light industrial purposes, having undertaken a screening exercise for the identification of potential coastal hazards. Relevant to this is the inherently lower risks associated with light industrial activities compared to other land uses, such as residential. Risk is a function of the likelihood of something happening, and the consequences of it happening[1]. Both of these factors need to be assessed to determine the risk associated with a particular activity. As will addressed further below, this is routinely done on a case by case basis as part of a resource consent application on the basis of expert assessment and taking into account mitigating factors. Policy 25 does not create a hierarchy between 'subdivision' and 'land use'. The policy only refers to '*redevelopment, or change in land use'*. In my opinion, if Council Officers accept that risk of adverse effects can be appropriately managed at consenting

[1] **NZCPS Glossary "**Risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances) and the associated likelihood of occurrence (AS/NZS ISO 31000:2009 Risk management – Principles and guidelines, November 2009)".

alternatives to them, including natural defences; and	phase, then it does not follow that Policy 25 then justifies imposition of prohibition on subdivision activities. I have difficulty reconciling Council Officers position that risk from change in land use (to light industrial) can be adequately managed at the consenting phase, but there is no prospect of managing subdivision through the same process. If Council Officer's are relying on Policy 25(1) to support prohibition on subdivision, then this should be supported by evidence quantifying *'social, environmental, and economic harm'* associated with subdivision as opposed to land use. In my opinion it is not necessary to implement this policy through a prohibition on subdivision. This policy is already embedded in the RPS and TRMP (as detailed below) and can be relied upon in assessing resource consent applications on a case by case basis.
Policy 27: Strategies for protecting significant existing development from coastal hazard risk 1. In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes: 1. promoting and identifying long-term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk; 2. identifying the consequences of potential strategic options relative to the option of "do-nothing"; 3. recognising that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance, to sustain the potential of built physical resources to meet the	This policy is relevant as the subject land does not actually adjoin the coast. It is separated from the coast by a hard engineering structure (Lower Queen Street road formation), and much of the seaward side of this is further separated from the coast by the Nelson Pine Industries (NPI) industrial plant, which is itself protected from the coast by a hard engineering structure. In fact, much of the coastline of this part of the Waimea Estuary is protected by hard engineering structures. These structures and activities constitute 'significant existing development'. These limit the management options for Council/ the community, and make maintenance of hard protection measures a more realistic (and potentially more efficient) option moving forward, particularly compared to more natural coastal margins elsewhere. Council may decide to abandon part of LQS in the future. A prohibition on subdivision may well preclude the construction and vesting of alternative, more resilient roading within the plan change area that could better provide for, rather than inhibit, managed retreat, should this be necessary.

reasonably foreseeable needs of future generations; 4. recognising and considering the environmental and social costs of permitting hard protection structures to protect private property; and 5. identifying and planning for transition mechanisms and timeframes for moving to more sustainable approaches. 2. In evaluating options under (1): 1. focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions; 2. take into account the nature of the coastal hazard risk and how it might change over at least a 100-year timeframe, including the expected effects of climate change; and 3. evaluate the likely costs and benefits of any proposed coastal hazard risk reduction options.	Until more detailed technical assessment has been undertaken to justify very restrictive measures such as a prohibition on subdivision, a comprehensive review of risks and responses for the wider area or region should be undertaken, as detailed further below. In the interim, there are appropriate mechanisms in place to evaluate and manage risk.

Tasman Regional Policy Statement (TRPS)

21 The TRPS is the strategic resource management document that promotes sustainable resource management in the Tasman District. The TRPS is required to give effect to the NZCPS. And while it is acknowledged that the TRPS is an older document (originally promulgated in 2001), until Council progresses a Schedule 1 Plan Change, the TRPS the document remains operative, it must be treated as being consistent with the NZCPS.Provisions of the TRPS that are relevant to natural hazards and development in the coastal environment are addressed below. In my view, the TRPS adopts both 'remedy' and 'mitigation' as key responses to the management of coastal hazard. The TRPS provides clear guidance on how the Panel can implement policy 24 and 25 of the NZCPS.

Table 2: Relevant TRPS provisions	
Provision	**Explanation**
Objective 5.2 Avoidance, remedying or mitigation of the adverse effects arising from urban development locating or expanding in: (i) hazard-prone areas; and (ii) coastal areas; and (iii) areas where the amenity standards of adjacent rural activities would not be accepted in an urban context; and (iv) areas of natural character, outstanding natural features and landscapes, significant indigenous vegetation or fauna, or other heritage values; and (v) Wetlands, lakes, rivers, and their margins	This objectives anticipates that there will be a range of potential responses to development within areas susceptible to hazards.
Policy 5.2 The Council will avoid locating new urban development in areas subject to natural hazards, except that extensions in areas that are so subject may be allowed provided adequate mitigation measures are undertaken.	This policy acknowledges that expansion of activities into areas susceptible to natural hazards may be appropriate where adequate mitigation is proposed.

22 Collectively, these provisions enable a range of responses to addressing natural hazard risks, depending on the circumstances, a theme which filters down to the TRMP provisions addressed below.

Tasman Resource Management Plan

23 The NZCPS came into effect in 2010, and the TRMP has been updated so as to give effect to it. The TRMP has also been developed to be consistent with the TRPS. Relevant provisions of the TRMP that give effect to the natural hazard provisions of the NZCPS are detailed below, so where specific guidance is required on how to give effect to NZCPS (for example Policy 24 & 25).

Table 3: Chapter 13 (Natural Hazards)	
Provision	**Explanation**
Objective 13.1.2.1 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.	This objective is enabling of various responses to managing hazards, including mitigation.
Objective 13.1.2.2 Land development, including supporting network infrastructure asset services, is resilient against natural hazards.	This objective requires development to be resilient against natural hazards.
Policy 13.1.3.1 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, fault rupture, flooding, erosion or inundation, or in areas with high groundwater levels.	This policy seeks that the effects of natural hazards on land susceptible to the hazards be avoided, rather than avoiding use of the land.
Policy 13.1.3.2 When determining appropriate subdivision, use or development in the coastal environment to assess the likely need for coastal protection works and, where practicable, avoid those sites for which coastal protection works are likely to be required.	This policy requires an assessment of whether or not subdivision, use or development is appropriate – it may or may not be, depending on the site and proposal.
Policy 13.1.3.3 To avoid developments or other activities that are likely to interfere with natural coastal processes including erosion, accretion, inundation, except as provided for in Policy 13.1.3.10.	This policy directs avoidance of activities that are likely to interfere with Coastal processes. Where they do, consent may be refused.
Policy 13.1.3.4 To avoid or mitigate adverse effects of the interactions between natural hazards and the subdivision, use and development of land.	This policy enables a range of responses to hazard risks, which can be assessed on a case by case basis.
Policy 13.1.3.10 To maintain or consider the need for protection works to mitigate natural hazard risk where: a. there are substantial capital works or infrastructure at risk; or	This policy gives circumstances where coastal protection works may be appropriate, to be assessed on a case by case basis.

b. it is impracticable to relocate assets; or c. it is an inefficient use of resources to allow natural processes to take their course; or d. protection works will be effective and economic; or e. protection works will not generate further adverse effects on the environment, or transfer effects to another location.	
Policy 13.1.3.16 To avoid new subdivision, use or development that would hinder the ability of natural systems and features (such as beaches, dunes, wetlands or barrier islands) to protect existing subdivision, use or development from natural hazards (such as erosion, inundation, storm surge, or sea level rise).	This policy is directive to avoid subdivision, use or development in particular circumstances. Particular consent proposals may be refused when considering this policy. However, the existing hard-engineered nature of the existing coastline near the plan change area is relevant to this policy.

National Adaptation Plan 2022 (NAP)[2]

24 The NAP sets out Aotearoa New Zealand's long-term strategy to address the effects of climate change. The long-term strategy sets out the Government's approach to adaptation.

25 Chapter 4 of the NAP (Driving climate-resilient development in the right locations) is most relevant to the proposed plan change. In this chapter, significant risks to the built environment are identified, including:

- B2: Risks to buildings due to extreme weather events, drought, increased fire weather and ongoing sea-level rise.

26 Objectives relevant to addressing these are proposed, including:

- HBP1: Homes and buildings are climate resilient, and meet social and cultural needs.

[2] Urutau, ka taurikura: Kia tū pakari a Aotearoa i ngā huringa āhuarangi | Adapt and thrive: Building a climate-resilient New Zealand

- HBP2: New and existing places are planned and managed to minimise risks to communities from climate change.

27 A set of critical actions are outlined:

27.1 Reform the resource management system to support resilient homes, buildings and places, and encourage future growth and development in the right locations (not prone to climate hazards).

27.2 Set direction on natural hazard risk management and climate adaptation through the National Planning Framework.

27.3 Establish an initiative for resilient public housing.

27.4 Ensure funding decisions for housing and urban development, including Māori housing, consider climate hazards.

27.5 Reform institutional arrangements for water services to deliver better health and wellbeing outcomes for our communities and protect our environment for generations to come.

27.6 Integrate adaptation into Treasury decisions on infrastructure, to ensure decision-making for new assets and across major renewal or upgrade programmes considers climate risks.

27.7 Integrate adaptation into Waka Kotahi decision-making.

28 These are government-led actions relating to a nation-wide framework, which have largely not been progressed in the form anticipated by the NAP by the current Government, and are therefore of little relevance to the current plan change process.

29 What is relevant to the current process is the section titled '*Local government should act now to drive climate-resilient development in the right locations'*. This states (at page 67) that:

> *'The effects of climate change are being felt now. During the transition to the new system, councils need to avoid locking in inappropriate land use or closing off adaptation pathways before the new resource management system takes full effect.'*

30 And goes on to say:

'Councils have existing functions and powers that can be used to avoid, mitigate or manage the impacts of natural hazards. These functions can support climate-resilient development in the right locations. In particular, councils must recognise and provide for the management of significant risks from natural hazards as a matter of national importance in exercising their functions and powers under the Resource Management Act 1991 (RMA). Both regional and territorial authorities have functions under the RMA that relate to avoiding or mitigating natural hazards.'

31 For the purpose of this plan change, it is important to note that the NAP is a guidance document only (relevant to policy 24 NZCPS). Its core purpose is in guiding legislative reform, which is largely still to come. The extent to which it is relevant to the current process is in ensuring that Councils undertake initial hazard susceptibility modelling, to inform decisions under the existing legislative tools and guidance documents that apply. This enables the risks identified above to be addressed, and the related objectives achieved.

32 In particular, the NAP states that Councils must give effect to the NZCPS, and shall have regard to relevant government natural hazards guidance, these being addressed below. Specifically, the NAP states that when making or changing policy statements or plans under the RMA 1991, Councils should use recommended climate change scenarios (as a minimum) to identify and assess risk from coastal hazards and the effects of climate change. It states that Councils should screen for hazards and risks in coastal areas using the SSP5-8.5 scenario and use at least two IPCC scenarios (SSP2-4.5 and SSP5-8.5) for detailed hazard and risk assessments, adding the relevant rate of vertical land movement (VLM) locally. Additionally, the 2022 NAP recommends Councils should stress-test plans, policies and strategies using a range of scenarios as relevant to the circumstances.

33 Council appears to have fulfilled this requirement in undertaking a preliminary screening test for hazards (which incorporated a precautionary approach as required by Policy 3 NZCPS). Although, it is less clear whether the additional stress-testing requirement has been fulfilled. Irrespective, having undertaken at least the initial screening exercise, Council Officers are satisfied that the land is generally suitable for light industrial land use. I do not consider the NAP to be more directive than this in requiring Councils to implement specific planning controls. In particular, I consider that imposing very restrictive measures such as a prohibition on subdivision would potentially close off

potential adaptation pathways (such as creation of more a more resilient road network).

Coastal Hazards and Climate Change Guidance 2024 (MfE Guidance)[3]

34 The Coastal Hazards and Climate Change Guidance 2024 builds on the earlier 2017 MfE guidance that introduced a 10-step decision making process for Councils to work with their communities to develop long-term adaptive planning strategies to respond to coastal hazards and sea-level rise. The intent is that Councils develop an adaptive planning strategy or local community adaption plans to address coastal hazards and climate change. Council's s32 report, Appendix 4, explains that some initial work towards this has been done, but further work towards this has halted. In the interim, the document provides guidance for sea level rise scenarios for Councils to use to guide decisions on coastal development. These levels are to be used as a precautionary interim measure to identify areas '*potentially affected*[4]' by coastal hazards.

35 Council have undertaken this exercise, using the most conservative Planning Category (A) which includes 'Coastal subdivision, greenfield developments and major new infrastructure'. Less conservative Relative Sea Level Rise (RSLR) assumptions apply to planning categories B-D. This has been used to determine the landward boundary of the Schedule 17.4A area. Category A includes an assumption of 1.6m of SLR over 100 years, in addition to consideration of Vertical Land Movement (VLM).

36 It appears that the area identified by Council in the Plan Change appropriately identifies the land potentially affected by coastal hazards, as suggested by the guidance.

37 Council's s32 report, Appendix 4, page 5 states:

> *'Council's screening process has been used to identify localities at high risk of being affected by coastal inundation over the next 100 years (as required by NZCPS Policy 24), considering both long-term and more imminent areas at high risk. To determine the landward boundary for each location for assessing the impacts from relative sea-level rise and coastal storms the SSP5-8.5 H+ scenario has been applied (using the precautionary approach supported by*

[3] Coastal-hazards-and-climate-change-guidance-2024-ME-1805.pdf
[4] Page 51 of the 2024 MfE Gguidance.

NZCPS Policy 3). In doing so, Council has given regard to the 2022 NAP and taken into account the 2024 Guidance.'

38 I agree with this, and in doing so I believe that the requirements of the MfE guidance (and the NAP as concluded above) are met at this point, including applying a precautionary approach. With the potential hazard well understood, this hazard is able to be addressed through resource consent applications, including through designing appropriate mitigation to address the potential hazard (refer to examples further below), thereby avoiding or minimising risk associated with the potential hazard. I note that the Planning Category A scenario used, being the most conservative scenario, incorporates a level of precaution to acknowledge the permanency of subdivision activities. In my reading of the guidance documents, I see no suggestion that Council should apply additional restrictions such as a prohibition on subdivision in response to the potential hazard, and if any such link does exist it is not evident in the s32 and s42A reports. Such measures may be something that Council would consider as part of a community adaptation plan in the future, at which point it could be applied to all parts of the region (including existing developed areas in Lower Queen Street) that are subject to a comparable level of potential hazard. Given the stage Council is currently at in this process, it seems inappropriate to apply such a measure in an ad-hoc manner. There are clearly other determinative factors in deciding an appropriate adaptation plan in a location such as this, not least the presence of significant existing development and infrastructure that separate the site from the coast, including the Nelson Pine Industries site, Lower Queen Street itself, and existing coastal protection structures associated with both of these.

39 In summary, the MfE 2024 guidance sets up a 10-step decision making pathway for Councils to follow to achieve an adaption plan, most of which this Council has not completed. Council has fulfilled its interim requirements under the guidance to undertake a high-level hazard screening exercise to identify an appropriate spatial area within which there are identified potential hazards. This area is adequately defined under the most restrictive planning scenario, which provides for coastal subdivision. To go further than this and propose very restrictive planning controls (particularly, prohibited subdivision) appears to me to be getting ahead of the process set out in the guidance. If such measures are introduced, they should be part of a comprehensive adaptation plan for the community that follows the MfE process. As will be detailed further below, in the interim there is an appropriate planning

framework in place to address coastal hazards through the resource consent process.

The proposed National Policy Statement for Natural Hazards

40 Government released a discussion document on 29 May 2025 addressing proposed national direction changes relating to infrastructure and development. This includes some detail on a proposed new National Policy Statement for Natural Hazards (NPS-NH). Key elements of this are:

40.1 The proposed NPS-NH directs local authorities to take a risk-based approach to new development – that is, assessing a specific development for risk from a specific natural hazard.

40.2 The risk associated with some development (such as childcare facilities or aged care facilities) would be greater than with others (such as an unoccupied storage facility).

40.3 Although the proposed NPS-NH does not tell local authorities how to respond to a specific level of risk, it does tell them to proportionately manage natural hazard risk. This means high-risk activities should be limited, and low-risk activities should be enabled.

40.4 The proposed NPS-NH also requires that, in deciding resource consent applications, consent authorities must consider risk-reduction measures (such as raising floor levels, installing retaining walls or using landscape features such as swales to divert flood waters). Getting the right kind of development in the right place maximises development, while reducing disaster losses from inappropriate new development in the long term.

40.5 Although some local authorities already use a risk-based approach, there is no clear national direction on how this should be done. Providing this direction will support the resource management system to improve the ability of local authorities to manage natural hazard risk.

40.6 For coastal environments, new policy introduced would sit alongside the NZCPS, with the NZCPS prevailing where there is any conflict between policies.

40.7 The proposed NPS-NH is intended to complement the forthcoming national adaptation framework, which aims to establish an enduring, long-term approach to climate change adaptation in New Zealand.

41 As this is a discussion document only, it is not directly relevant to the assessment of this plan change. What is relevant, is that it signals an intent to address natural hazards in a consistent manner across the country, in a manner that will complement upcoming adaptation frameworks. This is further reason to have confidence in the fact that the already robust planning framework for addressing risks associated with coastal hazards through resource consent processes will be further strengthened in a nationally consistent manner. Therefore, there is no need to rely on ad-hoc site-specific provisions as part of the plan change. The general trust of the proposed NPS appears to be for an evidence-based, proportionate and consistent response to hazards, which takes into account mitigating factors. This aligns with the approach that I consider to be appropriate via the resource consent process, as detailed below.

Conclusion on Coastal Hazard Management – Policy Direction

42 In my opinion, the policy regime above provides flexibility for development to occur, where appropriate, without a prohibition on subdivision. The policy regime provides ample opportunity for Council to refuse consent applications where development proposals are inappropriate in relation to natural hazard risks.

ASSESSMENT OF COASTAL HAZARD MANAGEMENT

43 The Council Officer's report explains that a 'innovative and bespoke' framework is proposed for the Schedule 17.4A area at Lower Queen Street, including a prohibition on subdivision, and that this is necessitated by national policy guidance, in particular:

- New Zealand Coastal Policy Statement 2010 (NZCPS) – Objective 5, Polices 3 and 24-27.
- National Adaptation Plan 2022 (NAP) & Coastal Hazards and Climate Change Guidance 2024 (MfE Guidance).

44 In my opinion, this takes a narrow view of the national guidance. As assessed above, I do not think that this national direction leads Council toward the more restrictive planning provisions proposed. In my opinion, there is a sufficiently robust framework currently in effect for managing hazard risks in areas such as this, which I address in more detail below.

45 Additionally, I do not consider that Council Officers have considered the direct guidance within the TRPS, which adopts mitigation as a key tool to

manage coastal hazard risk. In my view, a prohibition on subdivision is inconsistent with the relevant policies of the TRPS, in this location.

The TRMP

46 As detailed above, the NZCPS provisions are embedded in the TRMP, as are the TRPS provisions. Collectively, these provisions enable coastal hazard risks to be assessed as part of a resource consent application based on the risks present on a particular site, and enable mitigation options to be explored. Having done this (with appropriate expert evidence in support) then these provisions may allow consent to be granted (including for subdivision). Equally, they would enable consents to be declined should they not have sufficient merit in relation to these provisions. Some provisions have very directive 'avoid' wording to address particular matters which would assist in this in particular cases.

47 The Officers' report suggests that under the current rule framework, subdivision within the Light Industrial Zone would be a controlled activity, to which Council must grant consent. In practice, most subdivision application applications in an area such as this would fall for consideration under a restricted discretionary, discretionary or non-complying activity status, either on account of not meeting controlled activity conditions (including several quite specific conditions in the Richmond West Development Area relating to filling of sites and roading connections) or when bundled with other consents necessary for development, such as land disturbance. To provide greater comfort on this matter, however, it would be reasonable for Council to consider making subdivision in the Schedule 17.4A area a restricted discretionary activity to ensure that an assessment against relevant coastal hazards provisions was required in advance of Council granting consent. To leap from a controlled activity status to prohibited, as proposed by Council Officers, is in my opinion an extreme and unnecessary response to this issue.

48 It is also relevant to note that the operative subdivision rules for the Light Industrial Zone in the Richmond West Development Area acknowledge the natural hazard risks that exist in this area, and require measures to address this risk. Specifically, they require building platforms to be created to a level not below 4.6m NZVD 2016 (to manage coastal inundation risk) but also require that the remainder of any site, beyond the building platform, not be raised to avoid impediment of stormwater drainage.

S106 RMA

49 Council Officer's concern regarding Council's inability to refuse an application for a controlled activity subdivision also fails to consider the requirements of s106 of the RMA. This states:

> **106 Consent authority may refuse subdivision consent in certain circumstances**
>
> (1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—
>
> (a) there is a significant risk from natural hazards; or
>
> (b) *[Repealed]*
>
> (c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.
>
> (1A) For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of —
>
> (a) the likelihood of natural hazards occurring (whether individually or in combination); and
>
> (b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and
>
> (c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).
>
> (2) Conditions under subsection (1) must be—
>
> (a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and
>
> (b) of a type that could be imposed under section 108.

50 Council has this broad discretion to refuse consent in the event they are not satisfied with the level of natural hazard risk that would exist for land being subdivided, even for controlled activity subdivision. Section 106 also enables Council to impose consent conditions relating to natural hazards. Council undertakes an assessment under s106 for every subdivision consent granted.

Part 2 RMA

51 Part 2, Section 6 of the RMA addresses matters of national importance, of which subpart (h) is the management of significant risks from natural hazards. In granting consent to a particular proposal, Council must recognise and provide for this matter. First and foremost, the objectives and policies of the TRMP give effect to this requirement. However, in the event of a conflict between the TRMP and Part 2, Council may have regard to 6(h) in determining whether to grant consent for a particular activity.

The Inundation Practice Note

52 In March 2019 Nelson City Council and Tasman District Council released a document entitled "Inundation Practice Note: Calculating minimum ground and/or floor levels for subdivision, new buildings and major alterations" (the IPN). This is included at **Appendix A** to this evidence. The intent of this document is to support the Nelson Tasman Joint Land Development Manual (2019) and provide an acceptable approach for determining minimum ground and/or floor levels under the Resource Management Act 1991 and the

Building Act 2004. With regard to the RMA, the IPN was developed to address the requirements of Part 2, and also to give effect to the NZCPS (including, in particular, Policies 24 and 25). The document also highlights Council's powers under s106 in relation to subdivision, and under the Building Act in relation to buildings and the use of hazard notices. The document provides guidance on acceptable solutions in relation to all of these regulatory requirements. It is understood that the IPN is currently being updated to reflect current national guidance.

53 The IPN is not a statutory document, however it provides detailed guidance to determine the appropriateness of particular design responses to natural hazard risks. In my experience it is relied on heavily by both consultants and Council to determine the extent to which a particular resource consent proposal aligns with the provisions of the TRMP and higher order documents in relation to natural hazard risks.

The existing framework in practice

54 There are recent examples available to demonstrate the framework that exists for assessing resource consent for subdivision and development of land in the Tasman region, where coastal hazard risks exist. One such example is resource consent RM191253, which was for a 7-lot subdivision within the Light Industrial Zone and Richmond West Development Area, at 38 Artillery Place, Richmond. This was granted consent on 22 December 2020. The subject site was land located to the east of the plan change area, between Lower Queen Street and the coast, approximately 50m from MHWS, and with ground levels of between 2.5m and 3.75m NZVD 2016. This proximity to the coast and ground level is similar to the northern extent of the plan change area. Refer to **Figure 1** below, which shows the site at 38 Artillery Place in red, relative to the Plan Change area, shown blue.

Figure 1: 38 Artillery Place in red, relative to the Plan Change area, shown blue. 54 McShane Road, discussed further below, is shown green.

55 The Application was supported by a coastal hazards assessment prepared by Tonkin and Taylor. The Council decision and the Tonkin and Taylor report are appended to this evidence as **Appendix B.**

56 The Council decision demonstrates that the current framework operates effectively in relation to concerns raised by Council Officers in the s42A report, which they seek to address through PC79. In particular:

56.1 The Tonkin and Taylor report references information made available by Council in identifying areas at risk of coastal hazards in the region (coastal hazard mapping), consistent with NZCPS requirements. It also gives consideration to the IPN, which as detailed above seeks to give effect to the NZCPS and other higher order documents. This addressed requirements for assessing storm surge, wave set-up and wave run-up, specific to the Waimea Inlet location;

56.2 The Tonkin and Taylor report provided detailed expert engineering assessment to support the development proposal, including detailed assessment of the risk, appropriate mitigation, and residual effects.

56.3 On the basis of this information (and following internal peer review) Council were satisfied that the proposal was consistent with the TRMP Chapter 13 provisions detailed above.

56.4 On the basis of the same expert assessment, Council were also satisfied with regard to s106 of the RMA, and saw no need to withhold subdivision consent on the basis of the proposal presented.

56.5 Both the Applicant's experts and Council Officers had particular regard to the NZCPS in their assessment (including Policies 24 and 25), and found the proposal to be consistent with these.

56.6 Conditions were imposed to address a number of coastal hazard – related matters, including consent notice conditions requiring adaptive management measures to be implemented to address effects of sea level rise at various trigger points.

56.7 One of the matters given specific consideration is the adoption of a Mean Seal Level trigger (condition 33), which requires vacation of the new Lots (including removal of all structures, waste and contaminants, and the remediation and stabilisation of land to a standard agreed by the Council at that time).

57 This is reflective of how I would expect a typical resource consent application to proceed in a location such as the Lower Queen Street plan change area under the existing planning framework.

58 There is sufficient opportunity available for Council to refuse consent should it find insufficient merit in a particular proposal to meet the provisions of the TRMP, the NZCPS, or s106. I can see no reason why, from a planning perspective, this should be replaced with a blanket prohibition on subdivision. This prohibition would have the potential to inhibit effective and efficient development of the land and frustrate the purpose of the plan change.

59 Another relevant example is RM211281, which was for a 28-lot development of Light Industrial land at 54 McShane Road, granted on 16 December 2022. This is land that adjoins the plan change area, shown green on **Figure 1** above, and is now the constructed light industrial complex at Coman Drive. The expert engineering assessment supporting this application determined that the site was not subject to coastal hazard risks. The decision and engineering report for RM211281 are attached at **Appendix C**. As would be expected, the decision gives little detailed consideration to Chapter 13 provisions, the NZCPS or S106, and no conditions were imposed relating to mitigation of coastal hazard risks.

60 This, and the previous example at Artillery Place, are demonstrative of the fact that there are a range of vulnerabilities to coastal hazards within the broader plan change area, and within the Schedule 17.4A area. There are also a range of responses to these hazards to manage risk, and it is appropriate to assess these on a case by case basis.

61 The proposed application of the Schedule 17.4A provisions does not recognise or respond to this fact, particularly in respect of the prohibition on subdivision across the entire area. The McShane Road site is at approximately the same ground level and distance from the coast as the inland extent of the Schedule 17.4A area (as shown by the area boundary cutting across the corner of this site in **Figure 2** below). The northern end of the area is over 500m closer to the coast than this, and has a ground level up to 3m lower, similar to that of the Artillery Place site. The fact that the Schedule 17.4A rules proposed in the s42A report intend to deal with the entirety of this area in the same manner, including a prohibition on any subdivision, demonstrates the bluntness of this proposed approach.

62 Furthermore, as Council Officers do not agree with the submission made by the Landowner Group submissions that the Schedule 17.4A area be amended to reflect cadastral boundaries, the prohibition on subdivision would extend to a significant amount of land outside of the area where comprising part of a title that has land within the area. This includes the Wai West land immediately adjoining the Coman Drive industrial subdivision, which is land of nearly identical characteristics to this adjoining land. This outcome is not only inequitable, but also may well frustrate the purpose of the plan change to release light industrial land for development.

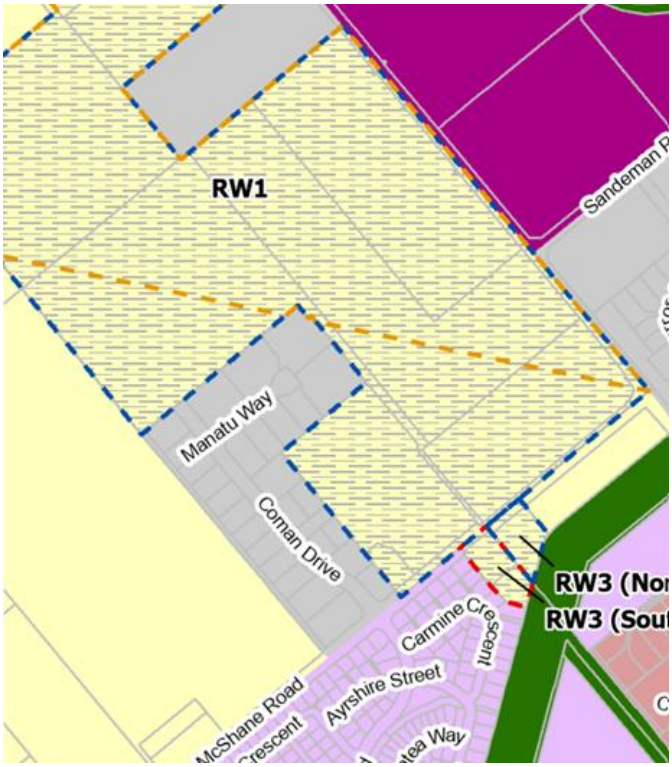

Figure 2: Area boundary adjoining the northern extent of the new industrial subdivision at Coman Place.

Proposed subdivision prohibition

63 Prohibited activities are those that no application for a resource consent may be made for, and; the consent authority must not grant a consent for it. There is no ability for an activity to be assessed on its merits if it is prohibited, and it is therefore an activity status that is sparingly used in Plans.

64 The assessment provided above demonstrates why I do not consider that a prohibition on subdivision within the Schedule 17.4A area is necessary, based on the adequacy of the current planning framework to address natural hazard risks.

65 It is also not clear to me what process Council Officers have taken to reach the conclusion that this prohibition is the most appropriate response to the issues identified. Appendix 4 to the s32 report addresses how the hazard has been assessed and spatially defined, which is effectively the 'screening' process outlined in the MfE guidance. The body of the s32 report, and the detailed options assessment at Appendix 1 to the s32 report both seem to be silent on how a prohibition on subdivision was determined as the most appropriate response to this risk. The Officers Report also does not clarify this matter, referring only generally to higher order planning documents and government guidance. As addressed above, I do not believe these

documents direct Council toward a prohibition on subdivision. The Officer's report to Council (3 October 2024) refers to an alternative option of providing for subdivision as a non-complying activity, however this is not addressed in the s32 report as far as I can tell, nor is an assessment of the relative merits of maintaining the status quo. In fact, Page 17 of Appendix 1 to the s32 report states:

The assessment focuses on limitations to land use and buildings, rather than subdivision because the land:

- was proposed for Rural 1 Deferred Light Industrial zoning in 2007 (by Plan Change 10, made operative between 2012 and 2014) and considered against MfE's sea level guidance applicable at that time
- is proposed for light industrial not residential use
- is located within an industrial area with a long established, major industrial complex located opposite on the seaward side of Lower Queen Street
- is serviced
- it is land use activities and buildings that are at risk from long term coastal hazard and sea level rise rather than land ownership.
- RMA section 106 provides a site specific natural hazard risk assessment for subdivision consent applications.

66 This reinforces my view that there is insufficient justification for the prohibition on subdivision that has been proposed by Council Officers in the s42A report. This also raises the issue as to the scope of PC79, and whether subdivision rules are within scope. Council have relied upon submissions to import a prohibited subdivision rule, where the section 32 does not address subdivision. I understand that this will be addressed through legal submissions at the hearing.

67 The Officers' Report suggests that lot sizes are important in maintaining mitigation options:

> *'Most of the existing land parcels are of a size that are likely to enable onsite inundation mitigation measures more readily and easily. Contrast this with if the parcels were to be subdivided into smaller lots. Small land parcels inherently limit the range of mitigation options available due to technical feasibility and the requirement to avoid off-site effects (such as flooding) onto neighbouring properties. Smaller land parcels preclude the relocation (i.e. retreat) of activities and structures within the site to extend the useful life of the sites before full inundation occurs[5].'*

68 The Artillery Place consent detailed above demonstrates that appropriate mitigation can be achieved on smaller sites that are typical for the zone –

[5] Council s42A report, page 49

these range from approximately 2000m^2 to 1ha. Larger sites than this (ie not subdividing the existing titles within the Schedule 17.4A site at all) are not necessary to achieve mitigation. The Council Officers' report seems to also assume that subdivision might occur independently of, and prior to design and implementation of mitigation measures. This is unrealistic, and as evidenced by the Artillery Place consent, assessment of hazard risks over an appropriate timeframe and design and implementation of key mitigation requirements would occur prior to subdivision. This being the case, lot sizes would need to be shown at subdivision stage to be capable of accommodating any required mitigation. However, if it were to give greater comfort to the Panel, I consider it would be reasonable to set a larger minimum lot size condition for subdivision within the Schedule 17.4A area to address this concern. I would suggest 2000m^2 to be appropriate, based on the Artillery Place consent. This could be included as part of a Restricted Discretionary subdivision rule as suggested earlier.

69 Council Officers also have concerns regarding liability for Council in granting consent for subdivision, and in taking on assets in areas potentially vulnerable to natural hazard risks. There is no evidence provided in the s32 or s42A report in relation to these risks, and how Council Officers have arrived at a prohibition on subdivision as an appropriate response to address the risk. It appears that Council officers differentiate between the risks associated with land use activities (such as establishing structures) and those associated with subdivision. However, this distinction seems to rest primarily on the administrative complexity of dealing with multiple landowners during a future retreat scenario. There is no clear explanation or quantification of how the risks differ in terms of exposure to natural hazards, long-term resilience, or retreat feasibility.

70 Council Officers' concern appears to be the risk of approving development (specifically subdivision) that may be considered to not align with current national guidance. As detailed above, the tools available to Council currently in assessing applications give include Part 2 and s106 of the RMA, and the NZCPS (including Policies 24 and 25) both in their own right and in relation to TRMP provisions that give effect these. It is not clear where residual risk for Council lies in making resource consent decisions having considered these matters. These concerns have also evidently not been material in Council's previous decisions to grant consent and vest assets, such as at Artillery Place.

71 In my experience the imposition of consent notices on new titles is a mechanism used by Council to ensure that any person buying land that may be subject to natural hazard risks is aware of these. In the Artillery Place consent example referred to above, this extended to very explicit requirements of the land owner to activity address risks over time in response to sea level rise.

72 Limited term land use consents, where these are deemed appropriate, make it clear that the liability is with the business owner/ consent holder, not Council, and subdivision does not change that.

73 Additionally, the IPN details how the Building Act manages natural hazards:

> **Building Act 2004 (BA 2004) and the New Zealand Building Code (Building Code)**
> The BA 2004 manages natural hazards in relation to the construction and modification of buildings. Council is required to take into account certain natural hazards, including inundation, when determining whether to grant building consents on land subject to specified natural hazards, with certain exceptions (under s71-74). The emphasis in the management of natural hazards is to encourage people to avoid situations in which they or their property could be at risk. Sections 71-74 of the BA 2004 regarding building on land subject to natural hazards and the application of hazard notices on property titles are discussed in detail under Section 6.
>
> E1 of the Building Code requires buildings and site work to be constructed to protect people and other property from the adverse effects of surface water. Performance E1.3.2 requires that surface water, resulting from an event having a 2% AEP, shall not enter housing, communal residential and communal non-residential buildings.

74 Although I am not professionally involved in building consent processes, I am aware that Councils do use ss71-74 of the Building Act to impose hazard notices on titles of land where these are subject to natural hazards. It is my understanding that the intent of this is to absolve Councils of liability in relation to damage to buildings and structures that may result from those hazards. Whilst not a resource management tool, I understand that this is another mechanism at Council's disposal to address this matter.

The sea level rise trigger level

75 Appendix 4 to the Council's s32 report details how sea level rise has been considered in relation to low-lying sites included in PC79. Section 6 specifically details the trigger level that has been used for determining the expiry of limited duration consents.

76 I consider that the use of tools such as limited duration land use consents and requirements for temporary or relocatable buildings is appropriate in some circumstances. The Artillery Place consent detailed above is an example of where, following expert assessment of hazards risks and available mitigation for a specific site, this has been appropriately used. My

concern is that the proposed Schedule 17.4A provisions apply these in a very 'broad brush' manner across the entirety of the area. As explained earlier, the area is large and has a range of potential vulnerabilities to coastal hazards. Figure 7 of Appendix 4 to the s32 report is demonstrative of this (reproduced at **Figure 3** below).

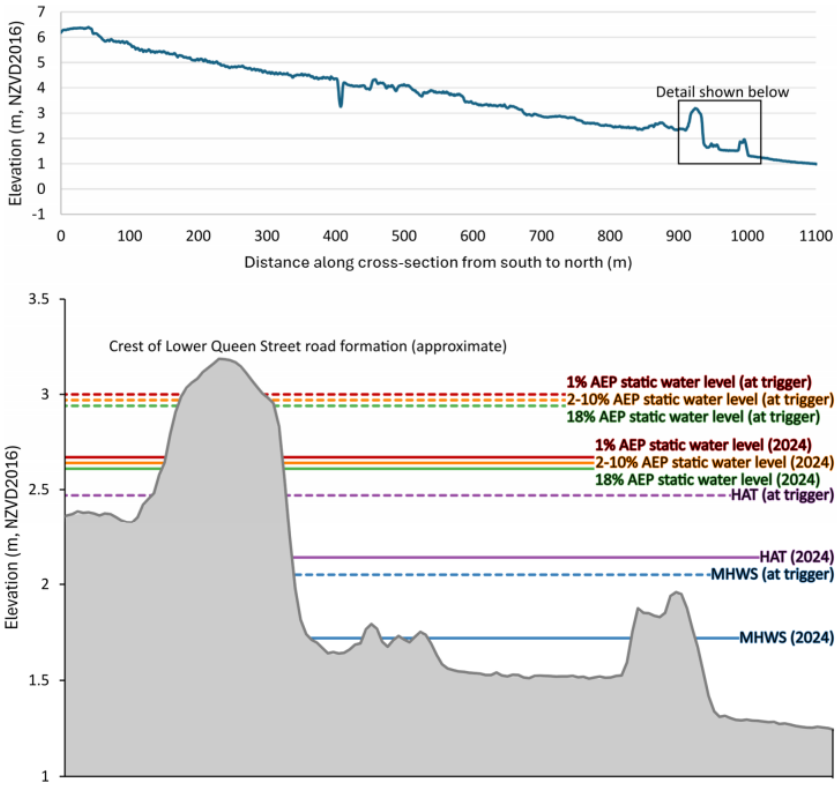

Figure 3: Reproduction of Figure 7 of the Council 32 Report, Appendix 4.

77 The figure clearly shows the proposed trigger level in detail relative to the Lower Queen Street road formation, with the trigger being set at a level of sea level rise (0.33m) that would result in waves overtopping the road formation in a 1%AEP event and inundating the very lowest point of the plan change area, in the northern corner of the site. The upper cross-section in Figure 7 shows the ground levels across the entire plan change area. I question whether this trigger point is an appropriate time at which land use consents granted for land at the inland extent of the area to expire, given that they would be some 500m inland and over 2m higher than the land inundated in this rare (1%AEP) event. Clearly this trigger point does not relate to an actual risk to the inland parts of the area at that time.

78 A site-specific approach ensures that the appropriate sea-sea level trigger can be assessed/imposed at the time of development. This ensures the most up-to date information can be applied to assess the actual risk to the

schedule 17A area, rather than relying on the defined trigger point for expiry of resource consent.

79 The s42A report correctly points out that the plan provisions relating to the trigger point, which will result in expiry of land use consents, would essentially be a 'decision point' at which time there may be various options available through a new consent process. This is understood, however, it is the uncertainty of the duration of consent at the time of the original consent is granted that is likely to be of greatest concern to people considering investing in development. There will be capital investment required to service and provide access to the land, to undertake earthworks which will likely involve filling of building platforms at least, in addition to construction of buildings.

80 Council Officers estimate that the proposed trigger level would be reached 25-35 years from now. Given that development of the land will not happen immediately upon the zone change, at the time of granting of land use consents relating to development and use of the land, there may be 20 years or less remaining before they would expire. If that is the timeframe until which real effects of coastal inundation may be experienced (which may be the case for some land nearest the coast with lower ground levels if no mitigation is proposed) then consideration of whether or not that capital investment is worth it is reasonable. However, we note that the risk assessment been assessed through a precautionary approach, adopting MfE 'worst case' scenarios. It may prove over time that it takes a longer period to reach the sea level rise trigger, at which point, more permanent buildings may be appropriate in the interim period. However, for land at higher ground levels and further from the coast, or where mitigation is proposed, the uncertainty of this timeframe may discourage investment where the timeframe is not related to actual risks to the land and buildings. Hence, I consider that this necessitates a more fine-grained assessment on a case by case basis – in other words as part of a resource consent process, not as part of this plan change.

81 It is acknowledged that the proposed rule framework would enable consent to be sought as a discretionary activity, to seek consent conditions that would enable a different trigger level to be set, or potentially no trigger level. However, the supporting policy framework as drafted is not sufficiently enabling of this. An application assessed against Policy 6.5.3.10A.b would mean that it is very difficult to obtain consent even where the best available information confirms that risk of inundation, coastal hazard risk and sea level rise has been adequately remedied or mitigated. The proposed policy

6.5.3.10AA provides the pathway for Council to buildings that are not relocatable if the detailed assessment confirms it is appropriate.

82 Council Officers, in the s42A report, characterise the changes proposed in the Landowner Group submissions to enable the 'exemption pathway' to be an attempt to create 'wriggle room'. I would characterise it as enabling an evidence-based and proportionate assessment of risk on a site- and proposal-specific basis. I support Chapter 6 and 13 provisions that make it clear that coastal hazard risks need to be assessed and responded to, and also to make clear that temporary or relocatable buildings and duration-limited land use consents may be anticipated responses.

83 The changes sought to these provisions through the Landowner Group submissions simply seek to acknowledge that other responses may be appropriate in some cases. The two consent examples detailed above demonstrate the range of mitigation responses that may be appropriate, with the Artillery Place consent demonstrating potential responses at the northern end of the plan change area (where ground levels and proximity to the coast are similar to the Artillery Place site). There is no reason to believe that a response similar to the Coman Drive consent (with no limit of duration or requirement to remove buildings) might be appropriate on Schedule 17.4A land immediately adjacent to it, where with minimal land modification site levels could match that of this adjoining land. In my view the Schedule 17.4A provisions and policy regime should not foreclose on any of this range of responses.

84 The resource consent process provides for evidence-based response to evolving sea-level risk. For example, sec 128 allows Council to review conditions, and on expiry of a duration-limited land use consent if more wide-spread mitigation/adaptation has occurred then there may be potential to reapply to extend occupancy.

Definition of short, medium and long term

85 The Landowner Group submissions oppose the wording of proposed provisions that require activities to be 'avoided' over certain timeframes, as these timeframes are not defined. Alternative wording is proposed in the submissions to overcome this issue, principally through requiring that <u>effects</u> be 'avoided'. Council Officers oppose these changes, on the basis that they do not consider that they meet the requirements of the higher level documents addressed above.

86 Council Officers consider that the definition of “short-“, “medium-“ and “long-term”, these terms are context dependent and that it is not appropriate nor realistic to provide definitions in the TRMP which could satisfy all different contexts. I agree with this, and consider this to be a good reason why they should not be used in policies that require activities to be avoided over these timeframes. In other words, how should a policy that requires an activity to be avoided over a given time period be applied, if that time period cannot be defined? The changes sought in the Landowner Group submissions sought to resolve this by linking the ‘avoid’ requirement to an effect. In other words, if it can be shown that an activity can avoid the effects of coastal inundation over a given period – say 50 years - then that activity need not be avoided over that time period. I agree with this approach.

APPLICATION TO RELIEF SOUGHT

87 My recommendations on the specific common relief sought by the Landowner Group submissions are given below.

Plan Topic: Chapters 6 and 13

88 The submissions on these Chapters related principally to better providing for an ‘exemption pathway’ in relation to limited consent durations and temporary/ relocatable buildings. They also addressed the definition of short, medium and long term, particularly in relation to ‘avoid’ policies.

89 Council Officers have recommended that the relief sought by the Landowner Group on these matters be largely disallowed.

90 I have addressed above why I consider the ‘exemption pathway’ proposed by the Landowner Group to be appropriate, and preferable to a blanket approach across the entire Schedule 17.4A area. For these reasons I consider that the relief sought by the Landowner Group on this matter, specifically in the proposed amendments to Chapter 6 and 13 provisions, should be allowed.

91 On the matter of the way timeframes are addressed in ‘avoid’ policies, I consider that the wording of Chapter 6 and 13 provisions proposed by the Landowner Group to be preferable to that drafted by Council Officers, and consider that the relief sought by the Landowner Group submitters should be allowed.

Plan Topic: Section 16.3 (Subdivision)

92 Submissions from Jenny Easton and Nelson Tasman Climate Forum sought restrictions on subdivision of land within the Schedule 17.4A area. These submission points were opposed by the Landowner Group.

93 Council Officers recommend allowing the relief sought in the Easton and NTCF submissions and have proposed that this be addressed through a rule prohibiting subdivision within the area.

94 For the reasons I have expressed above, I do not consider that a prohibition on subdivision to be an appropriate response to coastal hazard risks in this location, at the present time. For this reason, I consider that these submission points should be disallowed. As detailed above, I would consider a rule that requires subdivision within the Schedule 17.4A area to be assessed as a restricted discretionary activity to be appropriate, to specifically require assessment of natural hazard risks as part of a resource consent application. This would ensure that, in addition to consideration of s106 RMA, that specific regard would need to be given to TRMP provisions and the NZCPS as part of the assessment of any subdivision application.

Plan Topic Number: Schedule 17.4A Section 2.2 (Meaning of Words)

95 The Landowner Group made neutral submissions on the definition of "Schedule 17.4A sea level rise trigger" noting that alternative sea level rise reference(s) in the proposed definition depending on the evidence available.

96 Council Officers have recommended that this be disallowed, on the basis that the references have been provided to them on expert advice, and no alternative expert advice has been provided.

97 I acknowledge that the use of trigger points is a methodology recommended in the MfE Guidance, and I generally support it as a mechanism for managing climate-related risks. However, it is important to recognise that the timelines for sea-level rise, the estimated time to reach a trigger point, and the projected scope of effects at the time of breach are all based on significant assumptions. These assumptions, while aligned with a precautionary approach required by national guidance, introduce uncertainty into the process.

98 Given this, I believe it is essential that the planning framework allows for risk-based decision-making at the time of consent application. If the consenting regime is sufficiently flexible to assess site-specific risks and development proposals in real time, then the exact timing of a trigger point becomes less

critical. This approach would ensure that decisions remain responsive to evolving scientific understanding and localised conditions.

Plan Topic Number: Chapters 17.4 and 19

99 The Landowner Group submitted seeking amendments to Rule 17.4A.1.2 (now 17.4A.2.2). Specifically, they sought amendment of condition (c) of the rule to achieve consistency with other provisions which allow 12 months for the removal of buildings and structures once the sea level rise trigger is reached.

100 The Landowner Group also sought further changes which would focus more on the effects of future inundation rather than on the requirements of the rule to relocate buildings and structures once the trigger level has been reached. These changes are made to both Rules 17.4A.1.2 (now 17.4A.2.2) and 17.4A.1.4 (now 17.4A.2.4).

101 The Landowner Group sought that activities that are allowed under the existing Rural 1 rules remain allowed under the proposed Light Industrial Zone rules. Furthermore, they seek that rules be included which explicitly permit Rural 1 zone activities in the areas that are not covered by Schedule 17.4A.

102 Council Officers agreed with the amendment to allow 12 months for the removal of buildings after the trigger level is reached but have recommended that the other relief sought be disallowed. The latter is on account of these changes being associated with the 'exemption pathway' which Officers oppose.

103 For the reasons set out above in relation to the exemption pathway, I consider that the relief sought by the Landowner Group on these provisions are appropriate and should be allowed. On the matter of preservation of permitted activity rules for continued rural production use of the RW1 land, I agree with Council Officers that the proposed plan provisions, including new Rule 17.4.2.1A, now generally provide sufficient flexibility to allow ongoing use of the RW1 land for rural production activities until they transition to light industrial. I emphasise that if the prohibited subdivision rule is implemented then the landowners may be required to rely on these permitted activities for a lengthy period, as timing or release of industrial development becomes uncertain.

104 The only exception to this is in relation to noise rules, which explicitly exclude certain noise sources typical of rural production activities under Rural 1 zone

rules (such as mobile horticultural and agricultural equipment, animals, bird scarers and hail cannons), but not under Section 17.4. If the Panel adopts a rule that prohibits subdivision, it may be appropriate to introduce a policy that supports rural or horticultural activities within the Industrial Zone during the transition period to light industrial use.

105 Such a policy would provide a framework for landowners who wish to continue or adapt their horticultural operations. If these activities exceed the permitted activity standards, landowners could apply for resource consent rather than relying solely on existing use rights, which can be less certain.

106 Without this policy support, any application to continue rural or horticultural activities in an Industrial Zone would be treated as an "out of zone" activity. This typically involves a more complex and uncertain consent process. A transitional policy would help bridge this gap by acknowledging the temporary nature of the land use and providing a clearer pathway for consent.

Plan Topic: Update Zone Map 76-12

107 The Landowner Group submitted in support of the rezoning of the RW1 land, but sought that the boundaries of the Schedule 17.4A area be amended to reflect cadastral boundaries. The reason for this was that there are existing titles (owned by Wai West) which would fall partly within and partly outside of the Schedule 17.4A area.

108 Council Officers recommend that the submission request to amend the area boundary to cadastral boundaries be disallowed, as the proposed boundary reflects a physical contour level and is therefore the appropriate location for it.

109 As detailed earlier, the issue with this is it effectively 'pulls in' land that is partially outside of the Schedule 17.4A area but held in the same title as land within the Scheule area, precluding this being subdivided too. Similarly, land outside the Schedule Area may be subject to time limited land use consents relating to the specified trigger level, under the plan provisions as drafted. This matter would be resolved by allowing the Landowner Group relief in relation to these matters above. If the Panel are not minded to do so, my recommendation would be to:

109.1 allow the relief sought by the Landowner Group, and amend the Schedule boundary to cadastral boundaries, where these fall <u>entirely below</u> the 5.1m contour; or

109.2 If the Panel adopt a more stringent subdivision regime that the notified version of PC79, then the panel should consider an insertion of a rule into proposed Rule 17.4A.1 that subdivision is for the purpose of subdividing off the portion of land that is outside RW1 that is outside the Schedule 17.4A area.

110 I note that the latter option is less preferred, as it may result in distorted property titles which would align with the 5.1m contour as opposed to more practical land titles.

General Opposition (I.e Talleys) and Scope of PC79

111 The Further Submission filed by the Talley's confirms that their concerns extend to the RW1 site (as opposed to being limited to other areas, such as Mapua). Again, I consider this to be a matter appropriately addressed at legal submission,

Climate Change Forum (toxic materials)

112 I understand the Climate Change Forum to seek additional controls on toxic waste material within the coastal area. I consider that this can be adequately managed within the existing planning framework. I refer again to the Artillery Place Consent, which contains specific conditions (Condition 33) which requires removal of all structures, waste and contaminants, and the remediation and stabilisation of land to a standard agreed by the Council at that time. I consider there is adequate discretion within the planning framework to assess these matters at time of subdivision/development.

Inundation Practice Note:

Calculating minimum ground and/or floor levels for subdivision, new buildings and major alterations

March 2019

For further information or guidance on this practice note, please contact the relevant Council:

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Statutory Status: This practice note has been developed in support of the Nelson-Tasman Joint Land Development Manual (2019) and provides an acceptable approach for determining minimum ground and/or floor levels under the Resource Management Act 1991 and the Building Act 2004.

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DEFINITIONS

Annual exceedance probability (AEP)	The Annual Exceedance Probability is the chance or probability of a natural hazard event (such as storm tide) of a particular size or greater occurring or being exceeded annually and is usually expressed as a percentage.
Climate change effects (CCE) factor	A minimum allowance for climate change effects, including sea level rise and more intense rainfall.
E1 E1 AS or VM	The clause of the Building Code relating to "Surface Water" that relates to the protection of Residential and Communal Building from inundation in the 2% AEP event. The Acceptable Solution or Verification Method under the Building Code which provides a pathway to demonstrate compliance with E1.
Freeboard allowance	A freeboard allowance is added to the calculated flood level to result in a minimum ground and/or floor level to account for any uncertainties associated with historical data and hydraulic assessments.
Inundation	Freshwater or seawater entry to land or buildings
Local adjustment (LA) factor	Takes account of local, site or project specific matters e.g. existing hazard mitigation, topographical effects, design life of buildings, etc.
Land Development Manual (LDM)	Joint Nelson City and Tasman District Councils' manual that specifies engineering design and construction standards.
Mean sea level (MSL)	An average level for the surface of the sea from which heights such as elevations may be measured. For the Tasman and Golden Bays this is defined as being 3.195m below Reference Mark N1 (AC4T) as defined by the NZVD2016 Datum.
Mean high water springs 6 (MHWS-6)	Refers to the level equalled or exceeded by the highest 6% of all predicted tides relevant to Tasman and Golden Bays, ranging between 1.86m - 1.93m NZVD2016 (MSL 2020 projection), or between 1.72m - 1.79m NZVD2016 (MSL 2008-17)
New Zealand Vertical Datum (NZVD2016)	New Zealand Vertical Datum 2016 as per standard LINZS25009.
Major alteration	The Building Act 2004 does not provide a definition of 'major alteration' of a building but in determining a threshold Council will consider factors such as (a) intended use and degree of design and construction complexity; (b) size of the alteration; (c) increase in building footprint and percentage of site coverage. Refer to Determination 2017/055 for more information.
Reduced level (RL)	Reduced level in surveying refers to equating elevations of survey points with reference to a common assumed datum. It is a vertical distance between survey point and adopted datum plane (NZVD2016). Thus it is considered as the base elevation which is used as reference determine heights or depths.
Storm surge	Storm surge is the rise in seawater level caused solely by a storm; this can be caused by wind and wave action and low barometric pressure.
Storm tide	Storm tide is the observed seawater level during a storm.
Wave runup	Wave runup is the maximum vertical extent of wave uprush on a beach or structure above the mean level of the sea
Wave setup	Wave setup is the increase in mean water level due to the presence of breaking waves. Also includes the increase in the mean water level against the shore due to wind blowing across a water body.

1 Introduction

1.1 Purpose

This practice note explains the methodology to determine minimum ground and/or floor levels for subdivision, new buildings and major alterations in areas identified as being subject to seawater and/or freshwater inundation within the Nelson and Tasman districts.

The document comprises of two key parts:

- **Section 2**: a 'how to' guide which summarises the processes and information required to determine minimum ground and/or floor levels.
- **Sections 3-7**: supporting information which provides further explanation for the methodology used and other factors which should be considered when determining levels including building servicing, building use and hazard tolerance, and Building Act 2004 s73 hazard notices.

This practice note provides guidance to support Nelson City Council and Tasman District Council's administration of the Building Act 2004 and New Zealand Building Code, the natural hazards provisions in the Councils' resource management plans and the Nelson-Tasman Joint Land Development Manual. It provides a standard approach to be used by Council staff and development industry professionals during building and resource consent processes.

The Councils' resource management plans set out the policy framework to assess development on land subject to inundation hazards and include other plan considerations such as design, neighbourhood amenity, access and servicing. Some areas of Nelson and Tasman districts are not suitable for new development due to inundation hazards. In other locations, raising ground and/or floor levels may provide appropriate mitigation and this practice note documents the process used to determine minimum levels.

1.2 Summary of Seawater Inundation Calculation and Freshwater Inundation Process

Seawater Inundation Calculation

The information contained within this practice note enables the calculation of minimum ground and/or floor levels in coastal locations subject to seawater inundation. Section 2 (Figure 3) outlines the 8 steps required to calculate a minimum ground and/or floor level based on the following information:

- identification of the **development setting** such as greenfield subdivision, intensification, non-habitable assets, etc.
- consideration of what **seawater inundation information** is available from Council.
- a **'storm tide adjustment factor'** that includes storm surge and wave set up for all properties, and wave runup for those properties within 30m of the coast.
- a **'climate change effects factor'** which takes into account effects of sea level rise based on recent Ministry for the Environment (MfE) guidance.
- a **'freeboard'** requirement which also accounts for any uncertainties associated with historical data and the hydraulic assessments. The freeboard will vary depending on the type development and any local adjustment factors.
- **'local adjustment factors'** which may increase or decrease the levels after considering additional factors such as exposure to coastal effects due to particular local topographic features or coastal barriers; risks of inundation from impounded sea water and/or freshwater, or risks from overland flow of seawater.
- consideration of **Building Act 2004 requirements** and s73 hazard notices.

Freshwater Inundation Process
The practice note also outlines the general process to determine minimum ground and/or floor levels in areas subject to freshwater inundation. Locations that are subject to freshwater inundation are not restricted to a specific distance to the coast or a river. There are many factors that contribute to potential risks of freshwater inundation and these need to be considered for any site at any location.

The methodology is broadly similar to the seawater inundation calculation, although the data sources for determination of inundation water levels are variable and include flood records and computer model simulations (which include a tidal boundary condition). Section 2 (Figure 4) outlines the 6 step process which includes:

- consideration of what **freshwater inundation or floodwater flow information** is available from Council. This information should consider any site specific **'local adjustment factors'** such as particular local topographic features or barriers; risks of inundation from impounded freshwater, or risks from overland flow of water.
- the need for a **site specific assessment** in circumstances where Council does not hold sufficient information or where particular local adjustment factors may apply.
- identification of **flood levels for a 2% or 1% annual exceedance probability (AEP) event**, dependant on subdivision or building requirements.
- a **'freeboard'** requirement which also accounts for any uncertainties associated with historical data and the hydraulic assessments. The freeboard will vary depending on the type development and any local adjustment factors.
- consideration of **Building Act 2004 requirements** and s73 hazard notices.

1.3 Combined Seawater and Freshwater Inundation

Some sites in the Nelson and Tasman districts may be subject to both seawater and freshwater inundation. In these locations both the seawater calculation, the freshwater process and a combination of the two should be applied to determine which of the three inundation scenarios poses the greatest exposure to inundation hazard. The highest value of the three levels calculated will determine the minimum ground and/or floor level.

1.4 Inundation hazards and scope of practice note

Development near the coast or a seawater body, such as a harbour or estuary influenced by tides, is potentially subject to coastal hazards. Such hazards include inundation from waves and/or storm surge, impounded seawater, or combinations of wave effects, impounded sea and fresh water flooding. In addition to these, sea level and rainfall intensity are projected to increase as a result of changes to the climate. However, due to a variety of earth processes (e.g. tectonic motion, subsidence and seismic activity), relative sea level change at different locations may differ from the national or regional norm.

Beyond coastal influences, inundation can occur from incident rainfall, capacity exceedance in established watercourses and infrastructure networks, ponding behind embankments and causeways, and secondary flowpaths that only occur during significant rain or blockage of the normal route of stormwater.

This practice note outlines the approach to determine minimum finished ground and/or floor levels for new development and buildings in areas identified as being subject to inundation. It considers different hazard scenarios for either seawater and/or freshwater inundation. It does not cover all other potential sources of inundation such as groundwater, tsunami, and dam break (in certain areas).

There are many variables in relation to the coast and watercourses in terms of topography, land

and beach composition and profiles, as well as building types and designs. Therefore, a site specific assessment of the proposed development taking into account specific hazard influences (by applying local adjustment factors) may still be required. Council can advise further in such situations.

Note that properties indicated as not being subject to inundation under this practice note methodology may still be at risk from inundation hazards in more extreme or unpredictable weather events than allowed for. A pragmatic approach to mitigating hazard exposure in events exceeding the design guidelines is recommended, consistent with acceptable risk.

1.5 Exceptions

Circumstances will arise when the standardised approach as outlined in this practice note may not be preferred. Such scenarios should be treated as exceptions, requiring a site specific assessment which Council will consider on a case-by-case basis.

1.6 Councils' inundation information

Both councils have ongoing programmes of work to model inundation hazards and are obliged to make existing natural hazard information available to the public, under the Local Government Official Information and Meetings Act 1987 and the Building Act 2004. Check with each Council for the most up-to-date information available. Updates to this practice note may be undertaken as inundation information is refined and/or new modelling datasets are developed.

Seawater inundation
Both Councils are using a 'coastal calculator tool' developed by NIWA (updated to include data to April 2018) to determine the seawater inundation hazard potential at various places around the Tasman and Golden Bay coastlines. This calculator assesses wave runup and wave setup elevations and shoreline structure overtopping rates for a variety of datum, beach slope, storm-tide event probability and sea level rise settings. Calculations show that coastal influences on the level setting process progressively increase below the reduced level of 6m (NZVD2016), particularly within 30m of MHWS-6. In addition, freshwater inundation may be a contributing or even dominant threat to a building or development.

A number of seawater inundation hazards reports are available as listed in Appendix 2 References. For further information please contact the relevant Council.

Freshwater inundation
Flood levels vary spatially and temporally and can be determined through hydrological and hydraulic modelling processes which include a number of assumptions and model inputs.

Nelson City Council has undertaken modelling of inundation extents associated with all major rivers and streams in the district. The modelling includes a number of scenarios to the year 2120 for a 1% AEP event and takes into account the effects of climate change on sea level rise and rainfall intensity. The outputs of this modelling can be viewed on Nelson City Council's website.

Tasman District Council has undertaken similar studies in some urban areas, with further modelling and mapping continuing and planned to be undertaken for other urban drainage areas and rivers. Available information includes floodplain modelling data for the coast adjacent to Takaka township, the Mapua-Ruby Bay coastal plain and historic records of flooding in the Waimea, Takaka, Motueka, Aorere delta and a number of minor river systems. This historical data generally maps the extent of particular flood events, from which flood depth can sometimes be inferred using LiDAR contour data, and in some instances flood heights are noted.

Both Councils' inundation modelling work programmes include secondary flowpath modelling. Where this modelling has yet to be undertaken, secondary flow paths will be considered as a 'local adjustment factor' (refer to Section 3.6.3). Council will be able to advise on what information is held to help inform the calculation of minimum ground and/or floor levels in these situations.

1.7 Resource Management Act 1991 and Building Act 2004

The Resource Management Act 1991 and Building Act 2004 are the two key pieces of legislation which empower councils to manage the risk of inundation hazard in relation to new development and land use.

Resource Management Act 1991 (RMA 1991)
Under the RMA 1991, councils are required to recognise and provide for the management of significant risks from natural hazards as a matter of national importance (s6(h)) and to have particular regard to the effects of climate change (s7(i)).

National instruments prepared under the RMA 1991 place requirements on councils. The New Zealand Coastal Policy Statement 2010 (NZCPS) details existing national objectives and policies for coastal natural hazards. Policy 24 requires councils to identify coastal areas that will be potentially affected by coastal hazards over *at least* 100 years. Policy 25 sets the policy framework for planning decisions for land use and development in areas potentially affected by coastal hazards, with an emphasis on avoidance and reduction of risks.
It is anticipated that Government will develop national direction in the form of a National Policy Statement or National Environmental Standards on natural hazards which will provide further guidance to councils and their communities on natural hazards management. This practice note may need updating at that time.

Councils must give effect to the NZCPS and other national direction through their regional policy statement, regional plans and district plans. The operative suites of resource management plans for the two districts set out the management regimes for dealing with risks from natural hazards and include controls on the use of land for the purpose of the avoidance or mitigation of natural hazards.

When considering an application for resource consent, Council must have regard to any actual and potential effects on the environment of allowing the activity, including the effects arising from natural hazards (s104).

Council may refuse or grant a subdivision consent subject to conditions if there is a significant risk from natural hazards (s106). Any assessment of the risk from natural hazards requires a combined assessment of:

(a) the likelihood of natural hazards occurring (whether individually or in combination); and

(b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and

(c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in (b) above.

Conditions attached to subdivision consents granted may include the protection of the land and any adjacent land against natural hazards including inundation (s220).

For any new subdivision and development, an applicant will need to demonstrate that newly formed allotments contain adequate space for buildings which are not subject to material

damage from inundation in response to a 1% AEP design event (refer to Section 2.3). Furthermore, it will need to be demonstrated that in achieving this there are no adverse effects (raised flood levels, diversion of flood flows and/or secondary flood routes) that occur on adjacent or surrounding property in response to this design flood event. Other resource management plan considerations such as amenity and servicing also need to be incorporated into design and decision making processes.

For other development (on existing titles) subject to the RMA 1991, the practice note process will be the same as for subdivision and development as described above. However, the full application of this process may be modified on a case by case basis where the development is of a limited duration and consequently will not be subject to long term projected climate change effects.

Building Act 2004 (BA 2004) and the New Zealand Building Code (Building Code)

The BA 2004 manages natural hazards in relation to the construction and modification of buildings. Council is required to take into account certain natural hazards, including inundation, when determining whether to grant building consents on land subject to specified natural hazards, with certain exceptions (under s71-74). The emphasis in the management of natural hazards is to encourage people to avoid situations in which they or their property could be at risk. Sections 71-74 of the BA 2004 regarding building on land subject to natural hazards and the application of hazard notices on property titles are discussed in detail under Section 6.

E1 of the Building Code requires buildings and site work to be constructed to protect people and other property from the adverse effects of surface water. Performance E1.3.2 requires that surface water, resulting from an event having a 2% AEP, shall not enter housing, communal residential and communal non-residential buildings.

2 How to Determine Minimum Ground and/or Floor Levels

2.1 Introduction

This section provides a summary guide of how to determine minimum ground and/or floor levels for subdivision, new buildings and major alterations. It applies to areas identified as being subject to seawater and/or freshwater inundation within the districts of Nelson City Council and Tasman District Council. It should be read in conjunction with the supporting information and explanation contained in Sections 3-7.

2.2 Development considerations

If you wish to develop your property, or you are a developer or agent acting on behalf of a landowner, there are a number of preliminary planning and development matters that you should consider as part of any building design. This will depend on the nature and location of the property, the type of development proposed, and any legal and resource management plan requirements.

If the development site is (or may be) located in an area subject to inundation, it is recommended that you consider the potential impacts of the development proposal within and beyond the site. Speak to the relevant Councils' Duty Planner and hazards information staff as they can assist you in making informed decisions about your proposal and the resource consent process.

General matters that you should consider include:

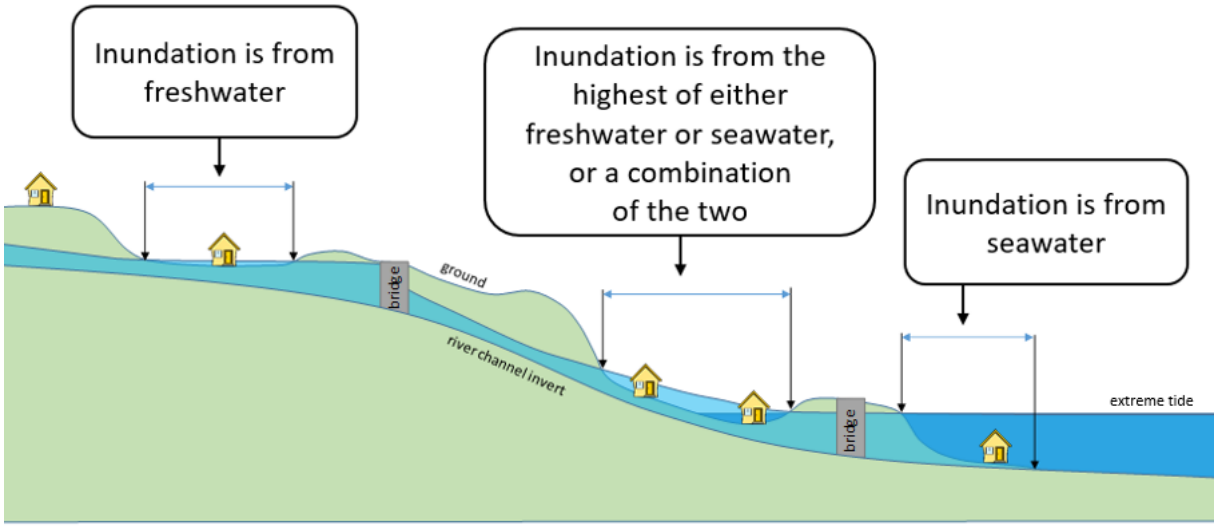
- The choice of foundation design. Raising the ground level to mitigate inundation hazard may not be allowable due to potential adverse effects on your own or neighbouring land from floodwater diversion or floodwater storage removal.
- Preserving future options with respect to adapting to unknown or increasing hazard exposure. For example, a pile foundation design allows for adaption to any increase in erosion or inundation hazards via further house elevation, relocation within the site or removal from the site.
- Functionality of the building and vulnerability of activities proposed within the building.
- Identifying if your site needs to be serviced for on-site stormwater and wastewater disposal over some or all of the lifetime of the building.
- Building access and use, particularly during an inundation event.
- Other resource management plan requirements including design, neighbourhood amenity, and landscape considerations.

It should also be noted that building design and location on site may have implications for obtaining or retaining inundation insurance.

2.3 Identifying locations subject to seawater and/or freshwater inundation hazards

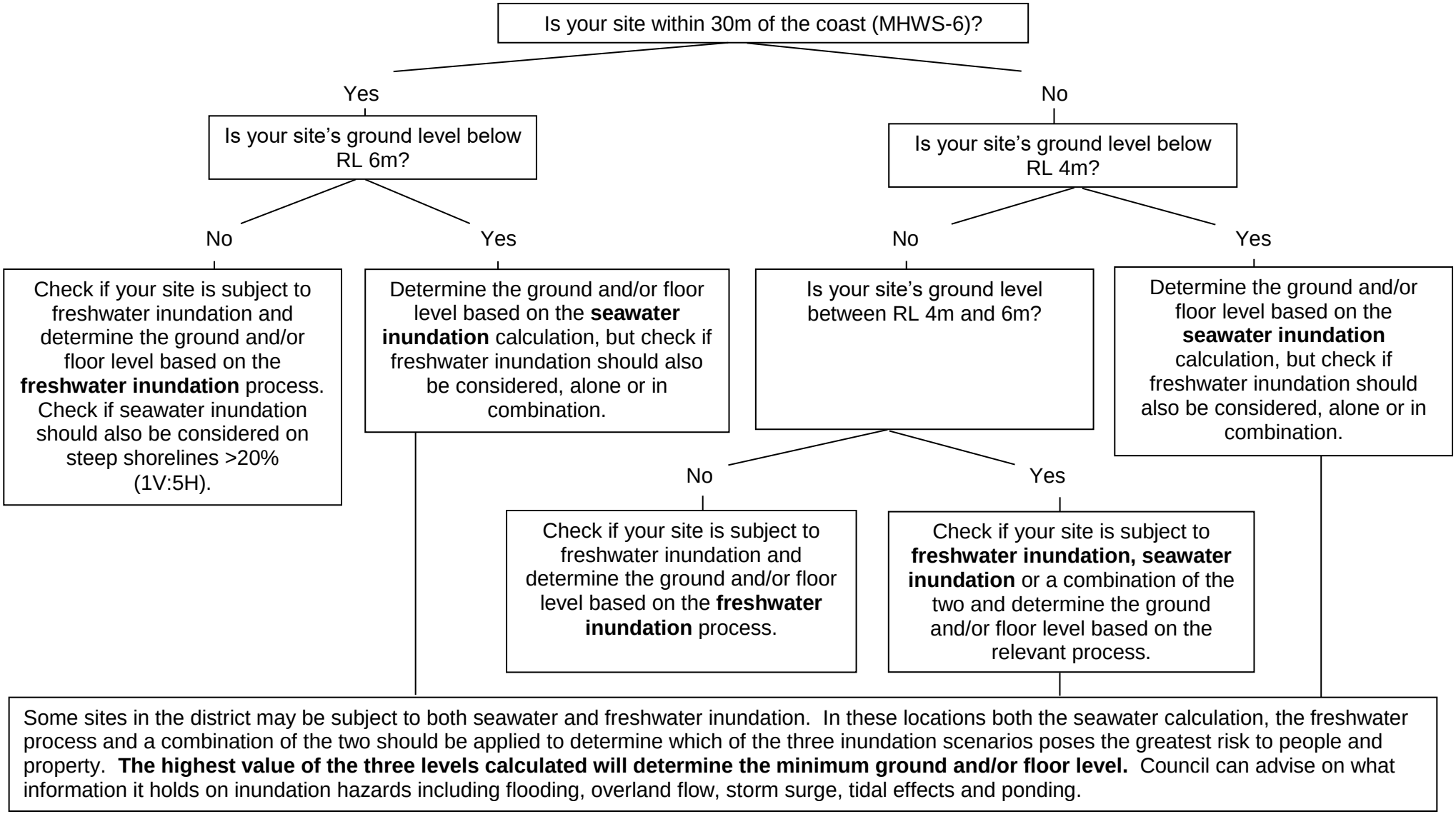
This practice note considers different scenarios from either seawater and/or freshwater inundation as shown in Figure 1.

Figure 1: Locations of where the seawater inundation calculation and/or freshwater inundation process may apply



In coastal locations subject to inundation hazards, both the seawater inundation calculation and the freshwater inundation process relies on 'reduced level' (RL) thresholds as a starting point to determine locations that may be subject to these hazards. A RL is a level measured against a specified datum and NZVD2016 Datum is used in this practice note. Figure 2 provides a flow diagram to help determine which type of inundation hazard may be applicable to a specific site, based on RLs and a 30m distance from MHWS-6.

Figure 2: How to determine if your site is subject to seawater and/or freshwater inundation using RL thresholds



In coastal locations within 30m of MHWS-6, the seawater inundation calculation applies below RL 6m. Ground up to at least this level can be affected by seawater inundation depending on shoreline slope or other factors. These areas may also be affected by the influence of freshwater inundation (for example at river mouth locations) and this hazard also needs to be considered both in isolation and in combination with seawater inundation.

Similarly, in low lying areas more than 30m away from MHWS-6, both seawater and/or freshwater inundation may be present and should be considered. If a site's ground level is between RL 4m and 6m, the risk of freshwater and/or seawater inundation hazard may be present (depending on distance from MHWS-6) in isolation or in combination and the higher value of the three levels calculated will determine the minimum ground and/or floor level.

Above RL 6m, freshwater inundation is likely to predominate but also check for the possibility of seawater inundation adjacent to steep shorelines where the upper beach slope is >20%. For more information or guidance on which inundation hazard may be present on your site, please contact the relevant Council.

2.4 Seawater and freshwater inundation design events

The required "design event" sets the context for the assessment of effects under the resource consent and building consent processes and the calculation of ground levels and floor levels (as shown in Table 1).

Under RMA 1991 processes, the design event is a 1% AEP generally over a 100 year planning horizon. This encompasses projections of a 1% AEP event occurring with at least 100 years of projected climate change normally taken into account. This is driven largely by the NZCPS 2010, which indicates that a planning horizon of *at least* 100 years be considered for coastal development (Policy 24 and elsewhere). Given the close inter-relationship between freshwater and river systems and the open coast, this 100 year planning horizon is also adopted for these systems to ensure consistency in application. A planning horizon of *more than* 100 years is specifically considered for subdivision, greenfield developments and major asset infrastructure developments in coastal locations where a sea level rise component applies. This is consistent with the recent MfE guidance as detailed in Section 3.4.2.

E1 of the Building Code requires the avoidance of water entering residential and communal buildings in a 2% AEP event, over the unlimited life of the structure but no less than 50 years.

In coastal settings subject to both seawater and rainfall runoff (freshwater) inundation hazard, consideration of the combined effects of storm-tide and rainfall runoff events is required. This may be a low probability storm-tide event coupled to a higher probability rainfall event (e.g. 1-2% AEP storm tide and 5% AEP rainfall), or the reverse, to determine the most severe appropriate design case. In some specific instances the use of a different design event may be justified and should be treated as a local adjustment factor. All such cases may be treated as exceptions requiring a site-specific assessment.

2.5 Seawater Inundation Calculation

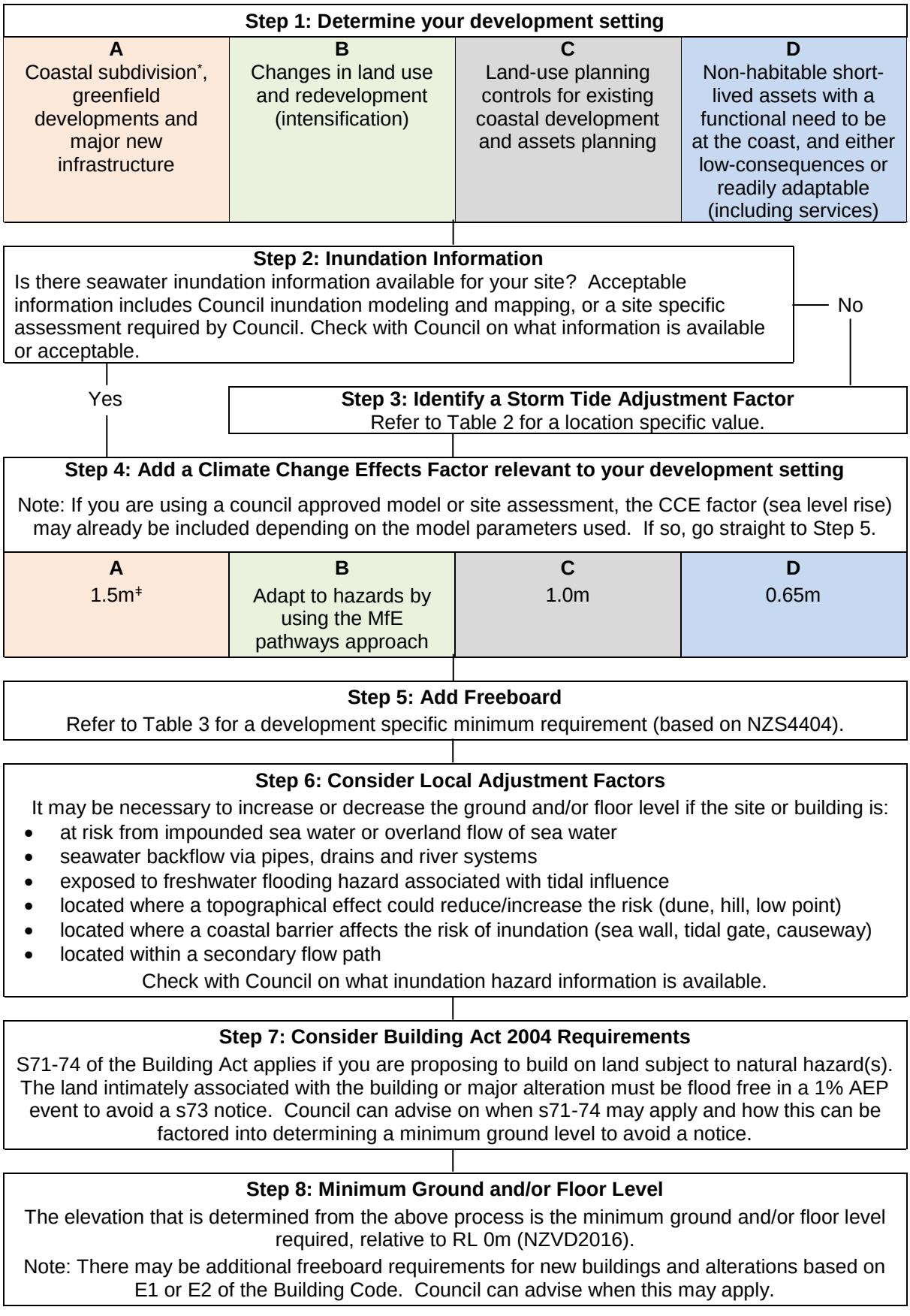
Figure 3 summarises the 8 steps required to calculate a minimum ground and/or floor level in coastal locations subject to seawater inundation. The calculation is dependent on the 'development setting' and transitional sea level rise allowances taken from the Ministry for the Environment's guidance on 'Coastal Hazards and Climate Change: Guidance for Local Government' (MfE, 2017). An explanation of each of the factors included in the calculation is provided in Sections 3-7 and should be read in conjunction with this summary.

Table 1: Design criteria to determine ground and/or floor levels based on activity and land elevation

Site Location[1]	Joint Probability AEP	Design Event Criteria
Subdivision under RMA 1991		
• <30m and <6m RL	1%	The higher level determined from: a) 1% AEP rainfall/inundation event at or beyond 2120 occurring at the same time as the MHWS-6 tide level elevated by sea level rise*; or b) 1% AEP storm-tide event elevated by sea level rise* occurring with no rainfall; or c) 1% AEP storm-tide event elevated by sea level rise* coincident with a 5% AEP rainfall/inundation event at the year 2120. *Sea level rise in accordance with the development setting in the 2017 MfE guidance.
• >30m and <4.0m RL • >30m and >4m, <6m RL	1%	The higher level determined from: a) to c) above; or d) a 1% AEP rainfall/inundation event at or beyond 2120
• >30m and >6.0m RL	1%	1% AEP rainfall/freshwater inundation event at or beyond 2120.
Development[2] where no subdivision is required under the RMA 1991		
• <30m and <6m RL • >30m and <4.0m RL • >30m and >4m, <6m RL	1%	The higher level determined from a) to d) above
• >30m and >6m RL	1%	1% AEP freshwater inundation event at or beyond 2120
Residential and Communal Buildings[3] on existing title under BA 2004[4]		
<30m and <6m RL	2%	The higher level determined from: e) A RMA process as recorded as a consent notice on the title, or f) 2% AEP rainfall/inundation event occurring at the same time as MHWS-6 by the year 2120; or g) 2% AEP storm-tide event, with sea level and 5% AEP rainfall by the year 2120.
• >30m and <4.0m RL • >30m and >4m, <6m RL	2%	The higher level determined from: e)-g) above
>30m, >6m	2%	2% AEP freshwater inundation event by the year 2120
Other buildings on existing title under BA 2004		
All sites	NA	In the absence of a consent notice on title, no ***requirements*** but encouragement to adopt prudent levels

[1] 30m is in relation to distance inland from MHWS-6.
[2] Comprehensive housing developments or multiple apartments on one title, commercial/industrial developments (e.g. industrial parks with private roads), multiple tenancy buildings.
[3] NZ Building Code E1.3.2 limits the application of the 2% AEP level of protection to housing, communal residential, and communal non-residential buildings.
[4] Properties where land intimately connected to a building that is subject to inundation in a 1% AEP event may require a hazard notice under s73 of the BA 2004. Refer to Section 6 for more information.

Figure 3: Seawater Inundation Calculation



Notes:
* "Coastal subdivision" will be deemed as subdivision of land below RL 6m.
‡ Avoid hazard risk by using sea level rise over more than 100 years and the H+ scenario (which is a sea level rise of 1.5m for the year 2130 and increases to 1.9m out to the year 2150).

2.6 Storm Tide Adjustment Factor

Within the seawater inundation calculation, the Storm Tide Adjustment Factor (Table 2) provides example values for storm-tide (ST) and wave setup (WS) for specific upper beach slopes of a sandy nature. These factors may apply to properties on land adjacent to the open coast, estuaries and low lying land that is more distant from the shoreline. Additionally, wave runup (WR) may be a factor affecting those properties within 30m of the open coast. The values in Table 2 apply to typical beach slopes at a variety of general locations. These values will need to be checked for each site, as the adjacent beach slope may vary from the generalised beach slope listed in the table at that locality. The maximum value (shaded columns) is the factor generally applied in the seawater inundation calculation for the relevant setting. However, some modification of the maximum ST+WS factor may be possible due to the WS component not being fully developed, particularly within larger estuaries.

Table 2: Storm Tide Adjustment Factor

Select a value from the shaded columns relevant to your site's location.

	Data below assumes SLR = 0.0m and 1% AEP storm-tide event.	**Land adjacent to Estuaries and land >30 from MHWS-6**			**Land adjacent to Open Coast and <30m from MHWS-6**		
Location	Beach Slope Between 2.0m-2.5m (mV:1mH) NZVD2016	**Max. ST & WS**	Storm Tide	Wave Setup	**Max. ST, WR & WS**	Storm Tide	Wave runup (incl. setup)
NELSON							
Oananga Bay	0.16	**3.13**	2.34	0.95	**4.39**	2.34	2.31
Delaware Spit (open coast)	0.08	**2.84**	2.34	0.66	**3.90**	2.34	1.84
Glenhaven to Glenduan	0.20	**3.70**	2.34	1.64	**5.80**	2.34	3.90
Nelson Haven (Tahunanui Beach)	0.06	**2.62**	2.32	0.38	**3.32**	2.32	1.20
TASMAN BAY							
Rabbit Island	0.08	**2.66**	2.29	0.46	**3.39**	2.29	1.28
Ruby Bay-natural	0.16	**2.91**	2.28	0.73	**3.88**	2.28	1.77
Kina Peninsula	0.09	**2.68**	2.27	0.52	**3.46**	2.27	1.41
Motueka Nth	0.12	**2.76**	2.27	0.62	**3.62**	2.27	1.58
Kaiteriteri	0.17	**2.97**	2.27	0.87	**4.10**	2.27	2.11
Marahau Nth	0.16	**2.83**	2.27	0.61	**3.67**	2.27	1.48
Totaranui	0.14	**3.19**	2.27	1.15	**4.74**	2.27	2.85
GOLDEN BAY							
Tata Beach	0.13	**2.73**	2.36	0.66	**3.50**	2.36	1.66
Rototai	0.11	**2.64**	2.35	0.53	**3.28**	2.35	1.36
Paton Rock	0.12	**2.67**	2.36	0.54	**3.31**	2.36	1.37
Parapara	0.11	**2.61**	2.36	0.41	**3.13**	2.36	1.07
Pakawau	0.07	**2.51**	2.36	0.20	**2.83**	2.36	0.60
Puponga	0.12	**2.62**	2.36	0.36	**3.09**	2.36	0.91

(Source: NIWA coastal calculator outputs for Tasman District Council and Nelson City Council.)

Notes:

1. The 'response-variable module' of the coastal calculator was used to calculate Table 2 data. The calculator assumes a number of parameters, including that the beaches are sandy in nature. The above data excludes those parts of shorelines partially or completely affected by rock revetment or other structural interventions, such as at The Haven, Riwaka, Ruby Bay south, Motueka south, mid-Kina Peninsual, mid-Pakawau and much of the Puponga coast.

2. Data is relative to NZVD2016 including -0.17m offset for baseline MSL (2008-2017) projection, being 0.15m above NVD55 0m. NVD55-NZVD2016 differential is assumed as being 0.32m in the coastal calculator.

3. The beach gradients are the average of a number of measurements taken between the 2.0m and 2.5m LiDAR contours (NZVD2016). The data is very sensitive to the beach slope used and for specific design, the upper beach gradient measurement should be checked.

4. The Coastal Calculator uses the Stockdon et al (2006) wave setup and wave runup formula, developed for sandy beaches only. The formula employs a constant beach slope and thus for composite slopes as generally occurs, an upper beach slope is recommended and has been used, as this will conservatively return a higher wave setup and wave runup value. The calculator also assumes that the beach slope used remains constant for whatever sea level rise scenario selected – this may not be the case in reality due to the effect of a number factors such as shoreline erosion, changes to nearshore sediment composition and the like.

2.7 Freeboard

With all hydraulic assessments, whether derived from historical mapped data or computer modelling assessment, there is a degree of uncertainty in the flood level results obtained. In order to account for these uncertainties, as well as for certainties such as maintaining building weather tightness during rainfall, it is usual that a "freeboard" allowance (Table 3) is applied to building platforms and floor levels above the calculated flood level (as illustrated in Figure 5).

Table 3: Minimum Freeboard Requirements

Type of Structure	Freeboard height above design inundation level
Non-habitable residential buildings and detached garages*	0.20m
Commercial and industrial buildings*	0.30m
Habitable dwellings (including attached garages)*	0.50m
Major community facilities related to supply of electricity, telecommunications, water supply or wastewater disposal	0.60m
Bridges and buildings over watercourses (freeboard to the underside of structure)^	0.60m

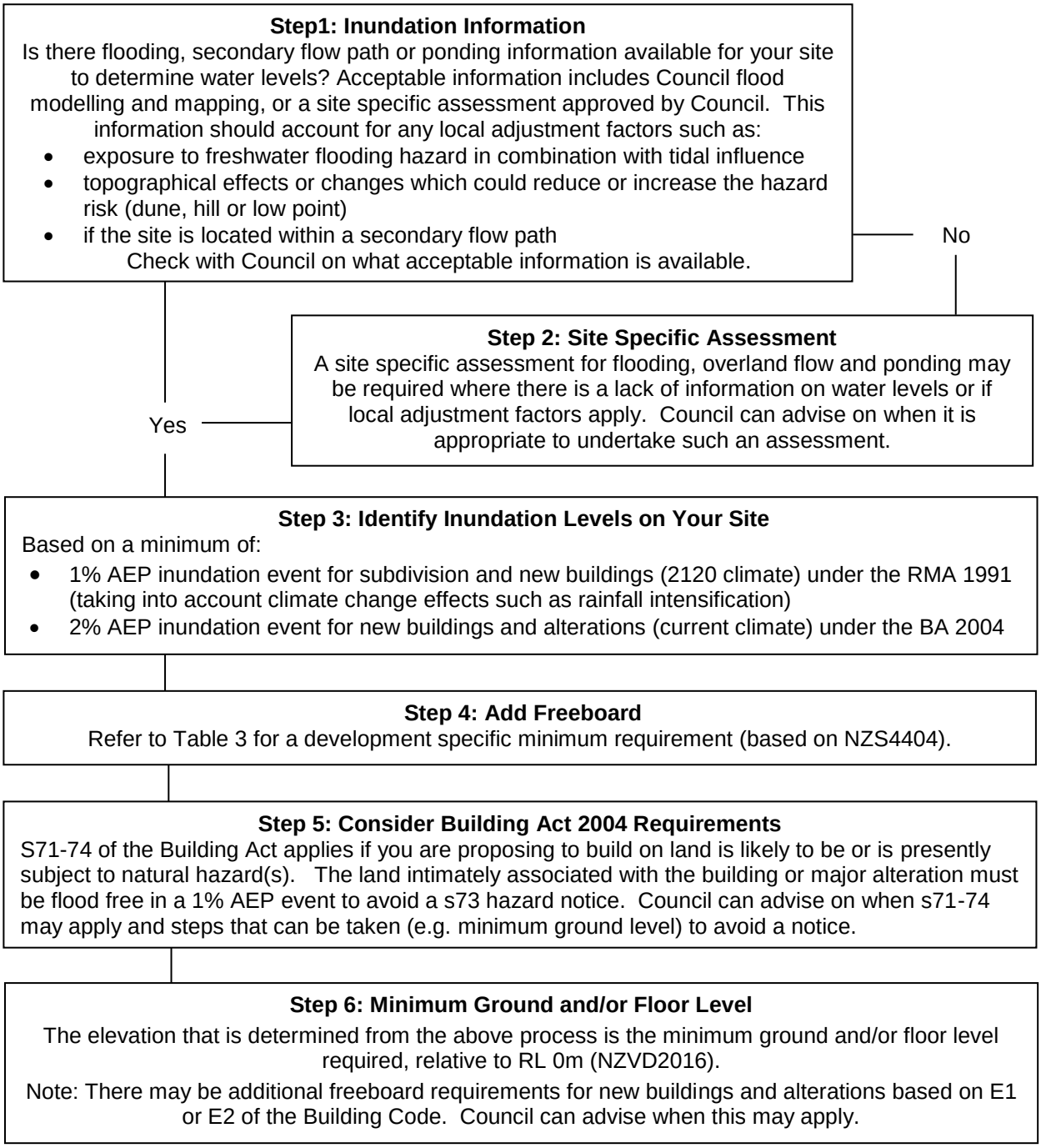
** Levels as per NZS4404: 2010 Land Development and Subdivision Infrastructure*
^ Levels as per NZTA Bridge Manual, SP/M/022, 3rd edition, May 2016

The minimum freeboard shall be measured from the prescribed water level (e.g. a 1% or 2% AEP event) to either the building platform level, the underside of the floor joists, or underside of the floor slab. Structures need to comply with freeboard requirements of the NZ Building Code and those may be separate from and in addition to the freeboard requirements above. Council can advise on when this may apply.

2.8 Freshwater Inundation Process

The freshwater inundation process uses a methodology broadly similar to the seawater inundation calculation, although the data sources for determination of inundation water levels are variable and include flood records and computer model simulations. Figure 4 summarises the 6 step process to determine minimum ground and/or floor levels in locations subject to freshwater inundation. An explanation of each of the factors included in the calculation is provided in Sections 3-7 and should be read in conjunction with this summary.

Figure 4: Freshwater Inundation Process



2.9 Combined seawater and freshwater inundation

Some sites in the districts may be subject to both seawater and freshwater inundation. In these locations both the seawater calculation, the freshwater process and a combination of the two should be applied to determine which of the three inundation scenarios poses the greatest hazard to land and buildings. The highest value of the three levels calculated will determine the minimum ground and/or floor level. Refer to Table 1 for design event criteria.

2.10 Determining the minimum ground and/or floor level

Once all the steps in the seawater inundation calculation or freshwater inundation process are completed, an elevation will be determined which is relative to RL 0m (NZVD2016). The additional height of the minimum ground and/or floor level required for hazard mitigation at the site will be the difference between the calculated level and the existing ground level.

This can be demonstrated using the scenario illustrated in Figure 5 for a 1% AEP freshwater inundation event. The existing ground level is RL 33.4m. The calculated minimum ground level required for a non-pile foundation design is RL 34.6m. This is a combination of the inundation level (RL 34.1m) and a freeboard (0.5m).

The floor level of House A will be a minimum of 1.425m above existing ground level (RL 34.825m). This allows for the additional minimum 0.225m floor level clearance above the filled ground level as required under the Building Code. However, for the building pile substructure foundation examples, the floor level of Houses B and C will be up to 1.2m above the existing ground level to provide appropriate mitigation against inundation hazard (RL 34.6m).

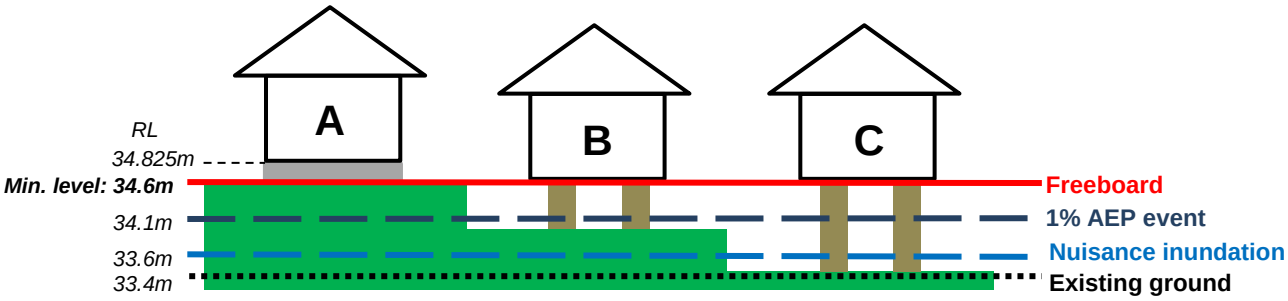
2.11 Options for raising ground and/or floor levels

Various options exist to reduce and mitigate inundation hazard exposure to land and buildings. Generally, both Councils will seek to avoid subdivision and development in areas subject or potentially subject to significant risk from inundation hazard, by promoting development in areas with no or low flood hazard exposure through its resource management plans and resource consent processes.

Both Councils will also seek options to reduce and mitigate the likelihood and magnitude of inundation hazard to land and buildings where these activities do not significantly increase the inundation hazard to other properties. This includes the raising of ground and/or floor levels as well as various design considerations and technological innovations as discussed in further detail in Section 7. Any option will need to comply with relevant legislation and the respective resource management plans. Its feasibility will be assessed on a case by case basis, and should be discussed with Council.

Figure 5 shows examples of options for raising ground and/or floor levels, and suggests activities for which these might be appropriate. In locations where there is or maybe an inundation hazard, any new property titles created through subdivision should provide functional land where a building platform can be established that is free from inundation. The potential of adverse effects on other parties will be an important consideration, especially when considering raising the ground level. In this case, it will need to be demonstrated that there are no adverse effects incurred or exacerbated on adjacent properties, including by raised flood levels, diversion of flood flows and/or secondary flood routes, building design, neighbourhood amenity, access and servicing.

Figure 5: Examples of options for raising ground and/or floor levels



Options	
A	Subdivision or buildings on river floodplains, freshwater ponding areas, and in seawater inundation locations (either by wave run-up or ponding on lower-lying land), where filling for a building platform can be undertaken and there are less than minor adverse effects off-site.
B	Buildings on river floodplains, freshwater ponding areas and in seawater inundation locations, where filling for a building platform can be undertaken to a small degree to reduce nuisance inundation (for example a 20% AEP event) without adverse effects off-site occurring but where filling for a building platform has more than minor adverse effects off-site.
C	Buildings on river floodplains, freshwater ponding areas and in seawater inundation locations, where any filling for a building platform has more than minor adverse effects off-site.

3 Supporting Information for Calculating Levels

3.1 Introduction

This section provides supporting information and explanation on the different factors of the seawater inundation calculation and freshwater inundation process, as outlined in Section 2. Some subsections and information is relevant to both types of inundation hazard, while others may only be relevant to either seawater or freshwater inundation.

3.2 Seawater and freshwater inundation design events

In this practice note, reference is made to rainfall and sea level/storm-tide events. Both have probabilities associated with them that reflect event severity. The lower the probability of an event occurring, the more severe that event.

It is usual that when the effects of severe rainfall are determined through modelling, a nested rainfall pattern is often used which distributes rainfall in time in such a way as to cause the most adverse performance from the system analysed for the given frequency. In simpler terms, when a 1% AEP rainfall event is used for analysis particularly in small catchments, this rainfall intensity will be assumed to be occurring everywhere in the catchment. In reality rainfall distribution does not always occur in this way and appropriate rainfall distributions are likely to be modelled in larger catchments. When a 1% AEP rainfall event occurs at one location, it is seldom occurring at the same intensity everywhere else in the catchment at the same time, although that depends on the size of the catchment under consideration.

When a sea level is applied in any assessment, this level is made up of several factors which include both tidal and weather related influences. The “predicted tide” is independent of

prevailing weather, and is based solely on a standard atmospheric pressure condition and factors including the relative positions of the sun and moon. However, factors relating to a weather event includes low barometric pressure, wind speed and duration, fetch (distance over which the wind blows over water) and shoreline conditions, i.e. factors typically associated with storm conditions and local geography and topography.

The MHWS-6 tide is adopted for the tidal baseline condition from which the hydraulic grade line is calculated, for discharges from open channels and pipelines terminating at the coast. This is to ensure that the effect of a 1% AEP rainfall/runoff event on the drainage network is appropriately simulated or designed for the development being considered, without imposing an improbable tidal boundary condition (such as highest astronomical tide) that would unduly influence rainfall runoff at the coast.

Conversely, an extreme storm-tide event is invariably accompanied by some rainfall. A 5% AEP rainfall event has been allowed for as a reasonable but not improbable combination. Lastly, coinciding extreme (e.g. 1% AEP) storm-tides and rainfall can occur at the same time. However such events have a very low joint probability that is certainly less than 1%. In this practice note, it is considered that reasonable joint probability limits have been set to provide a practical and affordable basis for design. These scenarios are summarised in Table 1 (Section 2).

3.3 Identifying locations subject to seawater and/or freshwater inundation hazards based on reduced level thresholds

In coastal locations both the seawater inundation calculation and the freshwater inundation process relies on RL thresholds as a starting point to determine locations that may be subject to these hazards, as shown in Figure 2 (Section 2). Appendix 1 lists previous vertical datums used.

Historically, 0.0m NZVD55 was the same as 0.0m MSL. In NZVD2016, the datum used for the Top of the South Maps and Nelson City Council/Tasman District Council LiDAR contour maps, RL 0.0m is no longer the same as MSL 0.0m. The NVD55 0.0m (MSL1939-1942) is 0.337m lower than NZVD2016 0.0m. Due to 0.15m sea level rise since 1939-1942 MSL assessment, MSL (2008-2017) is 0.187m NZVD2016 and becomes 0.047m NZVD2016 (MSL 2020 projection). Once sea levels have risen 0.337m from NVD55 0.0m, NZVD2016 0.0m will then also become mean sea level. This is projected to occur in the early 2020s.

The land elevation and coastal setback thresholds (the ‘RLs’) have been selected on the basis that they are conservative values that capture land potentially affected by a seawater inundation event occurring over a minimum of the next 100 years. The 30m distance threshold from MHWS-6 also coincides, for the moment, with the minimum permitted activity setback distance for buildings from MHWS-6 in the Tasman Resource Management Plan and other national practices such as the coastal marine area setback in the NES for Plantation Forestry (2018).

3.4 Supporting information to inform the Seawater Inundation Calculation

This section details supporting information and explanation specific to the application of the seawater inundation calculation. Refer to Section 2 for the flow diagram summary (Figure 3) to calculate ground and/or floor levels in locations subject to seawater inundation.

3.4.1 Storm Tide Adjustment Factor

The storm tide adjustment factor considers storm surge and wave set up for all properties,

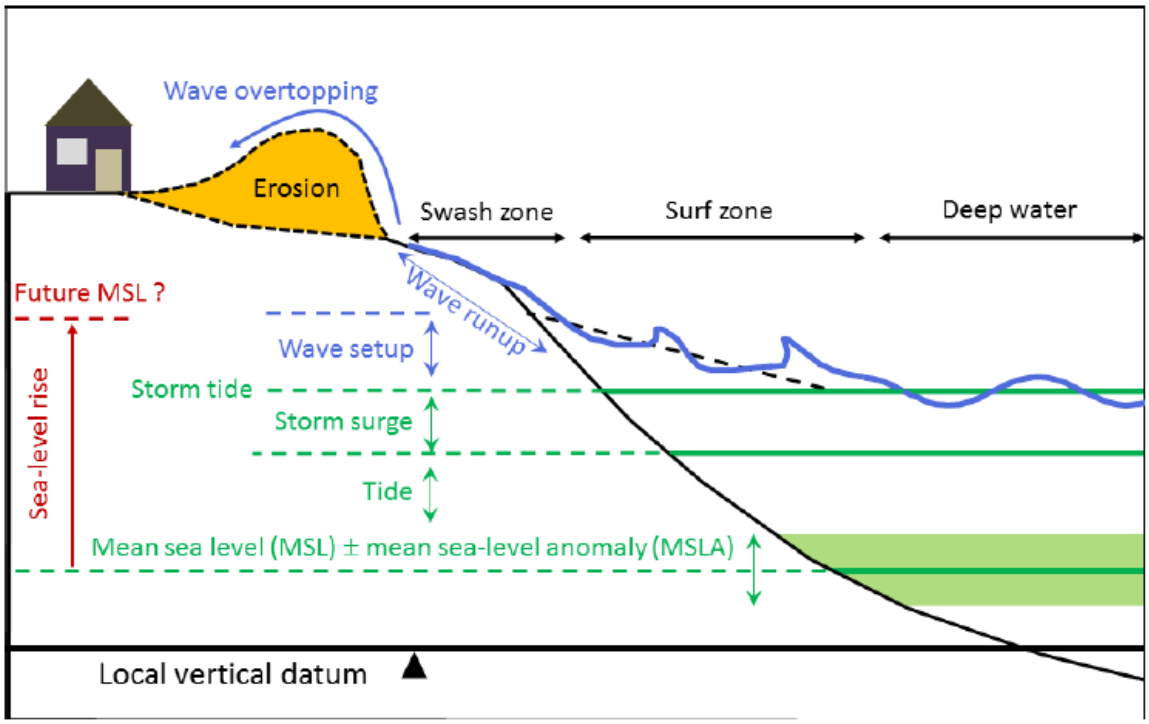
and wave runup for those properties within 30m of the coast as discussed further below.

3.4.1.1 Extreme sea-level elevations from storm-tides and waves

The primary factors affecting seawater inundation hazard are storm surge, wave setup, wave run up and sea level rise. These effects are illustrated in Figure 6 below.

Figure 6: Processes that contribute to seawater inundation and erosion

(Source: MfE (2017))



3.4.1.2 Tasman and Golden Bay coastlines

Extreme tide (storm tide) analysis indicates that Tasman and Golden Bays are tide (as opposed to wave) dominated. Storm-tides having 1% AEP have an elevation varying within a 0.14m range (without wave effects). These elevations change once the effects of waves on a shoreline of a particular gradient and material composition are taken into account.

A NIWA study commissioned by Tasman District Council (NIWA 2014(1)) considered 14 representative "open coastline" locations exposed to extreme sea levels within Tasman district and included consideration of combined tide, storm surge (inverse barometric and wind-induced effects), wave setup and wave runup. The Coastal Calculator has been revised (May 2018). This tool can be used at each of these locations to determine a range of outputs for selected inputs, as previously described.

The study shows that wave setup makes a small contribution to total elevation of the sea at the coastline relative to storm tides, owing to the relatively large tidal range and sheltered wave environment within the bays. However, wave runup makes a significantly larger contribution, being almost four times as large as wave setup. Wave runup is very sensitive to beach slope and is calculated at the MHWS-6 level of the beach profile (NIWA, 2014(1)).

The NIWA assessment does not take into account the effects of potential future erosion

when considering the risk of inundation and does not provide maps or assessment on the extent, depth or volume of inundation inland of the shoreline.

An additional wave overtopping module to the NIWA coastal calculator enables assessment of the volume of wave overtopping for a range of sea wall structure configurations.

3.4.1.3 Nelson City coastline

NIWA has undertaken a number of coastal assessment studies for Nelson City Council over recent years, most recently in November 2015 (NIWA 2015 (2)).
Like the Tasman District, the Nelson City coastal environment is variable, and requires region-specific assessment in terms of design storm tides.

The Wood is effectively protected from wave runup by the Boulder Bank and Nelson Haven. The Wood is located close to the sea-level gauge from which storm-tide elevation probabilities were derived, providing a good degree of confidence in assessed storm-tide elevations for that area.

Stoke is located inside the Waimea Inlet and is protected from direct ocean wave effects. The storm-tide elevations were derived on the coast outside the tidal inlet. Tidal and storm-surge waves can amplify (or decay) inside tidal inlets. While NIWA do not have information on tidal shoaling inside Waimea Inlet, they have allowed for an 8cm amplification in storm surges affecting Stoke, based on NIWA studies from Auckland's Waitemata Harbour. Monaco is also located within the Waimea inlet, but less so than Stoke. Depending on the aspect of the shoreline under consideration and the wind and wave direction, Monaco is likely to be subject to wave runup and wave setup effects somewhere between those experienced at Tahunanui Beach and Stoke.

Glenduan and Tahunanui Beach are both directly exposed to waves from Tasman Bay, thus they require local adjustment factors in the form of wave setup and runup elevations. NIWA's approach to assessing storm tide and wave set up/run up is outlined in their November 2015 report.

3.4.1.4 Coastal inlets

Natural tidal inlets and estuaries in Tasman and Golden Bays and the Nelson Haven have sufficient tidal flow in and out of their entrances such that they effectively reach equilibrium with the open coast sea level across the high tide cycle. That is, at high tide the sea level within the estuary and on the open coast is effectively the same. However, there will be a difference in elevation mid tide when sea water is flowing either in or out of the estuary.

Because estuaries are relatively sheltered environments and have reduced fetch compared to the open coast, wind-generated waves are smaller and their shorelines are subject to reduced wave runup, wave setup and erosion effects. However, sea level elevation resulting from storm surge and wave set up occurs over a sufficiently long duration for open coast shoreline and estuary water levels to be very similar if not the same. For calculating ground and/or floor levels adjacent to estuary margins, only the storm tide and wave setup factor need be used, Wave runup need not be considered unless the site is exposed to some degree of open-coast wave generation or surge effects, with possibly a small allowance made if the fetch across the estuary becomes significant.

Where a tidal inlet or estuary has been modified (such as the construction of a causeway with a culvert or tide gate that restricts the tidal flow) the sea water level within the truncated estuary embayment will often be lower than for the wider estuary and the open coast. However, such locations are also likely to be influenced by stormwater or stream inflows.

Both of these effects should be assessed and taken into account with an additional 'local adjustment factor'.

3.4.1.5 Storm tide adjustment factor

Values shown for the storm tide adjustment factor (Table 2, Section 2) are calculated for a present-day 1% AEP joint probability storm-tide event, assuming a sandy shoreline and for the prescribed MHWS-6 beach slope. All structurally modified (e.g. rock revetment) and other shoreline types, including rocky shoreline locations, will require site specific assessment. The data in this table is derived from the NIWA coastal calculator for each of the sites in the Nelson and Tasman districts.

3.4.2 Climate change effects factor: sea level rise

Within the seawater inundation calculation, the climate change effects (CCE) factor accounts for projected sea level rise. The CCE factor applies the transitional sea level rise values shown in Figure 3. The CCE factor does not consider increased rainfall or increased frequency of storm events.

Since the early 2000s, MfE has provided local government with guidance on how to adapt to coastal hazards arising from climate change, particularly hazards associated with sea level rise. This guidance has been used by councils to inform land use and infrastructure asset planning in coastal areas. MfE publications in 2008 and 2009 (MfE 2008(1) and MfE 2009) provided baseline sea level rise recommendations for different future timeframes[5], in metres relative to the 1980-1999 average. To date, both Councils have applied these sea level rise recommendations to their flood modelling scenarios and assumptions and the setting of minimum ground and/or floor levels.

MfE's publication 'Coastal Hazards and Climate Change: Guidance for Local Government' (December 2017) has provided a major revision to the previous guidance and includes the findings of the latest Fifth Assessment Report produced by the Intergovernmental Panel on Climate Change (IPCC). The guidance provides an iterative 10 step framework to enable local government to undertake 'long-term adaptive planning' for climate change in coastal communities, recognising that because of the uncertainty about future climate change it is necessary to examine a range of sea level rise scenarios. The guidance advises councils to consider and apply four sea level rise scenarios when developing and testing adaptation plans and policy, and for the design and adaptive development of assets and infrastructure at the coast. Table 4 provides a bracketed sequence of years in the future when specific sea level rise increments could be reached in New Zealand.

While councils across New Zealand work towards the recommended long term adaptive planning pathways approach as detailed in the guidance, MfE has provided minimum transitional sea level allowances to be used in planning processes as shown in Table 5. Sea level rise allowances are provided for four categories of activities or types of development (A – D) and are expressed as either scenarios or a minimum value. These categories are referred to as the 'development setting' within the seawater inundation calculation.

[5] The previous guidance (MfE July 2008(1)) adopted a risk-based approach, advising local government to start assessments of a range of higher sea levels at a base level of 0.5 metres and at least consider 0.8 metres by the 2090s, with an extension beyond 2100 applying a rate of 10 mm/yr.

Table 4: Range of timeframes when specific sea level rise increments would be reached

(source MfE, 2017)

Table 11: Approximate years, from possible earliest to latest, when specific sea-level rise increments (metres above 1986–2005 baseline) could be reached for various projection scenarios of sea-level rise for the wider New Zealand region

SLR (metres)	Year achieved for RCP8.5 H+ (83%ile)	Year achieved for RCP8.5 (median)	Year achieved for RCP4.5 (median)	Year achieved for RCP2.6 (median)
0.3	2045	2050	2060	2070
0.4	2055	2065	2075	2090
0.5	2060	2075	2090	2110
0.6	2070	2085	2110	2130
0.7	2075	2090	2125	2155
0.8	2085	2100	2140	2175
0.9	2090	2110	2155	2200
1.0	2100	2115	2170	>2200
1.2	2110	2130	2200	>2200
1.5	2130	2160	>2200	>2200
1.8	2145	2180	>2200	>2200
1.9	2150	2195	>2200	>2200

The earliest year listed is based on the RCP8.5 (83rd percentile) or H+ projection and the next three columns are based on the New Zealand median scenarios in figure 27, with the latest possible year assumed to be from a scenario following RCP2.6 (median). Note: the year for achieving the sea-level rise is listed to the nearest five-year value.

Table 5: Minimum transitional New Zealand-wide sea level rise allowances to be applied as the climate change effects factor

(source MfE 2017)

Table 12: Minimum transitional New Zealand-wide SLR allowances and scenarios for use in planning instruments where a single value is required at local/district scale while in transition towards adaptive pathways planning using the New Zealand-wide SLR scenarios

Category	Description	Transitional response
A	Coastal subdividion, greenfield developments and major new infrastructure	Avoid hazard risk by using sea-level rise over more than 100 years and the H+ scenario
B	Changes in land use and redevelopment (intensification)	Adapt to hazards by conducting a risk assessment using the range of scenarios and using the pathways approach
C	Land-use planning controls for existing coastal development and assets planning. Use of single values at local/district scale transitional until dynamic adaptive pathways planning is undertaken	1.0 m SLR
D	Non-habitable short-lived assets with a functional need to be at the coast, and either low-consequences or readily adaptable (including services)	0.65 m SLR

For category 'A' the guidance advises the use of the H+ scenario which identifies a sea level rise of 1.5m for the year 2130 and increases to 1.9m out to the year 2150 (as shown in Table 4). This is a significant change to the previous nominal 1m sea level rise which was applied. The use of the H+ scenario future-proofs the anticipated longer life of new developments and gives cognisance to the NZCPS requirement to avoid future hazard risk over planning timeframes *beyond* 100 years.

For informing where intensification of existing development is inadvisable (category 'B'), the guidance does not provide for a transitional value and instead the full MfE adaptive pathways planning approach should be applied. MfE's guidance outlines the process for the adaptive pathways approach. In such situations, it is recommended to discuss early on the suitability of your proposal with Council.

Transitional sea level rise values for categories 'C' (existing development) and 'D' (short-lived non-habitable assets) within Table 5 correspond to the equivalent values recommended for sea level rise from the previous MfE guidance (MfE, 2008a).

Until such time that each Council has progressed the adaptive planning pathways approach as detailed in the MfE guidance, the transitional sea level rise values for each of the development settings (as shown in Table 5) will be applied in planning processes.

3.5 Supporting information to inform the Freshwater Inundation Process

This section details information that informs the application of the freshwater inundation process. Refer to Section 2 for the flow diagram summary (Figure 4) of how to calculate ground and/or floor levels in locations subject to freshwater inundation.

3.5.1 Piped networks, waterways and secondary flowpaths

As described in Section 1, both Councils have inundation modelling work programmes in place and this includes modelling of piped stormwater networks, waterways, and secondary flowpaths that may impact on urban areas. Check with each Council on what modelling information is available or being developed.

Modelled results provide an overview of the flood extent and flood depths. This information can be used to determine the base water level for ground and/or floor level calculations.

The Councils have also mapped or are in the process of mapping some secondary flowpaths for some urban areas. In these circumstances, the location and peak volume of the flowpath has been determined by Council and can be used to determine the appropriate siting of development under both building (Building Act s71-74) and resource consent (RMA s106) processes.

In areas that have not yet had flowpaths mapped, the appropriate location, level and freeboard of ground and/or floor levels for new development will need to be determined from first principles and will be considered as a 'local adjustment factor' when setting the minimum level.

3.5.2 Climate change effects factor: increase in rainfall intensity

Within the freshwater inundation process, the CCE factor accounts for a projected increase in rainfall intensity. It is anticipated that incidences of extreme weather (rainfall events) and associated freshwater inundation will increase in the future, both in magnitude and frequency. Annual rainfall is predicted to rise over the summer, autumn and winter seasons across the Nelson and Tasman districts with high intensity rainfall occurring more often. The CCE factor for the increase in rainfall intensity (approximately 15% greater than present by

2120) should be applied in determining the 1% AEP inundation event for the year 2120, when considering inundation levels for subdivision and new buildings under RMA 1991 processes.

3.6 Supporting information relevant to both the Seawater Inundation Calculation and the Freshwater Inundation Process

3.6.1 Sloping sites

Ground level at the point of interest (which should be taken as an individual building footprint and some curtilage, even if it is within a subdivision development) may be on a slope. In scenarios where ponding (as opposed to overland flow) is the primary consideration, the ground level is to be taken as the lowest ground level subject to ponding as determined either by topographical survey, LiDAR or other relevant method. In the case where overland flow (e.g. river flood plains) is the primary consideration, the ground level at the upstream edge of the proposed development is the ground level that applies. Where multiple buildings are proposed to be formed, the ground levels at each of these should be considered individually.

3.6.2 Freeboard: allowances for flood level uncertainties

With all hydraulic assessments, whether derived from historical mapped data or computer models, there is a degree of uncertainty in the flood level results obtained. There are several reasons for this including a change in topography or watercourse morphology since a flood event map was drawn or modelling undertaken, changing shoreline conditions altering wave runup or inland flow capability, or model parameters that cannot be defined with precision due to lack of climate data. In order to account for these uncertainties, as well as for certainties such as maintaining building weather tightness during rainfall, it is usual that a "freeboard" allowance is also applied to building platforms and floor levels above the calculated flood level. A freeboard factor also allows for water levels that may occur in an unlikely but possible event such as infrastructure blockage or failure, capacity exceedance, floodwater diversion and waves generated by vehicles.

The freeboard allowance when applied to land is intended to ensure that any new subdivision meets the tests of s106 of the RMA 1991 or, in relation to new buildings and major alterations, to avoid the need for a BA 2004 s73 hazard notice. This circumstance applies where land that a building is intimately connected with is likely to be subject to inundation hazard. Section 71-74 of the BA 2004 applies at the building consent stage, irrespective of what other conditions apply in a previous or accompanying resource consent. Applicants can contact the relevant Council for the latest information prior to making any major decisions, as hazard knowledge and management directives evolve over time (refer to Section 6 for more information on s73 hazard notices).

The freeboard allowances specified in Table 3 (Section 2) are to be added to the assessed flood level, to result in a minimum ground and/or floor level. There may be local adjustment factors that affect the nominal freeboard required. This may be due to the effect of unusual topography, new flood mitigation structures or shoreline changes affecting seawater inundation potential. Such circumstances may result in the freeboard being higher or lower than the initial minimum value. Council can advise in those circumstances.

The freeboard allowances listed in Table 3 are taken from the Subdivision and Development Standard NZS4404:2010 in relation to habitable dwellings, non-habitable residential buildings and detached garages, and commercial and industrial buildings. Buildings will also need to comply with freeboard requirements of the Building Code and those may be separate from and in addition to the freeboard requirements listed. Council can advise when this will apply.

The Building Code's Acceptable Solutions and Verification Methods for Clause E1 Surface Water (AS and VM for NZ Building Code) requires a minimum freeboard *to the floor level* of 0.15m above the highest adjacent ground level (which could be inferred to be the ponding level). However, the conditions where 0.15m can be applied are restrictive (see below) and unlikely to be applicable in most inundation scenarios:
A catchment area of no more than 0.25 hectares, and which is:

- *free from a history of flooding;*
- *not adjacent to a watercourse;*
- *not located in low lying area; and*
- *not located in a secondary flow path.*

Conditions are also restrictive where Verification Method E1/VM1 of the AS and VM for NZ Building Code requires a freeboard of 0.50m. This applies where ponded water (2% AEP event assumed) exceeds 100mm in depth and extends from the building directly to a road or carpark and therefore likely to be subject to waves generated by vehicles. Such waves will not be sustained unless there is at least 100 mm depth of water and an unobstructed path from the point where the wave is generated to the building. In calculating this 0.50m freeboard, 0.15m is attributed to flood level estimation uncertainty and the remaining 0.35m to wave effects including 0.20m wave height and 0.15m wave runup (Determination 1999/005). This provides a sound base reference for inundation mitigation calculations in some circumstances. Verification Method E1/VM1 shall be used where the Council does not have more accurate data available from sophisticated hydrological modelling as part of its flood management plans[6]. For all other cases, E1/VM1 requires a freeboard of 0.15m.

The required freeboard for development and subdivision in coastal and near-coastal locations takes into account inundation elevations determined from seawater inundation modelling incorporating allowances for sea level rise, or in the absence of modelling, other assessments that provide reasonably reliable flood levels in a projected climate change/sea level rise future.

3.6.3 Local adjustment factors

The local adjustment (LA) factor enables the minimum acceptable land or floor level at any particular site to be adjusted up or down. The LA factor takes account of local, site or project specific matters that would be inappropriate to apply generally.

In some cases, such as greenfield subdivision, and where Council does not hold sufficient information, the applicant may be required to provide a more detailed site specific assessment of natural hazards to determine an appropriate LA factor. Site specific LA factors should be discussed with Council to ensure all factors are addressed and appropriate minimum ground and/or floor levels are determined.

This practice note does not define the potential LA factors in great detail. The matters listed below are not exhaustive, and there may be further aspects that should be considered when determining the LA factor (including those listed in Section 4). A specialist engineering assessment may be required to determine relevant details for a particular site.

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[6] Acceptable Solutions and Verification Methods are produced by MBIE as a means of compliance with the Building Code. E1/VM1 provides a method for verifying that a proposed building will meet the requirements of Building Code E1.3.1 and E1.3.2 in the following circumstances: (a) the catchment area does not exceed 100ha; and (b) the surface water results only from rainfall on the catchment and does not include water from other sources such an inundation from rivers, lakes or the sea.

- **Existing hazard mitigation works or infrastructure**

Land and/or floor levels may be increased or reduced where, for example, there are existing inundation (or erosion) hazard mitigation works or infrastructure present that will function effectively for a time into the future, but beyond that time mitigation function cannot be relied on or becomes no longer available. In the case of hazard mitigation works, this may be due to expiry of consents or a change of policy with respect to the presence of those works (e.g. tide banks, revetments). In the infrastructure case, the elevation of road corridors or causeways can act to exclude the tide to some degree, but over time may no longer have sufficient elevation to continue to do so.

- **Freshwater/seawater inundation hazard associated with increasing tidal influence**

Ground and/or floor level increases may also be necessary in an area where stormwater/ freshwater or groundwater inundation hazard to inland areas increases as a result of increasing (or elevated) sea states. This would include, for example, areas reliant on natural drainage to the coast, or areas where stormwater detention is provided. As sea levels rise, more frequent and/or longer periods of stormwater detention may be required before drainage can occur. With increasing sea levels, drainage infrastructure may require modification with flap gate or tide exclusion gates, to prevent backflow into low lying areas. Some areas may require pumping systems to discharge stormwater to the coast or be used to lower groundwater levels, without which flood hazard risk to existing or proposed greenfield or infill development becomes a concern.

In soft shoreline areas, particularly where erosion mitigation structures are not already present or are relatively minimalist in scale, increasing sea levels will very likely exacerbate coastal erosion hazard. Further coastal erosion may reduce or remove the depth and/or height of elevated back-beach barrier systems such as dunes, exposing any lower lying hinterland behind to increased frequency and/or severity of inundation.

- **Groundwater**

There may be sites where groundwater may affect potential inundation levels. These are likely to be very low lying areas adjacent to the coast below RL 2.5m (NZVD2016). As the level of the sea rises, the water table will rise in these areas, which may lead to surface ponding in some places and more extensive inundation after heavy rain. It is not known the potential extent of groundwater inundation in low lying coastal areas and therefore this should be considered as a local adjustment factor where it may apply.

- **Topographical effects**

Topographical effects including exposure to wave runup at open sea beach locations during storm surge events require specific assessment. Reference should be made to the extreme sea level elevations from the relevant NIWA reports and any detailed hazard maps that may be available at the time of development when an appropriate LA factor is determined.

Other topographical features or effects can alter storm-tide shoreline water levels or affect wave runup potential in both a present day and future projected sea level rise climate. These include dynamic coastal features such as sand spits and bar deposits that form and disperse over time, and sea level rise exacerbating or initiating erosion of coastal barrier systems, overtopping of natural and/or constructed barriers to seawater inundation, or exacerbating the frequency and/or magnitude of stormwater impounding.

- **Design life of buildings**

The Building Regulations have a requirement that primary structural building elements, including floors, function for the life of the building (for an indefinite period but not less than 50 years, unless specified). Building determination 95/006 clarified that a building that is *"...not stated to have a limited intended life in terms of section 39,* [...] *its intended life is to be*

taken as indefinite but not less than 50 years".

However, other than for buildings having a specified short term life, the effects of sea level rise beyond the 50 year timeframe applies, dependant on the nature and duration of building use, as per central government guidance, the NZCPS and decisions from the Environment Court.

Where short-lived buildings or assets are proposed, the minimum floor level required may be reduced below that needed to mitigate long-term, extreme hazard exposure, dependent on the use of the building or asset. For more information refer to Section 5 Building Use and Risk.

4 Building Servicing

The following section outlines servicing matters that will need to be considered as part of any new development proposed and may influence minimum ground and/or floor levels as a local adjustment factor.

4.1 Dwellings and onsite effluent and stormwater disposal

For ground level assessments, the level will need to be sufficient to provide effective functioning of wastewater and stormwater systems, treatment or disposal that takes into account rising ground water and sea levels. Development at a number of coastal communities where wastewater reticulation is unavailable hinges upon the feasibility and ongoing function of onsite effluent and stormwater disposal systems. Council may require site specific assessments where new dwellings cannot be connected to reticulated wastewater or stormwater systems. The viability of residential development will depend on being able to achieve wastewater and stormwater standards.

4.2 Reticulated stormwater servicing

Where subdivided lot(s) are being connected to a reticulated stormwater system the ground level assessment will need to take into account making an effective connection to any proposed network. The key considerations will include pipe size, cover and outlet level. This is to ensure the outlet of the stormwater system will not be subject to tailwater effects during the design rainfall or inundation event that the proposed network has adequate cover over the pipes and there is enough fall in the pipe network to effectively connect and function with the network pipe sizes. Also, the secondary flow from uphill areas, roads etc must not impact the new development.

4.3 Backwater

In some locations, the minimum floor level will need to take into account water level affected, for example, by the tide constraining rainfall runoff from rivers and streams, open channels and pipe networks discharging to the coast. In these circumstances, the tide causes a "backwater effect" that can increase water levels in low lying coastal locations.

Typical locations are where land drainage pathways (either built channels, pipe outfalls or streams and rivers) exit to the coast, estuaries, areas inland of causeways or low lying areas adjacent to the coast. Development areas that rely on stormwater detention areas adjacent to the coast are also potentially prone to backwater effects, as these areas may also have drainage outflows constrained by the level of the tide.

For ground and/or floor level assessments at these locations, the inundation level should be determined either with the assistance of historical data and/or by hydraulic calculations taking into account the local catchment characteristics.

4.4 Settlement due to liquefaction

Tasman District
The generally gravely nature of the underlying geology over much of the near coast land in Tasman and Golden Bay is such that widespread seismic liquefaction (as experienced in Christchurch) is considered unlikely to occur. Whilst "pockets" of liquefaction may occur during a strong seismic event in places that are low lying adjacent to the coast, particularly adjacent to existing or former estuary areas, it is generally considered unnecessary at this time to specifically allow for the effects of liquefaction when setting floor levels and building site ground levels in coastal locations.

There are specific sites where liquefaction may affect ground and potential inundation levels. These include tidally-affected and partially enclosed flood zones such as the estuary between Wharf Road and Old Wharf Road in Motueka. While no investigation as to liquefaction risk and response in strong earthquake conditions have been undertaken in these locations, this should be considered for a local adjustment factor.

Nelson City
Nelson City Council has undertaken a preliminary liquefaction assessment across the district and identified Tahunanui may be subject to liquefaction during an extreme seismic event. Further assessments have identified an area in Tahunanui where the risk of liquefaction hazard should be managed and mitigated at the time of new subdivision and development. More information on Nelson's liquefaction hazard can be found on the Council's website. Liquefaction susceptibility should be considered through a local adjustment factor.

5 Building Use and Hazard Tolerance

The following section outlines building use and inundation hazard considerations which may influence minimum ground and/or floor levels as a local adjustment factor.

5.1 Building use and risk

The nature and use of a building, affects the tolerance to inundation hazard. Clause E1.3.2 of the Building Code requires that water from the 2% AEP flood event shall not enter residential and communal buildings. Council can exercise discretion under the Building Code and accept a lower floor level, or may grant a waiver of any minimum floor level requirement, where the risk of damage is low. A range of factors should be considered by Council and developers/owners when considering appropriate floor levels. Considerations include (but are not limited to):

- building functionality
- vehicle access
- disabled access
- building materials
- community significance of use eg 'lifeline' facilities, such as communications equipment, hospitals and other essential services
- risk to life from inundation
- value at risk vs cost to protect
- building owner-insurer relationships or requirements
- amenity and historical value

5.2 Further considerations for owners and designers

The Building Code refers to categories of buildings by importance level based on structural failure considerations. The table of categories is comprehensive and in practice is too

complex to assist any process for determining building importance relative to inundation risk exposure for the purpose of this practice note. Therefore a simple classification based on the use of the building can be applied[7] as follows:

- **'Occupied' buildings**

Structures in which people live, sleep or work (i.e. habitable and productive buildings) or have important post disaster functions. 'Habitable or productive buildings' are of high social and economic importance. For example, habitable/productive buildings include residential housing and attached garages, sleepouts, shops, offices, and factories, hospitals and care facilities, buildings containing communication equipment.

- **'Non-Productive' buildings**

Flood hazard exposure to non-productive, non-habitable buildings may generally have only a low economic impact, low structural significance or minor effect. As a consequence, they generally do not need serious consideration when making building decisions on hazard-prone land. They may occupy productive hazard prone land, but contribute only in an ancillary way to its productivity and the consequence of flooding hazard to these buildings is generally not significant. Such buildings may include public toilets, garden sheds, car ports, detached garages, domestic sheds and rural sheds.

There may be situations where a new residential house ('occupied building') is built with a raised floor level while a detached garage or ancillary shed does not require the same raised level as it is a 'non-productive building'. However, a risk to occupants arises when homeowners want to convert these detached garages or sheds to habitable buildings (e.g. creation of an additional room, sleepout, airbnb). In these circumstances, the garage or shed becomes an occupied building and the floor level should be raised to ensure people are not at risk from inundation.

Where there are multiple uses proposed for a new building (e.g. garage with a sleepout), Council will consider the function of the building and require floor levels to be raised to ensure the most vulnerable use (where it is an occupied building) is protected from inundation.

6 Imposing Hazard Notices on Property Titles

Under Section 71 of the BA 2004, a property may be deemed to be subject to a natural hazard and some assessment is required to determine if hazard occurrence is considered "likely" during the lifetime of the building. Section 71(3)(d) identifies inundation as a hazard, including flooding, overland flow, tidal effects, and ponding.

The threshold adopted for this is whether the land that the building is intimately connected to is likely to be subject to inundation during a 1% AEP event (as supported by Determination 2008/82). Thus, it may be possible to meet the requirements of the Building Code by having a minimum floor level set above the 2% AEP flood level, but still be subject to a hazard notice on the title because the land on which the building is intimately connected to is subject to inundation.

Under Section 71 a building consent authority must refuse to grant a building consent for construction of a building, or major alterations to a building if (a) the land on which the building work is to be carried out is subject or is likely to be subject to one or more natural

[7] The two proposed building classifications only relate to implementation of this practice note and does not override requirements under the Building Code or compliance with the BA 2004.

hazards; or (b) the building work is likely to accelerate, worsen, or result in a natural hazard on that land or any other property'.

However, where the building consent authority is satisfied that adequate provision has been or will be made to –

a) protect the land, building work, or other property from the natural hazard or hazards; or
b) restore any damage to the land or other property as a result of the building work,

then the building consent must be granted under Section 72 of the BA 2004.

Where a building consent has been granted under Section 72, Section 73 requires that a notice advising of the hazard is placed onto the title of the property.

In order to avoid any consent notices under Sections 72 and 73 of the BA 2004, a property owner will generally need to ensure that both the floor level and land intimately associated with the building is above the 1% AEP flood level. Specific discussion with Council is recommended for landowners seeking this outcome.

7 Options for Reducing Inundation Hazard

Various options exist to reduce inundation hazard exposure to land and buildings. Generally, both Councils will seek to avoid subdivision and development in areas subject or potentially subject to the significant risk from inundation hazards, by promoting development in areas with no or low flood hazard exposure through its resource management plans and resource consent processes. Both Councils will also seek options to reduce and mitigate the likelihood and magnitude of inundation hazard to land and buildings where these activities do not significantly increase the inundation hazard to other properties.

This means that Council will seek to avoid development in flood hazard areas wherever possible, or mitigate to the hazard exposure of the development to the greatest extent practicable. The purpose of this is to reduce the hazard risk to people and property and preserve expected or required levels of functionality, while allowing for uncertainties associated with increased rainfall, sea level rise and modelling. Mitigating inundation hazard effects through building design is an option available to applicants through the BA 2004 and RMA 1991.

The feasibility of any option will need to be assessed on a case by case basis and should include an assessment of the potential adverse effects on other parties and whether resource consent will also be required (e.g. for earthworks, alteration of secondary flow paths, exceeding building height standards etc). Where public funding is involved, the life cycle costs of maintaining any option over the lifespan of the development or building also needs consideration.

Any particular option will need to comply with relevant legislation and the policies and rules of the respective Councils' resource management plans, or obtain resource consent or other permits as necessary.

Options for reducing inundation hazards to land where it can be demonstrated that this action will not create an increased hazard or nuisance for any other property include:

- raise ground level
- onsite structural intervention to prevent flood water entry, contain location of, or divert flood waters away from the site including:

  - diversion bunds or walls; and
  - protected preferential drainage flow paths
- offsite structural intervention to reduce site flood hazard exposure by provision of additional works or infrastructure elsewhere including:
  - diversion bunds or walls;
  - protected preferential drainage flow paths; and
  - floodwater detention.

Options for reducing inundation hazards to buildings (in addition to the above):

- alternative building site within a property;
- raising floor height;
- foundation and building design (to allow for future building relocation or raising of the floor height); and
- maintaining required freeboard between ground and/or flooding level and floor levels by avoiding landscaping works or other site developments that may compromise the function of secondary flow paths, flood storage and building freeboard.

Technologies that support these options include:

- Adjustable screw piled houses
- Floating houses as used in New Orleans and Holland
- Flexible, waterproof service connections
- Manual or automatic flood barriers
- Pressure sewer systems with elevated control systems.
- Overhead or off grid power supply

8 Further Information and Guidance

For further information or guidance on how to determine minimum ground and/or floor levels for subdivision, new buildings, and major alterations, please contact the relevant Council as detailed below.

Nelson City Council
Civic House
110 Trafalgar Street
Nelson

Phone: 03 546 0200
Email: enquiry@Nelson City Council.govt.nz

Tasman District Council
Richmond Office
189 Queen Street
Richmond

Phone: 03 543 8400
Email: info@tasman.govt.nz

9 Appendices

Appendix 1: Previous vertical datum
Appendix 2: References

Appendix 1: Superseded vertical datums

Nelson City Council Datum	Nelson City Council Datum (12.07 m below NVD-55)
NVD-55	Nelson Vertical Datum 1955 **Conversions:** NVD-55 = +2.24m CD (source: NIWA, 2015 and LINZ, 2016) NVD-55 = -0.337m NZVD2016 at Nelson Port Sea Level gauge (source: LINZ, 2016) NZVD2016 = +2.577m CD (source: LINZ, 2016)

Appendix 2: References

LINZ, 2016	New Zealand Vertical Datum 2016, Land Information New Zealand, July 2016
MfE July 2008(1)	Coastal Hazard and Climate Change: A Guidance Manual for Local Government in New Zealand, Ministry for the Environment, July 2008:
MfE July 2008(2)	Preparing for Climate Change; A guide for Local Government in New Zealand, Ministry for the Environment, July 2008.
MfE March 2009	Preparing for Coastal Change - A guide for Local Government in New Zealand, Ministry for the Environment, March 2009.
MfE, 2017	Coastal Hazards and Climate Change, Guidance for Local Government, Ministry for the Environment, December 2017
NIWA 2009	Review of Nelson City minimum ground level requirements in relation to coastal inundation and sea-level rise, NIWA, August 2009
NIWA 2012	Combined wave and storm tide hazard for southern Tasman Bay, NIWA, July 2012
NIWA 2013	MHWS-6 Report for Tasman District Council, NIWA 2013
NIWA 2013 (2)	MHWS levels including sea-level rise scenarios, Envirolink Small Advice Grant (1437-NLCC80), NIWA, November 2013.
NIWA 2014(1)	Extreme Sea Level Elevations from Storm Tides and Waves Tasman and Golden Bay Coastlines, NIWA, 2014
NIWA 2014 (2)	Synthesis of information from several NIWA studies on high-tide, storm-tide and wave setup and run up along the Nelson City Coastline, Letter report for NELSON CITY COUNCIL dated 21 July 2014
NIWA 2015	Climate Variability and Change – Tasman District, August 2015, Chappel et al.
NIWA 2015 (2)	Nelson extreme storm tide plus wave setup and runup, NIWA, November 2015

File: RM191253

Jenna.Wolter@tasman.govt.nz
Phone 543 8474

22 December 2020

The Oaks Extension Ltd - Trustee H Brewerton
C/- Landmark Lile Limited
PO Box 343
Nelson 7040

Dear The Oaks Extension Ltd - Trustee H Brewerton

Decision on Non-Notified Resource Consent Application No. RM191253 – Seven lot subdivision, including road to vest and access lot, in the Light Industrial and Open Space Zones – 38 Artillery Place, Richmond

Your application for resource consent has been granted. A copy of the Council's decision is attached. Please carefully read the conditions that have been attached to the consent and feel free to contact me if you have any questions about your consent or its conditions. My contact details are listed at the top of this letter.

Here are some matters that I need to highlight for you.

Section 357A of the Resource Management Act 1991 ("the Act") provides you with the right to lodge an objection with the Council against this decision including any of the conditions. Objections must be made in writing setting out the reasons for the objection together with a deposit fee of $320.00 (GST inclusive), and must be lodged here within 15 working days of receiving this letter.

The final cost of processing your application has not been calculated yet. If the final cost exceeds the deposit already paid, then as we previously advised, you will be invoiced separately for the additional cost. If the final cost is less than the deposit already paid, then you will receive a refund. Where the costs are equal to the deposit already paid, no further action is required. You will receive a letter shortly about the final costs of processing your application.

Under Section 125 of the Act, your consent will lapse in 5 years unless you have given effect to it before then. In the case of subdivisions, the consent is given effect to when you have submitted a survey plan to the Council for the subdivision under Section 223 of the Act. Once the survey plan has been approved by the Council under that Section of the Act, the consent lapses 3 years thereafter unless it has been deposited with the District Land Registrar as outlined in Section 224 of the Act.

Yours sincerely

Jenna Wolter
Senior Consent Planner - Subdivision

RESOURCE CONSENT DECISION

Resource consent number: RM191253

Pursuant to Section 104B of the Resource Management Act 1991 ("the Act"), the Tasman District Council ("the Council") hereby grants resource consent to:

The Oaks Extension Ltd - Trustee H Brewerton

(hereinafter referred to as "the Consent Holder")

Activity authorised by this consent: Subdivision of Sec 1 SO 533543 and Lot 21 DP 431433 (RT 896748) in the Light Industrial Zone to create seven Light Industrial allotments, road to vest, reserve to vest, and an access allotment to be amalgamated with Lot 1 DP 720 (NL 43/39).

Lots to be created:

- Lots 1 to 7 – Light Industrial lots (ranging in size from 1380m^2 to 10,340m^2)
- Lot 100 – Road to vest (3560m^2)
- Lot 101 – Reserve to vest (3490m^2)
- Lot 102 – Access lot to be amalgamated with Lot 1 DP 720.

This consent is bundled with Land Use consent RM191254 and Earthworks consent RM191255.

Location details:

Address of property:	38 Artillery Place, Richmond
Legal description:	Lot 21 DP 431433 & Sec 1 SO 533543
Record of title:	896748
Valuation number:	1957019303

Pursuant to Sections 108 & 220 of the Act, this consent is issued subject to the following conditions:

CONDITIONS

General

1 The subdivision shall be undertaken in accordance with the information submitted with the application and in particular with the plan prepared by Davis Ogilvie Limited titled, *Proposed Subdivision The Oaks Extension*, *Revision O, Project No. 39036*, dated 9 July 2020 and attached to this consent as Plan A, and Plans B, C, D and E attached. If there is conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of this consent shall prevail.

Easements

2 Easements are to be created over any services (including secondary flowpaths) located outside the boundary of the allotment that they serve as easements in gross to the appropriate authority or appurtenant to the appropriate allotment. Reference to easements shall be included on the title plan and endorsed as a Memorandum of Easements.

3 Any easements that are no longer required shall be removed and reference to these shall be made on the survey plan. Any existing easements over any land to vest in or transfer to Council ownership shall be cancelled.

Road to Vest

4 Lot 100 as shown on Plan A shall vest in Council as road with no compensation.

Reserve to Vest

5 Lot 101 as shown on Plan A shall vest in Council as Recreation Reserve with no compensation.

Amalgamation

6 Lot 102 hereon shall be transferred to the owners of Lot 1 DP 720 (RT NL43/39) and that one record of title be issued to include both parcels.

Land Information New Zealand (LINZ) Reference: 1691826.

Roading

7 The road to vest within Lot 100 shall have a minimum legal width of 18 metres, with a sealed carriageway of 10 metres, ie, similar to the existing Artillery Place adjacent. The minimum crown levels shall be no less than 3.15 NZVD 2016.

8 A 1.5 metre wide footpath shall be constructed on the south-eastern side of the road to vest through to the cul-de-sac. Where there is a footpath, there shall be at least 1 metre of grassed or vegetated strip between the kerb and the footpath.

9 Kerb, channels and sumps shall be installed in accordance with Nelson Tasman Land Development Manual 2020. The overall road design shall provide for Low Impact Design (LID) for stormwater wherever practicable to ensure that the “first flush” run-off from the road carriageway enters a planted strip before entering the stormwater drain.

10 A 12.0 metre radius turning heads with a surface of asphaltic concrete shall be formed at each road termination/cul-de-sac head, in accordance with the Nelson Tasman Land Development Manual 2020.

Access

11 Practical access shall be constructed to each lot at a minimum grade of 1-in-6 and complying with the Tasman Resource Management Plan.

12 A kerb crossing shall be formed for each lot in the subdivision.

13 The right of way within Lot 3 as shown on Plan A shall be constructed in accordance with the relevant requirements of the Nelson Tasman Land Development Manual 2020.

14 The accessway within Lot 102 shall have a 4 metre two-coat sealed width with mountable kerb on the north side and flush concrete nib on the south side. The levels at the eastern end of the access shall be designed to meet the existing levels on Lot 1 DP 720.

Water Supply

15 Full water reticulation with 50mm pipe, complete with all mains, valves, fire hydrants and other necessary fittings shall be installed to Lots 1-7. Laterals (50mm minimum) and metres shall be installed for each lot and shown on the engineering plans.

16 The location and details of each meter shall be recorded on the Tasman District Council's standard Water Meter Location form and submitted to the Tasman District Council for approval.

Sewer

17 Full sewer reticulation discharging to the Council reticulated main in Lot 21 DP 431433 (to be located within an easement in gross or road vesting) shall be installed to Lots 1-7 complete with any necessary manholes and a connection/boundary boxes to each lot in accordance with the Council's Nelson Tasman Land Development Manual 2020. This may include work outside the subdivision to connect to or upgrade existing systems.

18 Any existing septic tanks and disposal field piping on the underlying site shall be removed.

Stormwater

19 A full stormwater reticulation shall be installed complete with all necessary manholes, sumps, inlets and a connection to each of Lots 1 to 7. This may include work outside the subdivision.

20 Stormwater outlets shall be designed in accordance with the Nelson Tasman Land Development Manual 2020 and shall be approved by Council's Engineering Services Manager prior to the commencement of any works on site.

21 The Consent Holder shall notify, in writing, Council's Property Services Manager of the commencement date of works within Sec 2 SO 533543 at least 2 months prior to that date.

Advice Note:
This property is subject to a residential tenancy agreement and notice is required to allow Council as a landlord to fairly notify tenants of works on this land.

Filling of Lots

22 The site shall be filled to ensure that:

(a) All finished ground levels are at least 50 mm above the top of kerb level of the street that the site is draining to **or** the crown level of the road where there is no kerb;

(b) That there is continuous fall towards the stormwater lateral and secondary flow path provided for each lot;

(c) secondary flow paths are created within public-owned areas or are protected by suitable easements; and

(d) If filling obstructs the natural run-off from an adjoining property, then provision shall be made for the drainage of that property.

Cabling

23 Underground power and telecommunication cables or duct infrastructure shall be provided (at the developer's expense) to the boundary of Lots 1-7 in accordance with the Nelson Tasman Land Development Manual 2020. The Consent Holder shall provide written confirmation from the relevant utility provider that power and telephone cabling or duct infrastructure has been installed to the boundary of all lots. The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

Advice Note:
It is noted there are high capacity overhead cables crossing the site which will require care when working around.

Electricity

24 Electricity substation sites shall be provided as required by the supply authority. Substations shall be shown as "Road to Vest" on the survey plan if adjacent to a road or road to vest and indented in to the property in accordance with the Nelson Tasman Land Development Manual 2020.

Street Lighting

25 The Consent Holder shall provide LED street lighting in accordance with the Nelson Tasman Land Development Manual 2020. This work will include installation of cabling, poles, outreach arms and lanterns.

Advice Note:
Low level lighting is recommended so as to not unnecessarily light the night sky.

Engineering Works

26 Engineering plans showing the details of all works required shall be submitted to Council's Engineering Services Manager for approval, prior to any works being carried out. The plans will be approved by the Engineering Services Manager if the works are designed to comply with the conditions of consent, and they are otherwise in accordance with the Nelson Tasman Land Development Manual 2020 or, where the latter is not complied with, they are to the satisfaction of Council's Engineering Manager.

Engineering Certification

27 At the completion of works the Developer's Professional Adviser (DPA), being a suitably experienced chartered professional engineer, shall provide the Council's Engineering Manager with written certification that all works have been constructed in accordance with the conditions of this consent, the accepted engineering plans and the Nelson Tasman Land Development Manual 2020.

As-Built Engineering Plans

28 "As-built" plans of services and finished ground levels will be required at the completion of the works and accepted by the Engineering Manager prior to the issue of a Section 224(c) Certificate.

29 The Section 223 title plan shall not be submitted until the "as-built" engineering plans have been received by the Tasman District Council's Engineering Manager, so that easement areas can be accurately determined.

Site and Fill Certification

30 Prior to any approval under Section 224 of the Resource Management Act 1991, Council requires a statement confirming that those lots which have had earth fill placed on them and any retaining, are suitable for development. The statement shall be made in terms of NZS 4431:1989, Appendix 2. The statement shall include any retaining structures and be accompanied by compaction test results for the area of fill and be certified by a suitably qualified chartered professional engineer acceptable to Council.

Landscaping

31 A landscape amenity planting plan shall be provided by a landscape architect covering the amenity planting areas shown on Plan E attached.

The landscape plan shall include a planting plan, cross section and design statement, and shall show the species, height at maturity, planting and spacing layout, maintenance and replacement programme and the planting theme. The landscape plan shall be to the satisfaction of Council's Consent's Manager and shall be submitted for approval prior to the signing of the Section 224(c) certificate for Stage 1.

32 The requirements of the landscape plan shall be incorporated into consent notices to be registered on the respective allotments, requirement that the landscaping for the allotment be completed within 12 months of the issuing of the first building consent for the allotment. The consent notice shall also include the requirement for the landowner to manage and maintain the amenity plantings on an ongoing basis.

Consent Notices

33 The following consent notice shall be registered on the certificate of title for Lots 1 to 7 contained within the subdivision, pursuant to Section 221 of the Act. The consent notice shall be prepared by the Consent Holder's solicitor and submitted to the Council for approval and signing. All costs associated with approval and registration of the consent notice shall be paid by the Consent Holder.

(a) Prior to building within Lots 1-7, the building platform shall be formed up to a minimum of RL4.34m.

(b) Lots 1 and 2 include an area of land which is within the Open Space Zone. Any development within this part of the allotment shall comply with RM191254 or subsequent consent. Subdivision consent RM191253 does not allow any activity within this area other than those permitted by the zone rules.

(c) Any landscaping requirements set out in the landscape plan required by Condition 31.

(d) Land use activities on site shall comply with the conditions of land use consent RM191254 or any subsequent versions.

Coastal Hazard Management

(e) At such time as Mean Sea Level as determined at the Port Nelson tide gauge reaches 0.2m RL (NZVD 2016), which constitutes a sea level rise of 0.4m, the Consent Holder shall provide to the Environment & Planning Manager, Tasman District Council, a report by an appropriately qualified Chartered Engineer experienced in coastal engineering matters addressing the then coastal hazard effects on practical access and the use of the lot going forward. This report shall make recommendations for management of the hazards identified and where flooding or erosion risk is identified (or experienced). The recommended mitigation measures shall be implemented at the owner's expense. No permanent structures or "hard" protection measures shall be constructed or considered appropriate mitigation for this site.

(f) In the event that the Mean Sea Level as determined at the Port Nelson tide gauge reaches 0.6m RL (NZVD 2016), which constitutes a sea level rise of 0.8m, then the Consent Holder shall vacate the lot. This shall include removal of all structures, waste and contaminants, and the remediation and stabilisation of land to a standard agreed by the Council. The removal and remediation shall be completed at the landholder's expense.

Advice Note:
Conditions (e) and (f) have been determined through consideration of the sea level rise required for a storm of particular return period event to cause inundation of the lots and, in particular, of access to the lots is sufficiently high to require hazard management and vacation. The event considered is a 5 year return period storm (i.e., 20% likelihood of occurring any one year), which has a present day inundation level of 2.4m RL (including storm tide, wave set up).

Condition (e) is based on a mean sea level rise of 0.4m which, based on present day expectation (2020), is likely to occur between 2060 and 2080 depending on the sea level rise scenario considered. This trigger has been determined as the point at which 5 yearly storm inundation will likely reach the 2.8m RL ground contour located partway onto Lots 2 and 3.

Condition (f) is based on a mean sea level rise of 0.8m which, based on present day expectation (2020), is this is likely to occur between 2080 and 2140 depending on the sea level rise scenario considered. This trigger has been determined as the point at which 5 yearly storm inundation will likely result in inundation of the access to the subdivision at 3.2m RL.

Maintenance Performance Bond

34 The Consent Holder shall provide Council with a bond to cover maintenance of any roads, plantings or services that will vest in Council in accordance with the Nelson Tasman Land Development Manual. The amount of the bond per stage shall be $1,500 per lot to a maximum of $30,000 plus a non-refundable bond administration fee of $150 for each bond, or a figure agreed by Council's Engineering Manager and shall remain for a period of 2 years from the date of issue of Section 224(c) certification for each stage of the subdivision.

Earthworks

35 All construction earthworks shall comply with the requirements of RM191255.

Financial Contributions for Reserves and Community Services

36 The Consent Holder shall pay a financial contribution for reserves and community services in accordance with the following:

(a) the amount of the contribution shall be:

(a) 5.62 per cent of the total market value (at the time of subdivision consent is granted) of lots less than 2500 square metres in area; and

(b) the amount of the contribution shall be 5.62% of the total market value of 2500 square metres of a notional building site (at the time subdivision consent is granted) of lots greater than 2500 square metres in area;

for six lots.

The one lot credit will be calculated as an average of the value of Lots 1 to 7.

(b) the Consent Holder shall request in writing to the Council's Consent Planner – Subdivision Approvals (subdivision@tasman.govt.nz) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost;

(c) if payment of the financial contribution is not made within 2 years of the granting of the resource consent, a new valuation shall be obtained in accordance with (b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.62 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within 2 years of any new valuation.

Advice Note:
A copy of the valuation together with an assessment of the financial contribution will be provided by the Council to the Consent Holder.

ADVICE NOTES

Council Regulations

1 This is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Other Tasman Resource Management Plan Provisions

2 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: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.

Consent Holder

3 This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any

reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

Land Ownership

4 This consent does not provide permission for works within land under separate ownership without the landowner’s consent.

Development Contributions

5 Council will not issue a completion certificate pursuant to Section 224(c) of the Act in relation to this subdivision until all development contributions have been paid in accordance with Council’s Development Contributions Policy under the Local Government Act 2002.

A Development Contribution Notice outlining the required contributions will follow this decision.

REASONS FOR THE DECISION

Background to Proposed Activity

The applicant is applying to subdivide Sec 1 SO 533543 and Lot 21 DP 431433 to create seven Light Industrial allotments, road to vest, reserve to vest, and an access allotment to be amalgamated with Lot 1 DP 720.

The site is zoned Light Industrial and Open Space, is within the Richmond West Development Area (RWDA), Land Disturbance Area 1, and is partially within the Coastal Environment Area (CEA). The site also adjoins the Borck Creek utility reserve that will be developed in the future as part of the Richmond stormwater network upgrade.

The proposal is essentially an extension of the existing Artillery Place Light Industrial subdivision authorised by RM090452. The following lots are proposed:

- Lots 1 to 7 – Light Industrial lots (ranging in size from 1380m^2 to 10,340m^2);
- Lot 100 – Road to vest (3560m^2);
- Lot 101 – Reserve to vest (3490m^2);
- Lot 102 – Access lot to be amalgamated with Lot 1 DP 720.

The site is below the 4.6 metre contour and will require significant filling and recontouring to create building platforms, road to vest, and required drainage patterns. The applicant proposes to carry out the general recontouring, roading and servicing earthworks, and the construction of the building platform on Lot 1. It is proposed to leave the construction of building platforms on Lots 2 to 7 to future lot owners to allow the platforms to be designed to suit future lot uses and building footprints, and avoid potentially unnecessary earthworks on each lot.

The northern part of the site is zoned Open Space. The applicant has volunteered to vest an approximately 19m wide strip of the open space area along the north-western boundary of the site as reserve without compensation. In exchange for this they have applied for consent to use the remaining Open Space area for non-structural industrial activities - such as storage and parking.

Tasman District Council Engineering Services Department has requested the provision of a leg-in strip to allow access to infrastructure assets on adjacent Lot 1 DP 720 – which has been provided as Lot 102 and will gain access to Artillery Place via a right of way over Lot 3.

Reticulated water and wastewater servicing is available for proposed Lots 1 to 7.

Lots 1, 2 and 102 will discharge stormwater to an existing drainage channel located on the adjacent open space reserve via a combination of new laterals and existing overland flow paths. Lots 3, 4 and 5 will discharge stormwater to the existing Borck Creek channel via pipes through the adjacent utility reserve area. Lots 6 and 7 will discharge stormwater to an existing drain connecting to Borck Creek located on Lot 18 DP 431433. These discharges are considered to be to a reticulated network with capacity to accept additional stormwater at this location, and are therefore considered to comply with permitted activity Rule 36.4.2.1. Land use rules require each lot to provide on-site stormwater treatment the time of building construction on each lot.

The road to vest will be an extension of the existing Artillery Place formation. This will have a legal width of 18 metres, a carriageway width of 10 metres and a 1.5m wide footpath on one side. The extension will be a cul-de-sac approximately 160m in length.

Tasman Resource Management Plan ("TRMP") Zoning, Area, and Rules Affected

According to the TRMP the following apply to the subject property:

Zoning: Light Industrial and Open Space
Area(s): Coastal Environment Area
Land Disturbance Area 1
Richmond West Development Area

No person may subdivide land within Tasman District as a permitted activity according to the TRMP. The activity authorised by this resource consent is deemed to be a discretionary activity in accordance with Rules 16.3.4.4 and 16.3.9.1 of the TRMP.

This consent is bundled with Land Use consent RM191254 and Earthworks consent RM191255, and overall the activities are assessed as discretionary.

Principal Issues (Actual and Potential Effects on the Environment)

The principal issue(s) associated with the proposed activity involve the actual and potential effects on the environment. For this application these were:

(a) Natural Hazards and Section 106 of the RMA.

(b) Servicing.

(c) Roading and access.

(d) Layout and shape of lots.

(e) Effects on the amenity of the adjacent sites.

(f) Earthworks effects.

(g) Reserves.

I consider that the adverse effects of the activity on the environment will be no more than minor for the following reasons:

(a) The subject site is located approximately 50 metres from the current line of Mean High Water Springs and the Waimea Inlet, and there is evidence that seawater currently enters existing drainage channels on the northern part of the site during storm and extreme tide events.

Ministry for the Environment guidance directs councils to consider the impact of climate change and 1.5 metre sea level rise within the next 100 years when assessing applications for land use and subdivision in coastal areas. Tasman District Council has produced an Inundation Practice Note (IPN) to assist local developers with calculating minimum ground and floor levels in line with this guidance.

Coastal inundation mapping produced by Council shows that the majority of this site is inundated at high tide in a 1.5 sea level rise scenario, and that the northern part of the site is inundated every high tide in a 1.0 metre sea level rise scenario. In a 0.5 metre sea level rise scenario the majority of the site is effected by a 1% AEP storm-tide.

Given the proximity of the subject site to the coast and the consideration of predicted future sea level rise, it is clear that the site is at significant risk from natural hazards within the next 100 years. The appropriateness of this site for subdivision and development requires serious consideration under the policies and objectives of the TRMP, as well as Section 106 of the RMA.

Chapter 13 of the TRMP sets out policies and objectives in relation to the managements of development where land is subject to natural hazards – including coastal erosion and inundation. The most relevant of these are:

Objective 13.1.2.1 *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.*

Policy 13.1.3.1 *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, fault rupture, flooding, erosion or inundation, or in areas with high groundwater levels.*

Policy 13.1.3.2 *When determining appropriate subdivision, use or development in the coastal environment to assess the likely need for coastal protection works and, where practicable, avoid those sites for which coastal protection works are likely to be required.*

Policy 13.1.3.3 *To avoid developments or other activities that are likely to interfere with natural coastal processes including erosion, accretion, inundation, except as provided for in Policy 13.1.3.10.*

Policy 13.1.3.4 *To avoid or mitigate adverse effects of the interactions between natural hazards and the subdivision, use and development of land.*

Section 106 of the RMA essentially supports these policies by giving councils the ability to decline subdivision consents, or grant with appropriate conditions, where there is a significant risk from natural hazards. In determining whether there is 'significant risk' Section 106(1A) requires a combined assessment of the likelihood of hazards occurring, material damage to land or structures that would result from the hazard, and any resulting use of land that would result in material damage occurring.

Given the location of the subject site, the information available regarding future sea level rise and inundation, and likely impact of this on the future use of the land proposed by this application, it is considered that 'significant risk' exists in this situation.

The applicant has proposed minimum ground levels of 4.34 metres NZVD2016 for the building platforms on each of Lots 1 to 7. This figure is consistent with IPN requirements and will ensure that buildings are not inundated in a 1.5 metre sea level rise scenario.

However, raised building platforms are not considered to be appropriate mitigation against infrequent inundation and storm events that will likely limit access to the site on a daily basis and affect the ability for the sites to be serviced for water and wastewater.

With rising tide levels it is also likely that the sites will be effected by coastal erosion, resulting from both normal tidal cycles and storm events, and that future lot owners will want to protect their properties from this through the use of hard protection structures. Subdivision and development that is highly likely to result in the need for coastal protection structures contravenes the TRMP policies quoted above, and would not be supportable.

The applicant has commissioned a coastal hazard assessment report from Tonkin & Taylor Limited that assesses the likely risk to the subject site over the next 100 years and the consequences for the proposed development. This report sets out adaptive management considerations that would allow the site to be developed and used until the risk posed by sea level rise becomes a reality.

Based on the Tonkin & Taylor report, the applicant has proposed that a consent notice be registered on the titles of each of Lots 1 to 7 requiring adaptive management strategies to be implemented by lot owners once sea level reaches certain trigger heights. Following 0.4 metres of sea level rise the proposed consent notice requires lot owners to engage a qualified coastal engineer to assess hazard risk to the lots and recommend appropriate management and mitigation measures to be implemented by the lot owner to reduce risk for the foreseeable future. It is anticipated that these measure may include soft protection measures such as minor earth bunds and vegetation planting, or the potential retiring of certain parts of each lot. Hard protection structures will not be allowed.

The second part of the consent notice requires lot owners to vacate lots once sea level rises by 0.8 metres. This includes removal of buildings and any other structures, removal of waste and any other contamination.

The proposed consent notice and adaptive management approach is considered appropriate to mitigate the risk to the development from future coastal inundation and erosion, and will allow the land to be productively used for likely at least the next 80 years. The consent notice will also alert future lot owners to the hazard risk on this site and that hard protection structures will not an acceptable protection solution.

The adaptive management approach allows interim use of valuable industrially zoned land, but clearly directs lot owners as to their responsibilities once sea level rise starts to impact on the lots. The onus is put on lot owners to manage response to at their own cost, this without hard protection structures, and without calling on Council to provide protection to the development.

Council's Resource Scientist – Hazards has been involved throughout the consent application process, and has provided advice and information to both the applicant

and Tonkin & Taylor regarding the hazard risk assessment. They have reviewed the proposed building platform levels and consent notice, and are satisfied that these use appropriately conservative numbers in accordance with the IPN and available modelling, and that they are appropriate mitigation for the coastal hazard risk to the site and proposed development.

Overall, it is considered that, subject to appropriate conditions of consent, that the proposal will have no more than minor effects on the environment and is generally in accordance with the policies and objectives of the TRMP.

Section 106 also directs us to consider whether sufficient provision has been made for legal and physical access to the lots created by the subdivision. Access to the lots will provided by the extension to Artillery Place. Current Coastal Hazard mapping show this road is minorly affected during a 1% AEP storm event at the 1.0 metre sea level rise scenario, and wholly inundated during a 1% AEP storm event at the 1.5 metre sea level rise scenario. Normal tidal cycles are unlikely to effect the Artillery Place extension prior to the required vacation of the site. This is considered to provide sufficient access to the proposed lots. One per cent (1%) AEP storm events are likely to be highly infrequent, and in general access to lots is likely to be unhindered for their useful life.

(b) Council's Development Engineer has confirmed that reticulated water and wastewater services are available for each of Lots 1 to 7. Power and telecommunications will be provided to each lot.

Stormwater servicing will be as described above. Council's Development Engineer has confirmed that this proposal is acceptable from an engineering perspective. The discharge from Lots 3, 4 and 5 will be to the existing Borck Creek formation via pipes around the boundary of the existing field on the Borck Creek Reserve area. This land is currently leased as a residential property, so any infrastructure within this is required to not disrupt the general use of the property. This pipework will eventually be removed and redesigned once this section of Borck Creek is redesigned and widened.

(c) The proposed access road (Lot 100) will be an extension of the existing Artillery Place formation. This formation does not comply with the requirements of Table 4-6 of the Nelson Tasman Land Development Manual (NTLDM) for a Local Road in the Industrial Zone. It will also be a cul-de-sac greater than 80 metres in length – which breaches controlled activity condition 16.3.4.1 of the TRMP.

The proposed road will have a legal width of 18 metres (NTLDM requires 19m) and parking will likely only be provided on one side of the road.

Council's Development Engineer has confirmed they do not have any issues with the proposed road design as this is consistent with the existing formation, and the cul-de-sac design was anticipated in this location.

Access to Lot 102 will be via a right of way over Lot 3. This will be formed in accordance with design standards set out in Table 4-13 of the NTLDM.

Overall, it is considered that the appropriate road and access will be provide to each of the proposed lots.

(d) The proposed lot sizes are well above the controlled activity lot size of 750m^2 as set out in the TRMP, with the exception of access Lot 102. The lot shapes are considered to be practical for use as industrial premises. Lots 1, 2 and 3 are large enough to

accommodate amenity planting requirements, areas of Open Space Zone, and potential minor inundation hazards and still provide a reasonable useable area.

(e) The site is zoned Light Industrial and the use of lots will be in accordance with what is anticipated by this zone. The TRMP seeks to reduce effects on the surrounding Open Space Zone through amenity planting requirements. The applicant has sought some dispensation for some of the landscaping requirements. These are assessed in the land use assessment for RM191254 and are deemed to have less than minor effects on the environment.

A full landscape plan will be required to be submitted prior to Section 224 approval for the subdivision, and planting requirements will be linked to building consent applications for individual lots.

(f) Works will initially involve slight recontouring of the site, installation of services, road formation, and the construction of the building platform on Lot 1. Visual effects of the works will be temporary and eventually screened by the development and landscaping requirements. General earthworks effects are assessed under RM191255 below and are considered to have no more than minor effects on the environment.

Geotechnical certification of building platforms will be required at building consent stage for all lots, as this cannot be provided prior to Section 224 approval due to the building platforms being constructed by future lot owners and not the developer.

(g) The applicant has agreed with Council's Reserves Team to vest Lot 101 as reserve with no compensation. No reserves were required on this site, however there was a large amount of Open Space zoned land which the applicant felt could be better utilised if this was amalgamated with the adjacent Sandeman Reserve.

Overall, the proposed subdivision is considered to have no more than minor effects on the environment.

Relevant Statutory Provisions

In considering this application, I had regard to the matters outlined in Section 104 of the Act. In particular, I had regard to the relevant provisions of the following planning documents:

(a) the Tasman Regional Policy Statement (TRPS);
(b) the Tasman Resource Management Plan (TRMP);
(c) the New Zealand Coastal Policy Statement 2010.

Most of the objectives and policies contained within the TRPS are mirrored in the TRMP. The activity is considered to be consistent with the relevant objectives and policies contained in Chapters 5 (Site Amenity Effects), 6 (Urban Environmental Effects), 8 (Margins of Rivers, Lakes, Wetlands & the Coast), 9 (Landscape), 11 (Land Transport Effects), 12 Land Disturbance Effects, 13 (Natural Hazards), 14 (Reserves & Open Space) of the TRMP.

Part II Matters

I have taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as presented in Section 5.

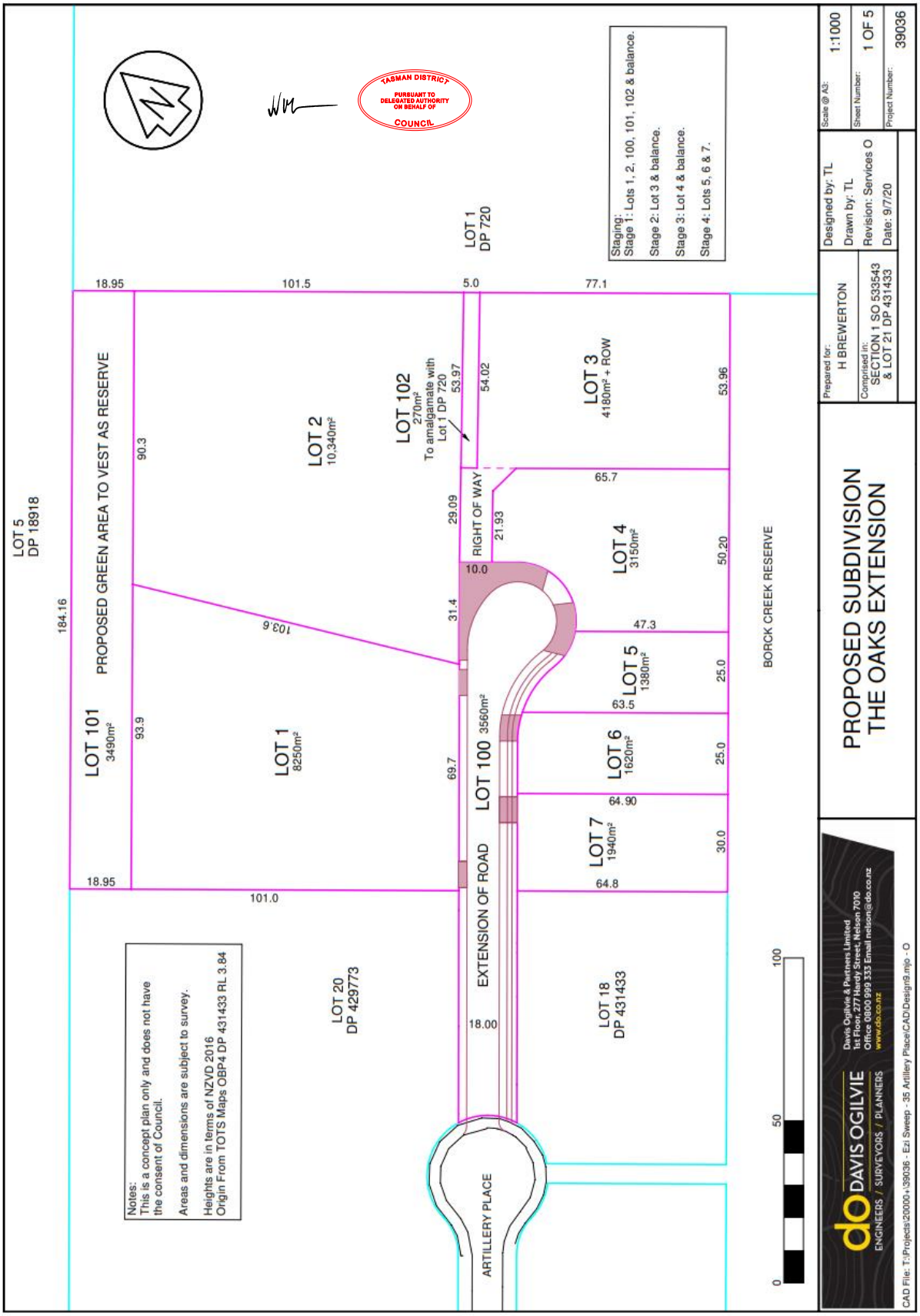
Notification and Affected Parties

The adverse environmental effects of the activity are considered to be no more than minor. The Council's Resource Consents Manager has, under the authority delegated to him, decided pursuant to Section 95 of the Act that the application did not require public or limited notification.

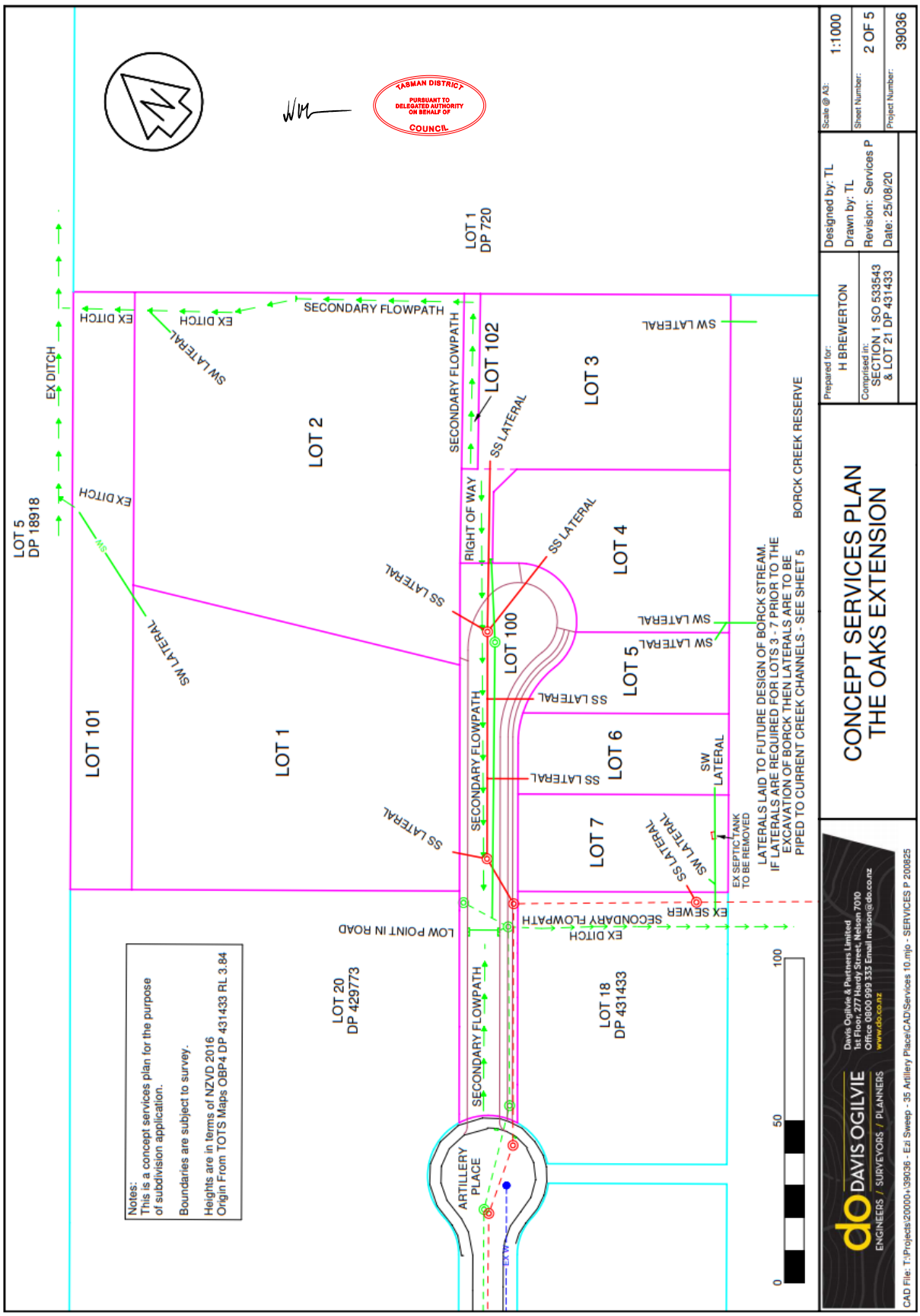
This consent is granted on 22 December 2020 under delegated authority from the Tasman District Council by:

Jenna Wolter
Senior Consent Planner - Subdivision

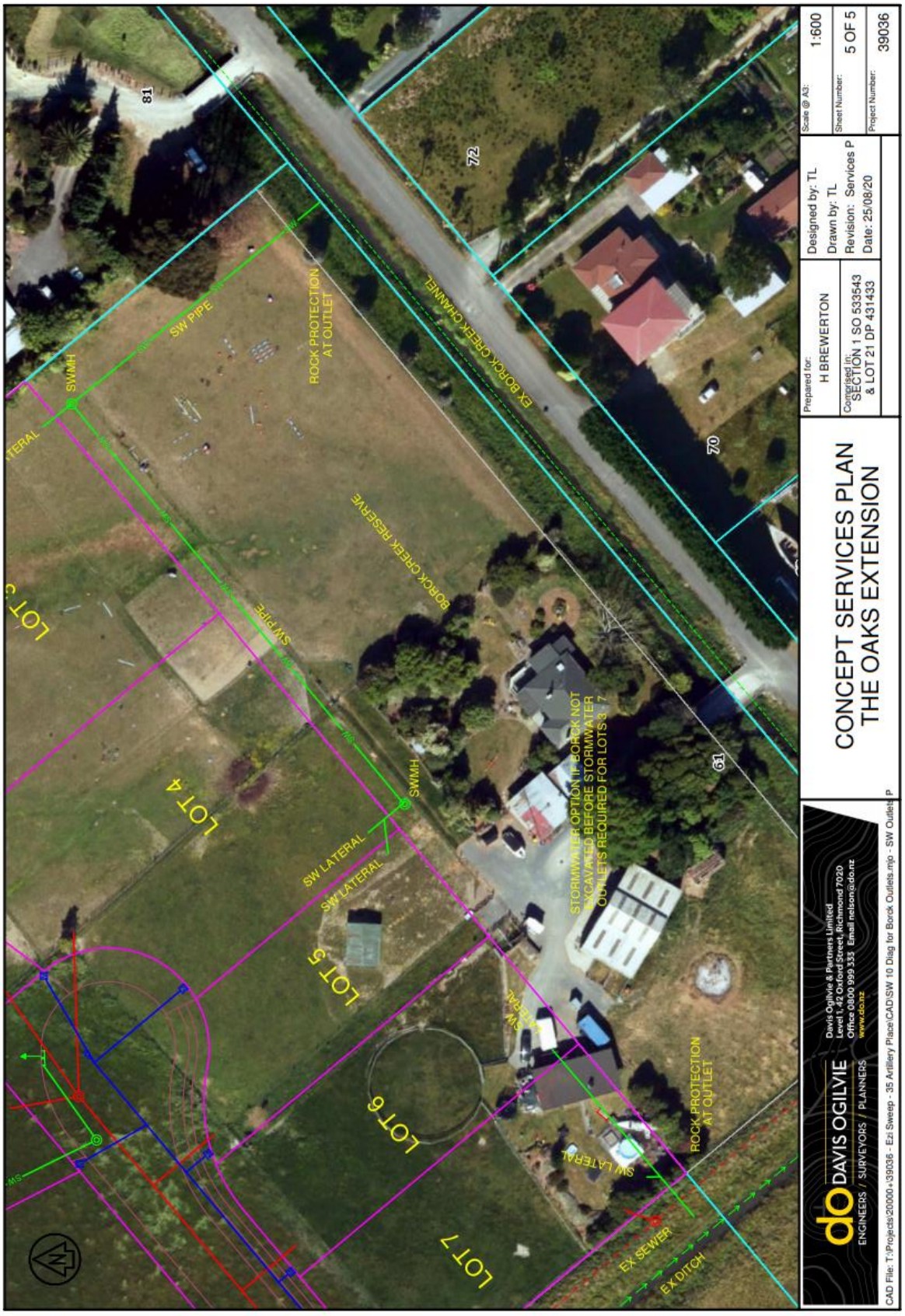
Plan A – Scheme Plan



Plan B – Services

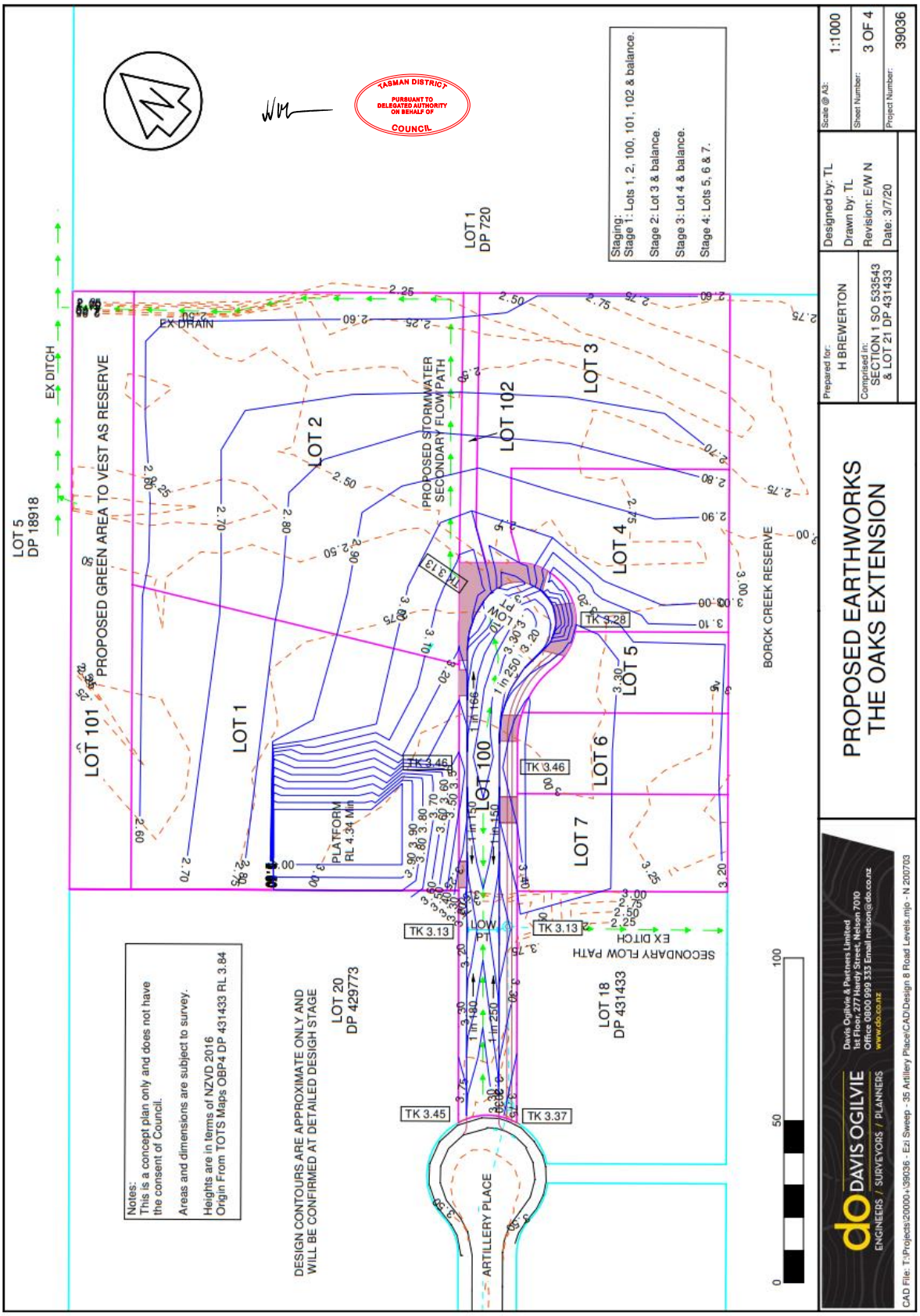


Plan C – Borck Creek Stormwater Outlets

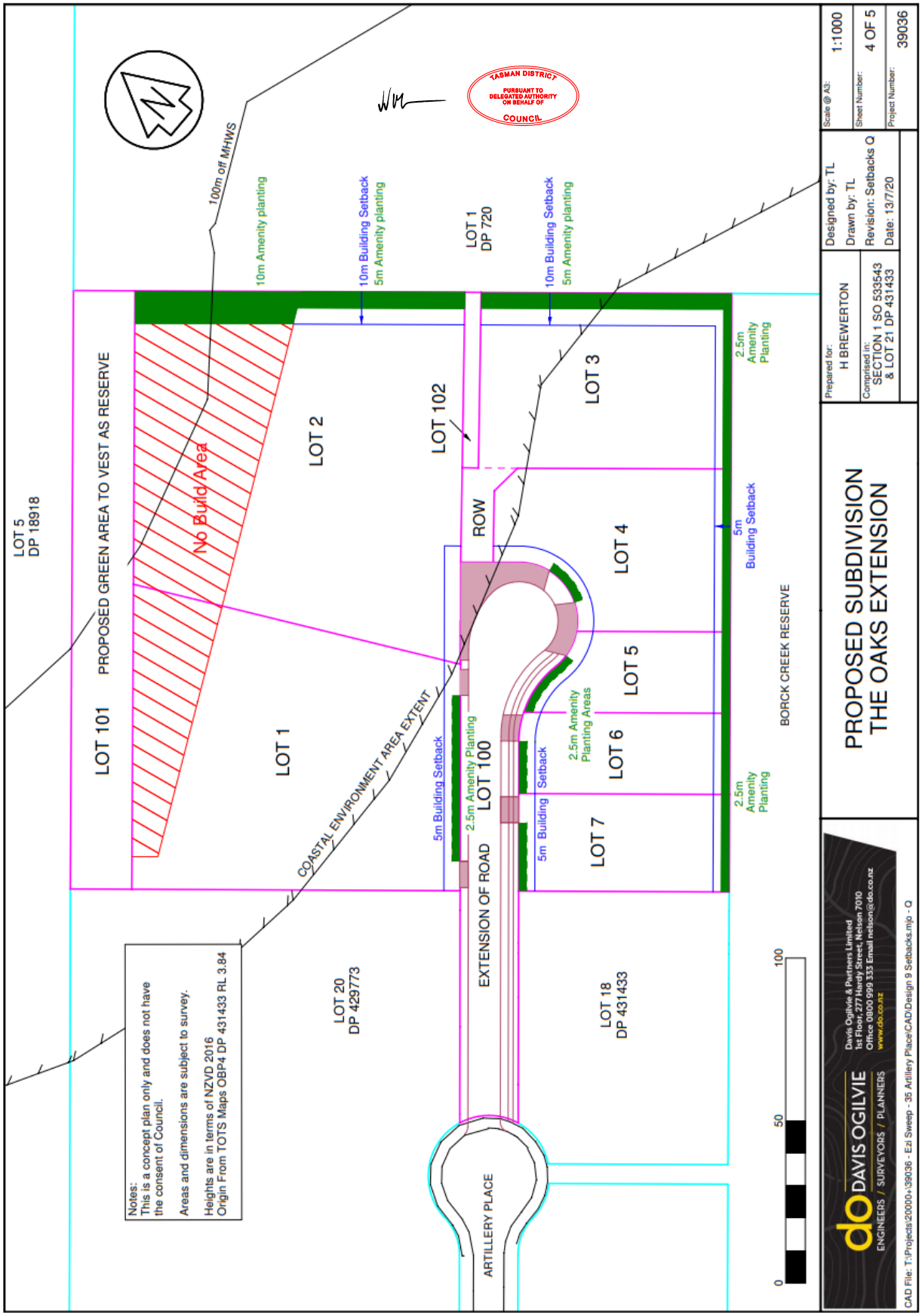


TASMAN DISTRICT COUNCIL
PURSUANT TO DELEGATED AUTHORITY ON BEHALF OF COUNCIL

Plan D – Earthworks



Plan E – Setbacks and Planting



Tonkin+Taylor

Job No: 1013518
8 May 2020

The Oaks Extension Limited
443B Nayland Road
Stoke
Nelson 7010

Attention: Hedley Brewerton

Dear Hedley

The Oaks Extension Subdivision - Section 92 Coastal Response Advice

1 Introduction

Tonkin & Taylor Ltd (T+T) has been commissioned by The Oaks Extension Limited (OEL) to provide coastal input into their response to a Further Information Request (S92) for Resource Consent Application No. RM191253. Tasman District Council (TDC) has requested further information regarding the Oaks Extension subdivision resource consent application submitted by Landmark Lile Limited (LLL) on behalf of OEL. This letter report provides supporting information in regards to the potential coastal effects of the proposed subdivision.

This letter report is specific to addressing clauses of the S92 request relevant to coastal information (i.e. 1 (part), 4, 5, 21 (part) and 22) through the following scope of works:

- Assessment of the proposed subdivision regarding the TDC Inundation Practice Note. Including an assessment of the proposed subdivision ground and access levels regarding the outlined assessment for minimum ground/floor levels. Assuming this low-lying site will be seawater dominated with regards to minimum ground levels.
- Assessment of effects of the proposed subdivision on coastal processes including reference to the New Zealand Coastal Policy Statement (2010).

2 Site description

The site is located in at the end of Artillery Place, Richmond in the Tasman District (refer Figure 2-1). This area of Richmond is located at the southern end of the Waimea Inlet at the base of Tasman Bay. The Waimea Inlet is a semi enclosed estuary sheltered from the open coast by Rabbit Island which forms an outer barrier island, protecting the estuary from direct exposure to open ocean swell. The majority of the site is zoned industrial and is immediately alongside recently developed industrial land. The current ground levels of the site range from approximately 2.25 m to 3.75 m New Zealand Vertical Datum 2016 (NZVD2016). All levels used in this report are in reference to NZVD2016.

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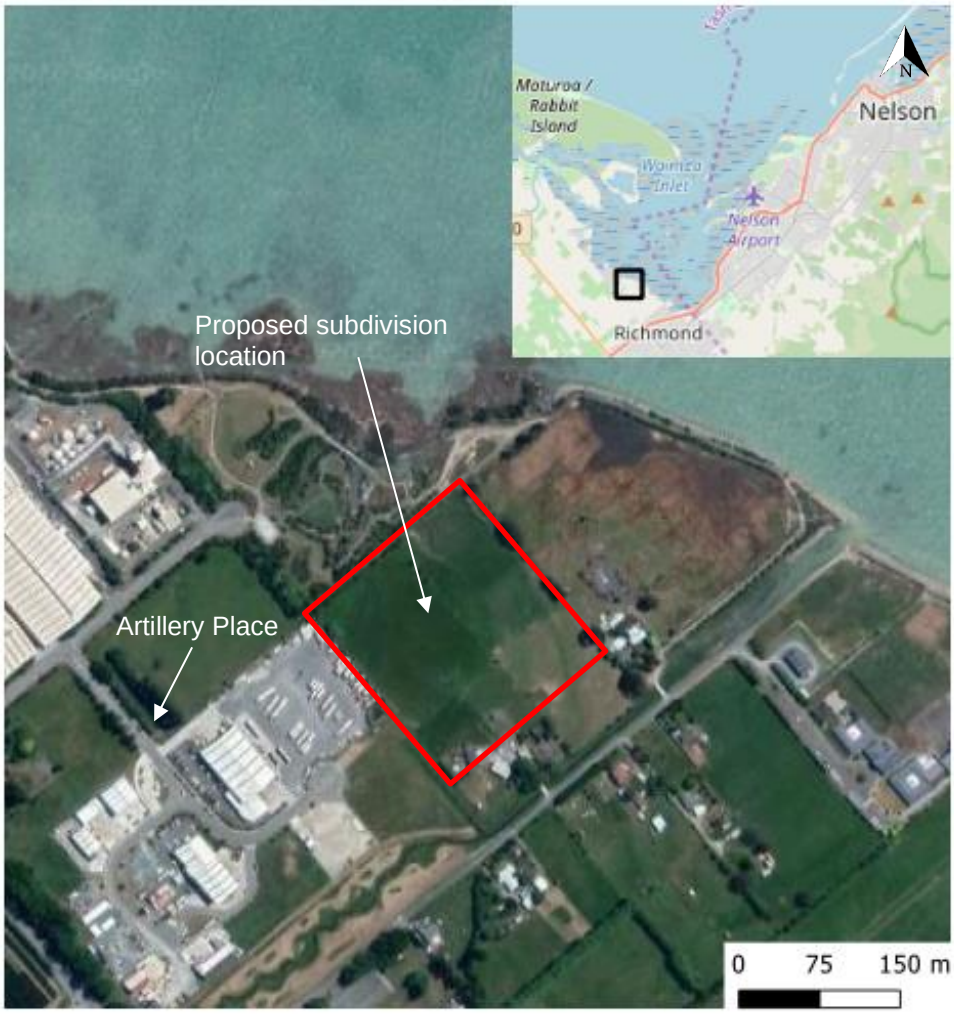

Figure 2-1: Location of the proposed Oaks Extension Subdivision

2.1 Proposed subdivision

The proposed subdivision, concept drawings attached in Appendix A, shows the subdivision will comprise seven lots and two reserve/access areas. Lot 1 will be retained by OEL, whereas Lots 2 to 7 will be vended.

Lot 1 includes a proposed building platform whereas Lots 2 to 7 will have minimal earthworks to regrade and smooth the current contour as part of this subdivision consent. Future landowners will be required to undertake any earthworks works required to meet appropriate minimum ground level requirements subject to their plans for land use.

Artillery Place access road will also be extended, approximately on grade, to allow entry into the subdivided lots and future access to the TDC pump station via this access leg. The future ground levels have not previously been assessed against coastal inundation hazard.

2.2 Proximity to the CMA

The coastal marine area (CMA) is defined by the position of mean high water springs (MHWS), being the highest level that a spring tide reaches, on average, over a long timescale (often 18-20 years). MHWS is used as a delineator between district and regional council jurisdiction and is a common reference when considering coastal effects. The 6% exceedance level (the level equalled or exceeded by the highest 6% of all predicted high tides) or, MHWS- 6, has been selected to represent the

MHWS mark throughout Tasman Bay and will therefore be used as the reference level in this assessment. The proximity of the site to the CMA can be seen in Figure 2-2. The northern and eastern corners of the site are approximately 60m from MHWS-6 at the closest edge of the Waimea Inlet. However, there are several tidal channels that extend from the inlet to edge of the site. The subdivision includes a 20m wide 'open space' zone along the north western edge of site which increases the distance of any potential future development from the CMA.

The vast majority of the proposed subdivision is located more than 30 metres landward of the CMA (and tidal channels), however, the current ground level is below 4 m NZVD2016 and is therefore considered an area at risk of 'seawater inundation' (henceforth referred to as coastal inundation) according to the TDC Inundation Practice Note. Freshwater inundation has not been considered as part of this assessment.

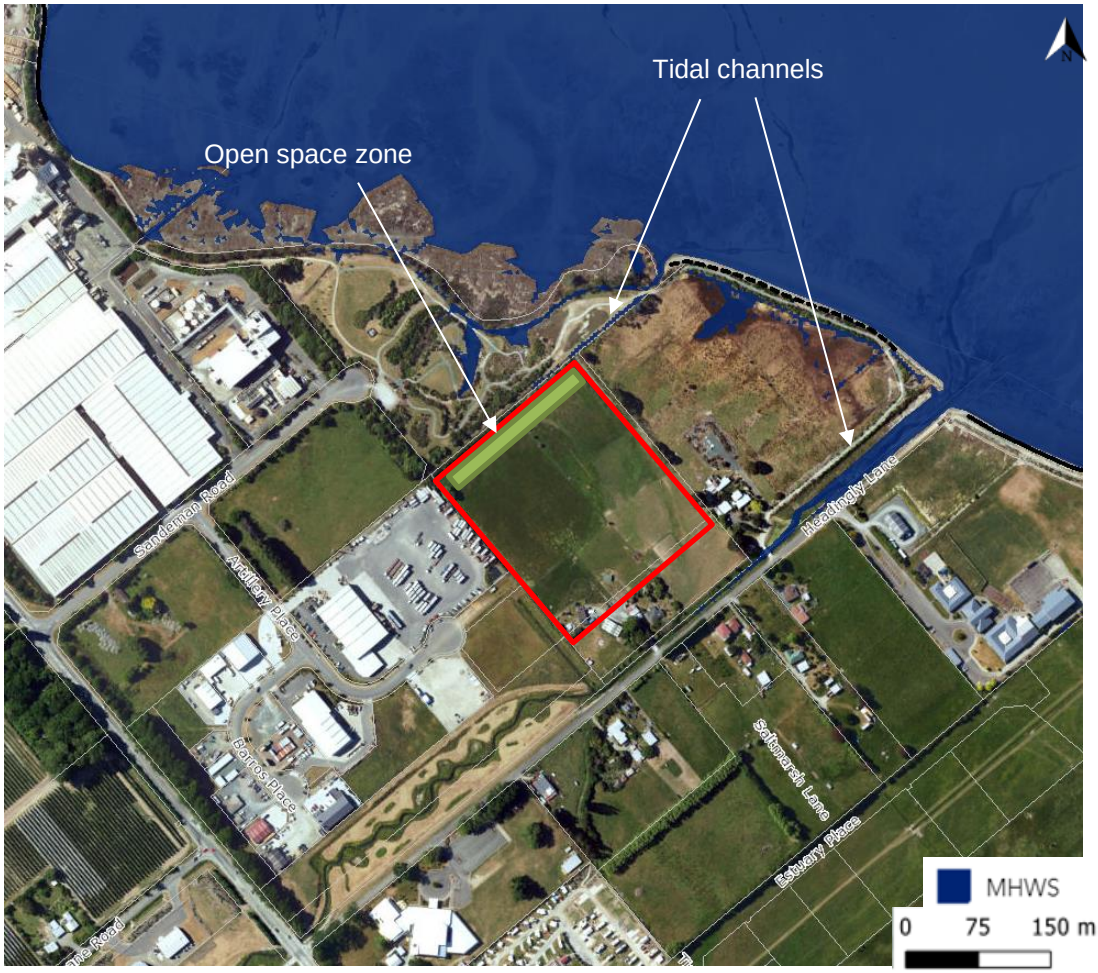

Figure 2-2: Present day MHWS (blue) retrieved from the Tasman District Council online coastal hazards map with green reserve area and tidal channels.

3 Coastal inundation

Coastal inundation occurs when the seawater level rises above that which is typically considered normal fluctuation, potentially resulting in flooding of land, infrastructure and buildings. Coastal inundation hazards are determined by the water level, which at any time is determined by a combination of the following components:

- Astronomical tides

- Barometric and wind effects, generally referred to as storm surge and when combined with astronomical tide referred to as storm tide
- Long-term changes in relative sea level due to climatic or geological changes
- Nearshore wave effects (wave set-up or run-up).

These components combined either form a static extreme water level, which typically includes storm tide and wave set-up, or dynamic extreme water level, which typically include storm tide and wave run-up. Figure 3.1 shows a schematisation of the water level components.

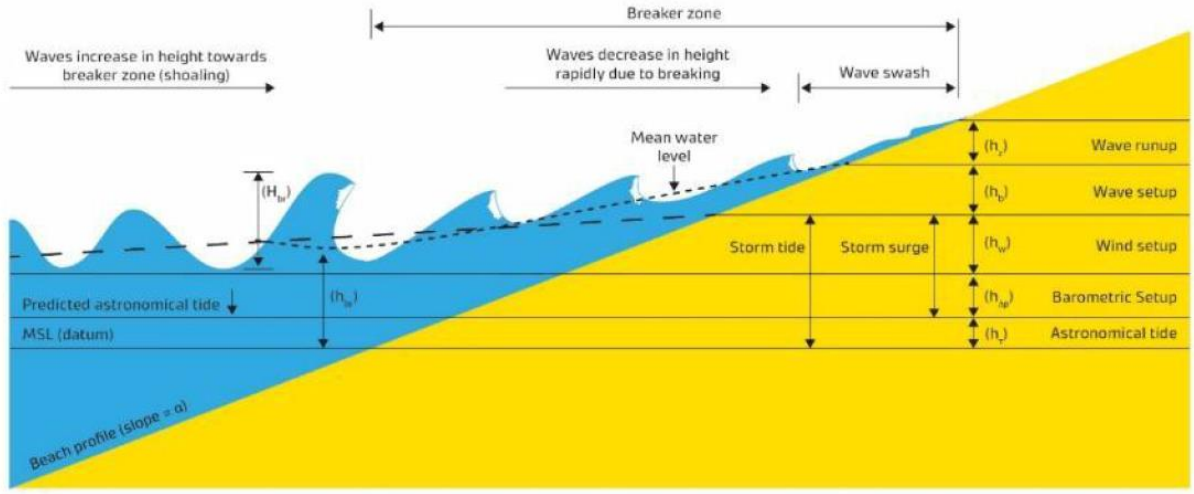

Figure 3.1: Schematisation of water level components (source: T+T 2017).

3.1 Astronomical tide

Tasman Bay tides are semi-diurnal with fortnightly spring-neap cycles and monthly perigean - apogean cycles apparent. Tides for Port Nelson based on LINZ (2017) and NIWA (2018) analysis are presented in Table 3.1 and show a spring tidal range of ~3.9 m with MHWS around 2m above Mean Sea Level (MSL).

Table 3.1: Astronomical tide levels at Port Nelson (source: LINZ, 2017)

Tide		Chart Datum	NZVD2016
HAT	Highest Astronomical Tide	4.67	2.1
MHWS	Mean High Water Springs	4.32	1.75
MHWS-6[1]	Mean High Water Spring	4.29	1.72
MHWN	Mean High Water Neap	3.29	0.72
MSL	Mean Sea Level	2.34	-0.23
MLWN	Mean Low Water Neap	1.39	-1.18
MLWS	Mean Low Water Spring	0.44	-2.13
LAT	Lowest Astronomical Tide	0.07	-2.5

[1]MHWS exceeded by 6% of tides based on NIWA (2018)

3.2 Storm tide

Storm surge results from the combination of barometric set-up from low atmospheric pressure and wind stress from winds blowing along or onshore which elevates the water level above the predicted tide. Storm surge applies to the general elevation of the sea above the predicted tide across a region, but excludes nearshore effects of storm waves such as wave set-up and wave run-up at the shoreline.

Previous studies of storm surge around New Zealand's coastline have concluded that storm surge appears to have an upper limit of approximately 1.0 m (Hay, 1991; Heath, 1979; Bell et. al, 2000). Given the perceived upper limit of storm surge for New Zealand, a standard storm surge of 0.9 m is considered representative of a return period of 80 to 100 years (MfE, 2004).

However, the actual observed water level observed depends on the superposition of storm surge on astronomical tide and is referred to as storm tide. NIWA (2018) used 10 years of sea level data from the Fairway Gauge (offshore from Port Nelson), separated storm surge from astronomical tide, and re-combined using a Monte Carlo approach to estimate long-term storm tide levels (refer Table 3.2). These storm tide levels are considered applicable for the proposed subdivision at the southern end of the Waimea Inlet, being the closest available data.

Table 3.2: Storm tide levels (Source: NIWA, 2018)

Annual Exceedance Probability, AEP (%)	NZVD2016 (m)
63	2.14
50	2.17
20	2.23
10	2.27
5	2.27
2	2.29
1	2.34

3.3 Long-term sea-level changes

Historic sea level rise in New Zealand has averaged an increase of 1.7 ± 0.1 mm/year with Nelson and Tasman having a slightly lower rate of 1.3 ± 0.25 mm/year (Hannah and Bell, 2012). Climate change is predicted to accelerate this rate of sea level rise into the future. The New Zealand Coastal Policy Statement 2010 (NZCPS, 2010) requires that the identification of coastal hazards includes consideration of sea level rise over at least a 100-year planning period.

MfE (2017) provides guidance on predicted sea level rise based on a range of Representative Concentration Pathways (RCP). Table 3.3 shows sea level rise projections up to 2120 for the Tasman region relative to present day (2008-2017) mean sea level (MSL) based on NIWA (2018). Over the next 100-year planning period (taken to be 2130) the sea level is projected to rise between 0.53 m and 1.45 m above the 2008-2017 MSL baseline depending on the adopted RCP scenario. The TDC Inundation Note requires the consideration of the RCP8.5+ scenario to 2130 when considering development of greenfield sites in accordance with the MfE guideline. The use of this scenario stems from increased expected design lives of these new developments, coupled with the requirement in NZCPS 2010 to avoid the increase of future hazard risks over planning timeframes covering the next 100 years (refer Section 6). Therefore, this value has been selected for this assessment.

Table 3.3: Sea level rise projections (m) relative to 2008-2017 MSL baseline for the Tasman region (source: MfE (2017))

Year	NZ RCP2.6 *M* (median)	NZ RCP4.5 *M* (median)	NZ RCP8.5 *M* (median)	NZ RCP8.5+ (83rd percentile)
2008–2017	0	0	0	0
2020	0.01	0.01	0.02	0.04
2070	0.25	0.29	0.38	0.54
2120	0.48	0.6	0.99	1.29
2130	0.53	0.67	1.11	1.45

3.4 Sheltered coastline wave set-up

Wave set-up is the increase of the mean water level induced by breaking waves. When waves approach the shoreline the water depth become shallower and waves become too high relative to the water depth, become unstable and start to break. During this process wave energy is released and this is compensated by an increase in water level.

The site is located at the southern end of the Waimea Inlet estuary and therefore is sheltered from direct exposure of ocean swell. For coastlines within a sheltered environment the significant wave height (Hs) is based on the 1% AEP 3 second gust wind speed as set out in AS/NZS 1170.2:2011 Part 2 Wind Actions. These three second gust wind speeds have then been converted to average wind speeds of an assumed duration of 60 minutes using procedures in the Coastal Engineering Manual (CEM) 1110-2-1100 (USACE, 2006).

The growth of wind waves is limited by a minimum wind duration of 60 minutes and fetch distance. Fetch-limited waves have been calculated based on the methods according to Wilson (1965) and revisited by Goda (2003) with the maximum directional wave height adopted.

The wave set-up has been calculated based on the simple empirical model of Thornton & Guza (1982). The expression is as follows:

$$\overline{\eta_{max}} = 0.17 H_s$$

Where:

H_s = Significant wave height (m)

η_{max} = Wave Set-up maximum

This has been adopted due to the wide variation in bed slopes within harbour environments.

The largest fetch length for the site is approximately 4 km to the north east which would correspond to a significant wave height of up to 1.5 m with a north easterly wind. However, due to the shallow water depth throughout the Waimea Inlet (typically with depths of less than 2m at high tide) waves are not expected to reach a height larger than approximately H_s=1.1 m. Waves larger than 1.1 m would start breaking for water depths less than 2 m. Therefore, a wave height of H_s=1.1 m and corresponding wave set-up height of 0.2 m has been adopted for this assessment.

3.5 Site specific inundation assessment

Table 3.4 shows a summary of the 1% AEP water level components, adopted wave height and extreme total water levels for the present day for the southern end of the Waimea Inlet as discussed above.

Table 3.4: Water level components for the Waimea Inlet

Water level component	Water level contribution
MHWS-6 (m NZVD2016)	1.72
Storm tide (m NZVD2016)	2.34
Wave height[1] (m)	1.1
Wave set-up (m)	0.2
Extreme static water level (m NZVD2016)	2.54

[1]Depth-limited wave height

Wave runup is not included in this assessment due to the proximity of the proposed subdivision relative to the coastal edge (i.e. larger than 30 m).

The TDC Inundation Note provides generalised water levels for the Tasman region where site specific information is unavailable (refer Table 3.5 showing the relevant extract from the guidance for this site). Note that the maximum value from the region assessed (i.e. Tasman Bay Rabbit Island) is generally applied in the TDC Inundation Practice Note 'seawater inundation' calculation.

Table 3.5: Tasman District Council Inundation Practice Note water level components (source: TDC Inundation Practice Note (2019))

Location	Data below assumes SLR = 0.0m and 1% AEP storm-tide event.	Land adjacent to estuaries and land >30 from MHWS-6		
	Beach slope Between 2.0m-2.5m (mV:1mH) NZVD2016	Max. storm tide & wave setup[1]	Storm tide	Wave set-up
Tasman Bay Rabbit Island	0.08	2.66	2.29	0.46

[1]Based on NIWA (2018) joint probability assessment

The extreme water level given in the Inundation Note is considered to be conservative for the location of the proposed subdivision as the wave set-up component is more applicable to the seaward side of Rabbit Island (Figure 2-1) than the southern end of the Waimea Inlet due to larger wave heights possible at the more exposed coastline. Therefore, it is recommended a 1% AEP extreme static present day water level of **2.54 m NZVD2016** be adopted for this site. This level matches the present day extreme water level for the Waimea Inlet presented by NIWA in their report, "Coastal Hazard Assessment in Tasman Bay and Golden Bay" dated July 2019.

This extreme water level is above the current ground levels in several locations throughout the proposed site (refer Figure 3.2 for approximate present day 1%AEP storm tide level throughout the site). The landward extent of the inundation zone will increase into the future when considering rising sea levels.

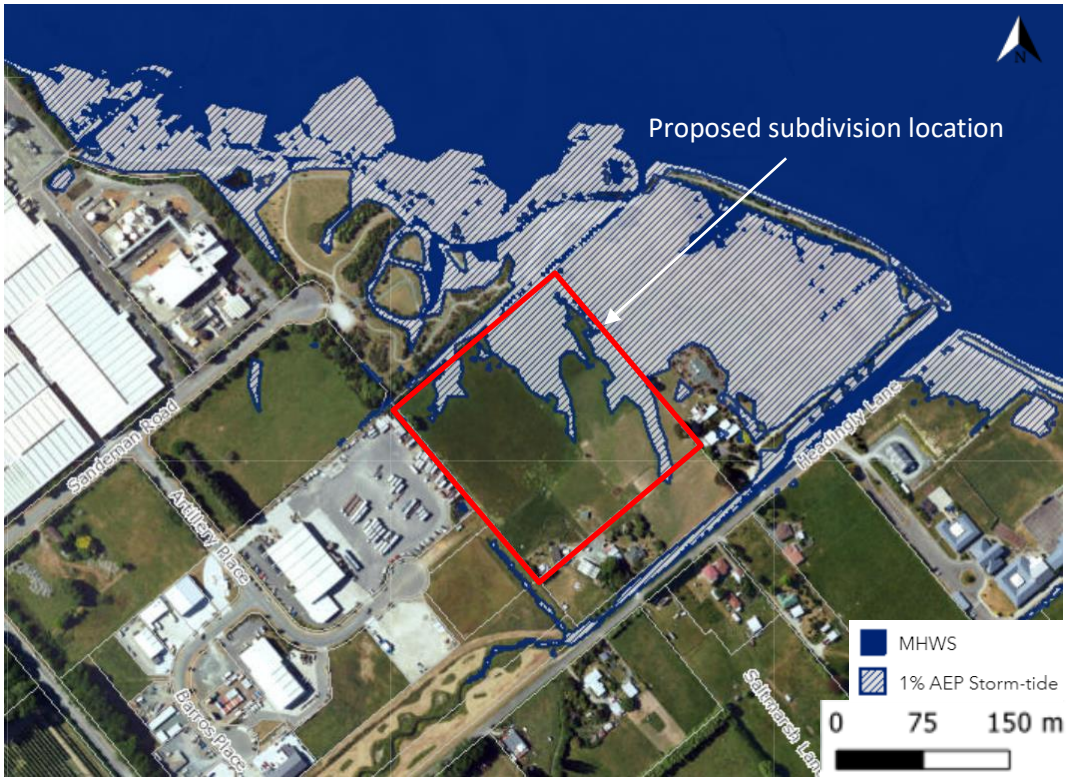

Figure 3.2: Present day MHWS-6 and 1% AEP Storm-tide retrieved from the Tasman District Council online coastal hazards map.

The New Zealand Coastal Policy Statement 2010 (NZCPS, 2010) requires the consideration of sea level rise over at least a 100-year planning period. Following the MfE (2017) sea level rise guidelines (refer Section 3.3), the extreme static water level to be considered at the proposed site would range from **3.07 m NZVD2016 to 3.99 m NZVD2016** (subject to RCP scenario).

4 Minimum ground level calculation and recommendation

Inundation is the key component in assessing ground levels for future development. Assessments should include consideration of sustained inundation as well as the potential for periodic inundation during storm events. Periodic inundation is best represented by storm tide and an allowance for sea level rise. A freeboard allowance is also included to take into account data inaccuracies and limitations, local wave effects and catchment flows.

The TDC Inundation Note provides guidance on the Nelson and Tasman districts for determining minimum ground and/or floor levels for subdivisions, new buildings and major alterations in areas identified as being subject to inundation hazard.

The required minimum ground levels for the proposed subdivision have been based on the TDC Inundation Note taking into account the assessed, site-specific inundation levels as set out above. The 'seawater inundation' calculation was carried out as per Figure 3 of the TDC Inundation Practice Note (Appendix B) which lays out 8 steps that are required to calculate a minimum ground and/or floor level in coastal locations that are subject to coastal inundation. The following assumptions and inputs were used for the calculation (see Appendix B for the detailed calculation):

- An extreme static water level including wave set-up of **2.54 m NZVD2016** (refer Section 3.5).
- The proposed site is a coastal, green field subdivision and therefore **1.5 m** of sea level rise allowance corresponding to the MfE (2017) RCP8.5+ to 2130 scenario is required by the Inundation Practice Note.

- The site is zoned industrial and therefore a freeboard of **0.3 m** is required in accordance with NZS4404:2010 (note an additional freeboard of 0.225 m for floor level clearance above the filled ground level as required to building floor level under the Building Act).

It is therefore recommended that ground levels for future development on this site be a minimum of **4.34 m NZVD2016** to mitigate risk of coastal hazard over a 100-year planning horizon. This minimum ground level should be applied to footprints of future site building development to mitigate hazard risk to these properties, it is not considered that the entire site footprint requires filling to this level.

The natural ground level within Lots 1 to 7 (refer Appendix A) and the access areas ranges from approximately 2.40 to 3.40 m NZVD2016. Therefore, the required rise in ground levels to achieve this ranges from approximately 1 m to 2 m for any future building development at the site. Earthworks to raise ground levels on Lots 2 to 7 are not proposed as part of this subdivision application and will form part of any future consent application for development at those sites.

The existing access road (outside of land owned by OEL) is below the minimum ground level stated above and therefore could potentially be inundated under future extreme storm events. To mitigate the future inundation risk to the proposed 170m road extension as part of this subdivision, its level would need to be raised also. However, it is noted that unless the existing road is raised (by others) there is minimal benefit of increasing the proposed access road to the recommended minimum ground level specified andit may even be detrimental to overland flow paths within the site. It is likely the decision regarding the proposed access road level will be made at TDC discretion.

5 Effects on coastal processes

There will be no measurable effects on coastal processes as a result of this subdivision. Existing water levels, waves, currents and sediment processes will be unaffected by the development of the proposed sites.

Coastal seawater inundation is not displaced by landforms, i.e. increasing land levels will result in the displaced water being dispersed over the Waimea Inlet as opposed to flooding adjacent land. There will be no measurable effect of this displaced water and therefore increasing ground levels at the site will not have an adverse effect on the adjacent properties.

6 Assessment against the NZCPS (2010)

The New Zealand Coastal Policy Statement 2010 (NZCPS) states policies in relation to the coastal environment in New Zealand in order to achieve the purpose of the Resource Management Act 1991.

Given the location of the proposed works there is potential for the works to have effects on coastal processes. The following policies are relevant to the proposed works:

- *Policy 24: Identification of coastal hazards – identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunami[1]), giving priority to the identification of areas at high risk of being affected.*
- *Policy 25: Subdivision, use, and development in areas of coastal hazard risk – areas potentially affected by coastal hazards over at least the next 100 years.*

This letter in conjunction with the TDC Inundation Note contribute to the identification of coastal hazards at the proposed subdivision site including the effects of sea level rise over a 100-year planning period.

[1] Tsunami risk is not been considered as part of this assessment.

Increasing ground levels on the proposed site to a minimum of 4.34 m NZVD2016 as part of any future development considers the effects of present-day extreme water levels along with the effect of future sea level rise and mitigates coastal hazard risk to this development over a 100-year planning period.

7 Applicability

This report has been prepared for the exclusive use of our client The Oaks Extension Limited, with respect to the particular brief given to us and it may not be relied upon in other contexts or for any other purpose, or by any person other than our client, without our prior written agreement.

We understand and agree that you will submit our coastal assessment letter report as part of an application for consent and that Tasman District Council as the consenting authority will use the report for the purpose of assessing that application.

Tonkin & Taylor Ltd

Environmental and Engineering Consultants

Report prepared by:

.....

Michael Paine
Coastal Engineer

Authorised for Tonkin & Taylor Ltd by:

.....

Neville Laverack
Project Director

Report technically reviewed for T+T by: Patrick Knook

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8 References

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Appendix A: Subdivision Drawing

- **Figure 1. Concept plan**

LOT 5
DP 18918

10.00

174.10

LOT 101
3490m²

PROPOSED GREEN AREA TO VEST AS RESERVE

20.0

81.6

92.5

20.0

Notes:
This is a concept plan only and does not have the consent of Council.

Areas and dimensions are subject to survey.

Heights are in terms of NZVD 2016
Origin From TOTS Maps OBP4 DP 431433 RL 3.84

LOT 1
8250m²

119.97

102.1

PROPOSED STORMWATER PIPE AND SECONDARY FLOW PATH

LOT 2
10,340m²

100.5

LOT 20
DP 429773

LOT 102
433m²
To amalgamate with Lot 1 DP 720

2.25

ARTILLERY PLACE

3.50

3.75

18.00

EXTENSION OF ROAD

LOT 100 3560m²

69.7

83.05

LOT 1
DP 720

5.0

19.57

LOT 18
DP 431433

LOT 7
1940m²

LOT 6
1620m²

LOT 5
1380m²

LOT 4
3000m²

LOT 3
4460m²

64.8

64.90

63.5

47.33

67.16

77.1

30.0

25.0

25.0

50.20

53.96

BORCK CREEK RESERVE

0 50 100

DAVIS OGILVIE
ENGINEERS / SURVEYORS / PLANNERS

Davis Ogilvie & Partners Limited
1st Floor, 277 Hardy Street, Nelson 7010
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CAD File: T:\Projects\20000+\39036 - Ezi Sweep - 35 Artillery Place\CAD\Design6.mjo - L

CONCEPT PLAN
THE OAKS EXTENSION

Prepared for:
H BREWERTON

Comprised in:
SECTION 1 SO 533543
& LOT 21 DP 431433

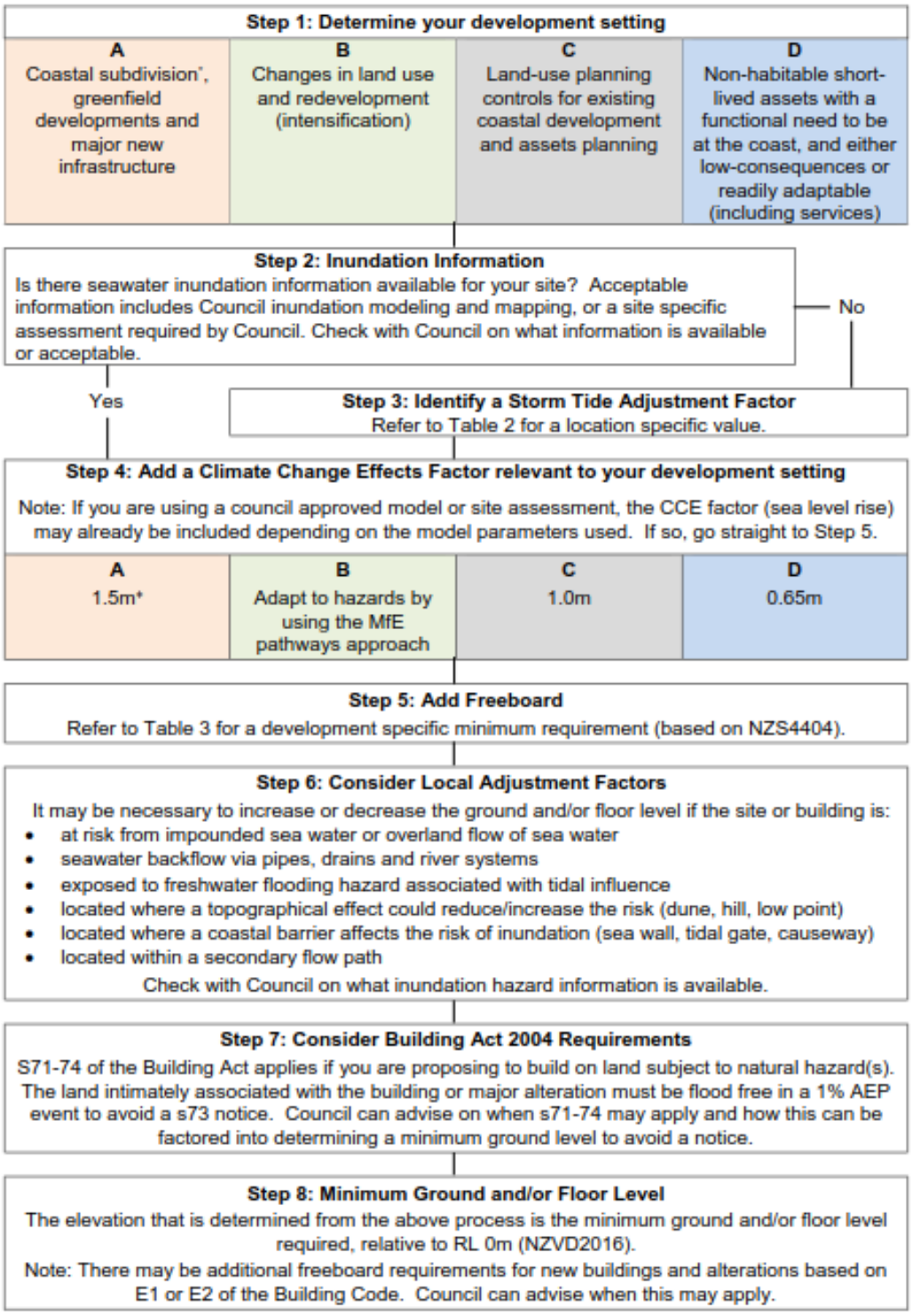
Designed by: TL
Drawn by: TL
Revision: L
Date: 17/01/20

Scale @ A3: 1:1000
Sheet Number: 1 OF 4
Project Number: 39036

Appendix B: TDC Inundation Practice Note - Seawater Inundation Detailed Calculation

B1.1 TDC Inundation Note Seawater Inundation Calculation Methodology

The following shows the figure 3 of the TDC Inundation Practice Note showing the Seawater Inundation Calculation Methodology.



B1.2 TDC Inundation Practice Note Seawater Inundation Detailed Calculation

The following details the steps of the seawater inundation calculation.

Step 1: Determine your development setting

The development setting of this site is: A – Coastal subdivision*, greenfield developments and major new infrastructure

*"Coastal subdivision" is deemed as subdivision of land below NZVD2016 6m.

Step 2: Inundation Information

Site specific assessment undertaken (refer Section 3)

Step 3: Identify a Storm Tide Adjustment Factor

Within this calculation the storm tide adjustment factor provides storm-tide (ST) and wave setup (WS) example values. The closest value from the Inundation Note for the Artillery Place site is **2.66m** at the Tasman Bay, Rabbit Island location. This data is relative to the NZVD2016. However, a site specific assessment undertaken as part of this assessment indicates a level of **2.54m NZVD2016** is more appropriate.

Step 4: Add a Climate Change Effects Factor relevant to your development setting

As the site was classified as development A in step 1 the climate change effects factor is: **1.5m***.

* Avoid hazard risk by using sea level rise over more than 100 years and the H+ scenario (which is a sea level rise of 1.5m for the year 2130 and increases to 1.9m out to the year 2150).

Step 5: Add Freeboard

The site is zoned industrial and therefore the development specific requirement is **0.3m** as required by NZS4404:2010.

Step 6: Consider Local Adjustment Factors
The factors considered in step 6 do not alter the minimum ground level required.

Step 7: Consider Building Act 2004 Requirements

Council consideration.

Step 8: Minimum Ground and/or Floor Level

The above steps in the seawater inundation calculation give an elevation will be determined which is relative to NZVD2016 0m (NZVD2016).

The minimum ground level required is a combination of the factors above: 2.54 (1%AEP storm tide and wave setup) + 1.5 (sea level rise requirement for a greenfield site) + 0.3 (industrial freeboard) = **4.34m NZVD2016**

The minimum floor level required for a slab constructed on grade: 4.34 + 0.225 (floor level clearance above the filled ground level as required under the Building Act)= **4.565m** NZVD2016.

File: RM211281
Jenna.Wolter@tasman.govt.nz
Phone 543 8474

16 December 2022

Coman Developments McShane Road Limited
C/- Landmark Lile Limited
PO Box 343
Nelson 7040

Dear Coman Developments McShane Road Limited

Decision on Non-Notified Resource Consent Application No. RM211281 – 28 lot subdivision in the Light Industrial Zone – 54 McShane Road, Richmond

Your application for resource consent has been granted. A copy of the Council's decision is attached. Please carefully read the conditions that have been attached to the consent and feel free to contact me if you have any questions about your consent or its conditions. My contact details are listed at the top of this letter.

Here are some matters that I need to highlight for you.

Section 357A of the Resource Management Act 1991 ("the Act") provides you with the right to lodge an objection with the Council against this decision including any of the conditions. Objections must be made in writing setting out the reasons for the objection together with a deposit fee of $340.00 (GST inclusive), and must be lodged here within 15 working days of receiving this letter.

The final cost of processing your application has not been calculated yet. If the final cost exceeds the deposit already paid, then as we previously advised, you will be invoiced separately for the additional cost. If the final cost is less than the deposit already paid, then you will receive a refund. Where the costs are equal to the deposit already paid, no further action is required. You will receive a letter shortly about the final costs of processing your application.

Under Section 125 of the Act, your consent will lapse in 5 years unless you have given effect to it before then. In the case of subdivisions, the consent is given effect to when you have submitted a survey plan to the Council for the subdivision under Section 223 of the Act. Once the survey plan has been approved by the Council under that Section of the Act, the consent lapses 3 years thereafter unless it has been deposited with the District Land Registrar as outlined in Section 224 of the Act.

Yours sincerely

Jenna Wolter
Senior Consent Planner - Subdivision

RESOURCE CONSENT DECISION

Resource consent number: RM211281

Pursuant to Section 104B of the Resource Management Act 1991 ("the Act"), the Tasman District Council ("the Council") hereby grants resource consent to:

Coman Developments McShane Road Limited

(hereinafter referred to as "the Consent Holder")

Activity authorised by this consent: Subdivision of Sec 32 SO 455144 (RT 627877) in the Light Industrial Zone and the Richmond West Development Area to create:

- Lots 1-14 and 16 to 28 – Light industrial allotments
- Lot 29 – to be amalgamated with Sec 33 SO 455144
- Lot 15 – stormwater utility allotment to vest
- Roads 1, 2 and 3 to vest

This consent also authorises non-compliant access for lots that gain access onto collector roads, and non-compliant Right of way A.

This consent authorises subdivision and change of use under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Healthy) Regulations 2011.

This consent is bundled with land disturbance consent RM211282, stormwater discharge consent RM211283 and land use consent RM211284.

Location details:

Address of property:	54 McShane Road, Richmond
Legal description:	Sec 32 SO 455144
Record of title:	627877
Valuation number:	1938098906

Pursuant to Sections 108 and 220 of the Act, this consent is granted subject to the following conditions:

CONDITIONS

General

1 The subdivision shall be undertaken in accordance with the information submitted with the application and in particular with the following plans:

- The plan prepared by Land Dimensions titled *Subdivision Application Plan*, Job No. 11284, Rev 8 dated 09 November 2022 and attached to this consent as Plan A.

- The plans prepared by Kumanu Environmental titled *Ashfield Park 54 McShane Road Richmond, Revised Landscape Plans – Increased Buffer/Building height Reduction* dated 10 November 2022:

  - *Site Plan* – attached to this consent as Plan B;
  - *Planting Plan 1* – attached to this consent as Plan C;
  - *Planting Plan 2* – attached to this consent as Plan D; and
  - *Planting Plan 3* – attached to this consent as Plan E.

If there is conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of this consent shall prevail.

Advice Note:
The size of Lot 15 may differ from that shown on Plan A depending on the recommendations of the stormwater report required by Condition 23 and the final engineering plans approved for the stormwater detention basin.

Easements

2 Easements are to be created over any services, including secondary flowpaths, located outside the boundary of the allotment that they serve as easements in gross to the appropriate authority or appurtenant to the appropriate allotment. Reference to easements shall be included on the title plan and endorsed as a Memorandum of Easements.

Amalgamation

3 That Lot 29 hereon and Section 33 SO 455144 be held together in the same Record of Title.

Land Information New Zealand (LINZ) Consultation Reference: 1806440.

Existing Buildings

4 When applying for Section 223 approval the Consent Holder shall demonstrate that all existing buildings on site are wholly within a single allotment and comply with all relevant permitted activity rules of Chapter 17.4 of the Tasman Resource Management Plan – unless a resource consent has been obtained for any non-compliances.

5 Any existing buildings on site shall be connected to the reticulated stormwater, wastewater and water networks prior to Section 224 approval.

Lot 15

6 Lot 15 shall vest as Local Purpose (Utility) Reserve.

7 The boundary between Lots 15 and 16 as shown on Plan A may be altered to ensure that the detention basin within Lot 15 is able to provide the detention volume and stormwater treatment as identified by the report required by Condition 23 and the final engineering plans approved for the basin. However, Lot 15 shall not be less than the area shown on Plan A, and Lot 16 shall not be less than 750m^2 in area and shall be able to contain a minimum 15 metre diameter circle.

Right of way A

8 Right of way A as shown on Plan A shall be registered over Lot 2 in favour of Lot 29 and Sec 33 SO 455144.

9 Right of way A shall be formed in accordance with the relevant standards of the Nelson Tasman Land Development Manual 2020, except that the legal width shall be 7 metres.

Access

10 Access crossings shall be formed to Lots 1 to 28 in accordance with the relevant standards of the Nelson Tasman Land Development Manual 2020.

11 The access to Lot 2 from Right of way A shall be located as shown on Plan A and shall be a maximum of 6 metres wide.

Roading

12 Roads 1, 2 and 3 as shown on Plan A shall vest as road with no compensation and shall be formed in general accordance with the application and relevant standards of the Nelson Tasman Land Development Manual 2020. A sealed turning head shall be constructed at the end of Road 3. Signage shall be installed at the entrance to Road 2 and where Road 1 extends past Road 3 stating that turning for larger vehicles is difficult past that point. Any planting or landscaping within areas of road to vest shall be shown on engineering plans and approved prior to implementation. Final design of the roading elements shall be approved by Council's Group Manager - Community Infrastructure at engineering plan stage.

13 The intersection between McShane Road, Road 1 and Summersfield Boulevard shall be formed in accordance with Plan A, or alternative design as approved by Council's Group Manager – Community Infrastructure. Final design of the intersection shall be approved by Council's Group Manager – Community Infrastructure at engineering plan stage.

14 The McShane Road frontage for the entire width of the site shall be upgraded in accordance with the relevant standards of the Nelson Tasman Land Development Manual 2020 or as approved by Council's Group Manager - Community Infrastructure.

Street Names and Numbering

15 At least three different street names shall be submitted for Council consideration and approval (with reasons and backgrounds) for Roads 1, 2 and 3 prior to the issue of a Section 223 certificate. Street names will be assessed on submission of the preferred list of names. Should none be offered and approved prior with suitable background reasons, then Council will select street names.

16 The cost of a nameplate/blade for any new street/pavement markings or private way sign shall be met by the Consent Holder on application to Tasman District Council. These shall be installed prior to any request for a Section 224(c) certificate. No gateway signage will be installed on road reserve.

Water

17 Full water reticulation, complete with all mains, valves, fire hydrants and other necessary fittings shall be installed to Lots 1 - 14 and 16 - 28 in accordance with the Nelson Tasman Land Development Manual 2020 and the NZ Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008, or where the required standards are not complied with, to the Council Group Manager – Community Infrastructure's satisfaction.

18 Either of the following shall be installed to provide water supply to the development authorised by this consent:

a) a connection to the existing 150mm water main in Summersfield Boulevard; or

b) a new main connecting to the existing main on the corner of McShane Rd and Lower Queen Street near the water treatment plant.

A combination of these options may also be provided.

Connection to the Summersfield Boulevard main will be provisional on testing to determine whether this supply can meet the required standard for industrial firefighting water supply.

The final design of the water reticulation shall be approved by Council's Group Manager – Community Infrastructure at engineering plan stage.

19 The location and details of each meter shall be recorded on the Tasman District Council's standard Water Meter Location form and submitted to the Tasman District Council for approval.

Advice Note:
Please note that a water connection fee for any new water connection will be payable under Council's Development Contributions Policy in the Long Term Council Plan.

Wastewater

20 Full sewer reticulation discharging to the Council reticulated main in McShane Road (to be located within vested road) shall be installed to Lots 1 - 14 and 16 - 28 complete with any necessary manholes and a connection/boundary box to each lot in accordance with the Nelson Tasman Land Development Manual 2020. This may include work outside the subdivision to connect to or upgrade existing systems. The reticulation into this area shall be via a low pressure pumped system where the pumps on each lot will remain the responsibility of the lot owner. Any private pipe which is not part of Council reticulation shall be protected by easements or via a Licence to Occupy agreement for any pipe in Council's road reserve.

Stormwater

21 Full stormwater reticulation discharging to the detention basin within Lot 15 shall be installed complete with all necessary manholes, sumps, inlets and a connection to Lots 1 - 14 and 16 - 28. All outlet points shall include appropriate scour protection measures. The reticulation shall be designed and installed in accordance with the Nelson Tasman Land Development Manual 2020, or where the required standards are not complied with, to the Council Group Manager – Community Infrastructure's satisfaction.

22 Secondary flows from the site shall be directed to the detention basin in Lot 15.

23 Prior to Section 223 approval the Consent Holder shall submit to Council's Team Leader – Stormwater, Rivers & Waste a detailed Stormwater Management Plan (SMP) prepared by a suitably qualified and experienced professional and submitted to Council's Team Leader – Stormwater, Rivers & Waste for approval.

The SMP plan shall include as a minimum:

Detention Volume

a) Design calculations detailing how flows have been derived and how the pond volume has been determined relative to these flows.

b) Inflow and outflow hydrographs for the pond, compared to the outflow hydrograph for existing conditions, for a range of AEP design storm events ranging from 10% to 1%.

c) Any hydrologic and hydraulic assumptions are to be documented.

d) Detention calculations shall consider the flow constraints of the downstream system to take account of:

   i. the time of concentration (ToC) for the site itself, and

   ii. the ToC for the catchment at the point of flow constraint/flood area (being the Lower Queen Street culvert discharging to the coast);

   the detention pond shall be designed to attenuate flows from both of the scenarios above.

Treatment of Stormwater

a) Calculations that demonstrate the proposed treatment device is designed in accordance with best practice for the contributing catchment.

b) Treatment shall include either:

   i. A stormwater treatment wetland, appropriately sized and designed in accordance with industry best practice (i.e., GD01 Stormwater Management Devices in the Auckland Region), or

   ii. A proprietary treatment device upstream of the detention pond appropriately sized and designed in accordance with the manufacturers' requirements and industry best practice.

Section 223 approval shall not be given until the SMP has been approved.

Advice Note:
The basin design is required to be approved prior to Section 223 approval as the boundaries of Lot 15 may need to be amended to accommodate the final basin size.

24 A stormwater detention basin designed in accordance with approved SMP required by Condition 23 and the conditions of stormwater discharge consent RM211283 shall be constructed within Lot 15 prior to Section 224 approval. The basin shall be designed in accordance with the relevant standards of the Nelson Tasman Land Development Manual 2020 and have capacity to detain stormwater from all lots,

taking into account at least the maximum permitted coverage, and road areas up to a Q100 rainfall event including appropriate freeboard. Appropriate maintenance access in line with relevant standards and best practice must be included in the basin design. The detention basin shall be designed by a suitably qualified Chartered Professional Engineer experienced in the design of detention structures.

Final design of the detention basin shall be approved by Council's Group Manager – Community Infrastructure at engineering plan stage, and shall include an operations and maintenance manual for the detention and treatment features of the basin.

24A The Consent Holder shall provide a copy of producer statements (PS1 and PS4) from a suitably qualified and experienced Chartered Professional Engineer covering the design and construction of the detention basin prior to any s224 application being made. Written report(s) shall also be provided confirming that the basin has been designed in accordance with the relevant standards, and that all inspections specified in the engineering specifications have been completed.

24B The Consent Holder shall be responsible for the maintenance of the detention basin within Lot 15, including any plantings, for 2 years following Section 224 approval.

Power and Telecommunications

25 Underground power and telecommunication cables or duct infrastructure shall be provided (at the developer's expense) to the net area of Lots 1 - 14 and 16 - 28, to the standard required by the supply authority and in accordance with the Nelson Tasman Land Development Manual 2020. The Consent Holder shall provide written confirmation from the relevant utility provider that power and telephone cabling or duct infrastructure has been installed to the net area of all lots. The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

26 Any overhead powerlines within the site shall be undergrounded.

27 Electricity substation sites shall be provided as required by the supply authority. Substations shall be shown as "Road to Vest" on the survey plan if adjacent to a road or road to vest and indented in to the property in accordance with the Nelson Tasman Land Development Manual 2020.

Street Lighting

28 The Consent Holder shall provide LED street lighting in accordance with the Nelson Tasman Land Development Manual 2020. This work will include installation of cabling, poles, outreach arms and lanterns.

Advice Note:
Low level lighting is recommended so as to not unnecessarily light the night sky.

Filling of Lots

29 Each lot shall be filled if required to ensure that:

(a) all finished ground levels are at least 100mm above the top of kerb level of the road that the lot is draining to, or to the satisfaction of Council's Group Manager – Community Infrastructure;

(b) that there is continuous fall towards the road or right of way that the lot drains to, where appropriate;

(c) stormwater flows from a 1 in 100 year flood event do not cross the lot; and

(d) secondary flow paths are created within public owned areas or protected by suitable easements.

30 If filling obstructs the natural run-off from an adjoining property, then provision shall be made for the drainage of that property.

Amenity Plantings

31 The landscape planting as set out in the plans prepared by Kumanu Environmental titled *Ashfield Park 54 McShane Road Richmond, Revised Landscape Plans – Increased Buffer/Building height Reduction* dated 10 November 2022:

- *Site Plan* – attached to this consent as Plan B;
- *Planting Plan 1* – attached to this consent as Plan C;
- *Planting Plan 2* – attached to this consent as Plan D; and
- *Planting Plan 3* – attached to this consent as Plan E.

shall be implemented in accordance with the planting details described on the plans and established prior to Section 224 approval. Including:

- A 2.5 metre wide landscaping strip within Lots 1, 2 and 28 along the full width of the McShane Road Frontage, except access points.

- A 8 metre wide landscaping strip within Lots 2-13 along the full width of the boundary between Lots 3-13 and Lot 29, and between the body of Lot 2 and Right of way A, except the Lot 2 access – which shall be a maximum of 6 metres wide.

Written confirmation from a landscape architect that the plantings required by Condition 31 have been fully completed shall be provided prior to any request being made under Section 224(c).

31A A planting plan, cross section and design statement prepared by an appropriately competent person in landscape architecture that show the species, height at maturity, planting and spacing layout, maintenance and replacement programme and the planting theme, shall be provided for a 2.5 metre wide landscaping strip within Lots 1, 3-14, 21-23, and 26-28 along the full width of the Road 1 Frontage, except access points. This plan shall be submitted to Council's Consent Planner – Subdivision Approvals for approval prior to Section 224 approval for the subdivision.

The landscape planting proposed by the plan shall be generally consistent with the planting carried out along the McShane Road frontage under Condition 31 and the Waimea Inlet Coastal Flats Ecosystem Species List. The landscaping shall be generally cohesive along the full frontage of Road 1 and provide achieve a high level of amenity within the development.

Advice Note:
The plan required by Condition 31A should give lot owners good guidance on the types, mixes and densities of landscape planting expected along this road frontage. It should provide for generally cohesive landscaping long this frontage, but may also give lot owners a pool of plant species to choose from – provided the overall mix chosen achieves outcomes specified by the approved plan. Low maintenance species are encouraged.

Contaminated Soil

32 A Remediation Action Plan shall be produced by a suitably qualified and experienced professional for the 'wash down area' identified in the Detailed Site Investigation produced by Envirolink dated October 2021. The Remediation Action Plan shall be submitted to Councils' Resource Scientist – Contaminants for approval (hail@tasman.govt.nz). The site shall be remediated to below the relevant standard for industrial use in accordance with the approved Remediation Action Plan.

33 Soil validation sampling shall be undertaken to verify remediation works have successfully reduced contaminant concentrations to less than Soil Contaminant Standards for Industrial Land Use. The soil validation sampling shall:

(a) be undertaken by a suitably qualified and experienced practitioner (SQEP) in accordance with Ministry for the Environment Contaminated Land Management Guidelines #5: Site Investigation and Analysis of Soils, Revised 2021;

(b) include collection of samples from the cut surface for areas subject to the Remediation Action Plan approved under Condition 32.

34 On completion of contaminated soil disturbance / removal works a Site Validation Report (SVR) shall be prepared. The SVR shall be prepared by a SQEP in accordance with Ministry for the Environment Contaminated Land Guidelines No. 1: Reporting on Contaminated Sites in New Zealand, Revised 2021 and, at the minimum include:

(a) a summary of contaminated soil earthworks undertaken at the site;

(b) evidence of appropriate disposal of contaminated soils (if any) disposed of off-site;

(c) results of soil validation sampling undertaken with comparison to Soil Contaminant Standards for industrial land use, and to background values;

(d) identification of areas of residual contamination (if any) that exceed background and or Soil Contaminant Standards (SCS) for industrial land use.

The SVR shall be submitted to Tasman District Council (hail@tasman.govt.nz) for review and approval prior to any application for Section 224 approval.

35 All earthworks shall be undertaken in accordance with the conditions of land disturbance consent RM211282, or subsequent consent.

Regional Consents

36 Prior Section 224 approval water permit RM210727 shall be surrendered.

Engineering Plans

37 Engineering plans detailing all works and services within this consent shall be submitted to the Council's Group Manager – Community Infrastructure and approved prior to the commencement of any works on the subdivision. All plans shall be in accordance with the Nelson Tasman Land Development Manual 2020.

Engineering Certification

38 At the completion of works the Developer's Professional Adviser (DPA), being a suitably experienced chartered professional engineer, shall provide the Council's Engineering Manager with written certification that all works have been constructed in accordance with the conditions of this consent, the accepted engineering plans and the Nelson Tasman Land Development Manual 2020.

39 "As-built" engineering plans detailing all completed engineering works and finished earthworks shall be provided for approval and signing by the Council's Group Manager - Community Infrastructure. The "as-built" engineering plan details shall be in accordance with the Nelson Tasman Land Development Manual 2020. A Certificate under Section 223 of the Act for the subdivision shall not be issued until the "as-built" engineering plans have been approved and signed by the Council's Group Manager - Community Infrastructure.

Hours of Construction

40 Hours of operation for construction shall be between 7.30 am – 6.00 pm Monday to Friday and 8.00 am – 6.00 pm on Saturdays. No works shall occur on Sundays or between Christmas Day to the first Sunday after New Year's Day, or any public holiday.

Maintenance and Defects Bond

41 The Consent Holder shall provide Council with a bond to cover any defects arising in assets, including the detention basin and plantings, after they have been vested with Tasman District Council as per the Tasman District Council Land Development Manual 2020. The amount of the bond shall be $1,500 per lot up to a maximum of $30,000.

The bond shall be held for 2 years after the date of issue of the Section 224(c) Certificate for each respective stage of the subdivision. Should any of the physical works be the subject of a performance bond, the maintenance bond time frame shall be extended to 2 years from the date the performance bond is refunded due to the bonded works being completed to the appropriate standard.

The Consent Holder shall pay a non-refundable bond administration fee for each bond in accordance with the Tasman District Council Schedule of Fees and Charges at the time the bond is taken.

Advice Note:
The developer is responsible to convey to the future owners the need to protect road frontages berms/footpaths from indiscriminate use/damage, etc.

Consent Notice

42 The following consent notices shall be registered on the certificates of title for Lots xxx and xxx pursuant to Section 221 of the Resource Management Act. The consent notices shall be prepared by the Consent Holder's solicitor and submitted to the Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.

a) A private wastewater pump station is required to be installed by the lot owner at the time each lot is developed. At the time of applying for building consent the lot owner will be required to demonstrate that a pump station will be

installed and that the design of the pump station complies with Section 6.8.4 of the Nelson Tasman Land Development Manual 2020. Ongoing maintenance of the pumpstation shall be the responsibility of the lot owner.

b) Buildings on Lots 1-4 and 28 shall have maximum height of 9 metres.

c) Buildings on Lots 5-13 shall have maximum height of 10 metres.

d) A 2.5 metre wide landscape planting strip in accordance with the plan approved under Condition 31A of subdivision consent RM211281 shall be planted along the Road XXXX frontage of Lots 1, 3-14, 21-23, and 26-28 at the time these lots are developed. Details of this planting shall be submitted with any application for building consent on these lots, and the planting shall be established within 12 months of the commencement of construction of a building on the lot.

e) The landscape amenity planting as shown on the plans prepared by Kumanu Environmental titled *Ashfield Park 54 McShane Road Richmond, Revised Landscape Plans – Increased Buffer/Building height Reduction* dated 10 November 2022 submitted in support of subdivision RM211281, and as required by consent notice (d) above, shall be maintained in perpetuity by the relevant lot owners. For the avoidance of doubt this includes:

Lots 1 and 28 – A 2.5 wide landscaping strip along the full length of the lot boundaries with McShane Road and XXXX Road, except access points.

Lot 2 - A 2.5m wide landscaping strip along the full length of the lot boundary with McShane Road, and an 8 metre wide landscaping strip for the full length of the boundary between the body of Lot 2 and Right of way A, except for the access point to the lot.

Lots 3-13 - A 2.5 wide landscaping strip along the full length of the lot boundaries with XXXX Road, except access points, and an 8 metre wide landscaping strip for the full length of the boundary between Lots 1-13 and Lot 29 DP XXXXXX.

Lots 14, 21-23, 26 and 27 - A 2.5 wide landscaping strip along the full length of the lot boundaries with XXXX Road, except access points.

Where any existing plants die or are removed these shall be replaced as soon as practicable.

f) Lots 1 and 28 shall not gain access directly onto McShane Road.

g) Lot 2 shall not gain access onto McShane Road, other than provided by Right of way A. Access to the body of Lot 2 from Right of way A shall be located as shown on Plan A of subdivision consent RM211281, and shall have a maximum width of 6 metres.

h) On Lots 2-13 any buildings walls that face toward Lot 29 DP XXXXX or fencing along the boundary with this lot shall be finished in recessive colours. No signage or lighting shall be placed on walls facing the boundary with Lot 29, and no other signage of lighting shall be highly visible from that boundary.

i) Stormwater infiltration and treatment shall be provided on Lots 1-14 and 16-28 in accordance with the relevant standards of the Nelson Tasman Land Development Manual 2020 at the time any building or hardstand area is constructed.

43 The following consent notices shall be registered on the certificate of title for Lot 29 pursuant to Section 221 of the Resource Management Act. The consent notices shall be prepared by the Consent Holder's solicitor and submitted to the Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder.

(a) No buildings or permanent structures shall be erected on Lot 29 DP XXXXXX.

(b) If at any time the land within Lot 29 XXXXXX is no longer used for access or some other activity that has the primary purpose of supporting the use of Sec 33 SO 455144 for productive purposes, the lot shall be planted with landscape planting consistent with that required along the adjacent boundary with Lots 2-13 DP XXXXXX by subdivision consent RM211281.

Reserve Financial Contribution

44 The Consent Holder shall pay a financial contribution for reserves and community services in accordance with following:

a) The amount of the contribution shall be 5.62 per cent of the total market value, or 2500 square metres of a notional building site where the lot is larger than 2500 square metres, (at the time subdivision consent is granted) for Lots 1-14 and 16-28. One credit will be given for the underlying title (calculated as an average of Lots 1-14 and 16-28).

b) The Consent Holder shall request in writing to the Council's Consent Planner (Subdivision Approvals) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost;

c) If payment of the financial contribution is not made within 2 years of the granting of the resource consent, a new valuation shall be obtained in accordance with b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.62 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within 2 years of any new valuation.

Advice Note:
A valuation will be arranged by Council upon request from the Consent Holder. A copy of the valuation together with an assessment of the financial contribution will be provided by the Council to the Consent Holder.

GENERAL ADVICE NOTES

Council Regulations

1 This is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Other Tasman Resource Management Plan Provisions

2 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: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.

Consent Holder

3 This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "Consent Holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

Land Ownership

4 This consent does not provide permission for works within land under separate ownership without the landowner's consent.

Development Contributions

5 Council will not issue a completion certificate pursuant to Section 224(c) of the Act in relation to this subdivision until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

A Development Contribution Notice outlining the required contributions will follow this decision.

REASONS FOR THE DECISION

Background

The application seeks to subdivide Sec 32 SO 455144 (RT 627877) in the Light Industrial Zone and the Richmond West Development Area to create:

- Lots 1-14 and 16 to 28 – Light industrial allotments
- Lot 29 – to be amalgamated with Sec 33 SO 455144
- Lot 15 – stormwater utility allotment to vest
- Roads 1, 2 and 3 to vest.

The subject site is 8 hectares in area and is currently vacant. It is bordered to the east and north by Rural 1 (deferred Light Industrial) zoned land and to the west by Rural 1 zoned land. The site gains access from McShane Rd, which is a Collector Road, and is opposite "The Meadows" residential development.

An indicative road is mapped along the north-eastern boundary of the site.

Designation D245 was previously mapped along the south-western boundary of the site. This designation was for a new water bore field. Council's Group Manager – Community

Infrastructure confirmed that the designation is no longer required, and it has been removed from the TRMP.

The site is also on Council's HAIL register as it has previously been used for horticultural purposes.

The majority of the earthworks associated with this development have been previously authorised by consent RM210612 and have been largely completed.

All lots will be provided with connections to Council reticulated services. A proposed detention pond to be located in Lot 15 is required to manage effects on the downstream network – this will become a Council asset.

Tasman Resource Management Plan ("TRMP") Zoning, Area, and Rules Affected

According to the TRMP the following apply to the subject property:

Zoning: Light Industrial
Area(s): Land Disturbance Area 1, Richmond West Development Area, Indicative Road, Designation 245.

No person may subdivide land within Tasman District as a permitted activity according to the TRMP. The activity authorised by this resource consent is deemed to be a discretionary activity in accordance with Rule 16.3.4.4 of the TRMP.

Proposed Right of way A does not comply with permitted activity Rule 16.2.2.1 as it will not meet the legal width requirement for an industrial right of way. This right of way is therefore assessed as a restricted discretionary activity per Rule 16.2.2.6.

This consent is bundled with land disturbance consent RM211282, stormwater discharge consent RM211283 and land use consent RM211284, and overall, the activities are assessed as discretionary.

Principal Issues (Actual and Potential Effects on the Environment)

The principal issue(s) associated with the proposed activity involve the actual and potential effects on the environment. For this application these were:

(a) Lot size, shape and layout.

(b) Landscaping, amenity and reverse sensitivity.

(c) Roading and access.

(d) Servicing.

(e) HAIL.

I consider that the adverse effects of the activity on the environment will be no more than minor for the following reasons:

(a) All of the proposed allotments comply with the 750m^2 controlled activity size for the Light Industrial Zone in the Richmond West Development Area and can contain a 15m diameter circle. All lots comply with the 10-metre frontage requirement, and there is a good mix of lot sizes throughout the development to cater for a range of end uses.

Overall, the development is well set out, makes good use of the site, and, in relation to layout, aligns with the Plan's expectations for development in this zone.

(b) The TRMP sets out a number of setback and landscaping requirements for the Industrial Zone aimed at ensuring that developments within this zone provide a high level of amenity – both inside and outside the development. For the subject site these are:

- Western boundary with Rural 1 Zone: A 20 metre building setback and a 20 metre wide landscape strip including a 2.5 metre high bund.

- Boundaries adjoining McShane Road and Road 1 (Collector): 10 metre setback and a 2.5 metre wide landscape strip.

The permitted activity rules for the Light Industrial Zone allow a maximum building height of 15 metres, maximum building coverage of 75%, and require each site to have at least 10% of the lot area landscaped.

The requirement for the 20 metre wide landscape strip and associated 20 metre building setback on the western boundary with the Rural 1 Zone relates to the Plan's intention to provide a defined transitional edge between the two zones. It also seeks to provide a buffer to avoid cross boundary effects and enhance the overall amenity of the area. The following TRMP policies are relevant:

6.5.3.6
To avoid the adverse effects of industrial activities that are unrelated to the rural environment on the amenity and character of rural areas.

6.8.3.10
Limited urban expansion in Richmond west in the Lower Queen Street area northwest of State Highway 6 to accommodate residential, business and industrial land, with the exception of industrial development which is to occur north of McShane Road and west of Lower Queen Street, and north of Headingly Lane and east of Lower Queen Street.

6.5.3.11
To enhance the amenity values of new industrial areas for employees, customers and for the public when viewed from public areas such as roads, and open space.

6.8.3.20
To provide for a light industrial park opposite Nelson Pine Industries (MDF Plant) and the co-location of activities with similar effects.

6.8.3.21
To provide a buffer around the perimeter of the industrial park to assist with noise attenuation at the interface of the rural zone and to reduce visual impacts of large buildings when viewed from Lower Queen Street, McShane Road and the rural zone.

6.8.3.26
To define the urban and rural edge of the Richmond West Development Area through the use of a planted amenity setback at McShane Road and at the interface of the Light Industrial and Rural 1 zones to protect rural land from urban encroachment and to mitigate adverse visual effects of built development.

The applicant has applied to breach both the landscaping requirements and the setback. They are proposing a 15 metre building setback, an 8 metre wide

landscaping strip, and a 7 metre wide access strip within Lot 29 that will not be planted. As mitigation for the reduced landscaping and setbacks they are proposing:

- A reduced maximum building height of 9m on Lots 1-4;
- A reduced building height of 10 metres on Lots 5-13;
- No signage to be located facing the Rural 1 boundary on Lots 2-13; and
- Buildings on Lots 2-13 visible from the Rural 1 Zone to be finished in neutral/recessive colours.

Landscaping along the McShane Road and Road 1 frontage boundaries will comply with the standards set out in the plan.

There is an existing 7m wide access easement in favour of the adjacent orchard property that covers the area within Lot 29. This land is zoned Light Industrial but an easement prevents the applicant from building on or landscaping this area, and they have an agreement to transfer ownership of this strip to the owner of this adjacent property – with exception of the area of this strip contained within Lot 2. An 8m wide landscaping strip will be planted within Lots 2–13 along the boundary with Lot 29.

The applicant considers that the 7m wide access strip and 8m wide landscape strip (15 metres in total) provides an adequate buffer between the zones, and that combined with the volunteered height restrictions this will ensure that the visual mitigation sought by the Plan is achieved. The application is supported by a landscape planting plan produced by Kumanu Environmental.

Council engaged a landscape architect from Boffa Miskell (BM) to review the proposed landscape plan and provide an assessment of this in the context of the relevant Plan provisions. The review concluded that the proposal, including the proposed mitigation, was likely to achieve the outcomes sought by the plan – taking into account the easement restriction that exists along the boundary of the site. It recommended that restrictions be placed on the use of Lot 29 so that this area will continue to contribute to the buffer area should the easement area no longer be used for productive purposes. Consent notices prohibiting structures and requiring future landscaping will be conditions of consent for Lot 29. The location and size of the entrance to Lot 2 will also need to be controlled in order to minimise the effect of this break in the landscaping strip.

The reviewer also noted that the requirement for a bund within the landscape strip was impractical and unlikely to provide the noise and visual mitigation sought by the plan. A bund would not be in keeping with the general character of the surrounding area, and the shape of a bund is not ideal for landscape planting as they dry out easily.

The subject site is the first property along this Rural/Industrial Zone boundary to be developed, and will likely set a precedent for development along the remainder of the boundary. Therefore, any reduction in the setback and landscaping requirements expected by the Plan needs to be carefully considered.

The applicant has stated that the reduced landscaping proposal has come about largely due to the designation and easement restrictions that existed in relation to Lot 29. However, even allowing for this easement area, a 13 metre wide landscaping strip within Lots 2-13 would have been expected by the Plan. The applicant has

chosen not to provide this and has instead offered restrictions on building height to lessen the visual impact of the development.

The owner of the adjacent property at No. 60 McShane Rd has provided written approval to the proposal so direct effects on this property cannot be considered. However, the visual effect from McShane Road, the general surrounding area, and from within the development itself are still relevant considerations for this assessment. As is the effect on the development of the remainder of this Industrial Zone, as discussed above.

The landscape cross sections produced by Kumanu Environmental are useful in comparing the proposed development with the Plan's Light Industrial provisions. These show that the reduction in building height from 15m to 9m and 10m significantly reduces the potential visual impact of the development, and also reduces the scale of landscaping required to provide a well-defined buffer between the development and the adjacent rural zone. Ideally, more than 8m of landscaping would be provided on the rural zone boundary, but it is acknowledged that the area within Lot 29 will have restricted use and will contribute to a degree to ensuring separation between the different land uses. It is expected that a more compliant landscaping strip will be provided along the remainder of this industrial/rural boundary where this easement restriction does not exist.

Due to the layout of the site and the indicative road, the landscaped edge was always likely to be located to the rear of any allotments created on this site – and would therefore have a limited impact on the overall amenity within the development. It is considered that the proposed landscaping will contribute appropriately to amenity within the allotments, and to amenity of the overall development to that extent that this is possible on this site.

Reduced setbacks applied for in relation to the deferred zone boundaries are assessed for land use consent RM211284.

Overall, it is considered that the proposed landscaping, including the McShane Road and Road 1 landscaping, and the volunteered mitigation measures will ensure that development is consistent with the outcomes sought by the Plan for this area. Visual and cross-boundary effects will be managed appropriately, and the provision of amenity enhancing landscaped areas is balanced with the efficient use of industrial land – which is a limited resource within the district.

(c) As part of the development, the applicant will construct a new intersection between Road 1, McShane Road and Summersfield Boulevard. This intersection will include a right turn bay into the proposed development, and restricted left turn only exit and entry into Summersfield Boulevard. The design for this intersection has been approved by Council's Transportation Manager.

Road 1 will be a Collector Road, while Roads 2 and 3 will be Local Roads. Roads 1 and 2 have been designed generally in accordance with the relevant standards of the Nelson Tasman Land Development Manual (NTLDM) with some exceptions in parking and overall width.

Road 3 will be a cul-de-sac approximately 135 metres in length, which does not comply with the 80 metre maximum length set out in the TRMP and NTLDM. This non-compliance is due to the L-shaped nature of the site and is considered appropriate in this circumstance.

The application has been reviewed by Council's Team Leader – Development Engineering, who considers the proposed road designs fit for purpose. Design of the road elements will be finalised at engineering plan stage.

In general, the road layout is considered to provide appropriate linkages to adjacent properties, in accordance with the indicative road overlay. The indicative road has moved off the boundary with Nos. 40 and 46 McShane Road. This is to allow the applicant to more efficiently develop the site whilst still providing road linkages to this property.

The relocation of the indicative road also does not comply with the TRMP controlled activity condition relating to the McShane Road intersection location. As noted above, Council's Transportation Manager has approved the new intersection location and considers that this ties in more effectively with the Summersfield Boulevard intersection – which was not an indicative road and therefore would not have been considered when the other indicative road alignments were put in place.

Right of way A is proposed to be created over Lot 2 in favour of Lot 29 and Sec 33 SO 45144. This right of way generally complies with the NTLDM standards for a two user right of way in the Industrial Zone, with the exception of the legal width – which will be 7 metres where the NTLDM requires 8 metres. This width has been designed to align with an existing access easement, and allow for the required landscape strip on this boundary and is considered to be appropriate in this circumstance.

(d) The lots will be provided with reticulated water, wastewater, stormwater, power and telecommunications connections.

Wastewater will be supplied by a low pressure system connecting to the existing network in McShane Road. Lot owners will be required to install compatible pumps and chambers when the lots are developed. The pumps will be private and maintained by the individual lot owners.

The applicant has proposed two options for water supply to the proposed development. The development will either connect to the existing 150mm water main in Summersfield Boulevard, or a new main will be installed to the water treatment plant on the corner of McShane Road and Lower Queen Street. A combination of these options may also be possible. Council's Infrastructure Engineer has stated that a firefighting water supply that complies with relevant standards for industrial use will need to be supplied, and that this is unlikely to be supplied by the Summersfield Boulevard main. Testing will be required to determine this, and conditions of consent will require that this is carried out at Engineering Plan stage. There is capacity to supply the development from the treatment plant if a new main is installed along McShane Road.

Stormwater will be discharged to an existing drain in the northern corner of the site via a detention basin that will be owned and maintained by Council. The basin will be designed to detain water during various length events up to a Q100 rainfall event to ensure that stormwater from the development does not impact on any downstream property – including Nelson Pine, which the reticulated network runs through to reach the coast. The current design is based on a 100% coverage scenario. The basin will also be designed to treat stormwater to an appropriate level before being discharged.

Final design of the basin has not yet been confirmed. Council's Team Leader – Stormwater, Rivers and Waste has asked the applicant to provide further calculations for the pond design taking into account adjusted critical duration events. The outcome of this may mean that the pond will need to be bigger than currently allowed for. It has been agreed with the applicant that this work can be done as a condition of consent

and that the boundary between Lots 15 and 16 may need to be flexible to allow this. The stormwater discharge is assessed under RM211283.

Existing overhead powerlines will be required to be undergrounded.

(e) The site is listed on Council's HAIL register as it has previously been used for berry growing. The application included a Detailed Site Investigation (DSI) produced by Envirolink. The DSI concluded that contaminant levels on the site were below the standard for industrial use. However, a small area within 54 McShane Road adjacent to the wash pad on the neighbouring property was found to have detectable concentrations of endosulfan. Endosulfan and all its variants is an organochlorine pesticide (OCP) that was banned from use in New Zealand in 2009. The subdivision and change of use are therefore assessed as a restricted discretionary activity in accordance with the NES-CS.

Any areas where contaminant levels exceed the relevant standard will be remediated, and requirements relating to earthworks or disposal of material taken off site are assessed under earthworks consent RM211282.

Relevant Statutory Provisions

In considering this application, I had regard to the matters outlined in Section 104 of the Act. In particular, I had regard to the relevant provisions of the following planning documents:

(a) the Tasman Regional Policy Statement (TRPS);
(b) the Tasman Resource Management Plan (TRMP);
(c) the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011.

Most of the objectives and policies contained within the TRPS are mirrored in the TRMP. The activity is considered to be consistent with the relevant objectives and policies contained in Chapters 5 (Site Amenity Effects), 6 (Urban Environmental Effects), 7 (Rural Environmental Effect), 9 (Landscape), 11 (Land Transport Effects), 12 Land Disturbance Effects, and 13 (Natural Hazards) of the TRMP.

Part II Matters

I have taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as presented in Section 5.

Notification and Affected Parties

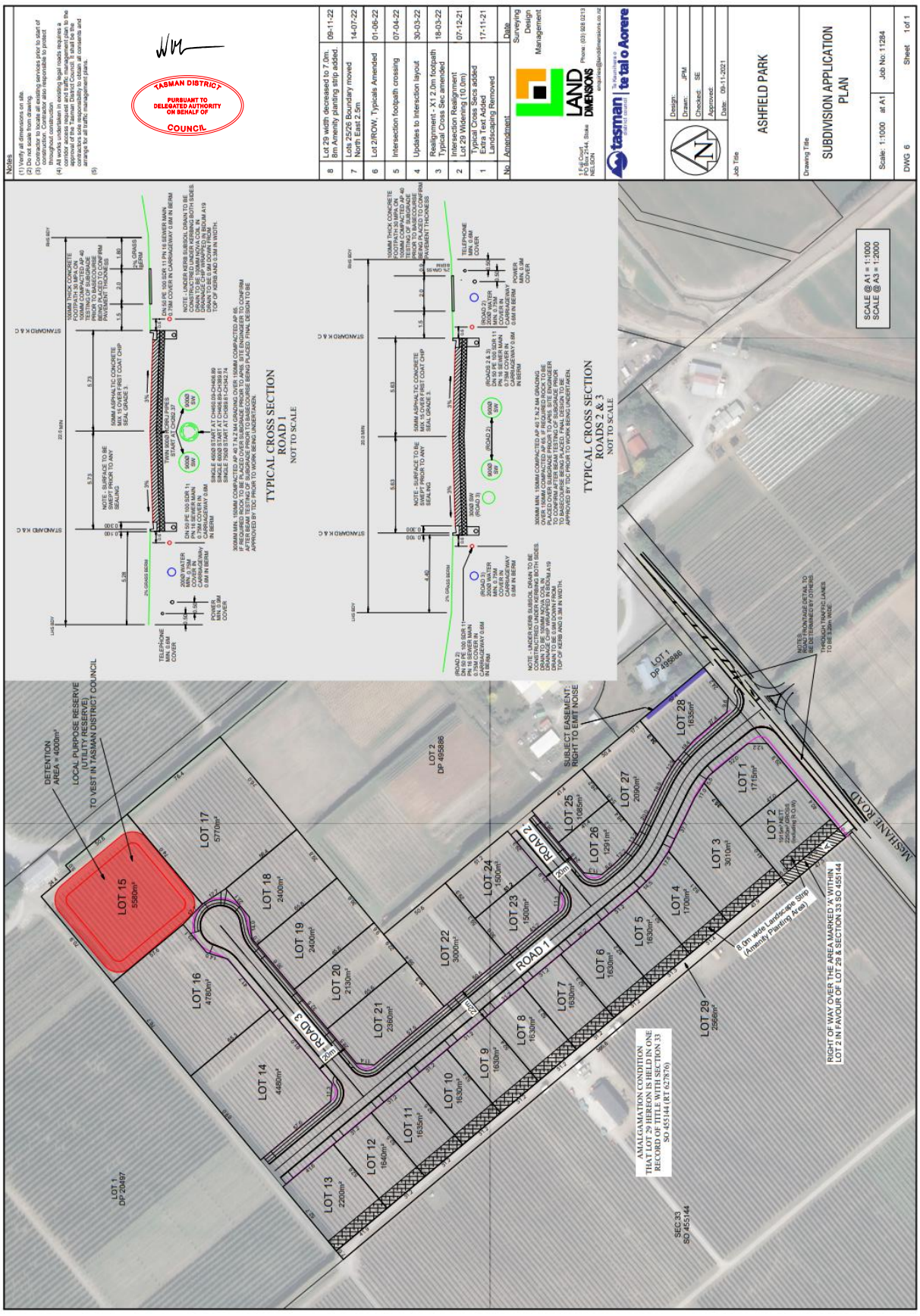
The adverse environmental effects of the activity are considered to be no more than minor. The Council's Principal Planner Resource Consents has, under the authority delegated to them, decided pursuant to Section 95 of the Act that the application did not require public or limited notification.

This consent is granted on 16 December 2022 under delegated authority from the Tasman District Council by:

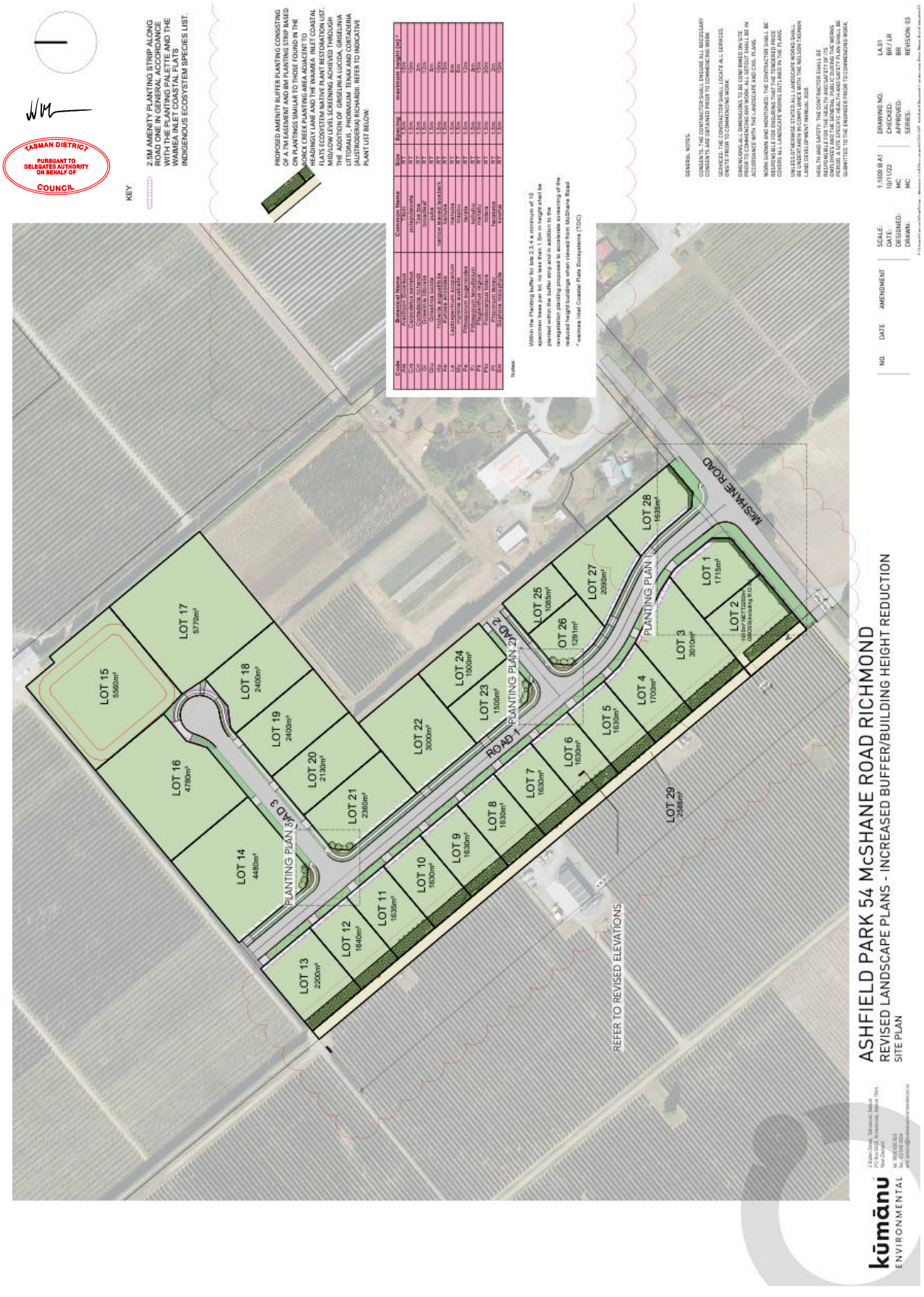
TASMAN DISTRICT COUNCIL
PURSUANT TO DELEGATED AUTHORITY ON BEHALF OF

Jenna Wolter
Senior Consent Planner - Subdivision

Plan A


Notes
(1) Verify all dimensions on site.
(2) Do not scale from drawing
(3) Contractor to locate all existing services prior to start of construction. Any damage is the responsibility of the contractor throughout construction
(4) All works undertaken in existing legal roads requires a corridor access request and all works proposed to be the approval of the Tasman District Council. It shall be the contractors sole responsibility to obtain all consents and arrange for all traffic management plans.
(5)
TASMAN DISTRICT COUNCIL
PURSUANT TO DELEGATED AUTHORITY ON BEHALF OF
No Amendment Date
8 Lot 29 width decreased to 7.0m. 8m Amenity planting strip added. 09-11-22
7 Lots 25/26 Boundary moved North East 2.5m 14-07-22
6 Lot 2/ROW, Typicals Amended 01-06-22
5 Intersection footpath crossing 07-04-22
4 Updates to Intersection layout 30-03-22
3 Realignment - X1 2.0m footpath Typical Cross Sec amended 18-03-22
2 Intersection Realignment Lot 29 Widening (10.0m) 07-12-21
1 Typical Cross Secs added Extra Text Added Landscaping Removed 17-11-21
Surveying Design Management
LAND DIMENSIONS
tasman te tai o Aorere
Design:
Drawn: JPM
Checked: SE
Approved:
Date: 09-11-2021
Job Title
ASHFIELD PARK
Drawing Title
SUBDIVISION APPLICATION PLAN
Scale: 1:1000 at A1
Job No: 11284
DWG 6
Sheet 1 of 1
TYPICAL CROSS SECTION ROAD 1
NOT TO SCALE
TYPICAL CROSS SECTION ROADS 2 & 3
NOT TO SCALE
SCALE @ A1 = 1:1000
SCALE @ A3 = 1:2000
DETENTION AREA = 4000m²
LOCAL PURPOSE RESERVE (UTILITY RESERVE) TO VEST IN TASMAN DISTRICT COUNCIL
LOT 15 5580m²
LOT 16 4780m²
LOT 17 5770m²
LOT 18 2400m²
LOT 19 2400m²
LOT 20 2130m²
LOT 21 2360m²
LOT 22 3000m²
LOT 23 1500m²
LOT 24 1500m²
LOT 25 1065m²
LOT 26 1291m²
LOT 27 2090m²
LOT 28 1635m²
LOT 1 1715m²
LOT 2 315m² MEET 2220m² GROSS (including R.O.W)
LOT 3 3010m²
LOT 4 1700m²
LOT 5 1630m²
LOT 6 1630m²
LOT 7 1630m²
LOT 8 1630m²
LOT 9 1630m²
LOT 10 1630m²
LOT 11 1635m²
LOT 12 1640m²
LOT 13 2200m²
LOT 14 4480m²
LOT 29 256m²
ROAD 1
ROAD 2
ROAD 3
20m
LOT 1 DP 499886
LOT 2 DP 499886
LOT 1 DP 20497
SEC 33 SO 455144
SUBJECT EASEMENT RIGHT TO EXIT NOISE
8.0m wide Landscape Strip (Amenity Planting Area)
RIGHT OF WAY OVER THE AREA MARKED 'A' WITHIN LOT 2 IN FAVOUR OF LOT 29 & SECTION 33 SO 455144
AMALGAMATION CONDITION
THAT LOT 29 HEREON IS HELD IN ONE RECORD OF TITLE WITH SECTION 33 SO 455144 (RT 627876)
WASHANE ROAD

Plan B


TASMAN DISTRICT
PURSUANT TO DELEGATED AUTHORITY ON BEHALF OF COUNCIL
KEY
2.5M AMENITY PLANTING STRIP ALONG ROAD 1 AND 2 IN GENERAL ACCORDANCE WITH THE PLANTING PALETTE AND THE WAIMEA INLET COASTAL FLATS INDIGENOUS ECOSYSTEM SPECIES LIST.
PROPOSED AMENITY BUFFER PLANTING CONSISTING OF A 7M EASEMENT AND 8M PLANTING STRIP BASED ON PLANTINGS SIMILAR TO THOSE FOUND IN THE BORCK CREEK PLANTING AREA ADJACENT TO HEADINGLY LANE AND THE WAIMEA INLET COASTAL FLATS ECOSYSTEM NATIVE PLANT RESTORATION LIST. THIS PLANTING PALETTE INCLUDES CORDYLINE AUSTRALIS, THE ADDITION OF GREVILLEA LUCIDA, GREVILLEA LITTORALIS, PHORMIUM TENAX AND CORTADERIA (AUSTRODERIA) RICHARDII. REFER TO INDICATIVE PLANT LIST BELOW.
Code | Botanical Name | Common Name | Size | Spacing | maximum height (m) *
Ale | Aluminya lucubus | TBC | 1L/PB | 1.5m | 15m
Ape | Alectryon excelsus | titoki | PB7 | 1.5m | 20m
Cor | Cordyline australis | ti | PB7 | 1.5m | 20m
Cot | Cotoneaster glaucophyllus | tree tea | PB7 | 1.5m | 3m
Gri | Griselinia littoralis | broadleaf | PB7 | 1.5m | 12m
Gri | Griselinia lucida | puka | PB7 | 1.5m | 10m
Hoh | Hoheria angustifolia | narrow leaved lacebark | PB7 | 1.5m | 10m
Ka | Kunzea ericoides | kanuka | PB7 | 1.5m | 15m
Le | Leptospermum scoparium | manuka | PB7 | 1.5m | 8m
Pa | Pittosporum eugenioides | tarata | PB7 | 1.5m | 12m
Pt | Pittosporum tenuifolium | kohuhu | PB7 | 1.5m | 6m
Ph | Phormium tenax | harakeke | PB7 | 1.5m | 6m
Pho | Podocarpus totara | totara | PB7 | 1.5m | 30m
Pr | Prumnopitys taxifolia | matai | PB7 | 1.5m | 30m
Sch | Schefflera digitata | pate | PB7 | 1.5m | 10m
Notes:
Within the Planting buffer for lots 2,3,4 a minimum of 10 specimen trees per lot, no less than 1.5m in height shall be planted within the buffer strip and in addition to the revegetation planting proposed to accelerate screening of the reduced height buildings when viewed from McShane Road
* waimea Inlet Coastal Flats Ecosystems (TDC)
GENERAL NOTES:
CONSENTS: THE CONTRACTOR SHALL ENSURE ALL NECESSARY CONSENTS ARE OBTAINED PRIOR TO COMMENCING WORK
SERVICES: THE CONTRACTOR SHALL LOCATE ALL SERVICES ON SITE PRIOR TO COMMENCING WORK.
DIMENSIONS: ALL DIMENSIONS TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION. ALL WORK SHALL BE IN ACCORDANCE WITH THE LANDSCAPE AND CIVIL PLANS
WORK SHOWN AND MONITORED: THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT THE TENDERED PRICE COVERS ALL LANDSCAPE WORKS OUTLINED IN THE PLANS.
UNLESS OTHERWISE STATED ALL LANDSCAPE WORKS SHALL BE UNDERTAKEN IN COMPLIANCE WITH THE NELSON TASMAN LAND DEVELOPMENT MANUAL 2020
HEALTH AND SAFETY: THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT ALL WORKS ON SITE EMPLOYEES AND THE GENERAL PUBLIC DURING THE WORKS PERIOD, A SITE SPECIFIC HEALTH AND SAFETY PLAN SHOULD BE PREPARED BY THE CONTRACTOR AND SUBMITTED TO COUNCIL FOR APPROVAL PRIOR TO THE COMMENCEMENT OF WORKS.
NO. | DATE | AMENDMENT
SCALE: 1:1000 @ A1
DATE: 10/11/22
DESIGNED: MC
DRAWN: MC
DRAWING NO: LA.01
CHECKED: BR / LR
APPROVED: BR
SERIES: REVISION: 03
LOT 1 1715m²
LOT 2 1910m² NETT (2025m² GROSS including R.O.W.)
LOT 3 3010m²
LOT 4 1700m²
LOT 5 1630m²
LOT 6 1630m²
LOT 7 1630m²
LOT 8 1635m²
LOT 9 1630m²
LOT 10 1650m²
LOT 11 1635m²
LOT 12 1640m²
LOT 13 2200m²
LOT 14 4480m²
LOT 15 5560m²
LOT 16 4700m²
LOT 17 5710m²
LOT 18 2400m²
LOT 19 2400m²
LOT 20 2130m²
LOT 21 2360m²
LOT 22 3000m²
LOT 23 1500m²
LOT 24 1500m²
LOT 25 1085m²
LOT 26 1291m²
LOT 27 2090m²
LOT 28 1638m²
LOT 29 2566m²
ROAD 1
ROAD 2
ROAD 3
PLANTING PLAN 1
PLANTING PLAN 2
PLANTING PLAN 3
MCSHANE ROAD
REFER TO REVISED ELEVATIONS
ASHFIELD PARK 54 McSHANE ROAD RICHMOND
REVISED LANDSCAPE PLANS - INCREASED BUFFER/BUILDING HEIGHT REDUCTION
SITE PLAN
kūmānu
ENVIRONMENTAL

Plan C

TASMAN DISTRICT COUNCIL
PURSUANT TO DELEGATED AUTHORITY ON BEHALF OF COUNCIL
KEY
FLAX GARDEN
80% - PHORMIUM EMERALD GEM
20% - MUEHLENBECKIA AXILLARIS
SHRUB GARDEN
70% - ANEMANTHELE LESSONIANA
30% - HEBE STRICTA VAR. ATKINSONII
ALECTRYON EXCELSUS
PLAGIANTHUS REGIUS @10M CENTRES
GRASS BERM
NOTE: PLANTING SHALL BE UNDERTAKEN IN ACCORDANCE WITH SHEET LA.10, PLANTING AND MAINTENANCE SPECIFICATION
GENERAL NOTES:
CONSENTS: THE CONTRACTOR SHALL ENSURE ALL NECESSARY CONSENTS ARE OBTAINED PRIOR TO COMMENCING ANY WORK.
SERVICES: THE CONTRACTOR SHALL LOCATE ALL SERVICES PRIOR TO COMMENCING WORK.
DIMENSIONS: ALL DIMENSIONS TO BE CONFIRMED ON SITE PRIOR TO COMMENCING ANY WORK. ALL SETOUT SHALL BE IN ACCORDANCE WITH THE LANDSCAPE AND CIVIL PLANS.
WORK SHOWN AND MENTIONED: THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT THE TENDERED PRICE COVERS ALL LANDSCAPE WORKS OUTLINED IN THE PLANS.
UNLESS OTHERWISE STATED ALL LANDSCAPE WORKS SHALL BE UNDERTAKEN TO COMPLY WITH THE NELSON TASMAN LAND DEVELOPMENT MANUAL 2020.
HEALTH AND SAFETY: THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE HEALTH AND SAFETY OF ITS EMPLOYEES AND THE GENERAL PUBLIC DURING THE WORKS. A HEALTH AND SAFETY PLAN FOR THE WORKS SHALL BE SUBMITTED TO THE ENGINEER PRIOR TO COMMENCING WORK.
2.5M AMENITY PLANTING STRIP ALONG ROAD ONE IN GENERAL ACCORDANCE WITH THE PLANTING PALETTE AND THE WAIMEA INLET COASTAL FLATS INDIGENOUS ECOSYSTEM SPECIES LIST.
20M AMENITY BUFFER LINE (TRAP PERMITTED)
REFER TO LA.01
8000
Code | Botanical Name | Common Name | Grade | Spacing | Mature Height | Quantity
An.le | Anamenthele lessoniana | Gossamer Grass | RT | 800 | 1000 | 153
He.at | Hebe stricta var. atkinsonii | Koromiko | PB5 | 700 | 600 | 86
Mu.ax | Muehlenbeckia axillaris | Creeping Wire Vine | PB3 | 600 | 200 | 82
Pl.re | Plagianthus regius | Ribbonwood | 1.8-2.5L | 2000 | 4000 | 8
Al.ex | Alectryon excelsus | Tītoki | 45L | 4000 | 7.5-10m | 114
Ph.'Em' | Phormium 'Emerald Gem' | Flax 'Emerald Gem' | PB3 | 800 | 1000 | 184
NO. | DATE | AMENDMENT
SCALE: 1:200 @ A1
DATE: 10/11/22
DESIGNED: MC
DRAWN: MC
DRAWING NO: LA.02
CHECKED: BR / LR
APPROVED: BR
SERIES: REVISION: 03
ASHFIELD PARK 54 McSHANE ROAD RICHMOND
REVISED LANDSCAPE PLANS - INCREASED BUFFER/BUILDING HEIGHT REDUCTION
PLANTING PLAN 1
kūmānu ENVIRONMENTAL

Plan D

KEY
LIBERTIA IXOIDES
ANEMANTHELE LESSONIANA
GRASS MIX - 50% APODASMIA SIMILIS
50% CAREX VIRGATA
SOPHORA MICROPHYLLA
GRASS BERM
NOTE: PLANTING SHALL BE UNDERTAKEN IN ACCORDANCE WITH SHEET LA.10 PLANTING AND MAINTENANCE SPECIFICATION
2.5M AMENITY PLANTING STRIP ALONG ROAD, CHE IN GENERAL ACCORDANCE WITH THE PLANTING PALETTE AND THE WAIMEA INLET COASTAL FLATS INDIGENOUS ECOSYSTEM SPECIES LIST.
TASMAN DISTRICT
PURSUANT TO DELEGATED AUTHORITY ON BEHALF OF COUNCIL
GENERAL NOTES:
CONSENTS. THE CONTRACTOR SHALL ENSURE ALL NECESSARY CONSENTS ARE OBTAINED PRIOR TO COMMENCING WORK
SERVICES. THE CONTRACTOR SHALL LOCATE ALL SERVICES ON SITE PRIOR TO COMMENCING WORK.
DIMENSIONS ALL DIMENSIONS TO BE CONFIRMED ON SITE PRIOR TO COMMENCING ANY WORK. ALL SETOUT SHALL BE IN ACCORDANCE WITH THE LANDSCAPE AND CIVIL PLANS
WORK SHOWN AND MENTIONED: THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORKS SHOWN ON THE PLANS AND COVERS ALL LANDSCAPE WORKS OUTLINED IN THE PLANS
UNLESS OTHERWISE STATED ALL LANDSCAPE WORKS SHALL BE UNDERTAKEN IN COMPLIANCE WITH THE NELSON TASMAN LAND DEVELOPMENT MANUAL 2020.
HEALTH AND SAFETY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE HEALTH AND SAFETY OF ITS EMPLOYEES AND ANY OTHER PERSONS ON SITE DURING WORKS PERIOD. A SITE SPECIFIC HEALTH AND SAFETY PLAN SHALL BE SUBMITTED TO THE ENGINEER PRIOR TO COMMENCING WORK.
NO. DATE AMENDMENT
SCALE: 1:100 @ A1
DATE: 15/09/22
DESIGNED: MC
DRAWN: MC
DRAWING NO. LA.03
CHECKED: BR / LR
APPROVED: BR
SERIES: REVISION: 02
Code | Botanical Name | Common Name | Grade | Spacing | Mature Height | Quantity
An.le | Anemanthele lessoniana | Gossamer Grass | RT | 750 | 750 | 145
Ap.si | Apodasmia similis | Oioi | RT | 700 | 1000 | 82
Ca.vi | Carex virgata | Pukio | PB3 | 800 | 1000 | 64
Li.ix | Libertia ixoides | New Zealand Iris | PB3 | 400 | 400 | 260
So.mi | Sophora microphylla | Kowhai | 1.8m+ | As shown | 6-8m | 6
So.mi-3
Ap.si-46
Ca.vi-32
An.le-73
Li.ix-130
So.mi-3
Ap.si-46
Ca.vi-32
An.le-72
Li.ix-130
kūmānu
ENVIRONMENTAL
ASHFIELD PARK 54 McSHANE ROAD RICHMOND
REVISED LANDSCAPE PLANS - BUILDING HEIGHT REDUCTION
PLANTING PLAN 2

Plan E

KEY

LIBERTIA IXIOIDES

ANEMANTHELE LESSONIANA

GRASS MIX - 50% APODASMIA SIMILIS
50% CAREX VIRGATA

SOPHORA MICROPHYLLA

GRASS BERM

NOTE: PLANTING SHALL BE UNDERTAKEN IN ACCORDANCE WITH SHEET LA.10: PLANTING AND MAINTENANCE SPECIFICATION

2.5M AMENITY PLANTING STRIP ALONG ROAD ONE IN GENERAL ACCORDANCE WITH THE PLANTING PALETTE AND THE WAIMEA INLET COASTAL FLATS INDIGENOUS ECOSYSTEM SPECIES LIST.

Code	Botanical Name	Common Name	Grade	Spacing	Mature Height	Quantity
An.le	Anemanthele lessoniana	Gossamer Grass	RT	750	750	145
Ap.si	Apodasmia similis	Oioi	RT	700	1000	82
Ca.vi	Carex virgata	Pukio	PB3	800	1000	64
Li.ix	Libertia ixoides	New Zealand Iris	PB3	400	400	260
So.mi	Sophora microphylla	Kowhai	1.8m+	As shown	6-8m	6

COUNCIL "VARIMAN DISTRICT" PURSUANT TO DELEGATED AUTHORITY DATED ON BEHALF OF

GENERAL NOTES:

CONSENTS: THE CONTRACTOR SHALL ENSURE ALL NECESSARY CONSENTS ARE OBTAINED PRIOR TO COMMENCING WORK

SERVICES: THE CONTRACTOR SHALL LOCATE ALL SERVICES ONSITE PRIOR TO COMMENCING WORK.

DIMENSIONS: ALL DIMENSIONS TO BE CONFIRMED ON SITE PRIOR TO COMMENCING ANY WORK. ALL SETOUT SHALL BE IN ACCORDANCE WITH THE LANDSCAPE AND CIVIL PLANS.

WORK SHOWN AND MENTIONED: THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT THE TENDERED PRICE COVERS ALL LANDSCAPE WORKS OUTLINED IN THE PLANS.

UNLESS OTHERWISE STATED ALL LANDSCAPE WORKS SHALL BE UNDERTAKEN IN COMPLIANCE WITH THE NELSON TASMAN LAND DEVELOPMENT MANUAL 2020.

HEALTH AND SAFETY: THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE HEALTH AND SAFETY OF ITS EMPLOYEES AND THE GENERAL PUBLIC DURING THE WORKS PERIOD. A SITE SPECIFIC HEALTH AND SAFETY PLAN SHALL BE SUBMITTED TO THE ENGINEER PRIOR TO COMMENCING WORK.

kūmānu ENVIRONMENTAL

2 Rubert Street, Tahunanui, Nelson
PO Box 9035, Annesbrook, Nelson 7044,
New Zealand
tel: 0800 835 622
fax: (03) 545 2084
email: service@kumanuenvironmental.co.nz

ASHFIELD PARK 54 McSHANE ROAD RICHMOND

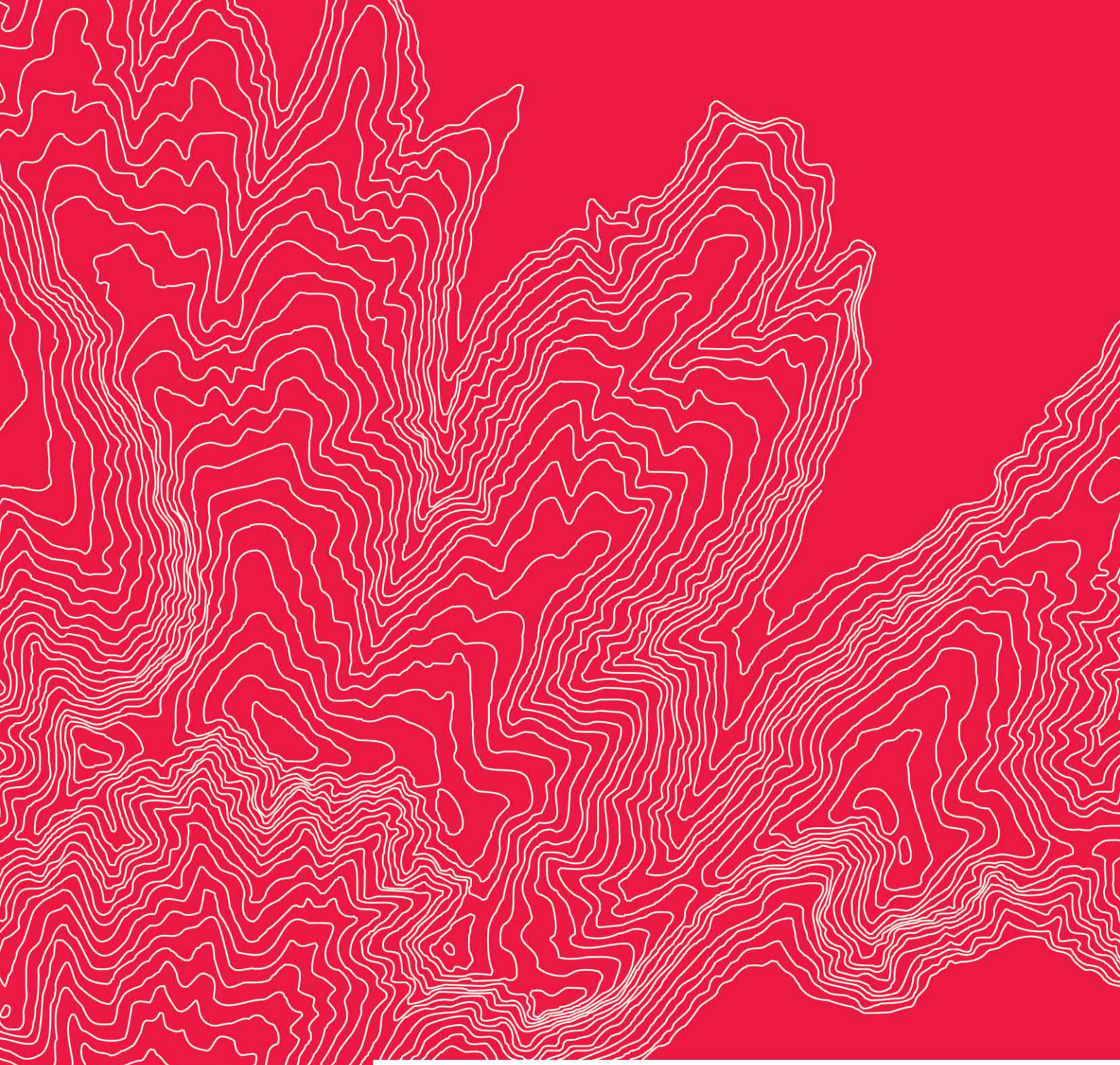
REVISED LANDSCAPE PLANS - BUILDING HEIGHT REDUCTION

PLANTING PLAN 3

NO.	DATE	AMENDMENT

SCALE:	1:100 @ A1	DRAWING NO:	LA.04
DATE:	15/09/22	CHECKED:	BR / LR
DESIGNED:	MC	APPROVED:	BR
DRAWN:	MC	SERIES:	REVISION: 02

C:\Users\Lance\OneDrive - Nelmac Ltd\Documents\0221107 Ashfield Revised Landscape Plan (New Build Heights)3.v



Geotechnical Report & Natural Hazards Assessment

eliot sinclair

54 McShane Road, Richmond

Prepared for McShane Road Holdings Ltd

501410

Geotechnical Report & Natural Hazards Assessment

54 McShane Road, Richmond

Prepared for McShane Road Holdings Ltd

501410

Quality Control Certificate

Eliot Sinclair & Partners Limited

eliotsinclair.co.nz

Action	Name	Signature	Date
Prepared by:	Kristel Franklin BSc MSc (HAZM) CMEngNZ PEngGeol (1163943) Engineering Geologist		23 November 2020
Reviewed by:	John Aramowicz BEng(Hons) Mining CMEngNZ IntPE(NZ) CPEng (1008112) Geotechnical Engineer Director		23 November 2020
Directed and approved for release by:	John Aramowicz BEng(Hons) Mining CMEngNZ IntPE(NZ) CPEng (1008112) Geotechnical Engineer Director		23 November 2020
Status:	Final		
Release date:	23 November 2020		
Reference no:	501410		
Distributed to:	McShane Road Holdings Ltd		

Limitations

This report has been prepared for McShane Road Holdings Ltd according to their instructions and for the particular objectives described in this report. The information contained in this report should not be used by anyone else or for any other purposes.

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Appendix A. Proposed Scheme Plan

Appendix B. NZGD Records

Appendix C. Site Investigation Records

Appendix D. Statement of Professional Opinion

1. Introduction

Eliot Sinclair & Partners Ltd was engaged by McShane Road Holdings Ltd to undertake a geotechnical investigation and Natural Hazard Risk Assessment at 54 McShane Road, Richmond ('The Site'). The purpose of the assessment is to report on the geotechnical suitability of the land for a proposed commercial/industrial subdivision.

This report addresses the risk of *natural hazards* as they relate to the subdivision consent application under Section 106 of the Resource Management Act (RMA), 1991[1].

2. Scope of Work

The scope of work undertaken is outlined below.

a) Desktop review of available data from the following sources:
   - New Zealand Geotechnical Database (NZGD)
   - Tasman District Council (TDC) GIS[2]
   - Institute of Geological & Nuclear Sciences' (GNS) Active Faults Database[3]
   - Historical aerial photographs

b) Site investigation on 21 August 2020:
   - Walkover inspection
   - 9 x test pit excavations, 1 x hand auger, and 7 x Scala penetrometer tests to investigate the nature of the shallow soils across the site and associated soil bearing capacity

c) Reporting:
   - Prepare a natural hazards risk assessment.
   - Provide commentary on ground conditions and the geotechnical suitability of the site for the proposed subdivision

3. Site Description

The site is legally described as Section 32 SO 455144 and comprises an area of ~8.26 hectares. The site location and current layout is shown on Figure 1.

The site is bounded by McShane Road to the southeast, Eyebright Country Store to the northeast and by rural properties to the southwest and northwest. Land opposite 54 McShane Road to the southeast is currently being developed, as observed during the site walkover in August 2020.

54 McShane Road is currently being used as a tree nursery. The site is generally flat and covered in rows of saplings. An open drainage channel is located adjacent to the northeastern extent of the site, which flows towards the southeast. An easement for overhead power crosses the site, as shown on the plan in Appendix A.

4. Proposed Subdivision

It is proposed to subdivide the area shown on Figure 1 into 23 commercial lots ranging in size from 1,415m^2 to 5,790m^2. A proposed scheme plan is provided in Appendix A.

[1] Resource Management Act (1991) – retrieved in September 2019 from http://www.legislation.govt.nz/
[2] www.topofthesouthmaps.co.nz
[3] Geological and Nuclear Sciences, (2004). Active Faults Database. Retrieved in February 2019 from http://maps.gns.cri.nz/website/af/viewer.htm

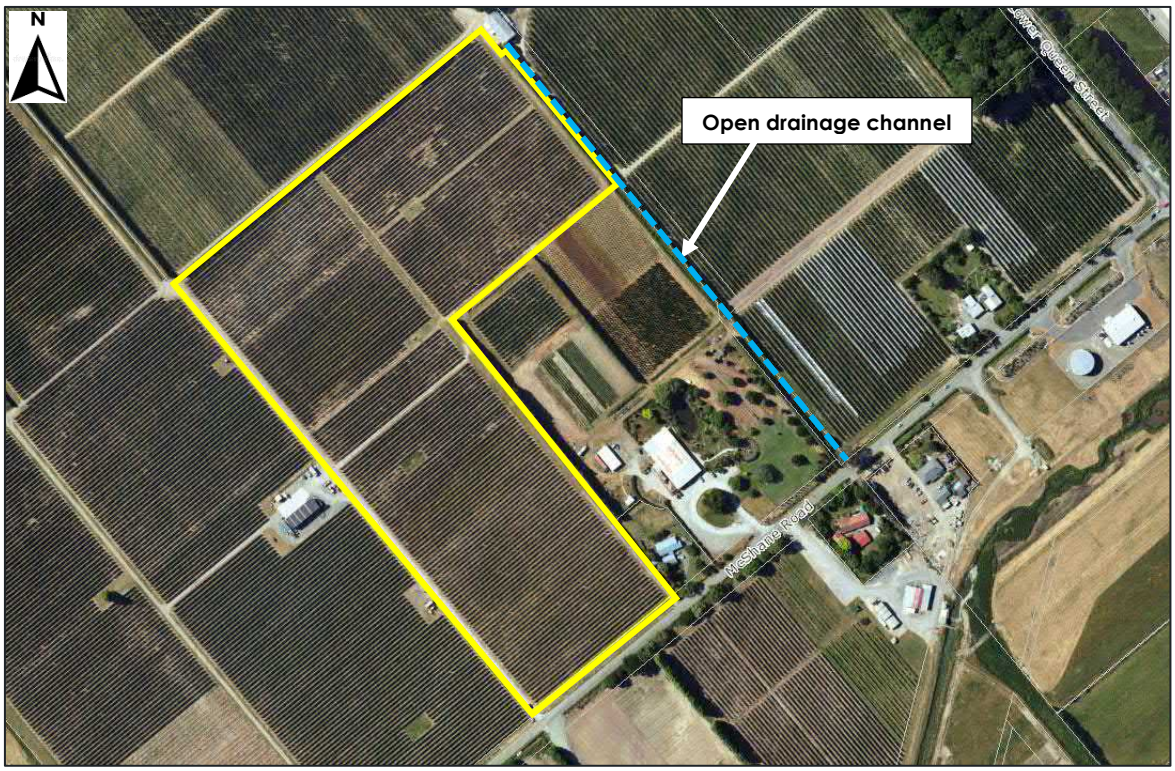

Figure 1: Site Location Plan (Top of the South Maps, September 2020)

5. Geology

Published geology[4] indicates the site is underlain by "*Well sorted gravels forming modern flood plains and young fan gravels (Q1a)*".

A review of nearby borehole/test pit data available from the NZGD is summarised in Table 1, with full logs provided in Appendix B, including the test locations.

NZGD Reference	Location	Total depth	Lithology summary
Other_99082	Adjacent to western site boundary	6.3m	300mm layer of topsoil, underlain by *'grey coarse gravels to fine/medium sand and some yellow clay'*.
Other_99078	~260m east	12m	Limited descriptions *'fine-med sand with small gravel'* noted from 1-3m depth, and *'small-med gravels'* and coarse sand noted to 12m.
BH_77930 BH_77931	~350m east	15m	Similar profiles with silty/sandy GRAVEL consistently recorded from below the topsoil layer to the target depth.
TestPit_112166 TestPit_112167 TestPit_112168 TestPit_112172	~280m southeast	1.8 to 2.2m	Similar profiles with gravelly SILT to ~0.8-0.9 and sandy GRAVEL to the target test pit depth. Some roots/organic material noted at 1.3m in test pit reference 112168.

[4] Rattenbury, M.S.; Cooper, R.A.; Johnston, M.R. 1998 Geology of the Nelson area. Lower Hutt: Institute of Geological & Nuclear Sciences Limited. *Institute of Geological & Nuclear Sciences 1:250,000 geological map*

The closest active fault on the GNS Active Faults Database is located approximately 10km to the south east of the site (Waimea fault).

6. Aerial Photograph Review

Aerial photographs available from the TDC GIS and Retrolens NZ have been reviewed to determine whether any former infilled channels or other geomorphic features are visible across the site that could result in localised fine-grained sediment deposition.

The earliest available photograph is dated in the 1940s (Figure 2). A shallow channel feature is visible near the northern corner of the site. The scale of the channel feature is considered low risk of sediment deposition/infill. The open drainage channel is visible along the northeastern side of 54 McShane Road.

Figure 2: 1940s aerial image (Top of the South Maps)

We acknowledge that 'Swamp Road' is located ~1km to the northwest and conservations with site staff during the walkover inspection confirmed that some old tree stumps have been encountered during previous planting regimes.

7. Standard of Investigation

The Tasman District Council's "*Revised Preliminary Assessment of the Liquefaction Hazard in Tasman and Nelson*"[5] identifies the following:

[5] Dr M. R. Johnston. Revised Preliminary Assessment of the Liquefaction Hazard in Tasman and Nelson. 16 February 2013. Retrieved from www.nelson.govt.nz

"Within the Tasman and Nelson regions, sediments that are water saturated and have properties that make them potentially susceptible to liquefaction are very restricted, being confined largely to the marine and estuarine sands and silts adjacent to the coast".

"Elsewhere the only sediments that may contain liquefiable material are the flood plain deposits of a major river. However, these are not thought to be extensive as the main lithology is gravel, but unconsolidated sand is more abundant in the floodplain deposits of the Motueka valley".

MBIE guidance[6] outlines a risk-based process to manage liquefaction-related risk in land use planning and development decision-making. Based on Tables 3.2 and 3.6 of the MBIE (2017) guidance, we have undertaken a **Level B equivalent liquefaction assessment** (calibrated desktop assessment).

Having reviewed the mapped geology, nearby borehole records and TDC reporting[5], liquefaction damage is unlikely, and an associated **low liquefaction vulnerability** is considered appropriate for the site.

8. Shallow Geotechnical Testing

Shallow geotechnical testing was undertaken on 21 August 2020 and comprised nine machine dug test pits, one hand auger borehole and seven Scala penetrometer tests. The purpose of the geotechnical testing was to confirm the nature of the shallow soil strata and the inferred soil bearing capacity. Refer to the Site Investigation Records attached in Appendix C.

Site restrictions (operational nursery) necessitated the test pits to be located around the perimeter of the site, and the total depth was restricted due to proximity of a number of test locations to the existing plantings. At locations where there was more space available, the target test pit depth was groundwater level, which was encountered between 0.8 and 1.3m below existing ground level. Hand auger HA10 was undertaken to provide additional site coverage.

The shallow profile typically comprised topsoil/fill material to depths between 0.1 and 0.9m bgl, underlain by sandy fine to coarse gravel. Test location TP7 encountered fill material overlying an obsolete ~450mm diameter concrete pipe and accordingly was not advanced further. Broken concrete was also observed within the bank of the adjacent drainage channel, noting that this feature is outside of the property boundary.

Scala penetrometer resistances with the shallow profile consistently exceeded 3 blows per 100mm from below the topsoil, which infers the underlying gravels provide an ultimate bearing capacity of at least q_u = 300kPa.

9. Natural Hazards Risk Assessment

9.1. Introduction

Council can refuse subdivision consent if there is a significant risk from natural hazards. To determine whether a significant risk from natural hazards exists, decision-makers are guided by the matters set out in RMA Section 106(1A). This includes a combined assessment of:

- The likelihood of natural hazards occurring (whether individually or in combination).
- The material damage that would result from natural hazards to land where the consent is sought, other land, or structures.
- Any likely subsequent use of the land where the consent is sought that would accelerate, worsen or result in material damage of the kind referred to in the previous point.

[6] Ministry of Business, Innovation and Employment (MBIE), September 2017. Planning and engineering guidance for potentially liquefaction-prone land.

Decision-makers are required to consider the magnitude of risk of natural hazards, including natural hazards that have a high impact but low probability of occurrence. This will align assessments with the definition of 'effect' in Section 3 of the RMA.

9.2. Site-specific risk assessment

The RMA defines natural hazards as: Any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.

Hazard identification is a key component of any site-specific risk assessment. The risk assessment for relevant natural hazards at the site is presented below, which considers the likelihood and consequences of the hazard at the site in the context of the proposed activity (rural residential subdivision) as compared against the current site context.

The following sections identify natural hazards that require further discussion. Other hazards have also been considered, including:

- Landslip
- Drought
- Fire
- Geothermal activity
- Volcanic activity

The hazards listed above are assessed as *'unlikely'* and therefore do not require any specific mitigation measures to permit subdivision of the land.

9.2.1. Earthquakes

New Zealand is a seismically active region, and it is possible the site will be subject to strong ground shaking. New buildings and infrastructure will need to be designed, consented and built to normal acceptable industry standards and New Zealand Building Code compliance.

No known active faults intersect the land, so the risk of fault rupture at the site is deemed to be acceptable in that the same situation applies for all nearby developed areas that are also not on known active faults.

9.2.2. Subsidence (Liquefaction and soft/compressible ground)

The soils across the site comprise various layers of in-situ alluvial gravels with groundwater around 0.8 to 1.3m bgl. Based on the Tasman District Council's liquefaction hazard mapping, the site is considered to be at low risk of liquefaction and therefore a low risk of liquefaction-induced settlement.

Normal foundation design to an acceptable industry standard and the New Zealand Building Code will be appropriate for this site.

9.2.3. Coastal Inundation

TDC has recently released an interactive map based on their "Coastal Hazards Assessment in Tasman Bay and Golden Bay" report, dated 2019. An excerpt is provided in Figure 3, which shows the modelled inundation area based on a 2m sea level rise + 1%AEP storm-tide. The map for this worst-case scenario shows the land at 54 McShane Road is just outside the impacted area. The open drain is shown within the inundation area.

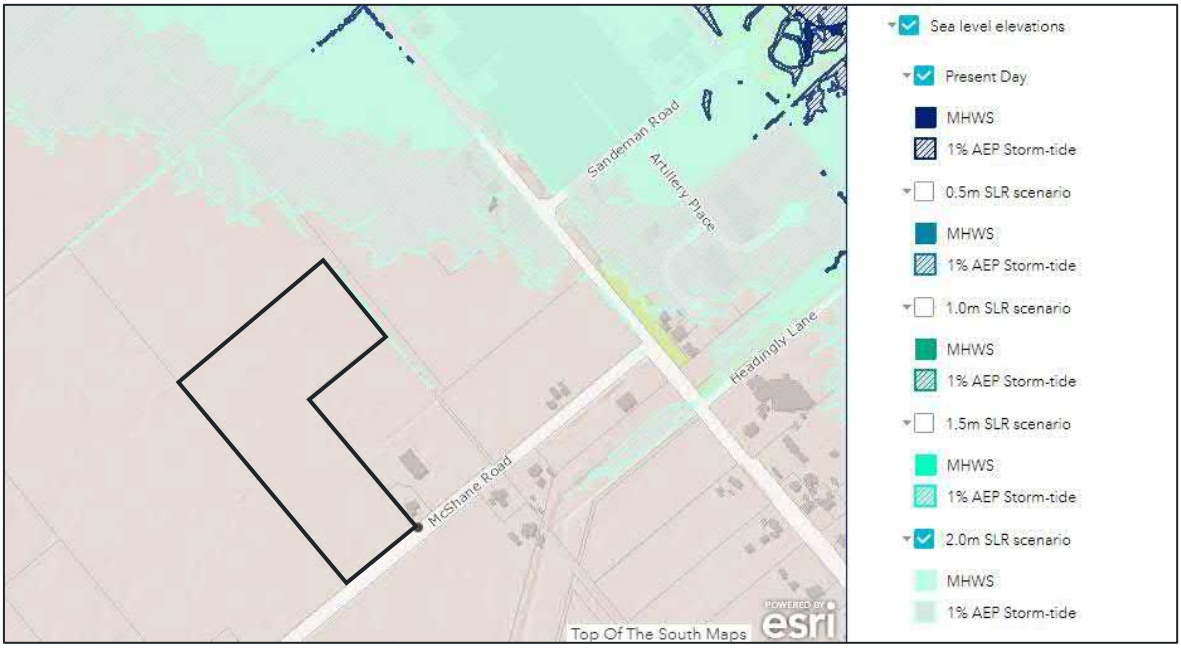

Figure 3: Coastal Hazards (excerpt sourced from https://tdc.maps.arcgis.com/apps/webappviewer)

9.2.4. Flood Hazard

The land elevation is lower than the level of McShane Road (Figure 4). Confirmation from TDC will be required regarding finished floor levels for any future structures at the site.

TDC was contacted and confirmed there are no current flood hazard overlays associated with the site.

Figure 4: Site view looking northeast, adjacent to McShane Road, noting the land elevation is lower than the road level

9.2.5. Erosion and Sedimentation

The site is currently being used as a nursery and at the time of our site walkover inspection we did not find any evidence of erosion or sedimentation processes. Given this, and the based on the flat nature of the land, we consider the subdivision of the land will not increase the risk of erosion or sedimentation.

An Erosion and Sediment Control Plan should be in place for any earthworks or construction at the site, in accordance with good management practices.

9.2.6. Wind

The site is considered open and exposed under Section 5 (Bracing Demand) in NZS3604:2011, "Timber-Framed Buildings" and may be susceptible to high winds. Subdivision of the site would not exacerbate this risk.

Any new buildings and infrastructure will need to be designed, consented and built in accordance with acceptable industry standards and practice and New Zealand Building Code compliance to withstand the effects of strong wind loads.

9.2.7. Multiple Hazards

The likelihood of concurrent hazards is low and can be mitigated by managing the risk of each individual hazard, typically by complying with the requirements of the New Zealand Building Code.

10. Recommendations

Site-specific geotechnical investigation and Foundation Recommendation Reports will need to be provided by a geotechnical engineer for any proposed new building within the new subdivision to identify the foundation excavation and design requirements. This report will need to be submitted with the application for Building Consent, as is normal practice.

Any future discharges of stormwater and/or treated effluent into ground will need to comply with the relevant requirements of the Nelson/Tasman Land Development Manual, in a manner that does not cause adverse effects to adjacent property and buildings.

There are no geotechnical recommendations in this report that are required to be made a condition of subdivision consent or recorded as a consent notice on the title. However, the Council will need to specify the minimum floor level at the time of application for building consent for each lot.

11. Conclusions

The risk assessment has identified that the site has a low risk of material damage from inundation and other natural hazards. Subject to the recommendations provided in this report, the proposed subdivision is at low risk of accelerating or worsening natural hazard consequences.

We conclude that the site is geotechnically suitable for the proposed commercial/industrial subdivision. A *Statement of Professional Opinion on the suitability of the land for subdivision* is appended (Appendix D).

12. Disclaimer

Comments made in this report are based on information shown on the NZGD, TDC GIS, GNS's Active Faults Database, our inspection of the site, shallow geotechnical testing and the Ministry of Business, Innovation and Employment's (MBIE) December 2012 guidelines.

Whilst every care was taken during our interpretation of the subsurface conditions, there may be subsoil strata and features that were not detected. The exposure of such conditions, or occurrence of additional strong seismicity, or any future update of MBIE's guidelines may require review of our recommendations or further investigations. Eliot Sinclair should be contacted if this occurs to confirm the recommendations of this report remain valid.

This report has been prepared for the benefit of McShane Road Holdings Ltd and Tasman District Council. This report is specifically prepared for the proposed subdivision and should not be used to support any future consent application without our prior review and approval in writing.

No liability is accepted by this company or any employee of this company with respect to the use of this report by any other party or for any other purpose other than what is stated in our scope of work.

Appendix A. Proposed Scheme Plan

Notes

(1) Verify all dimensions on site.
(2) Do not scale from drawing.
(3) Contractor to locate all existing services prior to start of construction. Contractor also responsible to protect throughout construction
(4) All works undertaken in existing legal roads requires a road opening notice and traffic management plan to the approval of the Tasman District Council. It shall be the contractors sole responsibility to obtain all consents and arrange for all traffic management plans.

No	Amendment	Date

Surveying
Design
Management

LAND DIMENSIONS

1 Fuji Court
PO Box 2144, Stoke
NELSON

Phone: (03) 928 0213
enquiries@landdimensions.co.nz

TDC APPROVED

___ ___ ___ ___ ___ / / __

Design:	JPM
Drawn:	JPM
Checked:	
Approved:	
Date:	29-07-2020

Job Title

McSHANE HOLDINGS
54 McSHANE ROAD

Drawing Title

CONCEPT 2

Scale: 1:1000 at A1	DWG 2
Job No: 11034	Sheet 1 of 1

Appendix B. NZGD Records

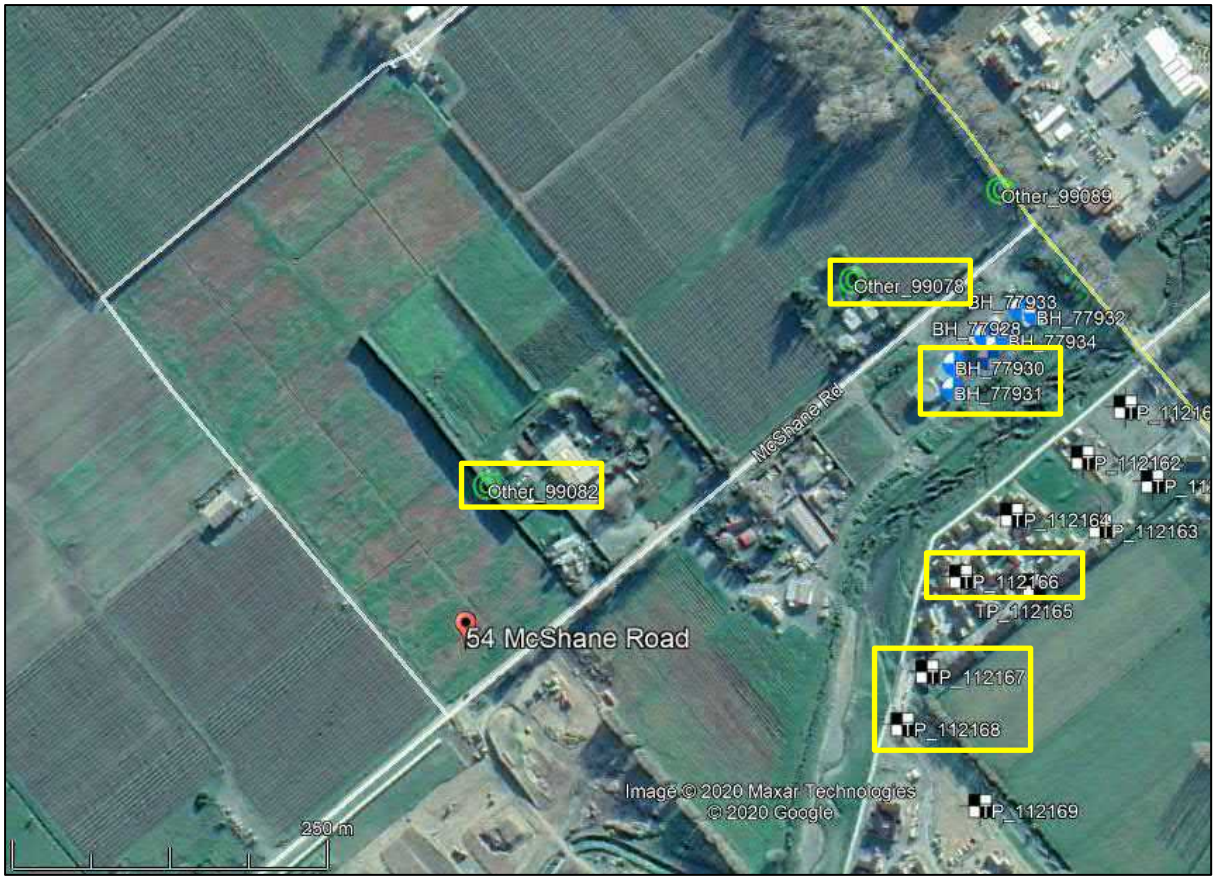

Figure B1: NZGD Records – outlined references appended

NZGD ID: BH_77930

MWH NEW ZEALAND LTD
level 1
66 Oxford street
Richmond
Nelson
Tel: 03 546 8728
Fax: 03 548 2016

BOREHOLE LOG

Job No: 80501371
Hole No: BH06
Sheet: 1 of 4

Client: Tasman District Council
Started: 21/01/14

Project: Richmond Water Treatment Plant
Location: Richmond
Finished: 22/01/14

Logged: RR

Investigation Location: Richmond WTP site location plan
Description:
Checked: GL

Easting: 389204.6m Northing: 794054.6m Inclination: Vertical
RL Surface: 6.2m

Diameter (Int/Ext): 76mm/125mm
Datum: Nelson Circuit 2000

Depth (m)	Elevation (m)	Samples: Type	Shear Vane (kPa): Peak Strength/ Residual Strength	Standard Penetration Tests: Blows (Seating // 75mm/150mm, 225mm/300mm)	Standard Penetration Tests: N Value/ Refusal Data	Material Description	Length of Run (m)	Total Core Recovery %	Solid Core Recovery %	Graphic Log	Moisture Condition	Groundwater	Other Observations	Installation
0.0	6.0					Organic SILT with trace of gravel and roots; brown, soft, moist; medium plasticity *(0.3)*								
0.3						SILT with minor gravel and sand; light brown mottled orange, soft; medium plasticity. Gravel, fine to coarse. Sand, fine to coarse *(0.5)*								
0.8						Silty GRAVEL with minor sand; light brown, medium dense, moist, well graded; Gravel, slightly weathered, sub rounded *(1)*	1.40	65						
1.0	5.0	SPT sample		17//7/7/9/11	34	Sandy fine to coarse GRAVEL with some clay/silt and trace of cobbles; light greyish brown, medium dense, saturated, well graded; Gravel, slightly weathered. Sand, fine to coarse. The medium to coarse gravel is subrounded and the coarse gravel is subrounded	1.52	100						
2.0	4.0	SPT sample		13//6/7/6/7	26		1.52	100						
3.0	3.0	SPT sample		22//10/9/6/7	32									
4.0	2.0													

Drilling Method: **Sonic Rig**
Casing:

Contractor: **McMillan Drilling**
Flush:

Equipment Type: **Geoprobe 814OLS**

Remarks:

Borehole Completion: Bentonite backfill

12/02/14 MWH NEW ZEALAND LTD. Project: 80501371, Richmond Water Treatment Plant, Richmond www.mwhglobal.com/nz

NZGD ID: BH_77930

NZGD ID: BH_77930

MWH NEW ZEALAND LTD
level 1
66 Oxford street
Richmond
Nelson
Tel: 03 546 8728
Fax: 03 548 2016

BOREHOLE LOG

Job No: 80501371
Hole No: BH06
Sheet: 2 of 4

Client: Tasman District Council
Started: 21/01/14

Project: Richmond Water Treatment Plant
Location: Richmond
Finished: 22/01/14

Logged: RR

Investigation Location: Richmond WTP site location plan
Description:
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Easting: 389204.6m Northing: 794054.6m Inclination: Vertical
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Depth (m)	Elevation (m)	Samples Type	Shear Vane (kPa) Peak Strength/ Residual Strength	Standard Penetration Tests Blows (Seating // 75mm/150mm, 225mm/300mm)	Standard Penetration Tests N Value/ Refusal Data	Material Description (Logging carried out in accordance with Guidelines for the Field Classification of Soil and Rock for Engineering Purposes. New Zealand Geotechnical Society, 2005)	Length of Run (m)	Total Core Recovery %	Solid Core Recovery %	Graphic Log	Moisture Condition	Groundwater	Other Observations	Installation
	1.0					Sandy fine to coarse GRAVEL with some clay/silt and trace of cobbles; light greyish brown, medium dense, saturated, well graded; Gravel, slightly weathered. Sand, fine to coarse. The medium to coarse gravel is subrounded and the coarse gravel is subrounded *[continued]*	1.52	100						
6.0	0.0	SPT sample		26//12/11/11/10	44	Silt/Clay content increasing from 6.0m	1.52	100						
7.0	-1.0	SPT sample		17//12/12/12/13	49		1.52	100						
8.0	-2.0					*(9)*								
9.0	-3.0	SPT sample		27//20/20/20	50+	Silty clayey fine to coarse GRAVEL with some sand and trace of cobbles; light greyish brown, dense, wet, well graded; Gravel, slightly weathered. Sand, fine to coarse. The medium to coarse gravel is subrounded and the coarse gravel is subrounded	1.52	100						

Drilling Method: **Sonic Rig**
Casing:

Contractor: **McMillan Drilling**
Flush:

Equipment Type: **Geoprobe 814OLS**

Remarks:

Borehole Completion: Bentonite backfill

12/02/14 MWH NEW ZEALAND LTD. Project: 80501371, Richmond Water Treatment Plant, Richmond www.mwhglobal.com/nz

NZGD ID: BH_77930

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MWH NEW ZEALAND LTD
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BOREHOLE LOG

Job No: 80501371
Hole No: BH06
Sheet: 3 of 4

Client: Tasman District Council
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	-4.0	SPT sample		44//35/23/16/16	50+	Silty clayey fine to coarse GRAVEL with some sand and trace of cobbles; light greyish brown, dense, wet, well graded; Gravel, slightly weathered. Sand, fine to coarse. The medium to coarse gravel is subrounded and the coarse gravel is subrounded *[continued]*								
11.0	-5.0						1.52	100						
12.0	-6.0	SPT sample		16//9/10/12/13	44									
							1.52	100						
13.0	-7.0	SPT sample		24//7/7/7/8	29									
14.0	-8.0						1.52	100						

Drilling Method: **Sonic Rig**
Casing:

Contractor: **McMillan Drilling**
Flush:

Equipment Type: **Geoprobe 814OLS**

Remarks:

Borehole Completion: Bentonite backfill

12/02/14 MWH NEW ZEALAND LTD. Project: 80501371, Richmond Water Treatment Plant, Richmond www.mwhglobal.com/nz

NZGD ID: BH_77930

NZGD ID: BH_77930

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level 1
66 Oxford street
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Tel: 03 546 8728
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BOREHOLE LOG

Job No: 80501371
Hole No: BH06
Sheet: 4 of 4

Client: Tasman District Council
Started: 21/01/14

Project: Richmond Water Treatment Plant
Location: Richmond
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RL Surface: 6.2m

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Depth (m)	Elevation (m)	Samples: Type	Shear Vane (kPa): Peak Strength/ Residual Strength	Standard Penetration Tests: Blows (Seating // 75mm/150mm, 225mm/300mm)	Standard Penetration Tests: N Value/ Refusal Data	Material Description (Logging carried out in accordance with Guidelines for the Field Classification of Soil and Rock for Engineering Purposes. New Zealand Geotechnical Society, 2005)	Length of Run (m)	Total Core Recovery %	Solid Core Recovery %	Graphic Log	Moisture Condition	Groundwater	Other Observations	Installation
		SPT sample				*(15.08)*								
	-9.0			30//26/20/14	50+	Borehole terminated at 15.08m due to Target Depth								
16.0	-10.0													
17.0	-11.0													
18.0	-12.0													
19.0	-13.0													

Drilling Method: **Sonic Rig**
Casing:

Contractor: **McMillan Drilling**
Flush:

Equipment Type: **Geoprobe 814OLS**

Remarks:

Borehole Completion: Bentonite backfill

12/02/14 MWH NEW ZEALAND LTD. Project: 80501371, Richmond Water Treatment Plant, Richmond www.mwhglobal.com/nz

NZGD ID: BH_77930

NZGD ID: BH_77931

MWH NEW ZEALAND LTD
level 1
66 Oxford street
Richmond
Nelson
Tel: 03 546 8728
Fax: 03 548 2016

BOREHOLE LOG

Job No: 80501371
Hole No: BH07
Sheet: 1 of 4

Client: Tasman District Council
Started: 23/01/14

Project: Richmond Water Treatment Plant
Location: Richmond
Finished: 23/01/14

Logged: RR

Investigation Location: Richmond WTP site location plan
Description:
Checked: GL

Easting: 389204.6m Northing: 794035m Inclination: Vertical
RL Surface: 6.28m

Diameter (Int/Ext): 76mm/125mm
Datum: Nelson Circuit 2000

Depth (m)	Elevation (m)	Samples: Type	Shear Vane (kPa): Peak Strength/ Residual Strength	Standard Penetration Tests: Blows (Seating // 75mm/150mm, 225mm/300mm)	Standard Penetration Tests: N Value/ Refusal Data	Material Description (Logging carried out in accordance with Guidelines for the Field Classification of Soil and Rock for Engineering Purposes. New Zealand Geotechnical Society, 2005)	Length of Run (m)	Total Core Recovery %	Solid Core Recovery %	Graphic Log	Moisture Condition	Groundwater	Other Observations	Installation
	6.0					Organic SILT with trace of roots; dark brown, soft, moist; medium plasticity *(0.2)*								
						SILT with some gravel and sand; light yellowish brown, soft, moist; medium plasticity. Gravel, fine to coarse. Sand, fine to coarse *(0.7)*								
1.0						Silty fine to coarse GRAVEL with minor sand; light brown, medium dense, dry, well graded; Gravel, slightly weathered, sub rounded *(1.4)*	1.40	90						
	5.0	SPT sample		13//7/6/4/7	24	Sandy fine to coarse GRAVEL with some clay/silt and trace of cobbles; light greyish brown, medium dense, wet, well graded; Gravel, slightly weathered. Sand, fine to coarse. The medium to coarse gravel is subrounded and the coarse gravel is subrounded								
2.0							1.52	100						
3.0	4.0	SPT sample		11//5/5/5/5	20									
							1.52	100						
4.0	3.0	SPT sample		15//7/8/7/4	26									
	2.0													

Drilling Method: **Sonic Rig**
Casing:

Contractor: **McMillan Drilling**
Flush:

Equipment Type: **Geoprobe 814OLS**

Remarks:

Borehole Completion: Bentonite backfill

NZGD ID: BH_77931

NZGD ID: BH_77931

MWH NEW ZEALAND LTD
level 1
66 Oxford street
Richmond
Nelson
Tel: 03 546 8728
Fax: 03 548 2016

BOREHOLE LOG

Job No: 80501371
Hole No: BH07
Sheet: 2 of 4

Client: Tasman District Council
Started: 23/01/14

Project: Richmond Water Treatment Plant
Location: Richmond
Finished: 23/01/14

Logged: RR

Investigation Location: Richmond WTP site location plan
Description:
Checked: GL

Easting: 389204.6m Northing: 794035m Inclination: Vertical
RL Surface: 6.28m

Diameter (Int/Ext): 76mm/125mm
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Depth (m)	Elevation (m)	Samples: Type	Shear Vane (kPa): Peak Strength/ Residual Strength	Standard Penetration Tests: Blows (Seating // 75mm/150mm, 225mm/300mm)	Standard Penetration Tests: N Value/ Refusal Data	Material Description (Logging carried out in accordance with Guidelines for the Field Classification of Soil and Rock for Engineering Purposes. New Zealand Geotechnical Society, 2005)	Length of Run (m)	Total Core Recovery %	Solid Core Recovery %	Graphic Log	Moisture Condition	Groundwater	Other Observations	Installation
	1.0					Sandy fine to coarse GRAVEL with some clay/silt and trace of cobbles; light greyish brown, medium dense, wet, well graded; Gravel, slightly weathered. Sand, fine to coarse. The medium to coarse gravel is subrounded and the coarse gravel is subrounded*[continued]*	1.52	100						
6.0	0.0	SPT sample		15//10/10/11/11	42	Silt/Clay content increasing from 6.0m								
7.0	-1.0	SPT sample		14//8/10/13/14	45		1.52	100						
8.0	-2.0						1.52	100						
9.0	-3.0	SPT sample		16//10/9/9/9	37		1.52	100						

Drilling Method: **Sonic Rig**
Casing:

Contractor: **McMillan Drilling**
Flush:

Equipment Type: **Geoprobe 814OLS**

Remarks:

Borehole Completion: Bentonite backfill

12/02/14 MWH NEW ZEALAND LTD. Project: 80501371, Richmond Water Treatment Plant, Richmond www.mwhglobal.com/nz

NZGD ID: BH_77931

NZGD ID: BH_77931

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level 1
66 Oxford street
Richmond
Nelson
Tel: 03 546 8728
Fax: 03 548 2016

BOREHOLE LOG

Job No: 80501371
Hole No: BH07
Sheet: 3 of 4

Client: Tasman District Council
Started: 23/01/14

Project: Richmond Water Treatment Plant
Location: Richmond
Finished: 23/01/14

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	-4.0	SPT sample		17//23/20/17	50+	Sandy fine to coarse GRAVEL with some clay/silt and trace of cobbles; light greyish brown, medium dense, wet, well graded; Gravel, slightly weathered. Sand, fine to coarse. The medium to coarse gravel is subrounded and the coarse gravel is subrounded *[continued]* *(10.5)*								
11.0	-5.0					Silty clayey fine to coarse GRAVEL with some sand and trace of cobbles; light greyish brown, dense, wet, well graded; Gravel, slightly weathered. Sand, fine to coarse. The medium to coarse gravel is subrounded and the coarse gravel is subrounded *(11.5)*	1.52	100						
12.0	-6.0	SPT sample		20//12/12/12/11	47	Silty clayey fine to coarse GRAVEL with some sand and trace of cobbles; light orange brown, dense, wet, well graded; Gravel, slightly weathered. Sand, fine to coarse. The medium to coarse gravel is subrounded and the coarse gravel is subrounded	1.52	100						
13.0	-7.0	SPT sample		25//13/12/12/12	49		1.52	100						
14.0	-8.0						1.52	100						

Drilling Method: **Sonic Rig**
Casing:

Contractor: **McMillan Drilling**
Flush:

Equipment Type: **Geoprobe 814OLS**

Remarks:

Borehole Completion: Bentonite backfill

NZGD ID: BH_77931

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MWH NEW ZEALAND LTD
level 1
66 Oxford street
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BOREHOLE LOG

Job No: 80501371
Hole No: BH07
Sheet: 4 of 4

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		SPT sample		25//12/10/14/20	50+	*(15.08)* Borehole terminated at 15.08m due to Target Depth								
16.0	-9.0													
17.0	-10.0													
18.0	-11.0													
19.0	-12.0													
	-13.0													

Drilling Method: **Sonic Rig**
Casing:

Contractor: **McMillan Drilling**
Flush:

Equipment Type: **Geoprobe 814OLS**

Remarks:

Borehole Completion: Bentonite backfill

12/02/14 MWH NEW ZEALAND LTD. Project: 80501371, Richmond Water Treatment Plant, Richmond www.mwhglobal.com/nz

NZGD ID: BH_77931

NZGD ID: Other_99078

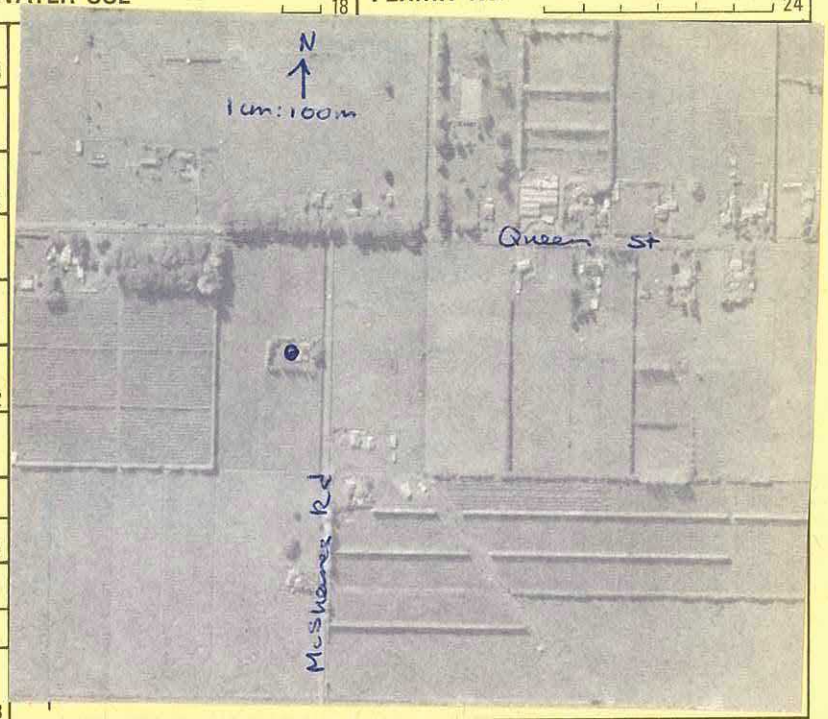
NEW ZEALAND WATER WELL DATA FORM

2416-8659

20059

SHEET No. N27 3	GRID REF 2,4,1,5,8,6,5,8 11	G.S. WELL No. W 1043 15	AREA Waimea
CATCHMENT Waimea 16	WATER AUTHORITY TDC 17	WATER USE Dom 18	PERMIT No. 24

Well depth (m) 12 m 28	Measured Reported	Well diameter (mm) 125 29	Wellhead altitude (m) a.m.s.l. 33
Yield l/min m^3/day 39	Drawdown (m) 42	Specific l/min/metre capacity m^2/day	
Driller Wilson Drilling	Drilling date 22/2/97 48	Well status 49	
Owner B.P. & K.R. Cargill	Address McShanes Road		
Pump Type 50	Well Type 51	Type of development	
Screen Type Slotted 125 mm casing	Slot sizes 5 mm	Set at 9-12 52	
Source of information on well location, log, etc J.T.	Date 24/2/97		



STATIC WATER LEVELS (m below surface)

HIGHEST	LOWEST	MEAN	RANGE	FREQUENCY OF MEASUREMENT 53
		57		PERIOD OF MEASUREMENT 61

AQUIFER CHARACTERISTICS

Transmissivity(m^2/day) 66 Storage coefficient 72 Water

Permeability (m/day) Specific yield Temperature(°c) 73

TEST PUMPING		RECOVERY	
Drawdown (metres)	After time (min)	Residual Drawdown (m)	After Time (min)

REMARKS

S.W.L. 2.385 m below rim 24/2/97 9.27 NZDT.

* Pumped 30 gpmin w.l. dropped from 2.385 to 8.52 m after 38 min & then well was spitting i.e. making air but ebbing with water down to suction & then up.

Date time W.L.
29-8-01 14:31 - unable to get probe into inspection hole because electrical box on top.

E2524158N 5986593 GPS 29 Aug 01

OTHER DATA

Pump Test	74
Chemical Analysis	75
Geophysical Data	76
Lithological Log	77
Isotope Data	78
	79
Card Type	80

Compiled by Date Checked by Date

E.T.A.

NZGD ID: Other_99078

NZGD ID: Other_99078

BORE LOG	
TDC Well No.:	WWD 1043
Grid Reference:	N27 24158658
Well Depth:	12 m
Diameter:	125 mm
Catchment:	Waimea
Owner:	B P & K R Cargill
Address:	McShanes Road
Driller:	Wilson Drilling
Screen Type:	Slotted 125 mm casing
Slot Size:	~ 5 mm
Set:	9-12 m
Static Water Level:	2.285 m below top of casing (which is 0.5 m above ground level)

24 February 1997

* Pumped 38 min at 30 gpm. SWL dropped from 2.385 m to 8.52 m below rim. Flow began to fluctuate as water was close to suction set at ~ 8.50 m (i.e. spitting).

NZGD ID: Other_99078

NZGD ID: Other_99078

DEPTH (m)	LITHOLOGY
0-1	Small-med slightly stained gravel with sand and brown clay.
1-3	Grey fine-med sand with small gravel.
3-5	Small-med grey gravel with medium sand and some clay.
5-6	Grey med gravel with medium sand.
6-8	Grey brown small-med gravels with medium sand, some brown clay. Gravels pea size. Some circulation loss.
8-12	Grey green medium gravels with medium to coarse sand. Some circulation loss.

NZGD ID: Other_99078

NZGD ID: Other_99078

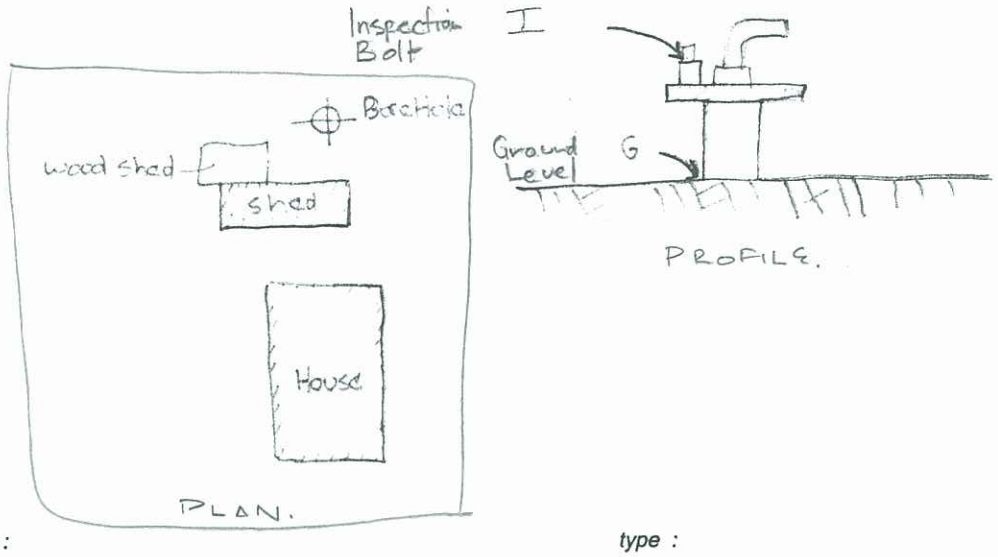
WELL / BORE LEVEL REPORT

JOB No. _____

FOR	E & P
LEVELLED BY	Chris Coll
DATE	14/07/97
ASSISTED	
FILE	970137

BORE No.	1043
WELL No.	
OWNER	Caraill
ROAD	McShane Rd.
AREA	

DIAGRAM



scale : *type :*

SURVEY DATA

RL GROUND LEVEL	5.80	
RL OBSERVATION PLUG	6.29	
RL RIM		
RL OTHER		*(specify)*
LEVEL BOOK	GPS	
PAGE		
LEVEL ORIGIN	amsl	

OTHER GPS coordinated for GIS input.

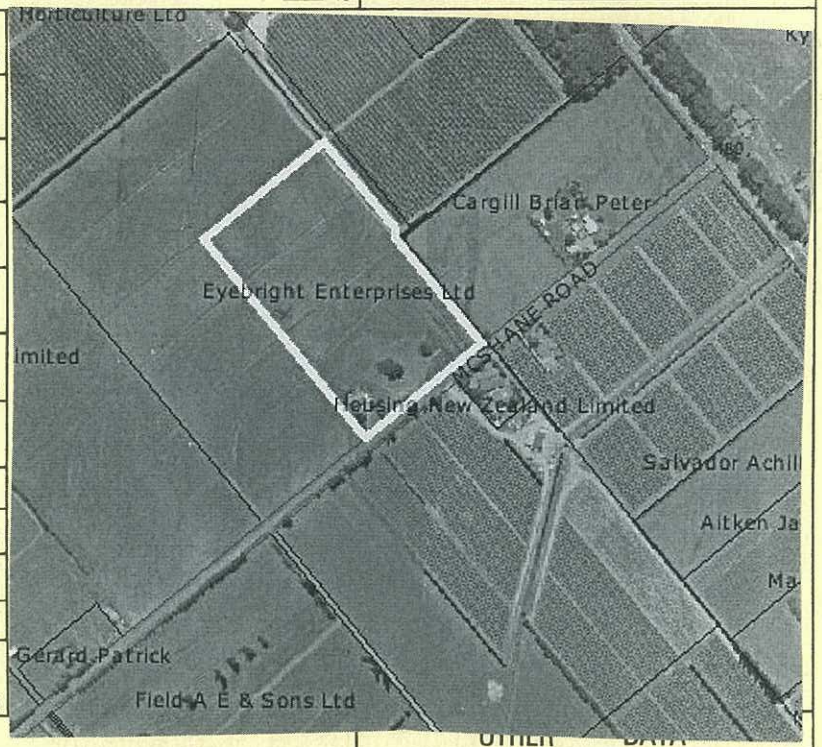
NZGD ID: Other_99078

NZGD ID: Other_99082

NEW ZEALAND WATER WELL DATA FORM 20453

SHEET No. N27 3	GRID REF 2397864O 11	G.S. WELL No. W1376 15	AREA Waimea
CATCHMENT Waimea 16	WATER AUTHORITY TDC 17	WATER USE Irri 18	PERMIT No. RM030205 0304d 24 w.p.

Well depth (m) ~5 28	Measured / Reported	Well diameter (mm) 900 29	Wellhead altitude (m) a.m.s.l. 33
Yield l/min / m³/day 39	Drawdown (m) 42	Specific l/min/metre capacity m²/day	
Driller	Drilling date 48	Well status 49	
Owner Eyebright Enterprises Ltd.,	Address McShanes Rd, Richmond		
Pump Type 50	Well Type 51	Type of development	
Screen Type Slotted vcomn PVC	Slot sizes 3	Set at 3.5 to 5.8 52	
Source of information on well location, log, etc		Date	



STATIC WATER LEVELS (m below surface)

HIGHEST	LOWEST	MEAN	RANGE	FREQUENCY OF MEASUREMENT	PERIOD OF MEASUREMENT
		57		53	61

AQUIFER CHARACTERISTICS

Transmissivity (m²/day) 66 Storage coefficient 72 Water Temperature (°C) 73

Permeability (m/day) Specific yield

TEST PUMPING / RECOVERY

Drawdown (metres)	After time (min)	Residual Drawdown (m)	After Time (min)

REMARKS

29/1/04
0572mm WL
E 2398
N 8640

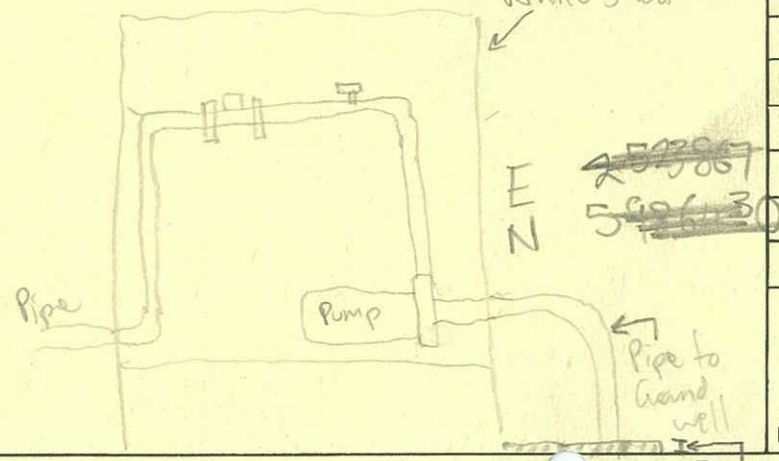


Photo # 1004367
1004368

OTHER DATA

Pump Test	74
Chemical Analysis	75
Geophysical Data	76
Lithological Log	77
Isotope Data	78
	79
Card Type	80

Compiled by Date Checked by Date

wood planks to ground E.T.A.

NZGD ID: Other_99082

NZGD ID: Other_99082

Waimea Drilling Co Ltd
Drillers Water Well Log Form

MEMBER OF
N.Z.D.F.

WDC Log No 5036

Well Owner W E Cross
McShanes Road
Richmond

Contact Name W E Cross

Map Sheet No N 27 **Altitude (m):** 0.00

Grid Ref East 2322 **North** 8550

GPS Easting: **GPS Northing:**

Driller WS Woodford

Drilling Date 05/06/1991

Locality East side of McShanes Road , Richmond.

Depth To Strata Top (m)	Depth To Strata Bottom (m)	Strata Thickness (m)	Static Level (m)	Strata Description	Strata Picture
0.00	0.30	0.30		Green grass and brown topsoil	
0.30	3.80	3.50		Grey coarse gravels to fine sand	
3.80	4.50	0.70		Grey coarse gravels to medium sand, some yellow clay	
4.50	5.50	1.00	3.30	Grey coarse gravels to medium sand, some yellow clay, water bearing	
5.50	6.30	0.80		Grey coarse gravels to medium sand and yellow clay	

Casing above ground (mm): 200

Casing NB Dia (mm): 125

Finished Static Water Level: 3.30

Test Pumping: 2.00 **Hours**

Draw Down (m): 2.50 **Below Static Water Level**

Flow Rate: 4.50 **cubic mph**

Step Test By:

Leader Length (m): 0.50

Top of Screen Leader (m): 3.00

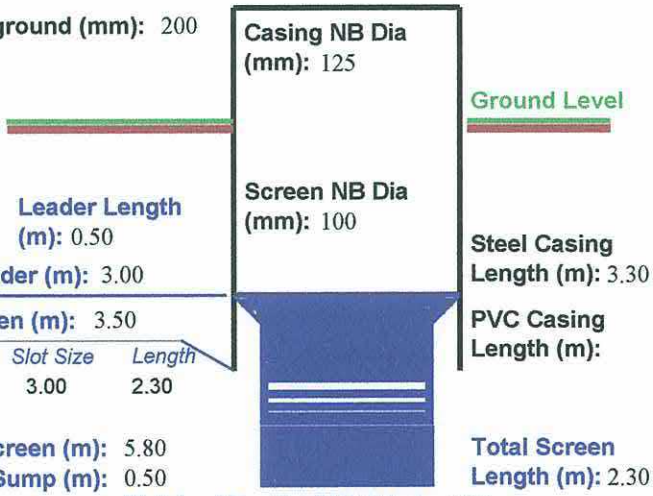
Top Of Screen (m): 3.50

No:	*Screen Type*	*From:*	*To:*	*Slot Size*	*Length*
1	Slotted 100mm pvc	3.50	5.80	3.00	2.30

Bottom Of Screen (m): 5.80

Length of Sump (m): 0.50

Finished Depth of Well (m): 6.30



Remarks:

Domestic well. Now owned by Eyebright Enterprises.

PLEASE NOTE:
This well log report is subject to being edited (eg. A down hole flow test may be carried out at any time).
Test pumping flow rates, static levels, and water level draw down are as recorded at the time of test pumping. These figures could change at a later time due to influences beyond our control (e.g. seasonal variations).

NZGD ID: Other_99082

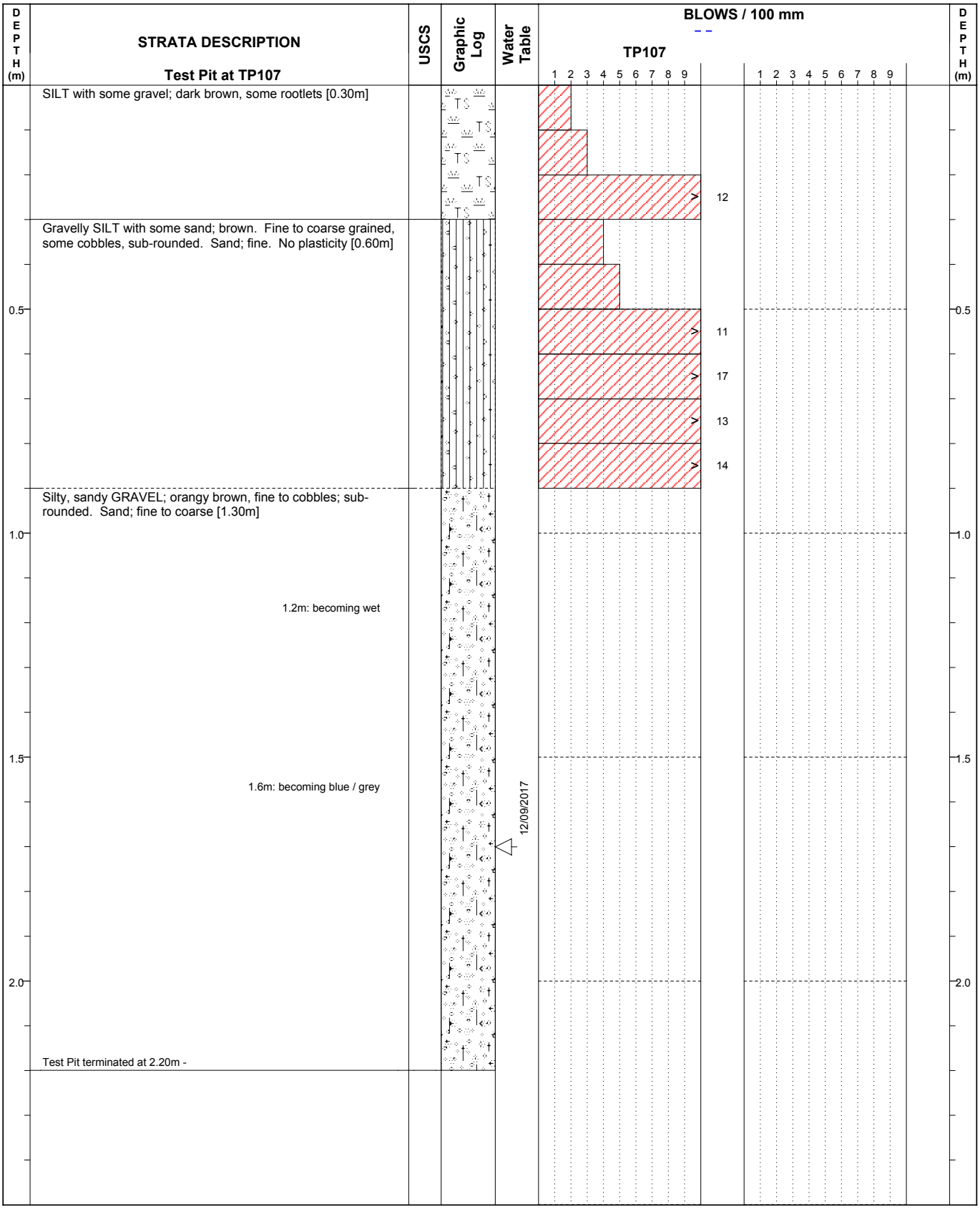
NZGD ID: TP_112166

DAVIS OGILVIE
Davis Ogilvie & Partners Limited
1st Floor, 277 Hardy Street, Nelson 7010
Office 0800 999 333 Email nelson@do.co.nz
www.do.co.nz

SHALLOW INVESTIGATION RESULTS

Job Nº / **NN37129**
Test Nº / **TP107**

Project:	Arvida Development	**Date:**	12/09/17
Client:	Richmond Land Ltd	**Time:**	12:30 p.m.
Test Location:	Refer to site plan in report re: 37129	**Excavation Method:**	7T Excavator



Logged By:	BH	**Notes:**	Side wall collapse below 1.2m. Groundwater seepage only.
Plotted By:	BH		
Checked By:	AS		

Dynamic Penetrometer Test and logs give an indication of the ground condition at the location of the tests only. While they are representative of typical conditions across the site, they do not identify variations in the ground away from the test locations. This log does not cover slope stability or suitability of the site for building.

Dynamic Cone Penetrometer Test performed in accordance with NZS 4402 Test 6.5.2 (Procedure 1 and 2)

Produced with Core-GS by Geroc

NZGD ID: TP_112166

NZGD ID: TP_112167

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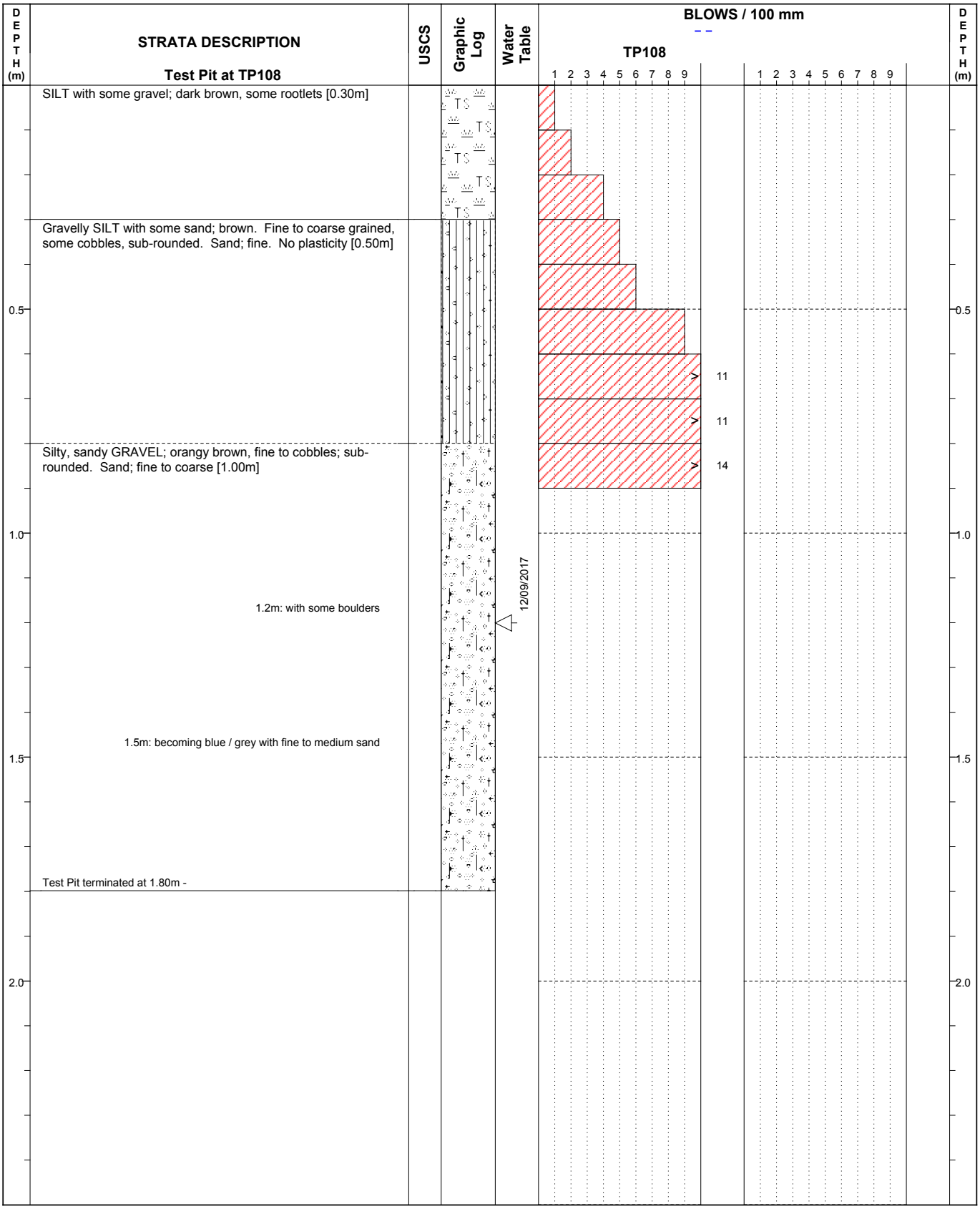
SHALLOW INVESTIGATION RESULTS

Job Nº / **NN37129**
Test Nº / **TP108**

Project:	Arvida Development	**Date:**	12/09/17
Client:	Richmond Land Ltd	**Time:**	1:00 p.m.
Test Location:	Refer to site plan in report re: 37129	**Excavation Method:**	7T Excavator



Logged By:	BH	**Notes:**	Side wall collapse below 1.2m. Groundwater seepage only.
Plotted By:	BH		
Checked By:	AS		

Dynamic Penetrometer Test and logs give an indication of the ground condition at the location of the tests only. While they are representative of typical conditions across the site, they do not identify variations in the ground away from the test locations. This log does not cover slope stability or suitability of the site for building.

Dynamic Cone Penetrometer Test performed in accordance with NZS 4402 Test 6.5.2 (Procedure 1 and 2)

Produced with Core-GS by Geroc

NZGD ID: TP_112167

NZGD ID: TP_112168

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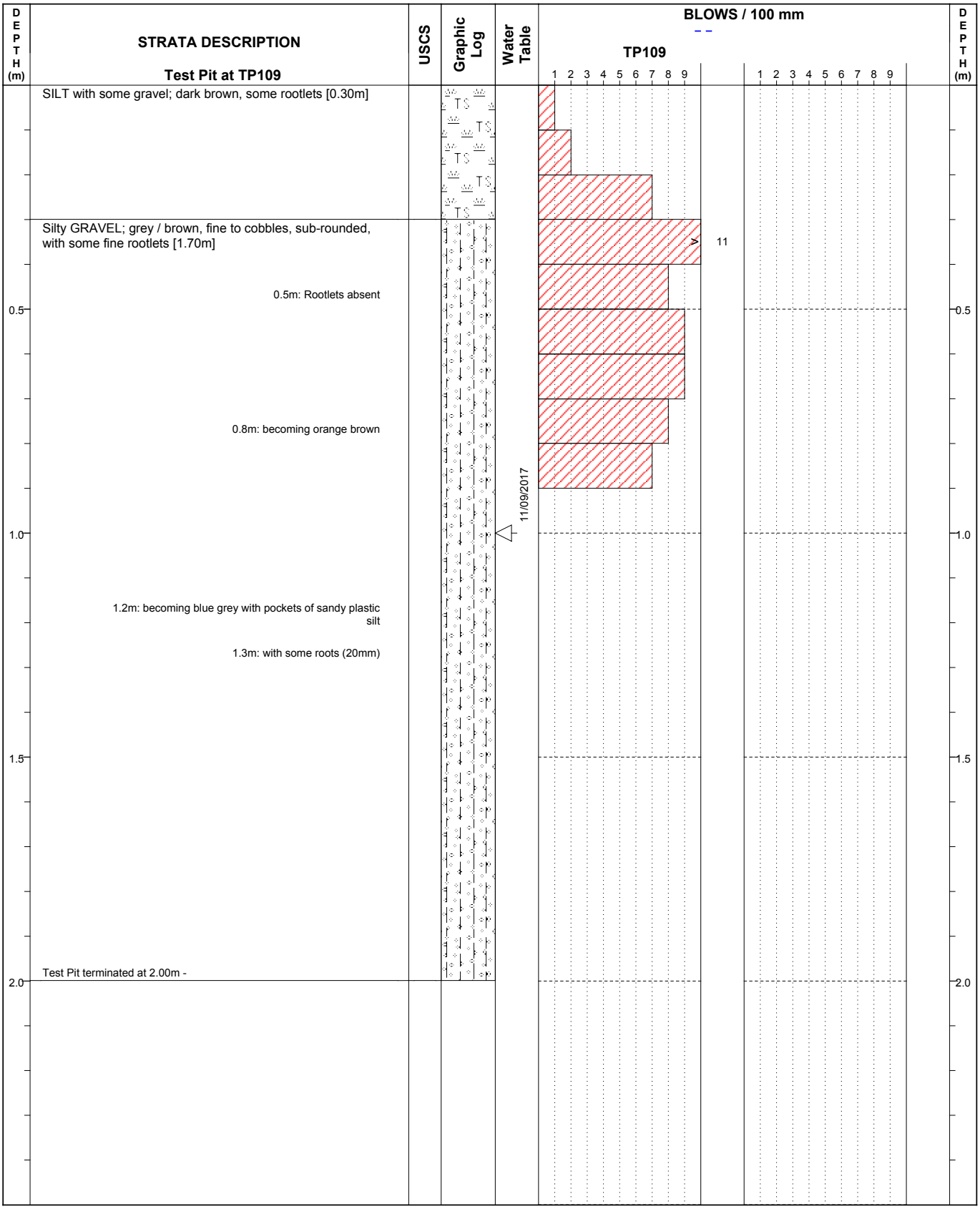
SHALLOW INVESTIGATION RESULTS

Job Nº / **NN37129**
Test Nº / **TP109**

Project:	Arvida Development	**Date:**	11/09/17
Client:	Richmond Land Ltd	**Time:**	1:00 p.m.
Test Location:	Refer to site plan in report re: 37129	**Excavation Method:**	7T Excavator



Logged By:	BH	**Notes:**	Side wall collapse below 1.4m. Groundwater seepage only.	Dynamic Penetrometer Test and logs give an indication of the ground condition at the location of the tests only. While they are representative of typical conditions across the site, they do not identify variations in the ground away from the test locations. This log does not cover slope stability or suitability of the site for building. Dynamic Cone Penetrometer Test performed in accordance with NZS 4402 Test 6.5.2 (Procedure 1 and 2)
Plotted By:	BH			
Checked By:	AS			

Produced with Core-GS by Geroc

NZGD ID: TP_112168

NZGD ID: TP_112172

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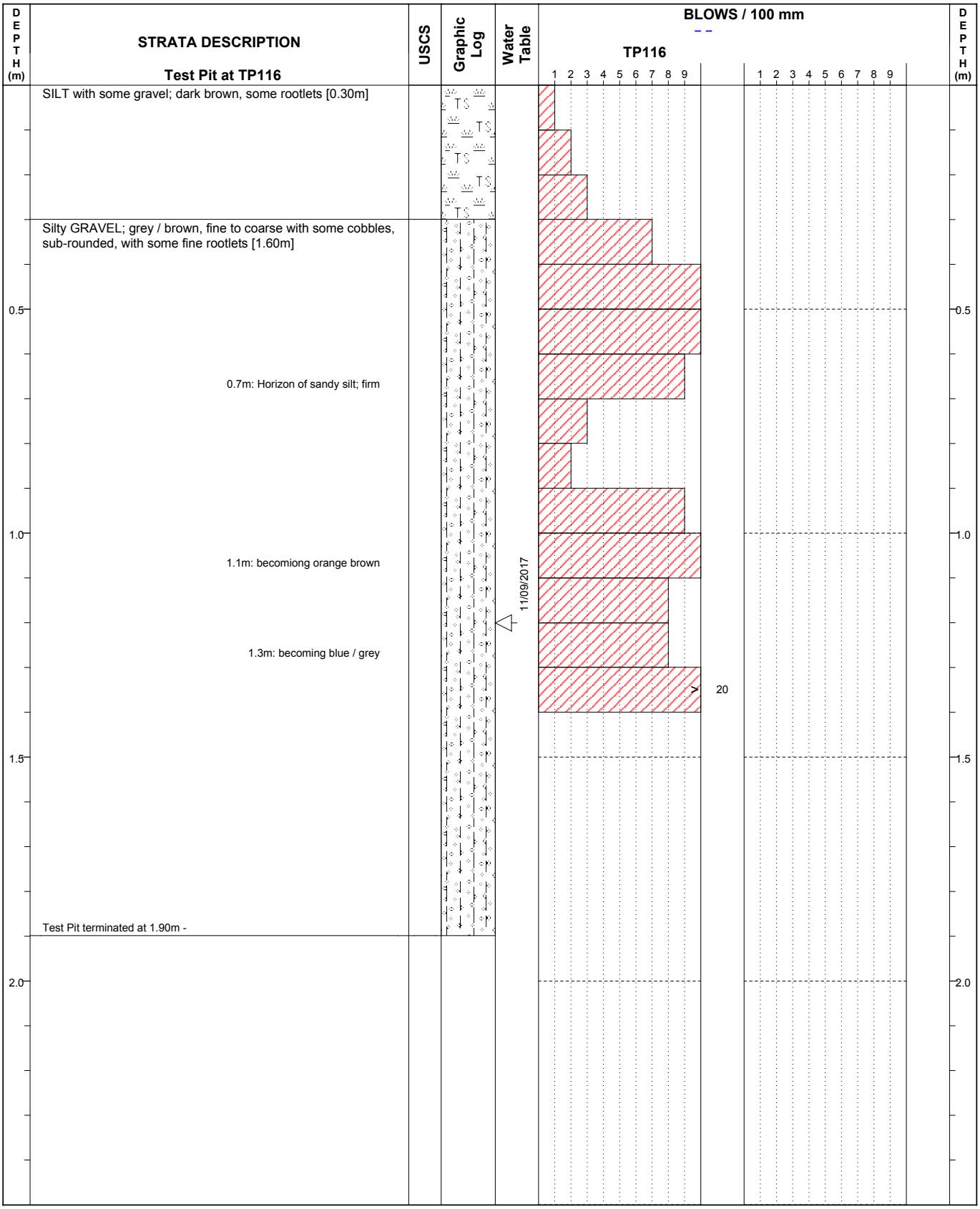
SHALLOW INVESTIGATION RESULTS

Job Nº / **NN37129**
Test Nº / **TP116**

Project:	Arvida Development	**Date:**	11/09/17
Client:	Richmond Land Ltd	**Time:**	3:30 p.m.
Test Location:	Refer to site plan in report re: 37129	**Excavation Method:**	7T Excavator



Logged By:	BH	**Notes:**	Side wall collapse below 1.2m. Groundwater seepage only.	Dynamic Penetrometer Test and logs give an indication of the ground condition at the location of the tests only. While they are representative of typical conditions across the site, they do not identify variations in the ground away from the test locations. This log does not cover slope stability or suitability of the site for building. Dynamic Cone Penetrometer Test performed in accordance with NZS 4402 Test 6.5.2 (Procedure 1 and 2)
Plotted By:	BH			
Checked By:	AS			

Produced with Core-GS by Geroc

NZGD ID: TP_112172

Appendix C. Site Investigation Records

Site Investigation Record

Client: McShane Road Holdings Ltd

Site: 54 McShane Road, Richmond, Nelson

Technical Category: N/A

Lot: Section 32 **D.P.:** SO 455144

Date Tested: 20-Aug-2020

Log Sheet No.: 1 of 1 **Project No.:** 501410

Scala Penetrometer Test Results Number of Blows per 100mm	Depth (m)	Soil Profile Test Location TP01	Water
	0.2	TS Clayey silty TOPSOIL; dark broen. Very soft; wet; rootlets.	Groundwater Not Encountered
	0.4	Sandy fine to coarse GRAVEL, with some clay and silt; brown. Damp; gravel, subround, maximum size uo to 200mm. Moderately dense; sand, fine to coarse.	
	0.6		
	0.8		
	1.0	EOH: 1m - Practical Refusal - Nearby plant nursery.	
	1.2		
	1.4		
	1.6		
	1.8		

TP01

Site Plan: (Not to Scale)

Comments:

Field Staff:	Prepared By:	Investigation Type
KF	CAO	☐ Hand Auger
Job Manager:	Approved By:	☐ Spade Hole
JTA	KF	☑ Test Pit

Produced with CORE-GS Report Published: 16/11/2020 9:55:32 AM

Site Investigation Record

Client: McShane Road Holdings Ltd

Site: 54 McShane Road, Richmond, Nelson

Technical Category: N/A

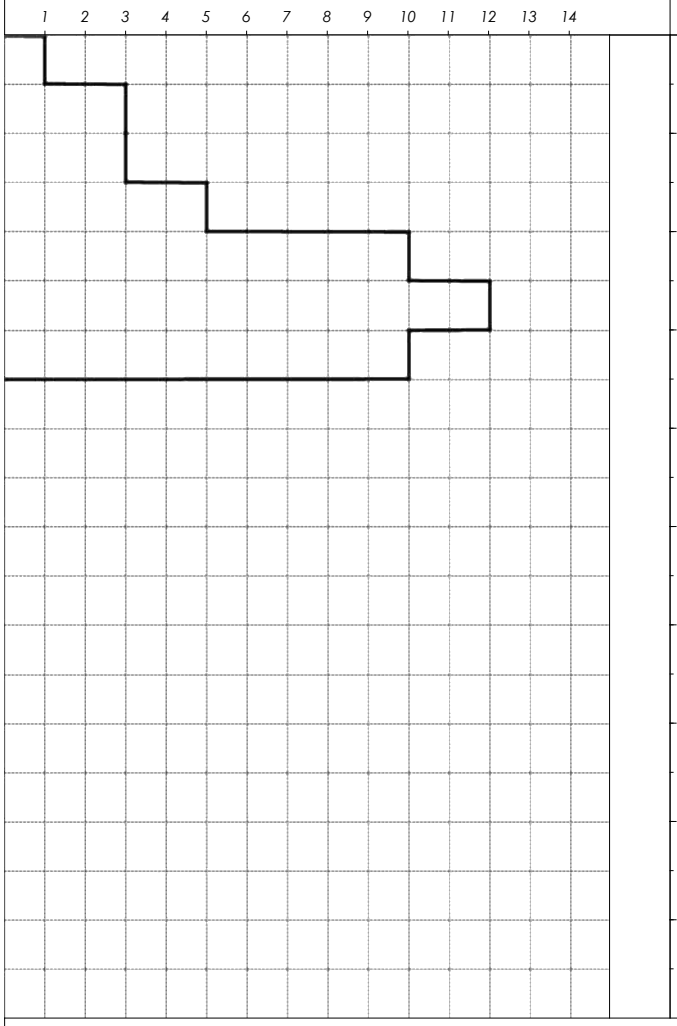
Lot: Section 32 **D.P.:** SO 455144

Date Tested: 20-Aug-2020

Log Sheet No.: 1 of 1 **Project No.:** 501410

Scala Penetrometer Test Results

Number of Blows per 100mm



TP02

Depth (m)

0.2
0.4
0.6
0.8
1.0
1.2
1.4
1.6
1.8

Soil Profile

Test Location TP02

TS T	Clayey silty TOPSOIL; dark brown. Very soft; wet; rootlets.
	Sandy fine to coarse GRAVEL, with some clay and silt; brown. Damp; gravel, subround, maximum size up to 150mm. Moderately dense; sand, fine to coarse; 200mm thick lense of very fine sandy silt below topsoil on northeast wall of test pit..
	EOH: 0.7m - Practical Refusal - Nearby plant nursery.

Water

Groundwater Not Encountered

Site Plan: (Not to Scale)

Comments:

Field Staff:	Prepared By:	Investigation Type
KF	CAO	☐ Hand Auger
Job Manager:	**Approved By:**	☐ Spade Hole
JTA	KF	☑ Test Pit

Produced with CORE-GS Report Published: 16/11/2020 9:55:34 AM

Site Investigation Record

Client: McShane Road Holdings Ltd

Site: 54 McShane Road, Richmond, Nelson

Technical Category: N/A

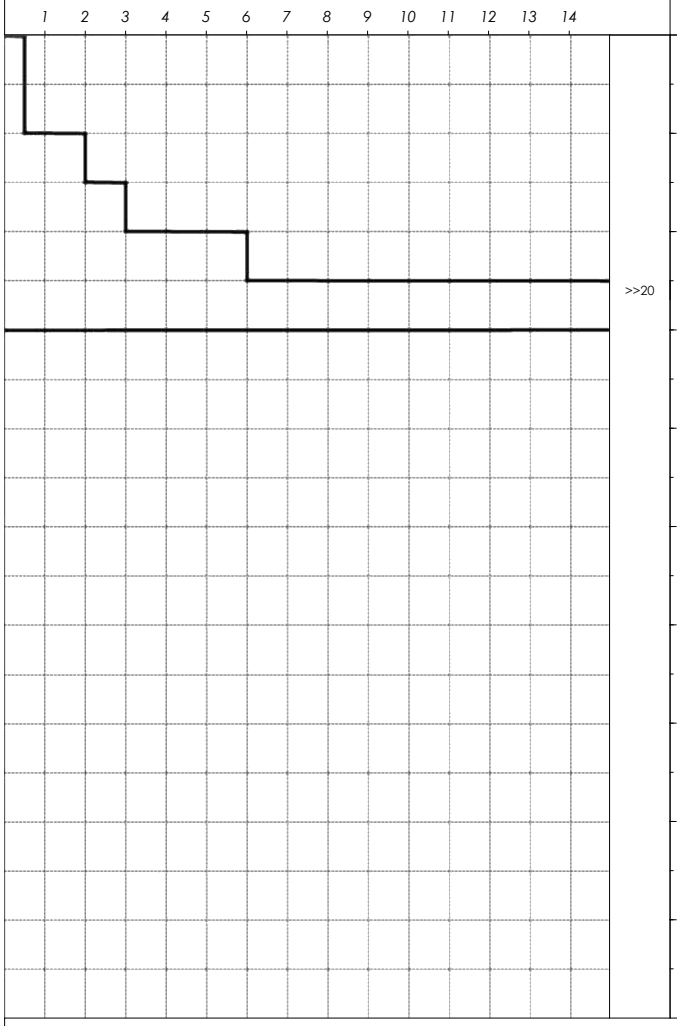
Lot: Section 32 **D.P.:** SO 455144

Date Tested: 20-Aug-2020

Log Sheet No.: 1 of 1 **Project No.:** 501410

Scala Penetrometer Test Results

Number of Blows per 100mm



TP03

Soil Profile

Test Location TP03

Water

TS

T

Clayey silty TOPSOIL; dark brown. Very soft; wet; rootlets.

Clayey silty sandy fine to coarse GRAVEL; grey. Damp; gravel, subround to angular.

Sandy fine to coarse GRAVEL, with some clay and silt; brown. Damp to saturated; gravel, subround, maximum size up to 100mm. Moderately dense.; sand, fine to coarse.

1.3m

EOH: 1.5m - Target depth reached.

Site Plan: (Not to Scale)

Comments:

Field Staff:	Prepared By:	Investigation Type
KF	CAO	☐ Hand Auger
Job Manager:	Approved By:	☐ Spade Hole
JTA	KF	☑ Test Pit

Produced with CORE-GS Report Published: 16/11/2020 9:55:35 AM

Site Investigation Record

Client: McShane Road Holdings Ltd

Site: 54 McShane Road, Richmond, Nelson

Technical Category: N/A

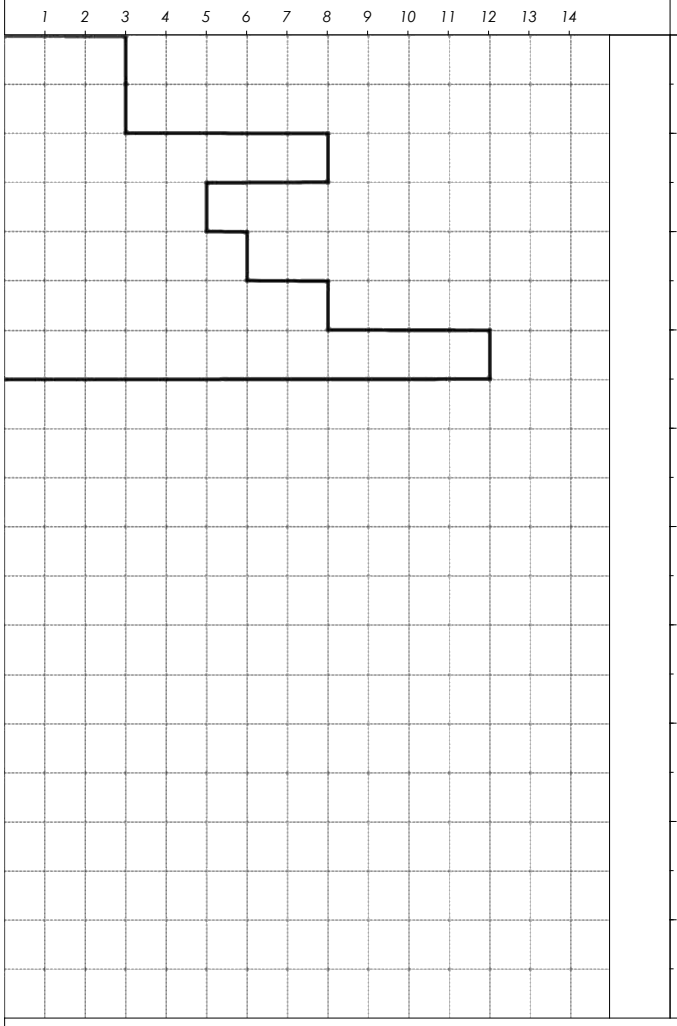
Lot: Section 32 **D.P.:** SO 455144

Date Tested: 20-Aug-2020

Log Sheet No.: 1 of 1 **Project No.:** 501410

Scala Penetrometer Test Results

Number of Blows per 100mm



TP04

Depth (m)

0.2
0.4
0.6
0.8
1.0
1.2
1.4
1.6
1.8

Soil Profile

Test Location TP04

Depth (m)	Description
0.0 – 0.2	Clayey silty TOPSOIL; dark brown. Very soft; wet; rootlets.
0.2 – 0.6	FILL: clayey silty sandy fine to coarse GRAVEL; grey. Damp; gravel, subround to angular.
0.6 – 0.8	FILL: gravelly coarse SAND; grey. Dry; gravel, fine to medium.
0.8 – 1.5	Sandy fine to coarse GRAVEL, with some clay and silt; orange/brown. Damp to saturated; gravel, subround, maximum size up to 80mm. Moderately dense; sand, fine to coarse.
1.5	EOH: 1.5m - Target depth reached.

Water

▽ 1.3m

Site Plan: (Not to Scale)

Comments:

Field Staff:	Prepared By:	Investigation Type
KF	CAO	☐ Hand Auger
Job Manager:	**Approved By:**	☐ Spade Hole
JTA	KF	☑ Test Pit

Produced with CORE-GS Report Published: 16/11/2020 9:55:37 AM

Site Investigation Record

Client: McShane Road Holdings Ltd

Site: 54 McShane Road, Richmond, Nelson

Technical Category: N/A

Lot: Section 32 **D.P.:** SO 455144

Date Tested: 20-Aug-2020

Log Sheet No.: 1 of 1 **Project No.:** 501410

Scala Penetrometer Test Results

Number of Blows per 100mm

1 2 3 4 5 6 7 8 9 10 11 12 13 14

Depth (m)

0.2 0.4 0.6 0.8 1.0 1.2 1.4 1.6 1.8

Soil Profile

Test Location TP05

Water

Depth (m)	Soil Profile
0.0	Clayey silty TOPSOIL; dark brown. Very soft; wet; rootlets.
0.2	FILL: sandy fine to coarse GRAVEL; grey. Dry; gravel, subround to subangular; sand, fine to coarse; Rootlets to base of unit.
1.0	Sandy fine to coarse GRAVEL, with some clay and silt; brown. Damp to saturated; gravel, subround, maximum size up to 80mm. Moderately dense; sand, fine to coarse.
1.3	EOH: 1.3m - Target depth reached.

Water: ▽ 1m

TP05

Site Plan: (Not to Scale)

Comments:

Field Staff:	Prepared By:	Investigation Type
KF	CAO	☐ Hand Auger
Job Manager:	**Approved By:**	☐ Spade Hole
JTA	KF	☑ Test Pit

Produced with CORE-GS Report Published: 16/11/2020 9:55:38 AM

Site Investigation Record

Client: McShane Road Holdings Ltd

Site: 54 McShane Road, Richmond, Nelson

Technical Category: N/A

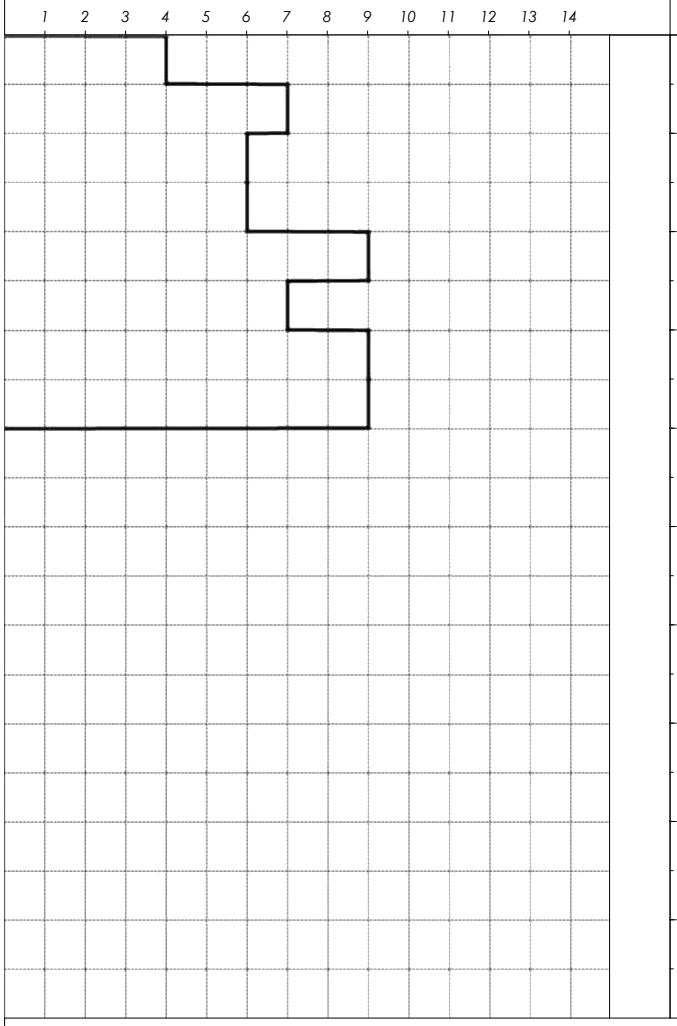
Lot: Section 32 **D.P.:** SO 455144

Date Tested: 20-Aug-2020

Log Sheet No.: 1 of 1 **Project No.:** 501410

Scala Penetrometer Test Results

Number of Blows per 100mm



TP06

Depth (m)

0.2
0.4
0.6
0.8
1.0
1.2
1.4
1.6
1.8

Soil Profile

Test Location TP06

Water

FILL: clayey SILT, with some gravel; grey. Damp; gravel, fine, angular.

FILL: sandy fine to coarse GRAVEL, with some silt; light grey. Damp to saturated; gravel, angular to subround; sand, coarse.

0.85m

EOH: 1m - Target depth reached.

Site Plan: (Not to Scale)

Comments:

Field Staff:	Prepared By:	Investigation Type
KF	CAO	☐ Hand Auger
Job Manager:	**Approved By:**	☐ Spade Hole
JTA	KF	☑ Test Pit

Produced with CORE-GS Report Published: 16/11/2020 9:55:40 AM

eliot sinclair

Site Investigation Record

Client: McShane Road Holdings Ltd

Site: 54 McShane Road, Richmond, Nelson

Technical Category: N/A

Lot: Section 32 **D.P.:** SO 455144

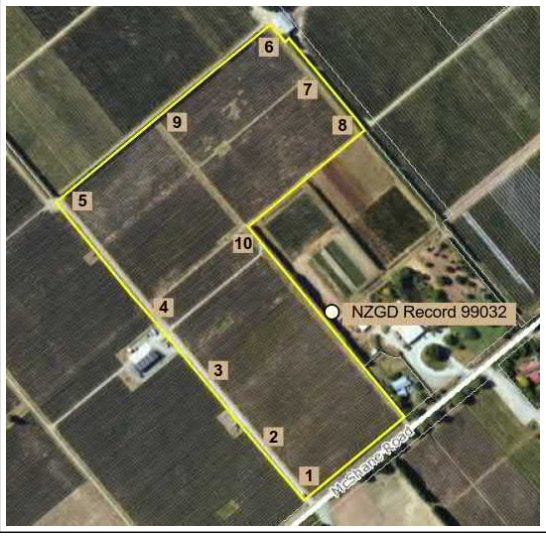
Date Tested: 20-Aug-2020

Log Sheet No.: 1 of 1 **Project No.:** 501410

Scala Penetrometer Test Results	Depth (m)	Soil Profile	Water
Number of Blows per 100mm		Test Location TP07	
	0.2	Clayey TOPSOIL & SILT, with minor gravel; dark brown. Very soft; damp.	Groundwater Not Encountered
	0.4		
	0.6	FILL: sandy fine to coarse GRAVEL. Damp; gravel, angular; sand, coarse; trace debris.	
	0.8		
	1.0	EOH: 0.9m - Practical Refusal - unearthed concrete pipe.	
	1.2		
	1.4		
	1.6		
	1.8		

TP07

Site Plan: (Not to Scale)



Comments:

Field Staff:	Prepared By:	Investigation Type
KF	CAO	☐ Hand Auger
Job Manager:	**Approved By:**	☐ Spade Hole
JTA	KF	☑ Test Pit

Produced with CORE-GS Report Published: 16/11/2020 9:55:41 AM

Site Investigation Record

Client: McShane Road Holdings Ltd

Site: 54 McShane Road, Richmond, Nelson

Technical Category: N/A

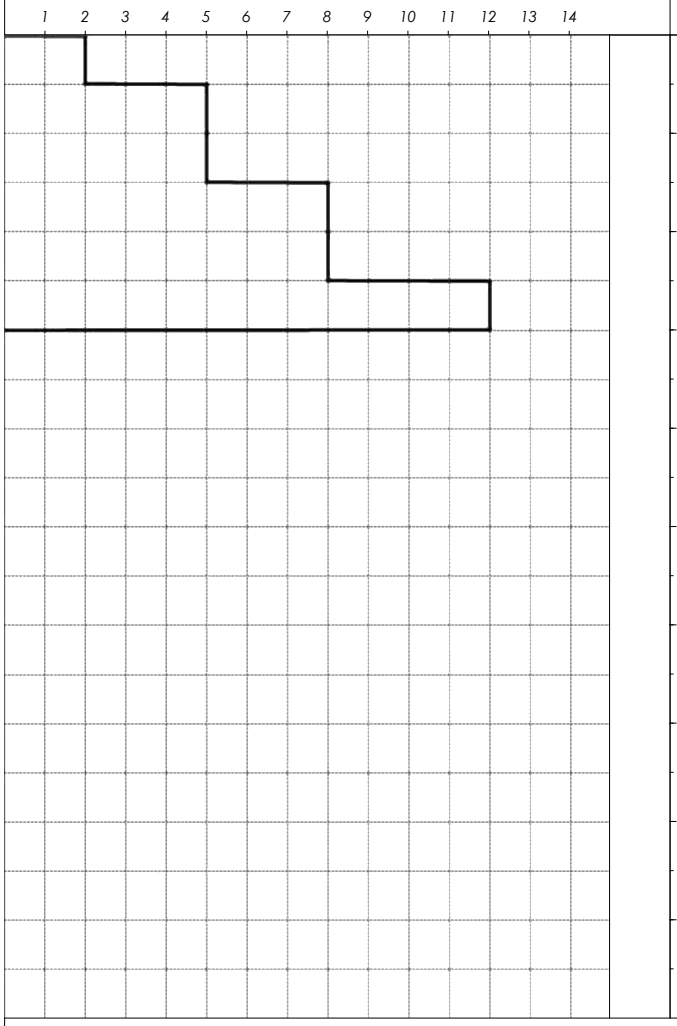
Lot: Section 32 **D.P.:** SO 455144

Date Tested: 20-Aug-2020

Log Sheet No.: 1 of 1 **Project No.:** 501410

Scala Penetrometer Test Results

Number of Blows per 100mm



TP08

Depth (m)

0.2
0.4
0.6
0.8
1.0
1.2
1.4
1.6
1.8

Soil Profile

Test Location TP08

Water

FILL: clayey TOPSOIL & SILT, with minor gravel; dark brown. Very soft; damp.

Sandy fine to coarse GRAVEL, with some clay and silt; brown. Damp to saturated; gravel, maximum size up to 100mm. Moderately dense; sand, fine to coarse.

EOH: 1.1m - Target depth reached.

▽ 1.1m

Site Plan: (Not to Scale)

Comments:

Field Staff:	Prepared By:	Investigation Type
KF	CAO	☐ Hand Auger
Job Manager:	**Approved By:**	☐ Spade Hole
JTA	KF	☑ Test Pit

Produced with CORE-GS Report Published: 16/11/2020 9:55:43 AM

eliot sinclair

Site Investigation Record

Client: McShane Road Holdings Ltd

Site: 54 McShane Road, Richmond, Nelson

Technical Category: N/A

Lot: Section 32 **D.P.:** SO 455144

Date Tested: 20-Aug-2020

Log Sheet No.: 1 of 1 **Project No.:** 501410

Scala Penetrometer Test Results	Depth (m)	Soil Profile	Water
Number of Blows per 100mm		Test Location TP09	
	0.2	FILL: clayey TOPSOIL & SILT, with minor gravel; dark brown. Very soft; damp.	
	0.4		
	0.6	Sandy fine to coarse GRAVEL, with some clay and silt. Damp to saturated; gravel, subround, maximum size up to 100mm. Moderarely dense; sand, fine to coarse.	
	0.8		
	1.0	Sandy fine to medium GRAVEL; dark greyish blue. Saturated; gravel, subround; sand, coarse.	▽ 1m
	1.2	EOH: 1.2m - Target depth reached.	
	1.4		
	1.6		
	1.8		

TP09

Site Plan: (Not to Scale)

Comments:

Field Staff:	Prepared By:	Investigation Type
KF	CAO	☐ Hand Auger
Job Manager:	**Approved By:**	☐ Spade Hole
JTA	KF	☑ Test Pit

Produced with CORE-GS Report Published: 16/11/2020 9:55:44 AM

Site Investigation Record

Client: McShane Road Holdings Ltd

Site: 54 McShane Road, Richmond, Nelson

Technical Category: N/A

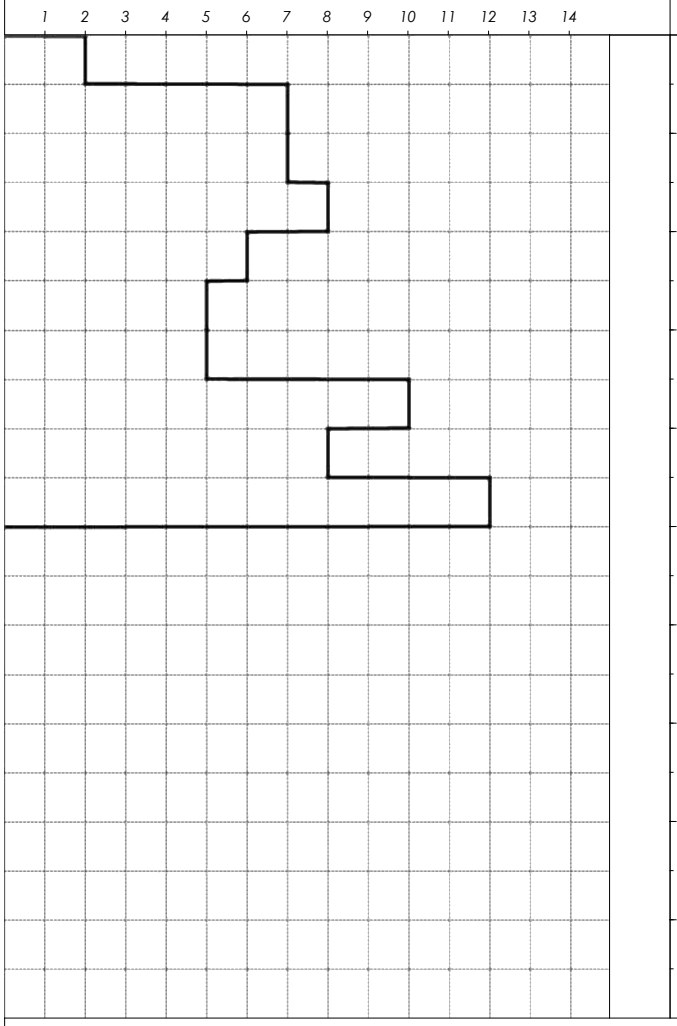
Lot: Section 32 **D.P.:** SO 455144

Date Tested: 20-Aug-2020

Log Sheet No.: 1 of 1 **Project No.:** 501410

Scala Penetrometer Test Results

Number of Blows per 100mm



HA10

Depth (m)

0.2
0.4
0.6
0.8
1.0
1.2
1.4
1.6
1.8

Soil Profile

Test Location HA10

Water

FILL: clayey TOPSOIL & SILT, with minor gravel; dark brown. Very soft; damp.

Sandy GRAVEL, with some clay and silt; brown. Limited sample recovery.

EOH: 0.4m - Practical refusal on gravels.

Groundwater Not Encountered

Site Plan: (Not to Scale)

Comments:

Field Staff:	Prepared By:	Investigation Type
KF	CAO	☑ Hand Auger
Job Manager:	**Approved By:**	☐ Spade Hole
JTA	KF	☐ Test Pit

Produced with CORE-GS Report Published: 16/11/2020 9:55:46 AM

Appendix D. Statement of Professional Opinion

SCHEDULE 2A

STATEMENT OF PROFESSIONAL OPINION ON SUITABILITY OF LAND FOR BUILDING CONSTRUCTION

Development: Industrial Subdivision – McShane Road, Richmond

Developer: McShane Road Holdings Ltd

Location: 54 McShane Road, Richmond

I, Kristel Franklin, of Eliot Sinclair, Christchurch;

Hereby confirm that:

1. I am a geo-professional as defined in section 1.2.2 of NZS 4404:2010 and was retained by the developer as the geo-professional on the above development.
2. The extent of my site investigations are described in my Report number 501410 dated November 2020, and the conclusions and recommendations of that document have been re-evaluated in the preparation of this certification.
3. In my professional opinion, not to be construed as a guarantee, I consider that council is justified in granting consent incorporating the following conditions:
   (a) The completed works take into account land slope and foundation stability considerations, subject to the appended foundation recommendations ~~and earthworks restrictions~~ as set out in this report.
   ~~(b) Subject to 3(a) of this Schedule, the original ground not affected by filling is suitable for erection of buildings designed according to NZS 3604 provided that:~~
      ~~i) ……..~~
      ~~ii) ……..~~
   ~~(c) Subject to 3(a) and 3(b) of this Schedule, the filled ground is suitable for erection of buildings designed according to NZS 3604 provided that:~~
      ~~i) ……..~~
      ~~ii) ……..~~
   (d) The original ground ~~not affected by filling and the filled ground~~ is not subject to erosion, subsidence or slippage in accordance with the provisions of Section 108 of the Resource Management Act 1991 provided that:
      i) Recommendations provided in report reference 501410, dated November 2020 are followed.
4. This professional opinion is furnished to the Tasman District Council and the developer for their purposes alone on the express condition that it will not be relied upon by any other person and does not remove the necessity for the normal inspection of foundation conditions at the time of erection of buildings.
5. This certificate shall be read in conjunction with my geotechnical report referred to in clause 2 above and shall not be copied or reproduced except in conjunction with the full report.

Signed .. ……..… Date: 23 November 2020

BSc (Geology) MSc (Hazard and Disaster Management) CMEngNZ (PEngGeol) Reg. No. 1163943.

NOTE – These subclauses may be deleted or added to as appropriate, to include such considerations as expansive soils where excluded from NZS 3604 and site seismic characterisations as covered in clause 3.1.3 of NZS 1170.5.

From:	Duncan Ballinger
To:	Narissa Armstrong
Cc:	Phernne Tancock; Phillip Percy
Subject:	RE: Hearing Documentation for Plan Change 79....
Date:	Friday, 6 June 2025 4:19:47 pm
Attachments:	image005.png image007.png image008.png image009.png 2025-06-06 PP planning evidence [final] .docx 2025-06-06 PP planning evidence [final] .pdf 2025-06-06 Schedule of amendments [A&S Talley - Philip Percy attachment].docx 2025-06-06 Schedule of amendments [A&S Talley - Philip Percy attachment].pdf

---

Kia ora Narissa

Please see **attached** in word and PDF format:

- Evidence of Philip Percy; and
- Attachment to Mr Percy's evidence.

Our apologies for being slightly late in lodging these.

Kind regards

Duncan Ballinger • Barrister
Stout Street Chambers
027 779 6672

From: Duncan Ballinger
Sent: Friday, 6 June 2025 3:20 pm
To: Narissa Armstrong <Narissa.Armstrong@tasman.govt.nz>
Cc: Phernne Tancock <phernne.tancock@legalchambers.co.nz>
Subject: RE: Hearing Documentation for Plan Change 79....

Kia ora Narissa

I am acting for A&S Talley on Plan Change 79. We are currently finalising our expert evidence to be lodged today, but we will not quite be ready for the 4pm deadline.

It will be with you by 6pm, and hopefully well before then. I trust this will not cause any issues. We can file a formal memorandum for the panel seeking an extension if required.

Kind regards

Duncan Ballinger • Barrister
Stout Street Chambers
027 779 6672

From: Narissa Armstrong <Narissa.Armstrong@tasman.govt.nz>
Sent: Wednesday, 21 May 2025 3:59 pm
To: Mary Honey <Mary.Honey@tasman.govt.nz>; Jeremy Butler <Jeremy.Butler@tasman.govt.nz>
Subject: Hearing Documentation for Plan Change 79....

You don't often get email from narissa.armstrong@tasman.govt.nz. Learn why this is important

Kia ora koutou,

Hearing documentation for Plan Change 79, can now be found on-line via the following link.

Change 79: Deferred Zoning | Tasman District Council

Ngā mihi,

Narissa Armstrong
Environmental Policy Administrator
DDI +64 3 543 8630 | Narissa.Armstrong@tasman.govt.nz
Private Bag 4, Richmond 7050, NZ

This e-mail is confidential and may be subject to legal professional privilege. If you are not the named addressee, please delete the message and notify us of the error. You must not copy, use, or disclose this communication, or any attachments or information in it.

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of Proposed Plan Change 79 to the Tasman Resource Management Plan
AND	A submission and further submissions by Andrew and Susan Talley

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STATEMENT OF PLANNING EVIDENCE OF PHILLIP PERCY

6 June 2025

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1. INTRODUCTION

1.1 Qualifications and experience

1. I hold a Bachelor of Resource and Environmental Planning with Honours from Massey University, specialising in physical geography. I hold a current Making Good Decisions certificate.

2. I have been practising as a planner since 1998 (approximately 26 years). This has included working as a Resource Advisor (Policy) for Greater Wellington Regional Council, a Senior Planner for Eliot Sinclair and Partners in Christchurch and as a Senior Planner for Beca in Wellington. I have also previously worked as a Planner in the United Kingdom, including in consent processing, enforcement and monitoring roles.

3. I am currently a Director of Kāhu Environmental Limited, a resource management and planning consultancy established in 2007 and which employs 19 professional and support staff.

4. I have been involved in a professional capacity in a wide range of planning matters, including applications for large-scale subdivision consents, land use consents for dwellings, commercial buildings, earthworks and infrastructure projects, including in the Palmerston North, Kapiti Coast, Wellington and Christchurch areas. I have experience in assessing proposals against both regional and district planning provisions, as well as in both urban and rural environments. I have also been involved in resource consent applications for discharges to land, water and air, and water take applications, including municipal wastewater discharges, winery waste discharges, and discharges of stormwater.

5. I have experience in the development of RMA planning documents, both at regional and district level. This includes involvement in the development of, hearings and appeals on the Horizon Regional Council's One Plan, the Proposed Greater Wellington Natural Resources Plan, and various plan changes to the Palmerston North City District Plan (including in relation to urban growth, natural hazards, and airport plan changes). I provided overview support to Central Hawke's Bay District Council for the post-notification phase of their Proposed District Plan, and have been part of consultant teams undertaking planning and analysis for large urban growth extensions.

1.2 Code Of Conduct

6. I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note dated 1 January 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving oral evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

1.3 Involvement in the background to PC 79

7. I have been engaged by Andrew and Susan Talley to prepare planning evidence for the hearing in relation to Proposed Plan Change 79 (PC79) to the Tasman Resource Management Plan (TRMP).

8. I have been involved in this matter since 2022, when I was engaged by Mr and Mrs Talley to provide advice on the planning aspects of the operative deferred zone uplift provisions in the TRMP. I was asked by Mr and Mrs Talley to examine the deferred zoning provisions in the TRMP and provide advice on whether the approach resulted in changes to the plan without using the Schedule 1 process. I concluded that it did, and assisted Mr and Mrs Talley's lawyers to write to the Council to advise them of this issue. After some correspondence, Mr Talley, his lawyers and I met with Council officers and the Council's lawyer to discuss the issue. Subsequently, the Council determined that the deferred zone provisions were ultra vires and advised the community that deferred zone uplifts would not be used until the issue with the Plan provisions was resolved.

9. The Council put out a Draft Plan Change 79 document for feedback in May 2024. I reviewed that document and provided planning input into the feedback Mr and Mrs Talley provided to the Council. Within that feedback, I identified a number of issues with the draft approach, many of which have not been rectified in the proposed version of the plan change.

10. In December 2024, the Council notified PC79. I provided planning advice to Mr and Mrs Talley on PC79 to assist them with the preparation of their submission and further submissions on PC79.

11. I have also been providing planning advice to Mr and Mrs Talley on related matters, including:

    (a) The Draft Māpua Masterplan,

    (b) The Issues and Options Report for the Council's review of the natural hazards provisions in the TRMP

    (c) Draft Plan Change 81 to the TRMP and Draft Change 1 to the RPS, which relate to giving effect to aspects of the National Policy Statement for Urban Development

(d) Advice on consent applications and proposals within the Māpua area that may affect Mr and Mrs Talley and their property. This included the application for the 33 lot residential subdivision in a deferred zone at 53 Seaton Valley Road that is referred to in the s42A Report[1]. The site is in the Māpua area. This consent was for a non-complying activity and was assessed on a non-notified basis. The consent was granted in March this year.

1.4 Purpose and scope of evidence

12. My evidence will address matters raised by Mr and Mrs Talley in their submissions.

13. This evidence will:

- Provide a brief commentary on the background to PC79.
- Address some broader issues raised in the s42A Report
- Address specific matters in the s42A report where I either disagree with the analysis in the report, or where I add further analysis or information.

14. Mr and Mrs Talley have asked that I focus my evidence on the plan provisions that specifically relate to the deferred zoning mechanism. Therefore, I do not provide evidence on the natural hazard management provisions for Richmond.

15. While not providing evidence on the natural hazard management provisions, I note that Mr and Mrs Talley have consistently advised the Council via submissions and consultation feedback, of their concerns that plan changes and masterplanning are occurring ahead of a comprehensive review of natural hazard management (Plan Change 85).

[1] S42A Report, pg 15

1.5 Documents and materials referenced

16. In producing this statement of evidence, I have reviewed the following evidence and materials:

- The original submission made by Mr and Mrs Talley
- The further submission made by Mr and Mrs Talley
- The s42A Report prepared by Mary Honey and Jeremy Butler
- The notified PC79 documents, including the s32 report
- Activity Management Plans for 2024-2054 that included in the Long Term Plan 2024-2054
- Nelson Tasman Land Development Manual, September 2020, Revision 1

2. EVIDENCE

2.1 Introduction

17. I have summarised my involvement to date in the background to PC79. As described, I reviewed the draft version of PC79. Several of the issues that I identified in that process remain in the notified version. In particular, the approach of treating Māpua and Motueka differently creates several complications. The Council has failed to resolve those. The most prominent of these issues are that:

(a) changes to the deferred zone objectives and policies affect the management of deferred zones in Māpua and Motueka, not just those in other areas.

(b) The proposed framework still requires discretionary decisions by third parties and lacks transparency in how the process operates.

18. There is no straightforward way to resolve these issues within the plan structure proposed by the Council. I have made some recommendations in my evidence in an attempt to minimise the impacts, but acknowledge that a number of issues remain despite my best efforts.

2.2 Change in activity status without a plan change process

19. At paragraph 9 of their submission, Mr and Mrs Talley observe that 'the proposal in PC79 still does not address the underlying problem that the uplift mechanism is unlawful as it results in a change in activity status without a formal plan change process under Schedule 1 of the RMA'.

20. The approach to transitioning from the original zone provisions to the end zone provisions appears reasonably straightforward at first glance. An area is managed under one set of plan provisions until a trigger event (such as the delivery of specific infrastructure) occurs, after which another set of provisions applies.

21. However, the specific elements of the proposed approach relies on a set of processes that require evaluations and decision-making by individuals or organisations, and where there remains inherent uncertainty and there is no specified methodology for doing those things, minimal requirements for transparency and no specified process for dispute resolution if there is disagreement with a decision.

22. Example of issues include:

(a) Can only the Council confirm that the infrastructure has been delivered, or can any person make that determination?

(b) Even though the required infrastructure might be visible, does the Council need to confirm that the infrastructure has been delivered to the required standard(s), given that there may be elements that are not obvious or that the infrastructure cannot be commissioned until associated infrastructure is also completed?

(c) If the Council is required to make a determination that the infrastructure has been delivered, what is the process for prompting that assessment? Is it up to the Council to determine, without prompting; or does it rely on a person asking the Council to confirm that the infrastructure has been delivered? If a request must be made, then what is the process for doing so and what information must be supplied?

(d) What is the evaluation process the council goes through when determining whether the infrastructure has been delivered? Is there the ability to apply discretion for infrastructure that is partly completed, or does the infrastructure need to be fully completed?

(e) What are the timeframes for any evaluation process?

(f) If a person considers that the infrastructure has been delivered but the Council disagrees, is there a process for challenging the Council's decision? Alternatively, if the Council determines that the infrastructure has been delivered but a person disagrees, is there an ability to challenge?

(g) Is the Council able to either withhold its determination or delay adding the notice on the Council's website that the infrastructure has been delivered for that deferred zone (which is necessary under clause (b) of the definition of 'delivered') as a means of sequencing development?

(h) How is a determination made if the description of the infrastructure to be provided is not precise. For example, deferred zone site RS14 specifies that ‘or equivalent measure proposed by Council or developers to provide adequate level of service for water supply’ as infrastructure that needs to be delivered. What is the Council required to consider in this situation, and when is it appropriate to apply discretion as to which of two or more infrastructure options is appropriate to deliver?

23. The list of issues goes on.

24. My observation of the deferred zone mechanism is that it remains a quasi-plan change without using the Schedule 1 process. While there is no physical modification to the Plan provisions themselves, a discretionary determinative process needs to be followed before the Plan applies in a particular way to a piece of land in order to access preferential zone provisions. It requires the Council to make a decision in order for the effective zoning of the land to change.

25. In my view, there is a potentially valid plan construct that could be used to cause different provisions of a plan to apply to the same piece of land in different circumstances. However, such a construct would need to be drafted so that a reasonable person using the plan could readily determine which provisions apply without relying on a determination by the Council (or third party). The mechanism that causes the change of applicable provisions would need to meet the same drafting standards that are expected of a rule standard. It would need to be certain, clear, enforceable, and capable of objective interpretation.

26. There are likely to be a number of options for resolving this issue, which could include:

(a) Declining this plan change 79 to provide the Council with an opportunity to comprehensively reconsider the approach

(b) Add sufficient detail, specificity and precision to the current set of provisions to address the issues. This would likely require a significant amount of redrafting

(c) Adapt the current approach so that a Schedule 1 plan change is still required to update the zoning of a site, but the plan has provisions to help to expedite that process by specifying the information required and defining the scope of the plan change.

27. I note that two other district Councils (Waipa and Waikato) have grappled with how to address similar ultra vires deferred zoning provisions in their plans and, following prolonged hearings on the issue, reached the conclusion that there was no way to effectively do this without a subsequent plan change for deferred zones to become live. I have set out commentary on the Waipa and Waikato processes in Appendix A to this evidence.

2.3 Māpua and Motueka rezoning requests

28. Mr and Mrs Talley made further submissions on a number of submissions from others that sought changes to the zoning of sites within the Māpua and Motueka areas. I agree with the recommendations in the s42A Report that these requested changes are outside the scope of PC79, have not been comprehensively evaluated through a Schedule 1 RMA process, and should be rejected[2]. These are requests best addressed through private plan changes or as part of a future plan change associated with the review of the deferred zones for Māpua and Motueka.

[2] S42A Report, pg 9

2.4 Effect of proposed changes on resource consent decision-making in Māpua and Motueka

29. Mr and Mrs Talley's original submission sought that the deferred zone sites within the Māpua and Motueka areas be re-zoned to their original zoning (i.e. removal of the deferred zoning) until comprehensive planning for those areas has been completed[3]. This relief was sought as an alternative to the notified approach of excluding Māpua and Motueka sites from the updated deferred zone framework.

30. The proposed changes to ringfence Māpua by preventing Māpua and Motueka sites from using the mechanism in Rule 17.14.2.2 to transition to urban zone provisions will have a twofold effect. Firstly, it will close off the previous deferral uplift process, leaving resource consent applications and private plan changes as the only avenues for developers to undertake urban or lifestyle development on deferred zoned land. Secondly, it will do this without bolstering the policy framework to reflect that the loss of the deferred uplift process will incentivise developers to use the resource consent process. (This second effect seems to be an unintended consequence).

31. Reinforcing this, the s42A Report records that resource consent and private plan change pathways remain available in the deferred zone locations in Māpua and Motueka, and that the legal uncertainty associated with the existing deferral mechanism means the sites are effectively downzoned.[4] Under the new provisions there is also no pathway to uplift, which achieves in part the relief sought by Mr and Mrs Talley.

[3] Talley original submission, paragraphs 15 to 17.
[4] .S42A Report, pg15

32. In my opinion, the relief to rezone deferred zone sites to their original zoning, as requested in Mr and Mrs Talley's submission, would not fully resolve this issue. However, the submission point highlights that a middle ground solution is required. That solution will need to achieve the following within Māpua and Motueka:

    (a) Preserve the current zoning and remove the ability to uplift until the pending plan reviews for Māpua and Motueka are completed

    (b) Achieve an equivalent regulatory and policy incentive to that in the operative plan, which directs development via a zone change path rather than a resource consent path within the original zoning

    (c) Doesn't hinder the operation of the new deferred zone mechanism (to be introduced by this plan change) for other sites

33. In my view, those outcomes are best achieved in a policy that applies at the time resource consent applications are being determined. While it sits within the Infrastructure chapter of the Plan, Policy 6.3.3.4D partly meets these requirements because:

    (a) It is directive that development should be avoided until the specified requirements are met,

    (b) it requires the relevant infrastructure to have been delivered, and

    (c) clause (c) provides for the ability to consider strategic planning documents such as masterplans in determining whether the development is appropriately sequenced. In other words, it enables the Council to decline consent if the development is out of sequence within the strategic planning approach, which is good practice

34. However, the updated drafting of this policy, as recommended in the s42A Report, means the policy will not apply to deferred zones in Māpua or Motueka. The policy will also need to be improved to be more certain, such as defining what 'an appropriate standard' means in relation to roading and servicing infrastructure.

35. An alternative would be to retain Policy 6.3.3.4D as it is, but add an equivalent new policy that applies in Māpua and Motueka. I have not provided drafting for such a policy, but would be happy to do so if the Panel is minded to explore this option.

36. I acknowledge that the potential solutions for resolving this issue are not clear-cut. As I noted earlier in my evidence, these complications were raised within the Council during consultation on their draft deferred zoning approach, but have not been rectified — and it is now difficult to achieve an elegant fix-up within the structure of the plan change provisions that have been notified.

2.5 Deferred zone provisions in Chapter 6.3: Urban Infrastructure Services

2.5.1 Implications of proposed changes on development in Māpua and Motueka

37. Mr and Mrs Talley's submission raised concerns that the changes to the objectives and policies of the Plan will alter the way those provisions apply within Māpua and Motueka. While PC79 doesn't propose changes to zoning within the Māpua and Motueka areas, it does propose changes to objectives and policies that influence resource consent decision-making in those areas. This would appear to raise an issue of scope and fairness, as the public notification of PC79 has made it clear that the plan change does not affect land in Māpua and Motueka however the effect of the policies and objectives, as notified and recommended by the s 42A Report, is that there will be impacts on land in Māpua and Motueka.

38. The s42A Report partially addresses this issue by recommending that Policy 6.3.3.4D be amended so that it only applies to deferred zone land listed in Schedule 17.14A. I agree that such an amendment would limit the scope of the policy. However, as I have discussed previously, this change has implications for the policy framework that will apply when determining subdivision and land use consent applications in Māpua and Motueka.

Objective 6.3.2.3

39. The s42A Report recommendations do not extend to other provisions that also apply within Māpua and Motueka. For example, the proposed new Objective 6.3.2.3 will apply to decision-making for deferred zoned land in Māpua and Motueka. The objective is targeted at deferred zoned land in all locations, and has an enabling character ('...*development within deferred zones is appropriately sequenced so that*...). Such an objective would naturally be considered as part of assessing a resource consent application for development within a deferred zone in the Māpua area. This is relevant because an application for urban development on deferred zoned land in the Māpua area would likely be a discretionary or non-complying activity under the relevant subdivision and rural zone rules. Introducing a new enabling objective that would apply when undertaking the s104D 'gateway' test is likely to significantly affect the outcome of that assessment.

40. In my view, the objective itself is helpful. It provides a more explicit set of outcomes for integrating urban development and infrastructure compared with the existing objectives in this section. However, to address the issue of scope and fairness, I recommend that the objective be amended to only apply to deferred zoned areas identified in Schedule 17.14A. To achieve this, I recommend amending the chapeau so that it begins 'Development within deferred zones <u>listed in Schedule 17.14A</u> ...'.

41. When future plan changes are promoted to address deferred zones in Māpua and Motueka, the Council has the options of:

(a) removing the reference to Schedule 17.14A from the objective or

(b) leaving it in place if the Māpua and Motueka deferred zones are added to Schedule 17.14A.

42. This will ensure that the appropriateness of applying Objective 6.3.2.3 to Māpua and Motueka is properly assessed as part of future plan change processes, rather than by a side wind through the current plan change process.

Policy 6.3.3.4A

43. I understand the purpose of Policy 6.3.3.4A is to prevent non-urban development on deferred zoned land from undermining efficient infrastructure provision as part of future urban development. The policy currently applies to all deferred zoned land, including deferred zones in Māpua and Motueka, despite these two areas not being included in Schedule 17.14A or being managed under Rule 17.14.2.2.

44. There is some merit to the policy applying to the Māpua and Motueka deferred zones, as it provides direction to decision-makers when subdivision or land use consents are sought in those areas. While the future review of the Māpua and Motueka may not retain all of the current deferred zones, there may be some that are retained, and it would be appropriate for the Plan to continue to provide some protection for those areas. As a result, I do not recommend changing the policy to only apply to deferred zones in Schedule 17.14A.

45. As identified in Mr and Mrs Talley's submission, there are opportunities to improve the clarity of the policy drafting. I have suggested a number of amendments in the attached tracked changes provisions to achieve this. My recommended changes include:

(a) Limiting the application of the policy to deferred zones identified in Schedule 17.14A.

(b) adding the term ‘delivered’ to ensure the policy is consistent with the other deferred zone provisions.

(c) adding reference to Rule 17.14.2.2 in the chapeau to make it clear that the policy is intended to apply to deferred zones being managed under that rule.

(d) Integrating clause (a) into clause (b) so the content in (a) makes sense in the context

(e) Deleting the reference to a transition period in clause (b) as this is redundant; the policy also clearly establishes that it applies to the ‘transition’ period.

Policy 6.3.3.4B

46. There are a number of drafting issues with Policy 6.3.3.4B, including:

(a) The chapeau makes it clear that the policy applies to land being managed under the original zone provisions (rural). However, clause (b) can only be applied once the land has been rezoned to an urban zone.

(b) It is unclear how clause (b) is intended to be applied, and what its purpose is in the context of the policy. Is it intended to prevent infrastructure required for urban development from being installed until the site is re-zoned to an urban zone? In that case, it would seem to conflict with the policy's intent, which is to enable infrastructure installation to support future urban development. The s42A reporting officers may be able to provide clarification on this to assist with drafting improvements. I am happy to consider providing drafting amendments but it would be more efficient to do so once the reporting officers have considered my comments.

Policy 6.3.3.4D

47. Policy 6.3.3.4D was introduced in the notified version of PC79. The policy, as notified, applies to all deferred zoned land. Mr and Mrs Talley's submission identified that the new policy would apply to the Māpua and Motueka areas, which created a potential scope issue, as despite being notified, the Council said it didn't apply to Māpua. The submission recommended that a reference to Schedule 17.14A be added to the policy so it only applied to deferred zones outside Māpua and Motueka. The s42A Report adopted this request, albeit using different wording.

48. However, introducing a reference to Schedule 17.14A to the policy leaves a policy gap for management in the Māpua and Motueka areas. Where the policy framework now strongly discourages development in other areas when the necessary infrastructure has not been delivered, the framework is largely silent for development within the Māpua and Motueka areas. This may have the unintentional effect of 'opening the door' to development in deferred zones in Māpua and Motueka via resource consent applications. This is clearly not the intention of PC79.

49. Mr and Mrs Talley's submission has broad scope for resolving this issue, giving the Panel significant flexibility in how it might be addressed. The simplest solution would be to remove the reference to Schedule 17.14A, so that the policy applies to deferred zones across the district. The disadvantage with that approach is that it changes the policy setting for deferred zone land in Māpua and Motueka, which is not the purpose of the plan change.

50. Another option is to introduce a policy specifically for managing development within deferred zones in Māpua and Motueka until such time as those zones are reviewed and updated via a plan change. A specific policy for the 'non-Schedule 17.14A' deferred zones would also be consistent with the Council's recommendation to include new rule 17.14.2.1, which makes it clear that these deferred zones are not subject to the deferred zone transition mechanism in Rule 17.14.2.2. In my view, such a policy would need to be directive regarding the prevention of urban development in deferred zones in Māpua and Motueka until they have undergone a plan review process. The s42A Report states that the Council anticipates notifying plan changes for Māpua and Motueka in August this year, so the effect of such a policy is likely to be relatively short-lived. There is also scope to introduce a policy for the 'non Schedule 17.14A' deferred zones as a consequence of the notified plan making changes that would otherwise leave those areas in a planning vacuum, and within the broad scope of Mr and Mrs Talley's submission.

51. Please see the appended tracked changes provisions for my recommended drafting, which seeks to resolve the issues I have identified within the current framing of Policy 6.3.3.4D.

2.5.2 Provision for 'additional infrastructure' in Objective 6.3.2.3 and Policy 6.3.3.4D

52. Mr and Mrs Talley's submission asked for Objective 6.3.2.3 and Policy 6.3.3.4D to be amended to more accurately give effect to the NPS-UD in relation to urban development having access to 'additional infrastructure'. Clause 3.5(1) of the NPS-UD says, '*Local authorities must be satisfied that the additional infrastructure to service the development capacity is likely to be available.*' (my emphasis)

53. The definition of 'additional infrastructure' is included in Clause 1.4 of the NPS-UD.

54. In an effort to give effect to the NPS-UD, the s42A Report recommends adding clause (c) to Objective 6.3.2.3. The recommended wording does not align with the NPS-UD; it states that development is to provide, 'where relevant, appropriate access to additional infrastructure, including public open space ...'. The NPS-UD requires that additional infrastructure to service the development is likely to be available.

55. I recommend that Objective 6.3.2 be amended to:

    (a) better reflect the intent of Clause 3.5(1) of the NPS-UD by reframing (c) to be clear that additional infrastructure is to be available

    (b) Limit the application of the objective to deferred zones listed in Schedule 17.14D, rather than to all deferred zones

    (c) Remove the reference to 'appropriately sequenced' in the chapeau, as this is confusing in the context of the objective and is unnecessary given that the only sequencing referred to in the Plan is whether or not the necessary infrastructure is in place. I recommend replacing this with 'only occurs when' to more clearly state the outcome the objective is intended to achieve.

    (d) Add a definition of '<u>additional infrastructure</u>' from the NPS-UD to Chapter 2.

56. The s42A Report does not recommend making similar changes to Policy 6.3.3.4D. The policies of the Plan are to implement the objectives, so it follows that one or more policies need to refer to the provision of additional infrastructure. I have therefore recommended adding an additional clause (d) to Policy 6.3.3.4D to reflect the objective.

2.6 Deferred zone provisions in Chapter 17: Zone Rules

2.6.1 Definition of ‘delivered’

2.6.1.1 Location of the definition

57. Mr and Mrs Talley’s submission raises the issue that several provisions use the term ‘delivered’ in relation to infrastructure, in some cases in different ways. The submission asks that the term be used consistently and is defined in the plan, so its meaning is clear.

58. The term ‘delivered’ is used in the Plan as part of the planning mechanism that determines which rules apply to land within a deferred zone. Briefly, where infrastructure specified in Schedule 17.14A for a particular deferred zone has been ‘delivered’, the end use zone provisions apply. Where the infrastructure hasn’t been delivered, the original zone provisions apply.

59. As notified, PC79 included a definition of ‘delivered’ within Rule 17.14.2.2. The definition was explicitly for the purpose of that rule, albeit the term is also used in policies and other rules in the Plan that apply to deferred zones. The s42A Report recommends retaining this definition, subject to some changes.

60. The term ‘delivered’ is also used in Policy 6.3.3.4D in relation to infrastructure provision within deferred zones. The s42A Report recommends adding a note to the bottom of this policy that refers readers to Rule 17.14.2.2 for the definition of ‘delivered’, notwithstanding that the definition says that it is for the purpose of the rule, not the policy.

61. The approach of defining a term within a rule and then cross-referencing it from other provisions is not an efficient drafting method. In my view, the term should be added to Chapter 2 – Meaning of Words, and any constraints on its use within the Plan should be specified there.

2.6.1.2 Substance of the 'delivered' definition

62. The definition of 'delivered', as amended in the s42A Report, remains unclear and uncertain. As this operates as a trigger rule, greater certainty is needed. As a critical element of the deferred zone management framework, it should be precise and certain so it can be objectively and consistently applied.

63. Structurally, I recommend that the definition be split into two components. The first addresses the circumstances when the infrastructure itself has been delivered. The second component addresses the statement that is required on the Council's website, confirming that the infrastructure has been delivered. I consider this to be a clearer drafting approach than adding 'whether (i) or (ii) above applies' to subclause (iii), as suggested in the s42A Report.

64. The first circumstance when infrastructure is considered to be delivered is logical; the infrastructure has been physically constructed. In my view, this can be readily determined and therefore serves as an objective and certain trigger.

65. The second circumstance included in the notified version is when the infrastructure "is planned and funded to be constructed within the next three years". There is a high degree of uncertainty and subjectivity in how this could be interpreted and applied, including:

    (a) It is unclear who is responsible for planning the infrastructure; can it only be the Council, or could it be planned and constructed by a developer (or a third party)? While there is a reference to the Long Term Plan in Policy 6.3.3.4D, that is not replicated in this definition.

(b) It is unclear what 'funded to be constructed' entails. Can the funding be from private entities, a developer benefiting from the uplift or a third party, or can it only be Council-funded? If it is only Council-funded infrastructure that qualifies, what is the appropriate level of certainty that the funding is locked in, given local authorities are obliged to review and alter their funding programmes as circumstances change? It is common for local authorities to defer or adjust budgets for projects where more pressing demands require resourcing. These certainty issues are even more acute if funding from private entities is contemplated or entities separate from those seeking to uplift the land.

(c) It is unclear whether the planning and funding must be in place within the next three years (i.e., the infrastructure is planned and funded to be constructed) or whether the infrastructure itself must be constructed within the next three years.

(d) It is unclear when the starting point is 'for the next three years' timeframe. Does it begin from the date a person reads the rule, from the date the provision becomes operative, or from the date after the proposed development has been completed?

(e) Given that the term being defined is in the past tense (i.e., the common meaning of 'delivered' is that something has already happened), it is confusing that part of the definition relies on future actions.

66. Rule 17.14.2.2 activates an automatic change to which plan provisions apply to land. The rule does not trigger a resource consent; it is, in effect, a switch that is triggered by the delivery of infrastructure. Activation of the switch is not influenced by the Plan's policies, as there is no requirement to refer to them when applying the rule. In the case of a Rural 2 Deferred Residential zone, if the infrastructure has been delivered, the rule is activated, and the Residential Zone provisions take effect.

67. While Policy 6.3.3.4D establishes a policy platform for Rule 17.14.2.2 in line with s75(1) of the RMA, the policy will not have an implementation role when applying Rule 17.14.2.2. The policy will only have a plan implementation function when a resource consent application is made for development (under either the original or the end zoning).

68. This is relevant because the s42A Report recommends adding a reference to the Long Term Plan to Policy 6.3.3.4D as a means of "reducing uncertainty around the precursors to switching to the new zone provisions[5]." However, the recommended change does not provide further clarity that is required or assist in applying the definition of 'delivered' in Rule 17.14.2.2, as there is no process that requires Policy 6.3.3.4D to be considered. Any improvements to the definition of 'delivered' need to be made within the definition itself.

69. In my view, relying on forecasted infrastructure delivery as a trigger mechanism risks development being enabled before the necessary infrastructure is in place to support it. Additionally, several variables are involved in the process of planning and funding infrastructure. Some are human-influenced variables, like council decisions to reprioritise funding in the Long Term Plan. Some are non-human variables, such as the impacts of a major natural hazard event. The level of certainty threshold for a rule that automatically makes a substantial change to the planning provisions that apply to land should, in my opinion, be high.

[5] See discussion on pg 16 of the s42A Report.

70. One way to reduce uncertainty and risk is for the inbuilt trigger mechanism in Rule 17.14.2.2 to only use high-certainty elements (such as 'the road has been built'). This would entail removing the reference to situations where the infrastructure is planned and funded to (possibly) be built at a future date. Where there is a proposal to switch the zoning based on less certain elements, such as future infrastructure investment, that should proceed through a plan change process so appropriate scrutiny and analysis can be applied.

71. I have provided recommended changes to the definition of 'delivered' in the appended tracked changes provisions. While I recommend also moving the definition to the interpretation section of the Plan, I have not made that amendment in the tracked provisions attached to my evidence.

2.6.2 Rule 17.14.2.1 Deferred land not listed in Schedule 17.14A

72. Rule 17.14.2.1 clarifies which rules in the Plan apply to deferred zoned land that is not listed in Schedule 17.14A. I have recommended some drafting changes to improve the clarity of the rule.

2.6.3 Subdivision provisions in Section 16.3

73. Mr and Mrs Talley's submission seeks changes to Rule 16.3.2.5 to improve its clarity and to ensure it reflects the updated approach to managing deferred zone land. This includes restructuring the rule, requiring both clauses (a) and (b) to be satisfied, and refining the drafting.

74. The s42A Report recommends some changes requested in the submissions, however, it does not address the structural issues with the rule.

(a) The beginning of the chapeau is ‘in all zones’, however the rule applies only to deferred zones. Removing the reference to all zones would improve the certainty of where the rule applies. The drafting of the chapeau can be simplified as a result.

(b) The current approach of requiring compliance with either clause (a) or (b) does not align with the updated deferred zone framework. Clause (a) appears to be focused primarily on infrastructure that will be provided within the subdivision, whereas (b) primarily relates to external infrastructure that is needed to service the development. In my view, both requirements are necessary for a subdivision application to proceed. I therefore recommend changing ‘or’ to ‘and’ so both clauses must be complied with.

(c) The drafting of clause (b) can be substantially refined to better reflect what is required, which is that the infrastructure requirements for deferred zoned land required by Rule 17.2.2.2 and Schedule 17.14B have been ‘delivered’.

(d) Clause (b) also contains a relic of the previous deferred zone approach, in that it allows the infrastructure required to satisfy Rule 17.14.2.2 to be delivered only for parcels within a deferred zone rather than for the whole deferred zone. The revised deferred zone framework functions by the specified infrastructure for a deferred zone in Schedule 17.14A being delivered for the whole zone. If that is not the case, say infrastructure is provided to only part of the zone, Rule 17.14.2.2 is not activated because the specified infrastructure has not been delivered for that zone. My understanding of the framework is that, until the specified infrastructure is delivered for the whole deferred zone, the original zone provisions continue to apply to all land in that zone. That aligns with providing for efficient infrastructure provision and plan implementation certainty and minimising ad-hoc, out-of-sequence development. I have therefore recommended amending clause (b) of Rule 16.3.2.5 to make this detail clearer.

(e) Clause (a) refers to the mandatory standards of the Nelson Tasman Land Development Manual 2020. However, the manual itself specifies 'mandatory matters'. Also, the Land Development Manual is dated 'September 2020 Revision 1', which is specific information about the version of the manual that should be included in the rule. I have recommended changes to the rule to resolve this.

2.6.4 Clarity of Schedule 17.14A

Function of Columns E, F and J

75. Column E in Schedule 17.14A is redundant on the basis that the deferred zones included in the schedule are mapped and labelled on the planning maps. The deferred zone mechanism proposed by the Council only works when the specified infrastructure is provided for the whole deferred zone, not for individual parcels within it.

76. Column F is redundant for two reasons. Firstly, the column can only be populated by way of the Schedule 1 plan change, so it may remain out of date for several years. Secondly, as I have previously discussed in my evidence, details such as performance requirements and engineering plans agreed upon between third parties do not provide certainty that the infrastructure has been delivered (or that it will be). It is also unclear how a plan reader is to use that information when determining whether the infrastructure has been delivered.

77. Column J is redundant, given that the purpose of Column I is to record the date PC79 is made operative (or any future plan change that adds other deferred zones to the schedule).

78. If Schedule 17.14A is to be retained, along with other improvements that are required, I recommend that Columns E, F and J are removed.

Dates in Column I

79. Schedule 17.14A does not currently include a date in Column I to indicate when the deferred zones' 10-year lifetime begins. Presumably, the Council's intention is to add a date once the decision on Plan Change 79 has been made; however, it would be helpful to at least have a placeholder in the table stating that.

Clarity of triggers in Column D

80. Mr and Mrs Talley's submission identifies that Column D of Schedule 17.14A, which describes the infrastructure or service that is required to be delivered before Rule 17.14.2.2 activates the end zoning provisions, includes unclear details. In some cases, the description will require interpretation or a decision from a third party, such as a council officer. An example is South West Hart Road (RS14), which requires the following infrastructure to be in place:

> *"Provision of "Richmond South Low Level Reservoir" (AMP ID 86120) at 520 Hill Street South and construction of a Booster Pump Station (AMP ID 86178 programmed for years 4-5), or equivalent measure proposed by Council or developers to provide adequate level of service for water supply."*

81. The second part of the description is subjective and ambiguous. It requires someone to make a determination as to whether the alternative measure is 'equivalent' without including any criteria to be able to determine equivalence. Similarly, 'adequate' also requires subjective determination. As a central element to the deferred zone 'switch' in Rule 17.14.2.2, this is not sufficiently certain. It also requires a decision by a third party for the plan provision to operate.

82. There are various other similar examples in Schedule 17.14A, including:

Deferred Site Location	**Example of uncertain text**	**Comment**
McShane Road (RW5)	'*Provision for a single mid-block intersection with SH60 ... To be provided by developer, plus some Council funding available.*'	It is unclear what 'provision for' means. Does it require physical works, drawings, a developer agreement, etc? Does it require approval or agreement from NZTA? How is 'to be provided by developer' to be determined to be met on the face of the plan? Does this mean that 'provision for the intersection' is to be provided by the developer or is the actual construction to be provided by the developer? What certainty is there that this will eventuate when it appears it is infrastructure intended to be delivered in the future? Would a detail like this be more appropraite as a detail on a structure plan rather than as an imprecise narative description in this schedule?

Bird Lane (WK20)	'See AMP IDs 96053, 96080, and 96081 in LTP 2024'	This detail becomes out of date as soon as there is a change to the Activity Management Plan or the LTP. For example, the budget and timing of spending on 96053 has changed siginficant between the 2021-2051 and 2024-2054 Wastewater Activity Management Plans. AMP ID 96053 is '*Part A – Brightwater – Pump Station upgrade and rising main*' and the description of that item is '*Upgrade pump station with emergency storage capacity and new rising main (to Brightwater bridge)*'.[6] This description includes elements that are not described in Schedule 17.14A, so it is unclear whether only the infrastructure described in Schedule 17.14A is required or whether the additional infrastructure specified in AMP ID 96053 must also be 'delivered'. The AMPs include little or no extra detail on the specified infrastructure.
	'Stormwater Identification and implementation of a stormwater discharge pathway to Pitfure Stream or the Wai-iti River, to be provided by the developer.'	There are two options, which relies on a third party making a decision to select an option. How is a plan reader to determine whether a stormwater discharge pathway has been 'identified'?

[6] Wastewater Activity Management Plan 2024-2054, Pg 100

		What does 'implementation' mean in the context of determining whether the infrastructure has been delivered? If the works are 'to be provided by the developer', how can a plan reader determine whether that has occurred/will occur? What commitment is required from the developer to confirm that this will be done? Given discharges and other activities affecting waterbodies are likely to be involved, should resource consents first be in place to provide certainty that the works can actually be done as intended?
Higgins Road (WK21)	'**Transportation**: Formation of Higgins Road up to the site boundary, and upgrade of the Higgins Road crossing over Pitfure Stream to provide adequate flood conveyance level of service for the level of traffic that will be supported by the upgraded road. To be completed by the developer.'	It is unclear how 'adequate flood conveyance level of service for the level of traffic that will be supported by the upgraded road' is to be determined, and by whom.

83. The s32 Report accompanying PC79 records that one of the reasons the notified approach was considered by the Council to be the most appropriate option because it '*make it clear from the face of the plan what infrastructure is required to satisfy the trigger rule so that the deferred location can rely on the 'live' or 'end use' zone provisions that provide for urban activities.*'[7] As I have described above, the provisions do not do make it clear from the face of the plan what is required.

84. As an observation, several of the infrastructure elements within Schedule 17.14A are required to be delivered by developers and are typically details that are specified on a structure plan or masterplan that is integrated into the district plan. Recording them as part of a mechanism intended to alter the way provisions in the Plan apply to land is not an efficient or effective substitute for undertaking Schedule 1 RMA processes to introduce appropriate instruments, such as structure plans, into the TRMP.

85. If a mechanism like Schedule 17.14A is to be used, it requires significant further work to be sufficiently precise, certain and usable.

2.7 Other drafting changes

86. I have recommended several drafting changes to Section 17.14.20, Principle Reasons for the Rules, in an effort to improve the clarity of this text. The deferred zone mechanism is complex to understand and apply, making clear explanatory text particularly important. I anticipate that further amendments will be required should the Panel wish to modify the current planning approach.

[7] Section 32 Report for Plan Change 79, pg 51 (third point in the Overall Evaluation table)

3. CONCLUSIONS AND RECOMMENDATIONS

87. Based on my analysis outlined above, my opinion is that several significant issues remain with the deferred zone mechanism proposed in Plan Change 79. Most critical of those is that the proposed approach does not appear to resolve the core fault of the operative provisions, namely that the mechanism requires discretionary decisions and actions outside of a formal plan change process to alter the way the plan applies to land within deferred zones.

88. I have explored some opportunities that could assist in resolving that issue, and have provided some recommended drafting. However, in my opinion, significant further refinement to both the proposed approach and individual provisions is necessary before the plan change would be appropriate.

Phillip Percy

Dated 6 June 2025

4. APPENDICES

4.1 APPENDIX A: COMMENTARY ON WAIPA AND WAIKATO

Waipa District Council – plan change 13

a. Waipā District Council notified plan change 13 in March 2021. The plan change was entitled “uplifting deferred zones”. The executive summary to the s 32 evaluation recorded that as part of a general review of the Waipā District Plan, Council had identified a “technical and legal issue” with the current process of uplifting the deferred zones. The purpose of the plan change was to update the plan to reflect best practice with regards the process of uplifting the deferred zone.

b. The notified changes to the introductory section of section 14 of the plan include a change to remove the ability to uplift deferred zoning by way of Council resolution that the relevant rules have been complied with, and substitution with a plan change process to develop in deferred zones.

c. The notified changes to the policies in section 14 of the plan are set out on pages 16 to 17 of the plan change document:

d. The process for uplifting deferred zones was formerly in rule 14.4.1.10, which was deleted by the plan change. The deleted process included as part of the uplift process a formal Council resolution to remove the deferred zone following the Council being satisfied that there is a solution to deliver the necessary infrastructure.

e. The evaluation of this proposed change records that it was proposed as a result of a legal review that had determined that Council can make a resolution to enable uplift of deferred zoning, but that it cannot alter the district plan to reflect the change of zoning of land caused by an uplift without undertaking a process whereby the plan is formally changed ie a Schedule 1 plan change.

f. The objectives of plan change 13 included amending the district plan to “correct and update” the process currently provided for the uplifting of deferred zones (page 94). The outcome was to enable development in a way that is effective and efficient, while meeting the relevant statutory requirements (page 94). The assessment also identified that the plan change was seeking “to ensure the RMA processes are followed in a legal manner” and to “assist Council to correctly follow out its statutory functions” (page 95).

g. The preferred option from the s 32 evaluation report was to remove the ability to uplift any deferred zone via a Council resolution, rezone the pre-2035 growth cells to their live zoning, and require all post-2035 growth cells to undergo a plan change process to uplift the deferred zoning (page 6 and page 124).

h. The decisions version of plan change 13 removed the provision for uplift of deferred zoning, and includes a new policy that "Deferred Zones will be rezoned for their intended future use by way of a plan change" (Decisions Version Section 14 page 2 and 5–8.

i. Documents referred to:

    a. Proposed Plan Change 13 – Plan Change and Section 32 Report

    b. Decisions Version, section 14

Proposed Waikato District Plan

j. In developing the Proposed Waikato District Plan in 2018, Waikato District Council evaluated a deferred zoning approach as one option. This option was described as enabling a zone change to occur with a Council resolution to that effect once appropriate infrastructure was in place. The evaluation in the s 32 report was that '[…] this approach is ultra vires the Act and relies on processes outside the district plan to determine the zoning. It also provides no certainty to either developers or the community as to when development is likely to occur.' The recommendation in the s32 Report was to discard that option (page 67 of report).

k. Documents referred to:

    a. Proposed Waikato District Plan (2018) – section 32 report on Strategic Direction and Management of Growth

Tasman Resource Management Plan

HEARING VERSION - PROPOSED PLAN CHANGE NO. 79

WITHOUT LEGAL EFFECT

Deferred Zoning

Schedule of Amendments

The Tasman Resource Management Plan is amended in accordance with the attached annotated portions of the Plan.

NOTE: Throughout this document the following colours have been used for different purposes, which are:

- Dark blue text with grey wash denotes changes recommended by Phillip Percy
- Red underlined text denotes proposed new text inserted or amended as notified.
  (red text underlined, denotes proposed new text inserted or amended as notified).
- ~~Blue text denotes text deleted when the Plan Change was notified.~~
  (blue text crossed out, denotes text deleted when the Plan Change was notified).
- New additions after notification are in purple, as recommended by the S42A reporting officer.
  (purple text (without bold or underline style) denotes new additional text post notification, as recommended by the S42A reporting officer).
- ~~Orange text denotes new deletions to operative text after notification, as recommended by the S42A reporting officer.~~
  (orange text crossed out, denotes new deletions to operative text since notification, as recommended by the S42A reporting officer).
- ~~Deletions to proposed text, as recommended by the S42A reporting officer.~~
  (green text crossed out denotes text originally proposed at notification, which is now proposed to be deleted as recommended by the S42A reporting officer).

Notified: 1st November 2024

Plan Change 79 – Deferred Zoning Schedule of Amendments

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CHAPTER 2 – MEANING OF WORDS

[Unchanged or irrelevant text omitted]

A

Active Transport means - forms of transport that involve physical exercise, such as walking or cycling, and includes transport that may use a mobility aid such as a wheelchair.

Additional infrastructure means – as defined in the National Policy Statement for Urban Development 2020:

(a) public open space
(b) community infrastructure as defined in section 197 of the Local Government Act 2002
(c) land transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities
(d) social infrastructure, such as schools and healthcare facilities
(e) a network operated for the purpose of telecommunications (as defined in section 5 of the Telecommunications Act 2001)
(f) a network operated for the purpose of transmitting or distributing electricity or gas

[Unchanged or irrelevant text omitted]

S

Scallop spat - means any stage of the lifecycle of Scallop (*Pecten novaezealandiae*) less than 50 millimetres in length. **RCP Op 10/11**

Scallop spat catching - means spat catching that is limited to the obtaining or retention of scallop spat and harvesting thereof from aquaculture structures.

Schedule 17.4A sea level rise trigger – means the point at which sea level in the Lower Queen Street area has risen by approximately 0.33 metres. If the Port Nelson tide gauge is used the trigger is 0.26 m (averaged over 10 years) of relative sea-level rise above average mean sea level for the period 2013-2022. If the Little Kaiteriteri tide gauge is used the trigger is 0.30 m (averaged over 10 years) of relative sea-level rise above average mean sea level for the period 2013-2022. **PC79**

Seawater intrusion – means the entry of saltwater from the sea into a freshwater aquifer.

[Unchanged or irrelevant text omitted]

CHAPTER 6: URBAN ENVIRONMENT EFFECTS

[Unchanged or irrelevant text omitted]

6.3 URBAN INFRASTRUCTURE SERVICES

6.3.1 Issue

Planning and provision of servicing infrastructure is essential for the sustainable management of the effects of urban growth. The District has many small settlements – some of which have minimal, incomplete or inadequate servicing that results in inconvenience, contamination and health risks. Services are a physical resource, the efficient and effective provision and use of which has important economic and environmental effects for the community. **C51 1/15 Op 9/16**

Demand for urban growth requires the identification of rural land for future urban purposes. Such land will have servicing needs, and the lack of efficient and effective provision of urban infrastructure services is the main reason for deferring for urban zoning purposes. While such rural land remains deferred subject to services provision, ongoing demand for rural subdivision and development poses the risk that such land may become compromised for successful urban use. Mitigating this risk, and ensuring the adequacy of servicing proposals for urban rezoning and development, are both further issues.

6.3.2 Objectives

6.3.2.1 Sustainable urban growth that is consistent with the capacity of services and has access to the necessary infrastructure such as water supply, roading, wastewater and stormwater systems.

6.3.2.2 Retention of opportunities for efficient future urban purposes on rural land that is identified for future urban use and development but deferred for this purpose, while enabling rural activities for the time it remains deferred. **C51 1/15 Op 9/16**

6.3.2.3 Development within deferred zones listed in Schedule 17.14A is only enabled when ~~is appropriately sequenced so that it provides~~:

(a) a safe, well-connected and legible transport network is provided that integrates with the surrounding transport network and local facilities, and enables active and public modes of transport and a shift to renewable energy sources; and

(b) necessary servicing infrastructure (water, wastewater stormwater, power and internet) ~~that~~ is ~~delivered~~ provided ~~so~~ that ~~it~~ integrates with adjoining land and surrounding networks, and minimises adverse effects on the natural and built environment, and

~~(c) where relevant, appropriate access to~~ additional infrastructure, including public open space, community infrastructure and social infrastructure (schools and health facilities) that is necessary for a well-functioning urban environment is likely to be available.

PC79

6.3.3 Policies

Refer to Policy sets 6.4, 8.1, 8.2, 9.2, 11.1, 11.2, 33.3.
Refer to Rule sections 16.2, 16.3, 16.5, 16.6, 17.1, 17.14, 18.8, 36.4.

6.3.3.1 To ensure that utilities and services are adequate to avoid, remedy, or mitigate adverse effects of urban development and population growth on both existing and future urban areas.

6.3.3.2 To require financial contributions towards the provision of servicing infrastructure at the time of subdivision or development.

6.3.3.3 To promote the establishment of a reticulated servicing system for wastewater treatment and disposal and water supply at Marahau by ensuring the design of the water and wastewater systems for the tourism development at Marahau (Section 111 Block VI and Block XII) can incorporate the necessary upgrades to service the wider settlement.

6.3.3.4 Where future urban development is proposed and existing services require upgrading, to defer and stage development to avoid adverse effects on the environment.

6.3.3.4A Where ~~rural~~ land is identified as being subject to a ~~deferral~~ deferred zone for any urban or rural residential zoned purpose, ~~despite the land's~~ but the land is being managed under the original rural zoning in accordance with Rule 17.14.2.2, to restrict activities requiring a consent for subdivision or development ~~by~~ in order to: **C51 1/15 Op 9/16 PC79**

~~(a) considering the scale, location, design, and servicing features; and~~

(b) ~~limiting~~ minimise any potential adverse effects arising from the scale, location, design, and servicing ~~such features~~ on efficient future urban subdivision, use, and development opportunities as indicated by the urban or rural residential end use ~~zone that is deferred, for the transition period until the infrastructure has been provided delivered and provision 17.14.2.2 has been satisfied deferral is removed~~; and

(c) where the period of transition until the ~~expected provision delivery of~~ infrastructure specified in Schedule 17.14A will be delivered ~~removal of the deferral~~ is significantly long or is uncertain, to enable ~~potential~~ rural activities. **C51 1/15 Op 9/16 PC79**

6.3.3.4B Where any rural land is identified as deferred for any urban zoned purpose until adequate provision of any infrastructure service, to enable:

(a) the provision of the necessary service by any person or by the Council for any part or all of that land ~~either before or after rezoning by the removal of the deferral~~; but:

(b) to ensure that the concept servicing plans that are approved by Council ~~before the removal of the deferral,~~ are required to be implemented under the urban zone through subsequent subdivision or development.

~~**6.3.3.4C** Where rural land is subject to a deferral for any urban purpose subject to adequate provision of any infrastructure service, to enable:~~

~~(a) the provision of the necessary service by any person or by the Council for any part or all of that land, and~~

~~(b) whether this is done before or after rezoning by the removal of the deferral, but:~~
~~to ensure that the servicing plans that are approved by Council, prior to the removal of the deferral, are required to be implemented under the urban zone through subsequent subdivision or development.~~

6.3.3.4D The urban development anticipated by a deferred zoning, including that ~~is~~ referred to in Rule 17.14.2.2 and identified in Schedule 17.14A, is avoided unless:

(a) any necessary intersections, connections and upgrades of roads ~~(as identified in Schedule 17.14A) to an appropriate standard~~ that meet the mandatory matters in the Nelson Tasman Land Development Manual September 2020, Revision 1 have been delivered; and

(b) the necessary servicing infrastructure (including wastewater, water supply and stormwater) ~~to an appropriate standard~~ that meet the mandatory matters in the

Nelson Tasman Land Development Manual September 2020, Revision 1 has been delivered; and

(c) where relevant, development is sequenced with Council strategic planning, and infrastructure delivery ~~and land release programmes~~. as shown in the relevant Long Term Plan; and

(d) additional infrastructure, including public open space, community infrastructure and social infrastructure (schools and health facilities) that is necessary for a well-functioning urban environment is available; and

(e) the land is listed in Schedule 17.14A.

Note: For the purpose of Policy 6.3.34D, 'delivered' is defined in provision 17.14.2.2.

6.3.3.5 To promote a pattern of roading in urban areas that maximises choice of route through a network, with recognition of the contributions of individual extensions to the network pattern and of the constraints of topography.

6.3.3.6 To allow development to occur only where adequate provision is made for:

(a) control of sediment discharges;

(b) control of stormwater discharges to avoid adverse downstream erosion or flooding effects;

(c) protection of fresh water and coastal water quality, including through source control techniques, stream management, and where necessary, stormwater treatment, including aquifers and karst drainage systems and caves; **C7 7/07 Op 10/10**

(d) retention or establishment of appropriate vegetation wherever practicable adjacent to water bodies and coastal waters;

(e) maintenance of natural, cultural and intrinsic values of aquatic systems, including aquifers and karst drainage systems and caves;

(f) protection of riparian margins;

(g) the use of Low Impact Design solutions for the management of stormwater run-off where practicable. **C7 7/07 Op 10/10**

6.3.3.7 To require developers to adopt appropriate management methods to avoid or mitigate the adverse effects of stormwater run-off.

6.3.3.7A To ensure effective and efficient network asset infrastructure within urban communities by implementing the Nelson Tasman Land Development Manual 2019. **C69 6/19 Op 6/20**

6.3.3.8 To consider options for treatment in all or parts of the Special Domestic Wastewater Disposal Areas where there are:

(a) significant actual or potential adverse effects from on-site domestic wastewater systems on receiving water quality, habitats, human health and amenity values; or

(b) site limitations which may create increased risk of adverse effects either by individual systems or cumulatively.

6.3.3.9 In the Takaka-Eastern Golden Bay Area, to ensure that: **C8 7/07 Op 10/10**

(a) settlement objectives, policies and residential location options inform and guide Long Term Council Community Plan servicing decisions;

(b) wastewater, water supply, stormwater management, transportation networks (including State Highway 60), and parks and reserves issues and options are addressed before land is zoned for residential settlement;

(c) minimum standards for human health and safety, long-term cost effectiveness and environmental quality are met or bettered for any alternative wastewater management and water supply options, such as de-centralised and independent solutions;

(d) where on-site wastewater treatment and disposal solutions are used, the standard of management avoids, remedies or mitigates adverse effects on water quality, and that long-term management and maintenance responsibilities are clearly defined;

(e) structure planning with the local community and landowners is undertaken where appropriate and necessary to achieve comprehensive infrastructure planning;

(f) private infrastructure service provision is considered where the legal, financial and practical responsibilities for design, construction, maintenance and repair are clearly defined.

6.3.3.10 In the Takaka-Eastern Golden Bay Area, to ensure that: **C8 7/07 Op 10/10**

(a) new residential development consolidates around existing residential development in locations that have been zoned for that purpose;

(b) settlement areas are well connected with safe and efficient roads, safe and pleasant walkways, cycle lanes and bridle-paths;

(c) appropriate residential settlement opportunity is provided for in a location that is within walking and biking distance to the existing Takaka township;

(d) appropriate residential settlement opportunities are provided for in locations that are in proximity to effective and efficient wastewater treatment and disposal facilities;

(e) opportunities for light industrial and commercial activity are provided for in appropriate locations that are within proximity to existing settlement areas and transport networks.

6.3.3.11 In the Takaka-Eastern Golden Bay Area, to ensure that: **C8 7/07 Op 10/10**

(a) local communities are involved in determining appropriate development standards for built development and infrastructure planning prior to the re-zoning of land for residential development;

(b) the character of development and built infrastructure is in keeping with the natural heritage, landscape character and amenity values of the surrounding environment, without compromising human health and safety;

(c) landowners and developers are actively encouraged to use the New Zealand Standards Handbook of Subdivision for People and the Environment (SNZ HB44:2001), in the design of future subdivision and development, where these standards are consistent with the Long Term Council Community Plan objectives for settlement planning and development.

6.3.20 Methods of Implementation

6.3.20.1 Regulatory

(a) Rules establishing what works, services, land or money are to be provided by developers, including for the upgrading of existing facilities.

(aa) A trigger mechanism (in Section 17.14.2.2) to enable the deferred zone land listed in Schedule 17.14A to be developed efficiently and without unnecessary delay once necessary servicing has been delivered. **PC79**

(b) The location, scale and staging of urban development shown on planning maps.

(c) Rules regarding connection to Council utility services or whether alternative means of managing effects are acceptable.

(d) Rules that require roads to be formed to standards of connectivity as a result of subdivision in urban or rural-residential areas.

(e) Rules that encourage the use of Low Impact Design solutions in the management of stormwater. **C7 7/07 Op 10/10**

(f) Standards of the Nelson Tasman Land Development Manual 2019 that ensure the design and construction of effective and efficient network asset infrastructure. **C69 6/19 Op 6/20**

6.3.20.2 Investigations and Monitoring

(a) Investigations into the capability of utility services to support further urban development.

(b) Investigation into options for domestic wastewater treatment and disposal in all risk areas, including:

(i) Tasman
(ii) Marahau
(iii) Upper Moutere
(iv) Patons Rock
(v) Brooklyn
(vi) karst

(c) Monitoring the performance of utility services in avoiding, remedying and mitigating adverse effects on the environment.

(d) Regular preparation of a "State of the Environment" report.

6.3.20.3 Works and Services

(a) Provision, extension or upgrading of utilities and services by Council.

(b) Establishment of current and deferred standards of service or performance in terms of both community expectation and environmental performance for infrastructure services, including requirements for the quality of stormwater discharged into the Council's stormwater network.

(c) Council liaison with infrastructure service providers to promote and plan for effective infrastructure service development.

6.3.30 Principal Reasons and Explanation

The infrastructure services such as roads, water, and wastewater and stormwater systems are a valued physical resource generally owned and maintained by the community. They are essential for the efficient operation of the District and the well-being of its residents. New users will be expected to contribute to the sustainable development of the resource through funding mechanisms, including the development impact levy programme (see Chapter 16, Section 16.5).

In ~~some~~ most settlements ~~such as Motueka, Mapua, Richmond, Kaiteriteri, Marahau and Patons Rock,~~ future growth will necessitate further upgrading of services and a series of deferments will enable a staged provision of these, rather than creating a false expectation that all areas will be immediately available for development. The logical pattern to service development in a hilly area such as Richmond is to proceed from the bottom to the top of a catchment. The deferment and staging proposed emphasises such a pattern of development. **C22 2/11 Op 1/15 PC79**

Where new development is proposed, an integrated, catchment-based approach to the management of stormwater is to be used. **C7 7/07 Op 10/10**

The use of Low Impact Design solutions is encouraged where the site and surrounding environment permit. Low Impact Design principles are concerned with minimising the adverse effects of development by protecting, incorporating, or mimicking natural drainage features to manage the flow and quality of stormwater run-off where practicable.

Where land adjacent to urban areas is identified as suitable and appropriate for urban growth, but is not adequately serviced for infrastructure, including water supply, wastewater, stormwater and transportation, this land is deferred for an urban zoning. In the transition to its release for urban purposes, there is a need to retain efficient urban development opportunities, where a variety of subdivision or development proposals may be considered by Council under the existing rural zoning. **C51 1/15 Op 9/16**

Deferred zoned lands may be ~~the subject of servicing proposals from any developer, or may be~~ programmed for extensions or upgrades of existing urban services ~~by Council itself~~. ~~Council or any person may provide the services or upgrades required to enable development.~~ Adequate standards of all necessary services will be required for deferred zoned land~~, whether or not the services are provided before or after the trigger in Section 17.14.2 2 has been satisfied (i.e. regardless of whether removal of the deferral~~.17.14.2.2(a) or 17.14.2.2(b) applies).

~~Once~~ ~~land becomes urban zoned~~ ~~the trigger in Section 17.14.2 has been satisfied and 17.14.2.2(b) applies~~, ~~existing uses on the land will be able to continue.~~ **PC79**

At Marahau the tourist services zoning of the land at Section 111 Blk VI and Blk XII is allowed for as it is provided for in the Marahau Strategic Development Review (July 1998) and the site's servicing for water and wastewater treatment and disposal will be designed to allow for upgrades that can provide reticulated services for Marahau in the future.

In the Richmond West Development Area the rezoning of most land identified for urban development (except the development of some existing zoned land: Light Industrial Zone northwest of Headingly Lane) is deferred until the required infrastructure of water, wastewater, and stormwater) is provided. *(Refer to Section 17.14)* **C10 10/07 Op 3/14**

The information gathered by Council about services infrastructure will enable reappraisal of areas available for urban or rural-residential development, any specified sequence of development, and the infrastructural requirements that any proposed development may need to address.

In catchments served by inadequate stormwater networks, any proposed development will not be allowed to increase peak run-off further.

Where necessary, regulation of stormwater discharges will be reviewed in these areas. Council will be able to make decisions on urban development proposals and the allocation of funds for stormwater infrastructure in a co-ordinated, consistent and efficient manner.

Council will ensure that risks of contamination of stormwater are considered and avoided, remedied or mitigated as necessary and appropriate. It will also address matters of quantity, including impacts on the capacity of the existing systems as well as provisions for secondary flows.

Actual and potential adverse effects from the on-site treatment and disposal of domestic wastewater will be managed both by land use and discharge rules. However, in some parts of the District the cumulative adverse effects of such systems requires that Council consider other options for wastewater treatment and disposal. These may include small-scale package treatment plants or large-scale reticulation schemes.

The Takaka-Eastern Golden Bay Area is defined as the Takaka Valley lowland area from Tata Beach in the east to Rangihaeata in the west, and south to Upper Takaka at the base of the Takaka Hill. **C8 7/07 Op 10/10**

In the Takaka-Eastern Golden Bay Area, it is important that issues and options for efficient and effective infrastructure services provision are discussed with the local community, and that this occurs prior to the re-zoning of land for settlement purposes.

This may occur in the form of a structure planning exercise or through an integrated approach to Long Term Council Community Plan and resource management planning discussions. **C8 7/07 Op 10/10**

All policies, objectives and location options should be used to inform other Council processes, such as the Nelson Tasman Land Development Manual 2019 and the Long Term Plan. **C69 6/19 Op 6/20**

Where Council network asset infrastructure is to be created or affected by new development, Council's Land Development Manual can ensure a standard of design and construction that is effective and efficient in meeting the needs of communities while at the same time ensuring sustainable environmental outcomes.

[Unchanged or irrelevant text omitted]

6.5 LAND FOR INDUSTRIAL ACTIVITIES

6.5.1 Issues

The key issues relating to land for industrial activities are: **C10 10/07 Op 3/14**

6.5.1.1 There is a limited availability of land for industrial activities where adverse effects can be adequately avoided or mitigated.

6.5.1.2 The provision, availability and ongoing supply of suitably located industrial land within the District to accommodate the Nelson City's and Tasman District's needs in the medium term to 2026 and long term to 2051. **C10 10/07 Op 3/14**

6.5.2 Objectives

6.5.2.1 Accommodation of a wide range of industrial activities in locations where adverse effects on other values and activities are avoided, remedied or mitigated.

6.5.2.2 A supply of suitably located industrial land to provide for the medium to long-term needs of the Tasman and Nelson region. **C10 10/07 Op 3/14**

6.5.3 Policies

Refer to Policy sets 8.2, 11.1, 33.1, 34.2, 35.1.
Refer to Rule sections 17.1, 17.3, 17.4, 36.1 – 36.7.

6.5.3.1 To promote a form of settlement that identifies areas where industry can operate with the required services and without adverse effects on or from other activities.

6.5.3.2 To identify areas where heavy industry can operate with convenient access to the transport system and without adverse effects on or from other activities.

6.5.3.3 To identify areas where light industry can operate with convenient access to the transport system and without adverse effects on or from other activities.

6.5.3.4 To avoid the adverse effect of residential and retailing activities consuming the land resource that is made available for industry through lower standards of environmental effects.

6.5.3.5 To avoid a reduction of amenity standards in residential areas by industrial activities.

6.5.3.6 To avoid the adverse effects of industrial activities that are unrelated to the rural environment on the amenity and character of rural areas.

6.5.3.7 To prevent the expansion of industrial zones, or the creation of new industrial zones, in sensitive environments such as aquifer recharge areas and margins of lakes, rivers and wetlands.

6.5.3.8 To prevent the expansion of industrial zones, or the creation of new industrial zones, in the coastal environment.

6.5.3.9 To provide a medium-term supply of suitable industrial land close to urban areas and strategic road networks. **C10 10/07 Op 3/14**

6.5.3.10 To ensure that within the Richmond West Development Area, a long-term land bank of industrial land is provided to meet regional needs.

6.5.3.10A In the Light Industrial Zone location that is subject to Schedule 17.4A: **PC79**

(a) to enable industrial activities and buildings that are temporary, relocatable or readily removable in the shorter to ~~medium~~mid term;

(b) to avoid industrial buildings that are not temporary, relocatable or readily removable;

(c) To ensure that industrial activities and buildings are removed from the land that is subject to Schedule 17.4A (as identified on the planning maps) when inundation risks and coastal hazards are unacceptable.

PC79

(d) to only grant resource consent for industrial activities and buildings where the applicant has a plan that satisfactorily addresses how the activities and structures are able, both physically and financially, to be removed from the site.

For the purpose of this policy, "readily removable", means that the building is designed to be deconstructed with minimal destructive demolition. For example, it is made with panels which are bolted together and can be unbolted.

6.5.3.10B In the Light Industrial Zone location that is subject to Schedule 17.4A, to recognise that different land uses have different vulnerabilities to inundation and coastal hazards due to sea level rise, and to assess proposed activities on a case-by-case basis. **PC79**

6.5.3.10C To require the relocation or removal of industrial activities and buildings in the Light Industrial Zone location that is subject to Schedule 17.4A as part of a longer-term sustainable risk reduction approach, to avoid their exposure to longer-term inundation and coastal hazards due to sea level rise.

6.5.3.10D To avoid the subdivision of land in the Light Industrial Zone location that is subject to Schedule 17.4A, to avoid an increase in the number of landowners who will be affected by longer term inundation and coastal hazards due to sea level rise.

6.5.3.11 To enhance the amenity values of new industrial areas for employees, customers and for the public when viewed from public areas such as roads, and open space. **C10 10/07 Op 3/14**

6.5.3.12 To avoid the establishment of community activities within the Light Industrial Zone.

6.5.3.13 To limit the nature and scale of retail activities within the industrial zones to those that directly relate to products produced or processed as part of an industrial activity on site and that are ancillary to the industrial activity, with the exception of food and beverage outlets below 100 square metres gross leasable floor area.

6.5.20 Methods of Implementation

6.5.20.1 Regulatory

(a) Zoning of separate heavy, light industrial and rural industrial areas.

(b) Rules that limit retailing activities and other non-industrial activities in industrial zones.

(c) Rules that limit industrial activities in residential areas.

(d) Zones that limit the extent of industrial development in the coastal environment.

(e) Rules that require time-limited resource consents for industrial activities and buildings where they are established in the Light Industrial Zone location that is subject to Schedule 17.4A. PC79

6.5.30 Principal Reasons and Explanation

Industrial land is a scarce resource. Industry has specific locational requirements and the following criteria are indicative of general industry needs:

(a) Proximity to main access roads.

(b) Adequate roading for heavy vehicles.

(c) Proximity to labour force.

(d) Separation from sensitive environments, including residential areas, rivers, streams, the coast and aquifer recharge areas.

(e) Services such as sewer and water.

(f) Flat land.

Specific areas have been set aside for industry and this would be advantageous for industry because these needs have been taken into account. The grouping of industries recognises there is often a working relationship between different industries. There may also be a need to separate incompatible industries. Heavy industry is characterised by more intense environmental effects than light industry. The Council has had a wide variety of industrial zones, with some recognising specific industries - especially resource processing industries in the rural area. This Plan continues with that approach where there is a community benefit from the industry remaining in the rural area. Small-scale rural service businesses may be able to be permitted through the resource consent process in appropriate circumstances.

From the point-of-view of market demand, Richmond and Nelson urban areas together provide a single supply of land for industrial development, within which potential developers make choices on the basis of location, cost and availability of key servicing needs. The close proximity to the Port and strategic road networks make Richmond and Nelson prime locations for industrial development. C10 10/07 Op 3/14

Increasingly there has been pressure on industrial land for use by commercial activities, including office and large format retail and this has contributed to a reduction in available land area. In general, there is a trend of a mixed commercial/industrial use in most urban industrial zones.

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Increasingly there has been pressure on industrial land for use by commercial activities, including office and large format retail and this has contributed to a reduction in available land area. In general, there is a trend of a mixed commercial/industrial use in most urban industrial zones. C10 10/07 Op 3/14

Since the consideration of the long-term growth needs for Richmond, commencing with the Richmond Development Study in 2003, ongoing investigation into the future demand and supply for industrial land has centred on the Richmond West Development Area. Because of its urban proximity and infrastructure features compared with all other undeveloped regional locations, this area has a permanent regional significance for business land, including industrial and commercial needs. Adoption of an approximate 50-year time horizon for a land bank for industrial and other business development, secures the long-term value of the Richmond west location in the context of the regional need.

"Greenfields" or unbuilt land, such as that in the Richmond West Development Area (but not in ecologically sensitive parts of the coastal environment) offers the opportunity of tailored site layout and building development to meet specific needs.

The relative shortage and constrained land supply of suitable industrial land (lack of new large affordable sites) in Nelson means that the Tasman District, particularly Richmond, is accommodating an increasing proportion of the region's industrial growth, and this trend is set to continue.

However, some areas of land zoned Light Industrial are ~~subject~~ vulnerable to future sea level rise. These areas are unlikely to be suitable for industrial activities and buildings, and associated servicing, in the long-term. Appropriate activities are able to be undertaken in the shorter to ~~medium~~ mid-term until such time as they become inappropriate due to their exposure to inundation, coastal hazards and sea level rise. Subdivision of these areas is inappropriate. PC79

Industrial zoned land in smaller towns such as Motueka, Brightwater, Wakefield and Takaka provides for local needs and contributes to a wider need.

The Rural Industrial zones, particularly Eves Valley, will provide the localities for rural industrial and heavy industrial activities.

Effort has been made to have some compatibility with the policies and rules in Nelson City, especially in relation to the location and availability of industrial land in the eastern part of the District.

Retailing is limited in industrial zones to encourage consolidation of retailing in the Central Business and Commercial zones. The lower standard of amenity permitted in industrial areas compared with commercial areas is likely to cause conflict over allowable effects, with large-scale retailing inhibiting the operation of legitimate industrial activities. Exceptions are provided for goods made on the premises and retail activities requiring very large sites for the storage and display of bulky items. It is important that residential and retailing activities that do not rely on a close association with other industrial activities do not occupy land in industrial zones. Residential activities are not encouraged in industrial zones, unless they are for on-site custodial purposes, because of the lower environmental standards that apply. In sensitive environments such as coastal margins, industry will be limited to existing industrial zones.

There are many sites in the rural area which contain rural industries which have had a resource processing zoning in the previous District Plan. Many are wood or gravel-based industries with elements of noxiousness such as noise, dust and heavy traffic generation, which would not fit comfortably into a general industrial zone. However, the Council still wishes to maintain a minimum standard of environmental quality, so minimum standards in relation to noise, dust and landscaping apply. There are also former depots and workshops which are a physical resource that could be put to good use.

6.5.40 Performance Monitoring Indicators

6.5.40.1 Changes in the area of land available for industrial activities.

[Unchanged or irrelevant text omitted]

6.8 RICHMOND

6.8.1 Issues

The key issues for the future development of Richmond are:

6.8.1.1 The management of peripheral growth in a manner that enables Council to progressively upgrade services on the western, south-eastern and north-eastern margins of Richmond. **C10 10/07 Op 3/14**

6.8.1.2 Industrial and mixed business land located to minimise adverse effects on neighbours, on the Waimea estuary, watercourses and their margins, and on the productive potential of land.

6.8.1.3 Enhancement of the setting of Richmond, especially the coastal margin and the hill backdrop.

6.8.1.4 Upgrading of the amenity of the central business area, main highway routes and town entrances. **C10 10/07 Op 3/14**

6.8.1.5 Maintaining the Central Business Zone as the central focus for intensive retailing, administration and community interaction, and as the core pedestrian-oriented area.

6.8.1.6 Meeting the demand for a range and choice of residential housing within the Residential Zone in Richmond. **C66 10/17 Op 12/18**

6.8.3 Policies

6.8.3.1 To provide serviced residential and 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 Special Domestic Wastewater Disposal Area. **C20 8/10 Op 8/12**

6.8.3.2 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.

6.8.3.4 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.

6.8.3.5 In the north-east Richmond Residential and Rural Residential Serviced zones, to utilise as far as practicable natural watercourses in an unenclosed and natural state for stormwater disposal. **C20 8/10 Op 8/12**

6.8.3.6 To enable the expansion to the south of Richmond, limited by the spur ridges between Hart Road and White Road, while ensuring: **C5 3/06 Op 10/10**

(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; and

(d) the reverse sensitivity of existing rural activities to residential development arising from adverse cross-boundary effects and amenity values across the interface of urban and rural areas is addressed.

6.8.3.7 To retain a rural environment on the spur ridge hill land between Hart Road and White Road but to consider appropriate provision for future residential development to some degree on the land, following structure planning and the provision of an appropriate level of infrastructural servicing.

6.8.3.8 To require residential development in the Richmond South, Richmond West and Richmond East development areas 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 provided or upgraded to the Council's satisfaction. **C5 3/06 Op 10/10** **C10 10/07 Op 3/14** **C20 8/10 Op 8/12**

6.8.3.9 To establish in the Richmond South Development Area a linked open space network with public access, integrated with: **C5 3/06 Op 10/10**

(a) walkways and cycleways; and

(b) waterway networks to ensure effective stormwater management.

Urban Expansion

C10 10/07
Op 3/14

6.8.3.10 To provide for the expansion and intensification of the Richmond urban area over a 20-year timeframe from 2006 to 2026 within a contained footprint and clearly identified urban boundaries in the following localities:

Richmond South
Limited southward residential expansion between State Highway 6 north of Hope and Hill Street, and a local commercial node, with Stage 1 being defined by Spur Ridges between Hart Road and Whites Road.

Central Richmond
Residential and business intensification of central Richmond.

C66 10/17
Op 12/18

The Richmond Intensive Development Area provides for residential intensification through a combination of infill and redevelopment in the existing central residential area close to the town centre.

Richmond East

C10 10/07
Op 3/14

Limited residential intensification in suitable locations in Richmond east, including land south of Champion Road and east of Hill Street, where this is not limited by identified natural hazards.

C20 8/10
Op 8/12

Limited serviced rural residential expansion in Richmond east on the south east hill slope fringe of Richmond, where this is not limited by identified natural hazards.

Richmond West

C10 10/07
Op 3/14

Limited urban expansion in Richmond west in the Lower Queen Street area northwest of State Highway 6 to accommodate residential, business and industrial land, with the exception of industrial development which is to occur north of McShane Road and west of Lower Queen Street, and north of Headingly Lane and east of Lower Queen Street.

6.8.3.11 To provide for the extension of the Richmond urban area beyond 2026 in the following localities:

Hope
Limited expansion in Hope to accommodate residential and business development.

Richmond West
Limited expansion in Richmond West to McShane Road as the town edge and boundary between urban and rural land uses, with the exception of a light industrial park to be located outside the town boundary opposite the MDF plant. This light industrial park is limited in extent and will need to retreat from lower lying land over time in response to its exposure to inundation, coastal hazards and sea level rise. PC79

6.8.3.12 To provide for development in a planned way and ensure that the pattern of development being set to 2026 serves the town over the longer term: 2026 to 2051.

6.8.3.13 In the Richmond West Development Area to ensure a choice and a regular supply of land through:

(a) planning development in stages that integrate servicing and economic development efficiencies;

(b) providing for a sufficient long term land bank;

(c) providing for a Mixed Business Zone that complements the Richmond Central Business and Commercial zones.

Mixed Business Activities – Zone

6.8.3.14 To provide for a mixed use business environment that accommodates a range of business opportunities for commercial activities, large format retail, trade-related supply and small-scale light industrial activities where:

(a) adverse environmental effects within and beyond the zone boundary can be avoided, remedied and mitigated;

(b) a high quality, high amenity business environment can be maintained;

(c) the scale, nature and intensity of activities are compatible with maintaining a high quality, high amenity business environment;

(d) the role of the existing Richmond town centre (Central Business Zone) is not undermined as the central focus for intensive retail and administrative activity, community interaction and the core pedestrian-oriented area for Richmond.

6.8.3.15 To provide for large format retail 'only' activities along the frontage of Lower Queen Street in a Retail Precinct.

6.8.3.16 To promote an attractive appearance of the mixed business environment when viewed from Lower Queen Street, the residential environment, Borck Creek and other local purpose reserves, and the Open Space environment, through the planting and retention of street trees, riparian vegetation, landscaped areas, building setbacks from boundaries, and sensitive building design.

6.8.3.18 To manage existing industrial activities in the Beach Road area that do not meet the Mixed Business Zone objectives for clean industry by:

(a) providing for their continuation for a limited period of time consistent with the uplifting of the deferment on industrial zoned land in the Richmond West Development Area; or

(b) requiring a reduction in contaminant discharges to air to a level acceptable in the zone;

(c) requiring a higher level of performance for the management of contaminant discharges to water, and storage and use of hazardous substances.

6.8.3.19 To provide a network of urban open space and amenity reserves, through the subdivision consent process, within residential and business environments to serve the needs of local residents and employees.

Industry

6.8.3.20 To provide for a light industrial park opposite Nelson Pine Industries (MDF Plant) and the co-location of activities with similar effects.

6.8.3.21 To provide a buffer around the perimeter of the industrial park to assist with noise attenuation at the interface of the rural zone and to reduce visual impacts of large buildings when viewed from Lower Queen Street, McShane Road and the rural zone.

6.8.3.22 To manage the cumulative effects of contaminated stormwater runoff from hard-surfaced areas and potential hazardous substance spills from adversely affecting the Waimea Inlet through the establishment of dedicated stormwater treatment areas and provision of on-site interceptor traps.

6.8.3.23 To provide a future location for the expansion of industrial land within the Richmond West Development Area to avoid adverse effects on the coastline and the Waimea Inlet, productive land and sensitive activities.

6.8.3.23A To avoid the longer-term industrial use of land that is at risk of exposure to inundation, coastal hazards and sea level rise in the longer term. PC79

Open Space and Reserve Network

6.8.3.24 To establish an open space network that links the hills to the sea and creates a perimeter pedestrian and cycleway network linking the residential environments of Richmond East, West and South with one another.

6.8.3.25 To promote multi-purpose use of open space for recreation, non-motorized transport networks, ecological corridors, and stormwater management.

6.8.3.26 To define the urban and rural edge of the Richmond West Development Area through the use of a planted amenity setback at McShane Road and at the interface of the Light Industrial and Rural 1 zones to protect rural land from urban encroachment and to mitigate adverse visual effects of built development.

Richmond Intensive Development Area

6.8.3.27C In the Richmond Intensive Development Area:

(a) to provide for medium density residential development in the form of intensive housing.

(b) to encourage and promote intensive housing with a high standard of amenity through adherence to minimum standards for density, height, setbacks, bulk and scale of the housing relative to its context, and adjacent land uses, including streets.

(c) to manage development so that stormwater does not cause flooding or contribute to any damage caused by flooding.

Electricity Transmission Corridor C10 10/07 Op 3/14

6.8.3.28 In the Richmond West and Richmond East development areas, to ensure that the national grid for electricity transmission is taken into account in all resource management decision-making, and that any incompatible use or activity affecting the grid is avoided, remedied or mitigated. C20 8/10 Op 3/12

6.8.20 Methods of Implementation

6.8.20.1 Regulatory

(a) Provision of a serviced Rural Residential Zone.

(b) Deferred Residential Zone north west of Hill Street.

6.8.20.2 Investigations and Monitoring

(a) Investigate opportunities for industrial and business development through the Coastal Tasman Area Strategic Development Review.

6.8.20.3 Works and Services

(a) Develop a riparian and coastal reserves network for Richmond.

6.8.30 Principal Reasons and Explanation

[First paragraph deleted (re further growth to the south east of Wensley Road and east of Hill Street (North)] C66 10/17 Op 12/18

Options for the growth and development of Richmond were first identified and discussed in the Richmond Development Study (2003). Denser growth and development was identified by Council as part of a package of options, which included outward expansion onto new greenfield land and intensification of existing urban areas. C66 10/17 Op 12/18

The Study identified more compact forms of urban growth as important for the following reasons:

- Encroachment onto rural productive land is reduced.
- The extent of adverse effects associated with urban development can be better managed.
- Services such as water, wastewater, and stormwater can be provided more efficiently.
- Better energy efficiency can be achieved, particularly where associated with urban transportation.

An aging population and reduced household sizes are resulting in an increased demand for small and compact properties.

Greenfield expansion was provided for in Richmond South, Richmond West and Richmond East Plan Changes (through Plan Changes 5, 10 and 20). A framework for more compact density development was introduced into the Plan for the South and West Richmond greenfield locations. Development standards, assessment matters and an Urban Design Guide enable and support denser development in the new Residential zones.

Since the consideration of the long-term growth needs for Richmond, commencing with the Richmond Development Study in 2003, ongoing investigation into the future demand and supply for business land has centred on the Richmond West Development Area. Because of its urban proximity and infrastructure features compared with all other undeveloped regional locations, this area has a permanent regional significance for business land, including industrial and commercial needs. C10 10/07 Op 3/14

Adoption of an approximate 50-year time horizon for a land bank for business development secures the long-term value of the Richmond West location in the context of the regional need, and seeks to achieve over time the policy objectives of: (i) integrated servicing efficiencies; (ii) economic or business development efficiencies, and (iii) complementary business development between the Richmond CBD and Richmond West Development Area.

Integrated servicing and economic or business development efficiencies are intended to be achieved through the method of zone deferrals for specific servicing and, for some land, until serviced land with the same zoning, in a defined area shown on the planning maps and identified in the rules, is substantially taken up. This will result in a sequence of supply of serviced land in the Richmond West Development Area over the very long term.

On the low-lying Light Industrial Zone land that is subject to Schedule 17.4A subdivision is not appropriate. Appropriate activities are able to be undertaken in the shorter to ~~medium~~ mid-term until such time as they become inappropriate due to their exposure to inundation, coastal hazards and sea level rise. Buildings in the area will be required to obtain a resource consent and will be required to be removed or relocated once the Schedule 17.4A sea level rise trigger is reached. PC79

Soil and topography limitations in the Special Domestic Wastewater Disposal Area result in increased risks of adverse effects from on-site disposal systems.

Watercourses on the north-east side of Richmond in an area of rural-residential development have been identified as a landscape feature that could enhance future subdivision. Where practicable, these should be utilised for stormwater disposal in an unenclosed and natural state.

The Richmond coastline has inherent conservation values that could be enhanced. Reserves linking the coast with the Richmond hills will continue to be developed to enhance the town's character and recreational opportunities.

The Richmond Intensive Development Area provides for more intensive residential development through a combination of infill in and redevelopment of the existing Residential Zone close to the town centre. In acknowledging an aging population, incorporation of universal design principles in the initial design of dwellings in the Richmond Intensive Development Area is encouraged in the Urban Design Guide (Part II, Appendix 2). C66 10/17 Op 12/18

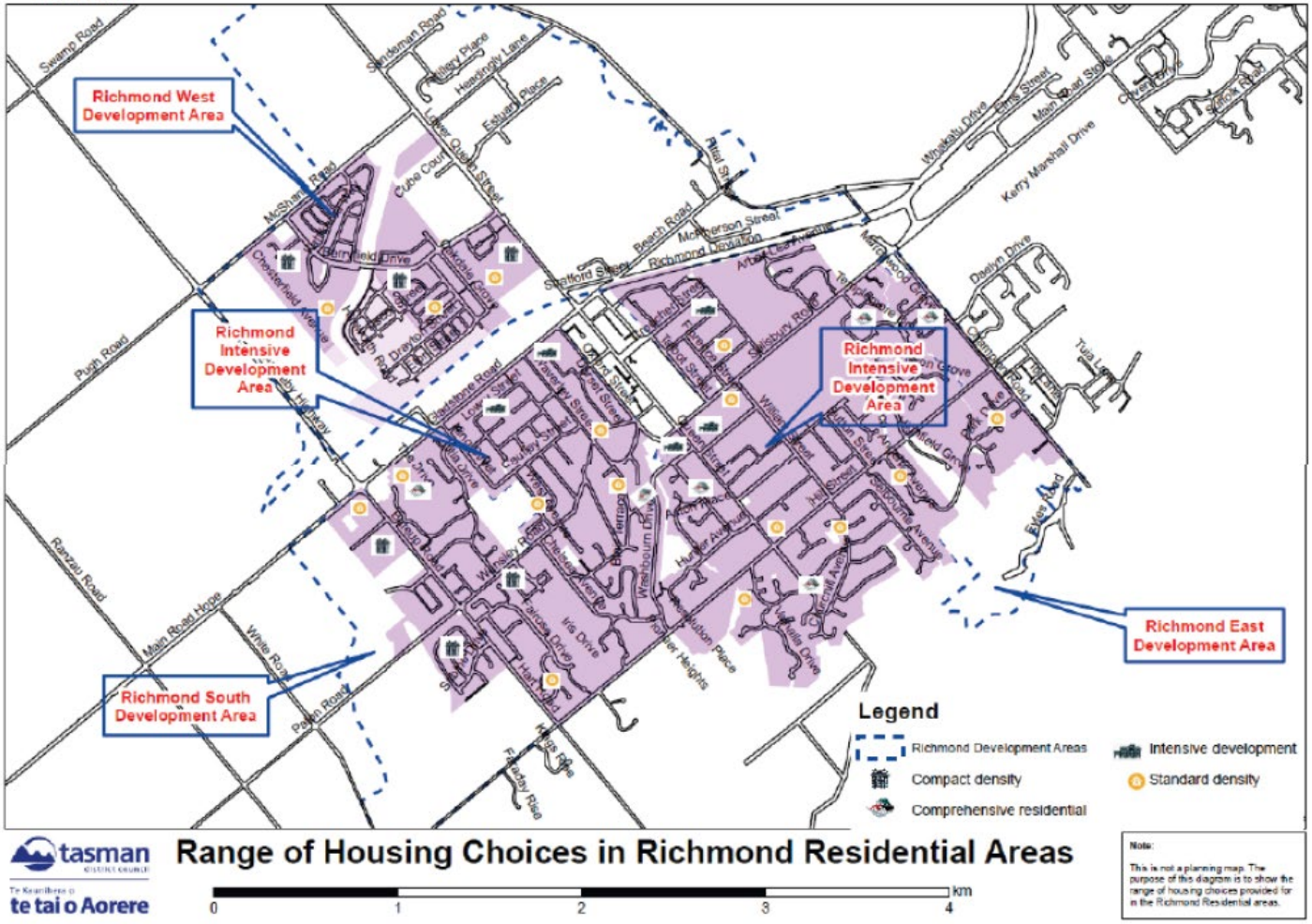
Figures 6.8A and Figure 6.8B show how the range of housing choices are provided for in the Richmond residential area. Figure 6.8A also shows the range of housing choices that are provided for in specified development areas elsewhere in the District. C75 9/22 Op 10/23 C76 9/22

Figure 6.8A: Residential Housing Choices C66 10/17 Op 12/18 C75 9/22 Op 10/23 C76 9/22

Type of Residential Development	District: Everywhere except 'development areas' and exceptions	Development areas: Richmond South, Richmond West, Richmond East, Brightwater, Wakefield, Motueka West, and Mapua Development Areas, Mapua Special Development Area and Motueka West Compact Density Area	Richmond Intensive Development Area
Standard - Average density - 3 or 4 bedroom house (220 m^2) on a 350m^2 - 600m^2 site.	✓	✓	✓
Comprehensive - Three or more dwellings on a site - Building coverage – 40% - Minimum site size = 280m^2 in Richmond and Motueka and 350m^2 elsewhere	✓	**X** Except for Richmond East below Hill Street and Mapua Development Area where allowed	**X**
Compact - One or more dwellings on a site - All consents (subdivision, and building) applied for together - No minimum lot size	**X**	✓ Except for Richmond East; Motueka West Development Area outside of the Motueka West Compact Density Residential Areas; and Mapua Development Area outside of the Mapua Special Development Area	**X**
Intensive - One or more dwellings on a site - Minimum lot size 200m^2	**X**	**X**	✓

C80 12/23

Figure 6.8B



[Unchanged or irrelevant text omitted]

CHAPTER 13: NATURAL HAZARDS

13.0 INTRODUCTION

Natural hazards have the potential to damage property, infrastructure and ecosystems, and threaten health and safety. Remedying the damage can cost individuals and the community heavily in financial terms and loss of enjoyment of life.

There is a relatively high level of risk from flooding, earthquake, slope instability and river and coastal erosion hazards in Tasman District. The District has experienced moderate to severe levels of seismic activity relative to other parts of New Zealand, including the severe 1929 Murchison earthquake. Earthquakes cause ground shaking, ground rupture or other deformation (including landslides), that may result in major environmental and infrastructural damage, as well as loss of life. Surface fault rupture may be a significant hazard in the St Arnaud area (Alpine Fault), the Richmond foothills (Waimea-Flaxmore Fault system), and the Murchison area (Buller Catchment Faults). While large earthquakes are very damaging, they are less regular in occurrence than slope instability, flooding and coastal erosion hazard in Tasman District. Slope instability is a general hazard affecting a wide area of the Tasman District, especially on slopes greater than 20 degrees, with soil or rock subject to shear failure. Particularly unstable rock types include the Separation Point Granites and Marsden Coal Measures along the Waimea Fault system. **C21 8/10 Op 1/15**

Most of Tasman District experiences high rainfall intensities. The frequent, high intensity rainfall, combined with generally short, compact catchments, results in short warning times for areas subject to flooding. Flooding is a serious potential problem in valleys of the Aorere, Takaka, Motueka, Riwaka, Moutere, Wai-iti, Waimea, Wairoa and Buller catchments where several of the District's main settlements are located. Flooding causes damage to property and can threaten human safety.

Coastal processes include beach erosion, cliff and shoreline retreat, and inundation of low-lying areas. These processes are most active in Golden Bay and at Mapua/Ruby Bay. Expected global warming and associated sea-level rise could affect many low-lying parts of Tasman, causing inundation, a rise in groundwater levels, impeded drainage and saltwater intrusion into groundwater.

13.1 NATURAL HAZARDS

13.1.1 Issues

13.1.1.1 Natural hazards can compromise human well-being and safety and cause damage to habitat, amenity values, property and infrastructure.

13.1.1.2 Hazards can be aggravated by inappropriate land use management practices and activities.

13.1.1.3 Where limited information exists about some natural hazards which could or do affect the District, a precautionary approach is appropriate.

13.1.2 Objectives

13.1.2.1 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.

13.1.2.2 Land development, including supporting network infrastructure asset services, is resilient against natural hazards. **C69 6/19 Op 6/20**

13.1.3 Policies

Refer to Policy sets 5.1, 6.2, 6.4, 6.9, 6.10, 6.12, 6.14 – 6.18, 7.2, 7.3, 8.2, 11.1, 12.1, 21.4, 23.1.
Refer to Rule sections 16.2 – 16.4, 16.9, 16.10, 17.1, 17.5 – 17.8, 17.12, 18.5, 18.9, 18.11 – 18.13, 19.2.

13.1.3.1 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, fault rupture, flooding, erosion or inundation, or in areas with high groundwater levels. **C21 8/10 Op 1/15**

13.1.3.2 When determining appropriate subdivision, use or development in the coastal environment to assess the likely need for coastal protection works and, where practicable, avoid those sites for which coastal protection works are likely to be required. **C22 2/11 Op 1/15**

13.1.3.3 To avoid developments or other activities that are likely to interfere with natural coastal processes including erosion, accretion, inundation, except as provided for in Policy 13.1.3.10.

13.1.3.4 To avoid or mitigate adverse effects of the interactions between natural hazards and the subdivision, use and development of land.

13.1.3.5 To avoid the construction of new habitable buildings in the Residential Closed Zone at Ruby Bay, other than on specified sites. **C22 2/11 Op 1/15**

13.1.3.6 To limit the reconstruction or replacement of an existing habitable building to a position that is no further seaward than the original habitable building in the Residential Closed Zone at Ruby Bay.

13.1.3.7 On the coastal plain from Ruby Bay to Mapua, to limit further subdivision and habitable buildings in order to avoid their exposure to long term coastal inundation, flooding and erosion risks.

13.1.3.7A To avoid the longer-term industrial use of the land that is subject to Schedule 17.4A, and to require the relocation or removal of industrial activities and buildings from this area to avoid their exposure to inundation, coastal hazards and sea level rise. **PC79**

13.1.3.7B To avoid the subdivision of the land that is subject to Schedule 17.4A where it would result in the creation of additional titles.

13.1.3.8 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 flood hazard.

13.1.3.9 To prevent damage or interference with the functioning of the major overland flood flow paths of rivers in the District, except as provided for in Policy 13.1.3.10.

13.1.3.10 To maintain or consider the need for protection works to mitigate natural hazard risk where:

(a) there are substantial capital works or infrastructure at risk; or

(b) it is impracticable to relocate assets; or

(c) it is an inefficient use of resources to allow natural processes to take their course; or

(d) protection works will be effective and economic; or

(e) protection works will not generate further adverse effects on the environment, or transfer effects to another location.

13.1.3.11 To promote the maintenance and enhancement of coastal vegetation in areas at risk from coastal erosion.

13.1.3.12 To provide warnings and emergency response systems for areas at risk from or affected by natural hazards.

13.1.3.13 To regulate land disturbance so that slope instability and other erosion processes and inundation are not initiated or accelerated. **C22 2/11 Op 1/15**

13.1.3.14 To avoid damage by land use activities to flood control structures or works for flood or erosion control.

13.1.3.15 To prepare a hazard management strategy identifying hazards and hazardous areas, and management options for these areas.

13.1.3.16 To avoid new subdivision, use or development that would hinder the ability of natural systems and features (such as beaches, dunes, wetlands or barrier islands) to protect existing subdivision, use or development from natural hazards (such as erosion, inundation, storm surge, or sea level rise).

13.1.3.17 To mitigate natural hazard risks through the design and construction of network asset infrastructure. **C69 6/19 Op 6/20**

13.1.3.18 To design and construct resilient network asset infrastructure.

13.1.20 Methods of Implementation

13.1.20.1 Regulatory

(a) Pattern of zoning which emphasises containment of development away from areas of natural hazards, for example, Coastal Risk Area at Mapua and Ruby Bay and scheduled site for land zoned Light Industrial at Lower Queen Street. **C22 2/11 Op 1/15** **PC79**

(b) Delineation of land at risk from ground rupture or deformation along active faultlines, actively eroding coastlines and areas prone to flooding and slope instability, on planning maps. **C21 8/10 Op 1/15**

(c) Rules limiting activities, including subdivision, building and land disturbance, in or adjacent to natural hazard areas (such as stopbanks, eroding coastlines, river margins, steeplands and unstable geological formations).

(d) Rules requiring building setback from rivers, stopbanks, active faultlines and the coastline.

(e) Conditions on resource consents and building consents recognising where hazards may be present, for example, requiring minimum floor height, particular foundation types, or that buildings be relocatable~~.~~, or only enabling activities and buildings through resource consents which are shorter term or time limited. **PC79**

(f) Standards of the Nelson Tasman Land Development Manual 2019 that can ensure appropriate location for development, management of hazard-related development effects, and a more resilient design, materials and construction of network infrastructure. **C69 6/19 Op 6/20**

13.1.20.2 Investigations and Monitoring

(a) Research into natural processes that may result in hazards for development, such as coastal processes and slope instability.

(b) Identification of hazardous areas and features such as active faultlines, eroding coastlines, ground susceptible to earthquake shaking effects, slope instability, flooding and river erosion, within three years of this provision becoming operative.

(c) Improving knowledge of past rupture timings, lengths and displacements of active faults and the magnitude of past earthquakes, to contribute to improved estimates of future earthquake risk. **C21 8/10 Op 1/15**

13.1.20.3 Education and Advocacy

(a) Advice and information through project information memoranda, land information memoranda and public enquiries. (b) Advice about erosion protection measures, including tree planting, rock work and structures, subject to the limitations of the New Zealand Coastal Policy Statement for coastal areas.

13.1.20.4 Works and Services

(a) Maintenance and provision of structural protection works such as stopbanks and groynes on rivers, coastal protection works, soil conservation plantings.

(b) Early warning systems for flooding and responses to emergency events through the civil defence organisation.

13.1.30 Principal Reasons and Explanation

The District has a substantial length of coastline that is subject to coastal erosion. There is a relatively high risk of erosion affecting soft shorelines around the District, particularly at Pakawau, Rangihaeata, Mapua, Ruby Bay, Marahau, and to a lesser extent at Parapara and Pohara.

Significant new built developments in areas that have been identified as subject to coastal or river erosion and inundation are likely to require capital-intensive protective works so are best avoided in such locations. Rules seek to avoid the future demand for protection works and to avoid the effects of known hazards.

C10 10/07 Op 3/14

Council considers that the advice of the Ministry for the Environment given in July 2008[1] should be adopted in coastal planning. That advice was for a three-part approach for planning and decision timeframes out to 2090 – 2099:

A base value sea level rise of 0.5 m relative to the 1980 – 1999 average; plus

An assessment of the potential consequences from a range of possible higher sea-level rises (for example: from the Greenland and Antarctic ice sheets, carbon cycle feedbacks, and other matters); and

At the very least, assessment of the consequences of a mean sea level rise of 0.8 metres relative to the 1980 – 1999 average.

All three factors place low-lying coastal margins at risk of both flooding from the landward side and inundation from the sea, or transformation by the processes of erosion and deposition.

C22 2/11 Op 1/15

Activities that affect coastal processes include extraction of sand, dredging and dumping, reclamations and erection of buildings. Most of these activities except the latter, take place in the coastal marine area. In some parts of the District, coastal rock protection has already been undertaken and will need to be maintained. Pakawau, Totara Avenue, Mapua/Ruby Bay and Marahau foreshores have rock armouring works that are functional but mostly of little amenity value. Future maintenance of these works could investigate options for improving the visual amenity and access.

As inundation and erosion are ongoing hazards along the Ruby Bay/Te Mamaku coastline, habitable buildings that are redeveloped are not permitted to locate further seaward than the existing building and new habitable and non-relocatable buildings are to be avoided. The Coastal Risk Area has been adjusted to account for current sea level rise projections and the continuing inundation and erosion hazard risk. The Council intends to maintain its rock revetments at Ruby Bay/Te Mamaku for up to the expiry of their consent (in 2044).

PC79

On the low-lying Light Industrial Zone land that is subject to Schedule 17.4A subdivision is not appropriate. Appropriate activities are able to be undertaken in the shorter to ~~medium~~ mid-term until such time as they become inappropriate due to their exposure to inundation, coastal hazards and sea level rise. Buildings in the area will be required to obtain a resource consent and will be required to be removed or relocated once the Schedule 17.4A sea level rise trigger is reached.

[1] *Coastal Hazards and Climate Change – A Guidance Manual for Local Government in New Zealand,* 2nd Edition, July 2008, Ministry for the Environment

There is a need to recognise the relatively high probability of severe earthquake shaking at any of the main settlements in the District in the next 50 years. Major active faultlines at St Arnaud and on the Richmond foothills have been mapped and a restricted development corridor identified.

Soil loss through erosion is a significant risk when certain activities, such as tracking, subdivision, and earthworks that disturb the ground, are undertaken. Some parts of the District such as the shallow steeplands soils and the Separation Point Granite terrain from Separation Point/Te Matau to the Glenhope Scenic Reserve have a magnified risk of instability if vegetation or soils are disturbed.

Flooding from rivers is a frequent occurrence in the District and periodically affects the townships of Takaka, Wakefield, Brightwater and Riwaka, which are located on flood plains. A flood warning system operates on the major rivers of the District. Plantings and structures in flood paths interfere with the flow of floodwater.

While the lower reaches of the Motueka River are protected from flooding by stopbanks, it is necessary to maintain existing floodways free of structures in the event that the stopbanks fail or are overtopped. Major floodways in the vicinity of Takaka and Riwaka should also be kept free of structures. Along all waterways, especially those without stopbanks, buildings should be set back to avoid damage by bank erosion. Excavations and tree planting on or near stopbanks can increase the risk of stopbank failure.

Council's Land Development Manual addresses risks associated with network infrastructure and natural hazards through the design of more resilient networks, particularly the mitigation of stormwater effects where they may contribute to flood hazards. **C69 6/19 Op 6/20**

13.1.40 Performance Monitoring Indicators

13.1.40.1 Number of incidents of harm or damage to persons or property from flooding, slope instability, erosion, earthquakes or other natural hazards.

13.1.40.2 Number of claims to Earthquake Commission.

13.50 Environmental Results Anticipated

13.50.1 Reduced incidence of damage to property and infrastructure, or harm to people's health and safety on the District's floodplains.

13.50.2 Reduced incidence of damage or harm to people and property from coastal erosion, slope instability and other forms of natural hazard.

13.50.3 Development precluded from areas identified as being of significant risk from natural hazards.

13.50.4 More informed communities, prepared for the occurrence of natural hazards.

Chapter 16: General Rules

[Unchanged or irrelevant text omitted]

16.3 SUBDIVISION

[Unchanged or irrelevant text omitted]

16.3.2 All Zones

[Unchanged or irrelevant text omitted]

16.3.2.5 Subdivision in any Zone Subject to Deferred Zone Rules~~, or Where Deferred Zoning Has Been Removed~~

C51 1/15 Op 9/16 PC79

~~In all zones,~~ In Deferred Zones listed in Schedule 17.14A, where subdivision is a controlled, restricted discretionary, or discretionary activity, and in addition to the applicable requirements of Schedule 16.3C, ~~where land is, or was formerly, subject to Deferred Zone Rules (as set out in Section 17.14), and as set out in Schedule 17.14A), services are provided in accordance with~~:

~~EITHER~~

(a) Services are provided in accordance with the Mandatory matters ~~standards~~ of the Nelson Tasman Land Development Manual ~~2019~~ September 2020, Revision 1. C69 6/19 Op 6/20 PC79

~~OR~~ AND

C51 1/15 Op 9/16 PC79

(b) ~~The services meet the requirements of the deferred zone rules as set out in~~ ~~Section~~ Infrastructure required by Rule 17.14.2.2 and Schedule 17.14A to service the deferred zone has been delivered. ~~and concept engineering plans that formed the basis for Council's resolution to remove the deferral of the urban zone for the whole or any part of that land~~.

Subdivision that does not comply with (a) or (b) is a discretionary activity.

Note: Other consents may be required besides subdivision consent where services are to be provided as part of the subdivision, for example, discharge permit, land disturbance consent.

16.3.3 Residential Zone

16.3.3.1 Controlled Subdivision (Residential Zone — Standard Density Development)

C66 10/17 Op 12/18

Subdivision for standard density development in the Residential Zone is a controlled activity, if it complies with the following conditions:

Allotment Area

(a) Except as provided for in condition (n), every allotment has a minimum net area as set out in Figure 16.3A.

Figure 16.3A: Minimum Allotment Areas in the Residential Zone

DESCRIPTION OF LAND TO BE SUBDIVIDED	MINIMUM NET AREA (M^2)
Without reticulated wastewater servicing Except Milnthorpe	1,000 1,800
With reticulated wastewater servicing Except: (i) Motueka and Richmond complying with rule 16.3.3.1(c).	450 350
(ii) Allotments adjoining Rural 1 or Rural 2 zones except that on that part of land in Lot 1 DP20082	1,000

	(Old Wharf Road) and as shown on the planning maps at Motueka as zoned Residential.	700	
(iia)	Allotments at Rototai Road Residential Zone.	600	
(iii)	Allotments adjoining Industrial Zones.	800	
(iiia)	Allotments adjoining the Light Industrial Zone at Bird Lane, Wakefield	1,000	**C58 11/15 Op 7/17**
(iv)	Allotments in St Arnaud Residential Zone not crossed by Alpine Fault (except as specified in (v)).	1,000	
(v)	Allotments in St Arnaud on Lake Road, Robert Street, Holland Street, Arnaud Street and Bridge Street, south of Black Valley Stream in St Arnaud.	1,800	
(vi)	Allotment to be used exclusively as a site for a network utility or public work.	1, with no minimum diameter	
(vii)	Waimea Village	*Refer Schedule 17.1D*	
(viii)	Richmond South, Richmond West, Motueka West and Mapua development areas.	*Refer rule 16.3.3.1 (n)(i)(a) – (d)*	**C10 10/07 Op 3/14** **C22 2/11 & C43 4/13 Op 1/15**
(ix)	Richmond East Development Area south east of Hill Street.	600	**C20 8/10 Op 8/12**
(x)	Richmond East Development Area south east of Hill Street: foothill precinct, as notated on the planning maps.	900	**C20 8/10 Op 8/12**

DESCRIPTION OF LAND TO BE SUBDIVIDED		MINIMUM NET AREA (M^2)	
(xi)	Tahi St and Iwa St Residential Coastal Zone	One new allotment of at least 650m^2 with a balance allotment of at least 650m^2 may be created from a record of title existing as at 26 February 2011	**C22 2/11 Op 1/15**
(xii)	Richmond Intensive Development Area	*Refer rule 16.3.3.1(n)(i)(a) – (d)*	**C66 10/17 Op 12/18**
(xiii)	Brightwater and Wakefield Development Areas, where the parent title has a net area of 2 hectares or less.	450	**C75 9/22 Op 10/23** **C76 9/22**
(xiv)	Brightwater and Wakefield Development Areas, where the parent title has a net area greater than 2 hectares.	Refer to rule 16.3.3.1B *Residential Zone – Specific Location: Brightwater and Wakefield Development Areas*	**C75 9/22 Op 10/23** **C76 9/22**

(b) Except as provided in condition (n) and Figure 16.3A (ix), (x) and (xii), the minimum net area for new allotments (except for network utilities) in Motueka and Richmond is 350 square metres if reticulated wastewater servicing is available to the allotment and the following applies: **C5 3/06 Op 10/10 C20 8/10 Op 8/12 C66 10/17 Op 12/18**

(i) the land to be subdivided comprises less than 1 hectare and two or more allotments are to be created and the average net allotment area is at least 500 square metres in Motueka and 450 square metres in Richmond;

(c) Except as provided in condition (n) and Figure 16.3A (ix), (x) and xii), for subdivision in Motueka and Richmond where the land to be subdivided comprises more than 1 hectare: **C5 3/06 Op 10/10 C20 8/10 Op 8/12 C66 10/17 Op 12/18**

(i) at least 20 percent of residential allotments have a net area of 700 square metres or more;

(ii) at least 60 percent of residential allotments have a net area between 550 and 800 square metres;

(iii) not more than 20 percent of residential allotments have a net area of 550 square metres or less.

(d) Except as provided in condition (n) and Figure 16.3A (ix), (x) and (xii), the land to be subdivided does not include any allotment in Motueka or Richmond of less than 1,000 square metres created by a subdivision approved since 1 January 1987, unless the subdivision is for a network utility.

C5 3/06 Op 10/10
C20 8/10 Op 8/12
C66 10/17 Op 12/18

Average Net Area

C5 3/06 Op 10/10
C20 8/10 Op 8/12
C66 10/17 Op 12/18

(e) Except at St Arnaud and Waimea Village and as provided in condition (n) and Figure 16.3A (ix), (x) and (xii), for subdivisions producing three or more allotments the average net area of each allotment is:

(i) 1,200 square metres in areas without reticulated wastewater servicing;

(ii) 600 square metres in areas with reticulated wastewater servicing;

(iii) 500 square metres in areas with reticulated wastewater servicing in Motueka and 450 square metres in Richmond, where the land to be subdivided comprises less than one hectare;

(iv) 800 square metres in areas shown as Rototai Road Residential Zone.

Frontage

(f) Except as provided for in condition (n), every allotment that has a frontage has a minimum frontage width of 3.5 metres, except for Waimea Village (*see Schedule 17.1D*).

Shape Factor

(g) Every allotment is capable of containing, within its net area, a circle with a diameter of 16 metres, except for Waimea Village (*see Schedule 17.1D*).

Lot Width

(h) Allotments created by a subdivision that adjoins any Rural or Industrial zone have a width of at least 30 metres between the zone boundary and the farthest boundary of the allotment.

Services

(i) Every allotment in the Richmond West, Brightwater, Motueka West, Wakefield, Richmond East, Richmond Intensive and Mapua development areas (excluding the Residential Coastal Zone) is provided with services as set out in Schedule 16.3C, except for allotments created for access, utility, segregation, road or road reserve purposes. The appropriate trenches, ducts, cables, pipes and other necessary works are provided to the internal boundary of each allotment.

C10 10/07 Op 3/14
C20 8/10 Op 8/12
C22 4/13 Op 1/15
C43 4/13 Op 1/15
C66 10/17 Op 12/18
C75 9/22
OP 10/23
C76 9/22

Comprehensive Residential Development

(k) The subdivision is not part of a comprehensive residential development.

Existing Buildings

(l) Where a new allotment contains an existing building, the boundaries of the allotment are drawn relative to the building so that the building complies as a permitted activity with the relevant zone rules relating to building coverage, building setbacks, building height, daylight admission lines, outlook, privacy and outdoor living space; and with parking and access requirements under the relevant general rules.

Heritage Site or Item Present

(m) The land being subdivided does not include:

(i) a heritage site or item referred to in Schedule 16.13A [Heritage Buildings and Structures]; or

C10 10/07 Op 3/14
C16 9/09 Op 8/12
C20 8/10 Op 8/12
C22 2/11 Op 1/15
C43 4/13 Op 1/15
C66 10/17 Op 12/18
C75 9/22
Op 10/23

C76 9/22

(ii) a protected tree referred to in Schedule 16.13B in the Richmond West, Brightwater, Motueka West, Wakefield, Richmond East, Richmond Intensive or Mapua development area.

Cultural Heritage Sites

C16 9/09 Op 8/12

C66 10/17 Op 12/18

(ma) An authority from Heritage New Zealand Pouhere Taonga has been obtained under the Heritage New Zealand Pouhere Taonga Act 2014 to modify, damage or destroy a cultural heritage site; or, written evidence from Heritage New Zealand Pouhere Taonga has been obtained to show that such an authority is not considered necessary.

(mb) Where the listed cultural heritage site is a wāhi tapu site, manawhenua iwi have given their written approval to the proposed activity as an affected party.

Notes:

(1) An assessment may be required in accordance with requirement 19.2.2.41.

(2) The modification, damage or destruction of any cultural heritage site that is an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014 must be authorised by an authority from Heritage New Zealand Pouhere Taonga.

C16 9/09 Op 8/12

C66 10/17 Op 12/18

(3) If any cultural heritage site is exposed during site works then all site works must cease immediately. The areas must be immediately secured in a way that any artefacts or remains are untouched. Manawhenua Iwi, Heritage New Zealand Pouhere Taonga, Department of Conservation, and Tasman District Council must be notified, and the Police in the case of human remains, that an archaeological site has been exposed, so that appropriate action can be taken. This includes such persons being given reasonable time to record and recover archaeological features discovered before work may recommence on the site.

[Unchanged or irrelevant text omitted]

Transport

C66 10/17 Op 12/18

(mf) The transport conditions in Schedule 16.3B are complied with, unless the subdivision is for a single allotment for a network utility.

Richmond South, Richmond West, Brightwater, Motueka West, Wakefield, Mapua and Richmond Intensive Development Areas

C5 3/06 Op 10/10 C10 10/07 Op 3/14 C22 2/11 Op 1/15 C43 4/13 Op 1/15 C66 10/17 Op 12/18 C75 9/22 Op 10/23 C76 9/22

(n) Subdivision for standard density development in the Richmond South, Richmond West, Motueka West, Wakefield, Mapua, Brightwater and Richmond Intensive development areas, as shown on the planning maps, complies with the following conditions:

(i) **Allotments**

C5 3/06 Op 10/10 C10 10/07 Op 3/14 C22 2/11 Op 1/15 C43 4/13 Op 1/15 C75 9/22 Op 10/23 C76 9/22

(a) The minimum net area of every allotment is at least 350 square metres, except in the Mapua Development Area where each allotment is at least 450 square metres and in the Brightwater and Wakefield Development Areas where Rule 16.3.3.1B(a) applies.

C10 10/07 Op 3/14 C43 4/13 Op 1/15 C66 10/17 Op 12/18 C75 9/22 Op 10/23 C76 9/22

(b) The minimum average net area for all allotments is 550 square metres, except in the Motueka West area where the minimum average net area is 500 square metres and in the Richmond Intensive Development Area, and in the Brightwater and Wakefield Development Areas, where there is no average.

(c) Every allotment is capable of containing a circle with a diameter of 16 metres or greater.

C66 10/17 Op 12/18

(d) Except for the Richmond Intensive Development Area, no fewer than 95 percent of all allotments have direct frontage to a public road or

public reserve that is at least 10 metres wide. For the avoidance of doubt, this means that no more than 5 percent of allotments may be rear allotments without any road or reserve frontage.

(ii) **Allotment Access and Road Network**

(a) All roads are constructed in accordance with the standards set out in section 18.8 (Road Area rules). **C69 6/19 Op 6/20**

(b) Every road is through-connected, unless it is a cul-de-sac of 80 metres or less.

(c) Where any property adjoining the subdivision may require complying road access across the common boundary with the subdivision, roads are located so that no adjoining property is left without a complying road access. **C11 10/07 Op 10/10**

(d) Except for the indicative roads shown in the Richmond South and the Richmond West development areas on the planning maps~~,~~:. **C10 10/07 Op 3/14**

(i) no road in the Richmond South Development Area is designed: **C66 10/17 Op 12/18 C75 9/22 Op 10/23**

a. to connect directly with Hart/Bateup roads, Wensley/Paton roads, Hill Street or State Highway 6;

b. to create a direct road connection between Hart/Bateup roads and Hill Street South or Hill Street North,

(ii) no road in the Richmond West Development Area is designed to connect to State Highway 6 or Lower Queen St; and

(iii) no road in the Richmond Intensive Development Area is designed to connect to Salisbury Road, Wensley Road, Oxford Street, Gladstone Road or Queen Street.

(iv) no road in the Brightwater Development Area is designed to connect to State Highway 6.

[Items (e) and (f) are deleted] **C69 6/19 Op 6/20**

(g) The transport conditions in Schedule 16.3B are complied with.

(h) No allotment created after 28 July 2007 gains direct access from State Highway 6 in the Richmond South Development Area, except that existing lawful access crossings may continue to be used. **C10 10/07 Op 3/14**

(i) No allotment in the Motueka West Development Area created after public notification of Motueka West plan change gains direct access on to Queen Victoria Street except that existing lawful crossings may continue to be used. **C43 4/13 Op 1/15**

(j) No allotment access is located within 30 metres of the intersection of Hart/Bateup and Wensley/Paton roads, or Hart/Bateup roads and Hill Street, as measured from the intersection of the extension of the road boundary tangent points.

(k) No allotment created after 6 October 2007 gains direct access from State Highway 6 or Lower Queen Street in the Richmond West Development Area, except that existing lawful access crossings may continue to be used. **C10 10/07 Op 3/14**

(l) No allotment created after 28 August 2010 gains direct access from Champion Road or from Salisbury Road if the allotment is located within 215 metres or 100 metres respectively of the intersection of Champion and Salisbury roads as measured from the intersection of the extension of the road boundary tangent point, except that existing lawful crossings may continue to be used. **C20 8/10 Op 8/12**

(m) No allotment in the Richmond Intensive Development Area created after 14 October 2017 gains direct access onto Salisbury Road, Wensley Road, Oxford Street, Gladstone Road or Queen Street. **C66 10/17 Op 12/18**

C75 9/22

(n) No allotment in the Brightwater Development Area gains direct access onto State Highway 6. Lawful existing accessways may continue to be used. **Op 10/23**

(iii) **Reserves** **C5 3/06 Op 10/10** **C10 10/07 Op 3/14**

Subject to but not limited by rule 16.4.2.1:

(a) land that is subject to a notation on the planning maps as indicative reserve is set aside as reserve and vested in the Council upon subdivision in general alignment with the indicative reserve areas shown on the maps and dimensions where specified, as follows: **C5 3/06 Op 10/10** **C10 10/07 Op 3/14**

- 70 metre wide reserve along Borck Creek from the Light Industrial Zone to the Mixed Business Zone
- 15 metre wide reserve along Poutama Drain
- 15 metre wide reserve along Eastern Hills Drain adjoining State Highway 6 to Borck Creek
- ~~10~~ 7 metre wide indicative reserve separating the Mixed Business Zone from the Residential Zone west of Borck Creek which will vest in the Council as Local Purpose Reserve ~~(walkway)~~(active transport corridor) without compensation or credit against Reserve Financial Contributions. **PC79**

(b) Except for the ~~10~~ 7 metre wide indicative reserve separating the Mixed Business Zone from the Residential Zone west of Borck Creek, indicative reserve areas are to be vested in the Council as Local Purpose Reserve (walkway/recreation) and Local Purpose Reserve (drainage) and the part of the area vested as Local Purpose Reserve (walkway/recreation) will form part of the financial contribution for reserves and community services in accordance with rule 16.5.2.4. **C5 3/06 Op 10/10** **C10 10/07 Op 3/14** **PC79**

(c) within the Wakefield Development Area no credit against the reserve financial contributions will be provided for the Local Purpose (Esplanade) Reserve to vest based on an average total width of 40 metres relating to the Pitfure Stream. The 40-metre total esplanade width excludes Pitfure Stream's bed (as defined in the RMA). **C76 9/22 D9/24**

(iv) **Indicative Stormwater Retention Area** **C5 3/06 Op 10/10**

(a) Where applicable, a stormwater retention area is to be provided in the location of any indicative Stormwater Retention Area shown in the Richmond South and Motueka West development areas on the planning maps to enable stormwater to be retained in order to mitigate the downstream stormwater effects such as flooding. Where the stormwater retention area overlies an indicative reserve on the planning maps, all the land in that indicative reserve will vest with Council and reserve fund contributions will be adjusted in accordance with rule 16.5.2.4. **C43 4/13 Op 1/15**

Notes: **C5 3/06 Op 10/10**

(1) The Urban Design Guide (Part II, Appendix 2) should be considered in preparing applications under this rule. **C10 10/07 Op 3/14**

(2) In the Richmond South and Mapua development areas, it is intended that all existing reservoirs not expressly forming part of the stormwater network will be dewatered at the time of subdivision. **C22 2/11 Op 1/15**

Allotment Access and Road Network – Richmond East **C66 10/17 Op 12/18**

(o) Subdivision in the Richmond East Development Area complies with conditions 16.3.3.1 (n)(ii)(a), (n)(ii)(c), and (n)(ii)(l). **C20 8/10 Op 8/12**

Sites in the Coastal Environment Area - Little Kaiteriteri

(q) For residential sites on Record of Title NL 13A/194 (Talisman Heights, Kaiteriteri) or its successive titles between Cook Crescent at Stephens Bay and Rowling Road at Little **C73 12/20 Op 6/23**

Kaiteriteri and within the Coastal Environment Area, no more than 20 percent of indigenous coastal shrubland or coastal forest on a site may be cleared.

In the notated area shown on the planning maps on Record of Title NL 13A/194 (Talisman Heights) or its successive titles, there shall be no more than three residential allotments.

Landscape Treatment – Old Wharf Road (Motueka) and Mapua Drive C22 2/11 Op 1/15 C66 10/17 Op 12/18

(r) Where allotments are created within 150 metres of the boundary of the Heavy Industrial Zone in Old Wharf Rd (Motueka), subdivision of Pt Lot 3 DP 1654, Lot 2 DP 424497 and Lot 1 DP 20082 (High Street and Old Wharf Road) incorporates a 12-metre wide landscaped earth mound at least 3 metres high along the boundary with the Heavy Industrial Zone.

(s) Where allotments adjoin Mapua Drive between the Ruby Bay bypass (Te Mamaku Drive) and Aranui Park, amenity plantings 3 metres wide are provided, and there is no close-boarded or solid fencing. C22 2/11 Op 1/15

Amenity Plantings within a Boundary Setback – Richmond West Development Area C10 10/07 Op 3/14

(t) In the Richmond West Development Area, amenity plantings are provided within the boundary setbacks on allotments in the following locations and in accordance with the following specifications:

(i) Adjoining Designation 127, amenity plantings are 20 metres wide incorporating a 2.5 metre bund, with a 2:1 batter, extending from the easternmost point of Poutama Drain southwest to the point where Poutama Drain intersects with the designation.

(ii) Adjoining the ~~Indicative Collector Road and~~ indicative ~~walkway~~ reserve containing an active transport corridor that separates the Residential Zone from the Mixed Business Zone, west of Borck Creek, amenity plantings are 2.5 metres wide. PC79

Amenity Plantings – Richmond West and Mapua Development Area C66 10/17 Op 12/18

(u) In the Richmond West and Mapua development areas, a planting plan, cross section and design statement, prepared by an appropriately competent person in landscape architecture, are provided with every application for subdivision that show the bunding (where specified), species, height at maturity, planting and spacing layout, maintenance and replacement programme, and the planting theme where the allotment is in the amenity planting setback or adjoins Mapua Drive at Mapua. C10 10/07 Op 3/14 C22 2/11 Op 1/15

(v) In the Richmond West and Mapua development areas, the amenity planting of the setback is carried out prior to the issue of the Section 224(c) certificate, with such amenity planting managed and maintained on an ongoing basis under an appropriate legal instrument. C10 10/07 Op 3/14 C22 2/11 Op 1/15

A resource consent is required. The Council has reserved control over the following matters:

Traffic

(1) Access.

(2) The proximity, safety and ease of access between any site and the nearest collector, principal or arterial road, or state highway, including: C69 6/19 Op 6/20

- the number of intersections between the frontage of any site and the nearest of those roads;
- the driving time between any site and the nearest of those roads;
- the walking distance between any site and an arterial or principal road, along public roads, pedestrian ways, or footpaths through reserves. C69 6/19 Op 6/20

(3) The provision, design and routes of cycleways, walkways and bridle-paths, including linkages between any site and local retail areas, schools, reserves, bus routes and arterial roads.

(4) Any mandatory or good practice matters of chapter 4 of the Nelson Tasman Land Development Manual 2019 necessary to ensure the safe, efficient and effective provision of transportation and access. **C69 6/19 Op 6/20**

(5) The relationship of any new road with existing roads, adjoining land, and any future roading requirements.

Services

(6) Availability and provision of services, including the appropriate trenches, ducts, cables, pipes and other ancillary works provided to the road boundary for each allotment, except for rear allotments or those located off shared accesses where the services shall be provided to an internal boundary.

Stormwater Management

(7) Any matter necessary to manage stormwater run-off, including low impact design solutions where appropriate. **C7 7/07 Op 10/10**

(8) The physical and legal protection of primary and secondary stormwater flow paths and indicative reserves. **C10 10/07 Op 3/14**

(9) Any mandatory or good practice matters of chapter 5 of the Nelson Tasman Land Development Manual 2019 necessary to ensure the efficient and effective provision of stormwater network reticulation. **C69 6/19 Op 6/20**

Open Space/Reserves

(10) The extent and location of indicative reserves. **C10 10/07 Op 3/14**

(11) The appropriate setback of allotment boundaries from the top of the bank of any open drain or natural watercourse. **C7 7/07 Op 10/10**

Access for Earthworks

(12) Location and effects of earthworks necessary to achieve (1) and (7). **C10 10/07 Op 3/14**

Natural Heritage

(13) Potential effects on heritage protection and protected trees. **C10 10/07 Op 3/14**

(14) Potential adverse effects on wetland values.

(15) Potential adverse effects on indigenous coastal vegetation and fauna values at Little Kaiteriteri/Stephens Bay.

(16) The degree of compliance with any mandatory requirements of the Nelson Tasman Land Development Manual 2019. **C69 6/19 Op 6/20**

Cultural Heritage **C16 9/09 Op 8/12**

(17) Where there is a listed cultural heritage site present on any part of the land being subdivided: **C66 10/17 Op 12/18**

(a) any matters raised in a report prepared in accordance with Information Requirement 19.2.2.41;

(b) any matters raised in the authority granted by Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, that are relevant to control of the design and construction of the proposed subdivision activity;

(c) any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site;

(d) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;

(e) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction.

[Unchanged or irrelevant text omitted]

16.3.3.2 Restricted Discretionary Subdivision (Residential Zone – Listed Cultural Heritage Site)

C16 9/09
Op 8/12

Subdivision in the Residential Zone that does not comply with controlled condition (ma) of rule 16.3.3.1 is a restricted discretionary activity.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matter to which the Council has restricted its discretion:

(1) Where there is a listed cultural heritage site present on any part of the land being subdivided:

(a) any matters raised in a report prepared in accordance with requirement 19.2.2.41;

(b) any matter necessary to ensure the appropriate management, protection or enhancement of a Cultural Heritage Site;

(c) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;

(d) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction;

(e) any matter relevant to the absence of an authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

16.3.3.2A Restricted Discretionary Subdivision (Residential Zone - Standard Density Development)

C66 10/17
Op 12/18

C75 9/22
(d 6/23)

Subdivision for standard density development in the Residential Zone that does not comply with the controlled conditions of rule 16.3.3.1 is a restricted discretionary activity, if it complies with the following conditions:

Stormwater

(a) In the Residential Zone:

(i) EITHER:

Stormwater from every allotment is discharged to a Council-maintained stormwater drainage network that has the capacity to receive the additional stormwater.

OR

The discharge complies with section 36.4 of this Plan.

C66 10/17
Op 12/18

AND

(ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.

Note: A discharge consent may be required where new stormwater infrastructure is being created.

(b) In the Richmond Intensive

Development Area, where a site or part of a site is located within a specified stormwater flood flow path as shown on the Part II Special planning map:

(i) the development provides for the stormwater flood flow to cross the post-development site and retains the predevelopment upstream entry and downstream exit points of the stormwater flood flow to and from the site;

(ii) the flood flow path surface is constructed or treated to prevent erosion of the surface.

Richmond South, Richmond West, Brightwater, Wakefield, and Richmond Intensive Development Areas C10 10/07 Op 3/14

C66 10/17 Op 12/18

(c) Land to be subdivided for standard density development in the Richmond South, Richmond West, Brightwater, Wakefield and Richmond Intensive development areas that does not comply with the conditions of rule 16.3.3.1 is a restricted discretionary activity, if it complies with the following conditions: C75 9/22 Op 10/23 C76 9/22

Minimum Allotment Size

(i) The minimum net area for each allotment is 350 square metres, except in the Brightwater and Wakefield Development Areas where:

- The minimum net area for each allotment is 450 square metres if the land to be subdivided comprises 2 hectares or less in net area.
- The minimum net area for each allotment is in accordance with Rule 16.3.3.2C R*estricted Discretionary Subdivision (Residential Zone – Specific Location: Brightwater and Wakefield Development Areas)* if the land to be subdivided is greater than 2 hectares in net area.

Allotment Access, Road Network, Reserves and Indicative Stormwater Retention Area

(ii) The subdivision meets conditions 16.3.3.1(n)(ii)(a), (n)(ii)(c) to (n)(ii)(n), (n)(iii) and (n)(iv).

(ii) Except in the Richmond Intensive Development Area, the subdivision meets condition 16.3.3.1(n)(ii)(b).

Reverse Sensitivity

(iv) The subdivision must comply with 16.3.3.1(me)(ii) and (iii) *Cross Boundary Effects. (This applies to the Brightwater Development Area and not the Wakefield Development Area).*

Amenity Plantings within a Boundary Setback – Richmond West Development Area C10 10/07 Op 3/14

C66 10/17 Op 12/18

(d) In the Richmond West Development Area amenity, plantings are provided within the boundary setbacks on allotments in the following locations and in accordance with the following specifications:

(i) adjoining Designation 127, amenity plantings are 20 metres wide incorporating a 2.5 metre bund, with a 2:1 batter, extending from the easternmost point of Poutama Drain south west to the point where Poutama Drain intersects with the designation.

(ii) adjoining the ~~Indicative Collector Road and~~ indicative ~~walkway~~ reserve containing an active transport corridor that separates the Residential Zone from the Mixed Business Zone, west of Borck Creek, amenity plantings are 2.5 metres wide. PC79

(iii) a planting plan, cross section and design statement, prepared by an appropriately competent person in landscape architecture, are provided with every application for subdivision that show the bunding (where specified), species, height at maturity, planting and spacing layout, maintenance and replacement programme, and the planting theme where the allotment is in the amenity planting setback.

(iv) the amenity planting of the setback is carried out prior to the issue of the Section 224(c) certificate, with such amenity planting managed and maintained on an ongoing basis under an appropriate legal instrument.

Tahi and Iwa Streets, Mapua C22 2/11 Op 1/15

(e) The subject land is not in the Residential Coastal Zone at Tahi Street or Iwa Street, Mapua. C66 10/17 Op 12/18

Comprehensive Development C66 10/17 Op 12/18

(f) The subdivision is not part of a Comprehensive Development. C75 9/22 Op 10/23

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

(1) Matters (1) to (37) of rule 16.3.3.3 *Restricted Discretionary Subdivision (Residential Zone – Compact Density Specific Locations).*

Non-Notification

In respect of non-compliance with condition (c)(iii) [cul-de-sac length], applications for resource consent for an activity under this rule will be decided without limited notification and without public notification.

16.3.3.2B Restricted Discretionary Subdivision (Residential Zone — Specific Location: Richmond Intensive Development Area) C66 10/17 Op 12/18 C73 12/20 Op 6/23

Subdivision for intensive development in the Richmond Intensive Development Area that does not comply with the controlled conditions of rule 16.3.3.1(mc) is a restricted discretionary activity, if it complies with the following conditions:

(a) The subdivision meets controlled conditions 16.3.3.1(i), (m) to (mb), (md) to (mf) and 16.3.3.1A (a) to (c). C66 10/17 Op 12/18 C73 12/20 Op 6/23

(b) Where a new allotment contains an existing building, the boundaries of the allotment are drawn relative to the building so that the building complies as a Restricted Discretionary activity with the 17.1.3.4C zone rules relating to site and building coverage, fences, outdoor living space, setbacks, building envelope, building height and length; and with parking and access requirements under the relevant general rules.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion: C66 10/17 Op 12/18

(1) Matters (1) to (18) of rule 16.3.3.1A.

(2) The layout and design of a subdivision in relation to stormwater.

Non-Notification

Applications for resource consent that comply with the conditions of this rule will be decided without public notification.

16.3.3.2C Restricted Discretionary Subdivision (Residential Zone — Specific Location: Brightwater and Wakefield Development Areas)

C75 9/22 Op 10/23

(a) Subdivision in the Brightwater Development Area and Subdivision for intensive development in the Wakefield Development Area, that does not comply with the controlled conditions of rule 16.3.3.1B is a restricted discretionary activity, if it complies with the following conditions:

i) 16.3.3.1B(a)-(b) *Minimum Allotment Size*
ii) 16.3.3.1(n)(ii)(a), (n)(ii)(b), (n)(ii)(c), (n)(ii)(g) and (n)(ii)(n) *Allotment Access and Road Network*
iii) 16.3.3.1 (me)(ii) *Cross Boundary Effects.*
iv) 16.3.3.2A(a) *Stormwater*
v) 16.3.3.2A (f) *Comprehensive Development*

(b) Matters of control

Matters (1) to (37) of Rule 16.3.3.3 *(Restricted Discretionary Subdivision (Residential Zone – Compact Density Specific Locations)*

16.3.3.3 Restricted Discretionary Subdivision (Residential Zone – Compact Density Specific Locations)

C5 3/06 Op 10/10
C66 10/17 Op 12/18

Subdivision for compact density development in the Residential Zone is a restricted discretionary activity, if it complies with the following conditions:

Compact Density Development in Richmond, Brightwater, Wakefield, Mapua and Motueka

C5 3/06 Op 10/10 C10 10/07 Op 3/14 C22 2/11 Op 1/15 C43 4/13 Op 1/15 C66 10/17 Op 12/18 C75 9/22 Op 10/23 C76 9/22

(a) Land to be subdivided for compact density development in the Richmond South, Richmond West, Brightwater, Wakefield and Mapua Special development areas and the Motueka West Compact Density Residential Area, as shown on the planning maps, complies with the following conditions:

(i) **Land Requirements**

C5 3/06 Op 10/10 C22 2/11 Op 1/15 C43 4/13 Op 1/15 C66 10/17 Op 12/18 C75 9/22 Op 10/23 C76 9/22

(a) The subject land comprises (either in one or more existing titles) at least 1500 square metres in the Richmond South, Richmond West, Brightwater, Wakefield, and Mapua Special development areas and the Motueka West Compact Density Residential Area.

(ii) **Allotments**

C5 3/06 Op 10/10

Allotment Area

C22 2/11 Op 1/15 C43 4/13 Op 1/15 C80 12/23

(a) There is no minimum net allotment area, except that in the Mapua Special Development Area the minimum allotment area is 200 square metres and except that in the Motueka West Compact Density Residential Area to the west of Kerei Street the minimum allotment area is 270 square metres.

Allotment Layout

(b) The design and layout of each allotment has been established by reference to the siting of the dwelling and any other building on the allotment, to be authorized by land use consent under rule 17.1.3.3. For the avoidance of doubt, this means that both land use and subdivision consents must be applied for and processed at the same time.

Note: Council will ensure that this standard can be complied with by requiring the lodgement of all land use consent applications at the same time as the subdivision consent application, under Section 91 of the Act.

Allotment Frontage

(c) No fewer than 95 percent of all allotments have direct frontage to a public road or public reserve that is at least 10 metres. For the avoidance of doubt, this means that no more than 5 percent of allotments may be rear allotments without any road or reserve frontage.

(iii) **Allotment Access and Road Network**

(a) All roads are constructed in accordance with the standards set out in section 18.8 (Road Area rules). **C69 6/19 Op 6/20**

(b) Every road is through-connected, unless it is a cul-de-sac of 80 metres or less.

(c) Where any property adjoining the subdivision may require complying road access across the common boundary with the subdivision, roads are located so that no adjoining property is left without a complying road access. **C11 10/07 Op 10/10**

(d) Except for the indicative roads shown in the Richmond South and Richmond West development areas on the planning maps: **C11 10/07 Op 10/10**

(i) no road in the Richmond South Development Area is designed to connect directly to Hart/Bateup roads, Wensley/Paton roads, Hill Street and State Highway 6; and

(ii) no road in the Richmond West Development Area is designed to connect directly to State Highway 6, State Highway 60, Lower Queen Street and McShane Road.

[Items (e) and (ea) are deleted] **C69 6/19 Op 6/20**

(f) The transport conditions in Schedule 16.3B are complied with.

(g) No allotment created after 28 July 2007 gains direct access from State Highway 6 in the Richmond South Development Area. Existing lawful access crossings may continue to be used. **C11 10/07 Op 10/10**

(h) No allotment access is located within 30 metres of the intersection of Hart/Bateup and Wensley/Paton roads, or Hart/Bateup roads and Hill Street, as measured from the intersection of the extension of the road boundary tangent points.

(i) No allotment created after 6 October 2007 gains direct access from State Highway 6 or Lower Queen Street in the Richmond West Development Area. **C10 10/07 Op 3/14**

(j) No allotment gains direct access from State Highway 6 in the Brightwater Development Area. Existing lawful access crossing may continue to be used. **C75 9/22 Op 10/23**

(iv) **Reserves** **C5 3/06 Op 10/10 C10 10/07 Op 3/14**

Subject to but not limited by rule 16.4.2.1:

(a) Land that is subject to a notation on the planning maps as indicative reserve is set aside as reserve and vested in the Council upon subdivision in general alignment with the indicative reserve areas shown on the maps and dimensions where specified, as follows: **C5 3/06 Op 10/10** **C10 10/07 Op 3/14**

- 70 metre wide reserve along Borck Creek from Light Industrial Zone to the Mixed Business Zone;
- 15 metre wide reserve along Poutama Drain;
- 15 metre wide reserve along Eastern Hills Drain adjoining State Highway 6 to Borck Creek;
- ~~10~~ 7 metre wide indicative reserve separating the Mixed Business Zone from the Residential Zone west of Borck Creek which will vest in the Council as Local Purpose Reserve (~~walkway~~ active transport corridor) without compensation or credit against Reserve Financial Contributions. **PC79**

(b) Except for the ~~10~~ 7 metre wide indicative reserve separating the Mixed Business Zone from the Residential Zone west of Borck Creek, ~~I~~indicative reserve areas are to be vested in the Council as Local Purpose Reserve (walkway/recreation) and Local Purpose Reserve (drainage) and the part of the area vested as Local Purpose Reserve (walkway/recreation) will form part of the financial contribution for reserves and community services in accordance with rule 16.5.2.4.

PC79
C5 3/06
Op 10/10
C10 10/07
Op 3/14

(v) **Indicative Stormwater Retention Area**

C5 3/06
C7 7/07
Op 10/10
C43 4/13
Op 1/15

(a) Where applicable, a stormwater retention area is to be provided in the location of any indicative Stormwater Retention Area shown in Richmond South and Motueka West development areas on the planning maps, to enable stormwater to be retained in order to mitigate the downstream stormwater effects such as flooding. Where the stormwater retention area overlies an indicative reserve on the planning maps, all the land in that indicative reserve will vest with Council and reserve fund contributions will be adjusted in accordance with rule 16.5.2.4.

(vi) Reverse Sensitivity

C75 9/22
Op 10/23

The subdivision must comply with 16.3.3.1(me)(ii) *Cross Boundary Effects.*

Amenity Plantings within a Boundary Setback – Richmond West Development Area

C66 10/17
Op 12/18

(b) The subdivision meets condition (d) of rule 16.3.3.2A.

Stormwater

C5 3/06
Op 10/10
C10 10/07
Op 3/14

(f) In the Residential Zone:

(i) EITHER:

Stormwater from every allotment is discharged to a Council-maintained stormwater drainage network that has the capacity to receive the additional stormwater.

OR

The discharge complies with section 36.4 of this Plan.

AND

AND

C5 3/06
Op 10/10
C10 10/07
Op 3/14

(ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.

Note: A discharge consent may be required where new stormwater infrastructure is being created.

C5 3/06
Op 10/10

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

Site Layout

(1) The extent to which the mix of allotment sizes can provide for different housing types and densities.

(2) Whether each allotment has appropriate area and shape to enable efficient siting and construction of one or more dwellings and any ancillary buildings, provision of private outdoor space, convenient vehicle access to a public road, and adequate on-site parking.

(3) Where the subject land adjoins any developed site with a different density character, the extent to which the allotment layout and location of any dwelling or building location area avoids or mitigates adverse amenity effects across the property boundary.

Privacy and Solar Access

C22 2/11
Op 1/15

(4) In the case of compact density developments, whether allotments and proposed dwellings are designed and shaped to protect the privacy of and solar access for future occupiers.

Safety

(5) The extent to which the subdivision will enhance personal safety by providing urban open spaces to be fronted and overlooked by housing and actively used facilities.

Servicing

(6) The extent to which the street and allotment layout enables efficient provision of infrastructure to new areas.

(7) The likely effects of the subdivision in relation to the location of significant infrastructure facilities and networks and any related constraints on nearby development, and whether they have been identified and protected.

Landscape Treatment

(8) The extent to which the use of landscape treatment will enhance street amenity, the use and enjoyment of public spaces, and differentiate street hierarchy.

(9) The ability to use landscaping to direct run-off from impervious areas into vegetated landscaped areas to filter and soak up stormwater.

Open Space/Reserves

(10) The extent to which the subdivision provides well-distributed small neighbourhood reserves that contribute to the legibility and character of the area, provide for a range of uses and activities, and are cost-effective to maintain.

(11) The extent to which greenway reserves incorporate stormwater management and use low impact stormwater management principles.

C10 10/07
Op 3/14

(12) The extent and location of reserves, sportsgrounds, and urban open space and amenity reserves.

C69 6/19
Op 6/20

(12A) The extent to which mandatory and good practice matters of chapter 10 of the Nelson Tasman Land Development Manual 2019 have been achieved in the design and establishment of parks and reserves.

Traffic (streets, access, parking, manoeuvering, loading)

(13) Whether the road network provides a high level of internal connectivity and good external linkages for local vehicle, pedestrian and cycle movements, incorporating traffic management to control vehicle speed and create safe conditions for all street users.

C43 4/13
Op 1/15

(14) The ability of roads to provide multi-purpose public spaces that are designed to balance their role for traffic with their other roles as community spaces, pedestrian environments with easy access to the town centre, parking, and as settings for residential and commercial uses.

(15) The extent to which roads provide an attractive streetscape which enhances the amenity of adjacent housing and development.

C66 10/17
Op 12/18

(16) The extent to which the number of individual allotment accesses onto Hart/Bateup and Wensley/Paton roads, Hill Street, Salisbury Road, Wensley Road, Oxford Street, Gladstone Road and Queen Street has been minimised.

Stormwater Management

(17) Whether an integrated approach to stormwater management is used, by creating areas of open space (including reserves along watercourses and some streets with swales), that can be used for effective stormwater management, including enhancing water quality without compromising an efficient urban structure. In the Mapua Special Development Area, the provisions of the Site Management Plan will need to be complied with. C22 2/11 Op 1/15

(18) The extent to which natural and artificial watercourses, wetlands and riparian vegetation are retained and enhanced, while also making alignment modification that may be appropriate to enhance the urban structure.

(19) Any matter set out in Schedule 16.3A. C7 7/07 Op 10/10

(19A) The extent to which mandatory and good practice matters of chapter 5 of the Nelson Tasman Land Development Manual 2019 have been achieved in the design and establishment of stormwater networks. C69 6/19 Op 6/20

(19B) In the Wakefield Development Area, the management of flood and dam break hazard risks. C76 9/22

Richmond West Development Area Amenity Plantings C10 10/07 Op 3/14

(20) Landscaping and amenity plantings for the identified allotments, including the type, height and location of species to be planted, planting plan, planting and maintenance programme, and bunding.

(21) The variation in the use of trees, shrubs and groundcovers to create a planting framework, including the utilisation of existing plantings, where appropriate.

(22) The extent to which the amenity plantings create a visually attractive appearance when viewed from roads, reserves and adjoining zones.

(23) The degree of application of a consistent landscape theme that links amenity plantings with plantings within the Residential and Mixed Business zones, and reserves.

(24) The depth and height of plantings from the Open Space Zone and the Borck Creek indicative reserve.

[Unchanged or irrelevant text omitted]

16.3.4 Business and Industrial Zones

16.3.4.1 Controlled Subdivision (Business and Industrial Zones)

Subdivision in the Central Business, Commercial, Mixed Business, Tourist Services, Rural Industrial, Heavy Industrial and Light Industrial zones is a controlled activity, if it complies with the following conditions: C10 10/07 Op 3/14

Location C58 11/15 Op 7/17

(aa) The subject land is not in the Heavy Industrial Closed Zone at Wakefield or in the Light Industrial Zone or Rural Industrial Zone at Brightwater at specified sites (as shown on the planning maps) or in the Commercial Closed Zone at Marahau. C57 11/15 Op 12/18 PC79

(ab) The land is not subject to Schedule 17.4A (as shown on the planning maps).

Electricity Transmission Corridor C10 10/07 Op 3/14

(a) In the Richmond West Development Area, any land to be subdivided is located at least 12 metres from the centre of any electricity transmission line as shown on the planning maps.

Area

(b) Every allotment created by the subdivision has a minimum net area and can contain a circle within its net area of at least the minimum diameter stated in Figure 16.3B.

Figure 16.3B: Minimum Allotment Areas in Central Business, Commercial, Mixed Business, Tourist Services, and Heavy, Light and Rural Industrial Zones

ZONE	MINIMUM NET AREA (M^2)	MINIMUM DIAMETER OF CIRCLE IN NET AREA OF ALLOTMENT (M)
Central Business and Commercial Zones	200	8
Mixed Business Zone - Activities other than retail - Activities other than retail on Lot 1 DP 10599 (Alliance Land) - Retail activities (including Retail FrontageO)	 1000 750 1250	 20 20 30
Light Industrial Zone: Richmond West, Motueka West and Mapua Development Areas	750	15
Tourist Services Zone	2,000	15
Heavy Industrial/Rural Industrial Zones	1,000	15
Light Industrial Zone	500	15
All zones listed above – allotment to be used exclusively as a site for a network utility or public work	1	—
Footnote: O Richmond West Development Area.		

C10 10/07 Op 3/14
C22 2/11 Op 1/15
C43 4/13 Op 1/15

Services

(c) Every allotment is provided with services as set out in Schedule 16.3C, except for allotments created for access, utility, segregation, road or reserve purposes. The appropriate trenches, ducts, cables, pipes and other necessary works are provided to the internal boundary of each allotment.

Transport

(d) The subdivision complies with the transport conditions in Schedule 16.3B, unless the subdivision is for a single allotment for a network utility.

Transport - Richmond West and Motueka West Development Areas

C10 10/07 Op 3/14
C22 2/11 Op 1/15
C43 4/13 Op 1/15

(e) All roads are constructed with reference to the Urban Design Guide (Part II, Appendix 2).

(f) Every road is through-connected, unless it is a cul-de-sac of 80 metres or less, except on Lot 1 DP 457909 at the eastern end of the McPherson Street extension where no maximum length applies.

C10 10/07 Op 3/14

(g) Except for the indicative roads shown in the Richmond West Development Area on the planning maps, no road is designed to connect directly with Lower Queen Street and McShane Road.

(h) Except for Lower Queen Street and McShane Road, every road has a maximum block length of 200 metres and a maximum perimeter distance of 800 metres.

(i) No allotment created after 6 October 2007 (except Record of Title 459167 (580 Lower Queen Street) gains direct access from McShane Road or Lower Queen Street, except in the retail frontage shown on the planning maps in the Richmond West Development Area where access is restricted to one access per frontage.

C10 10/07 Op 3/14
C73 12/20 Op 6/23

(ia) No allotment created after 27 April 2013 gains direct access from Queen Victoria Street. C43 4/13 Op 1/15

(j) Where any property adjoining the subdivision may require complying road access across the common boundary with the subdivision, roads are located so that no adjoining property is left without a complying road access. C10 10/07 Op 3/14

Transport – Mapua Development Area C22 2/11 Op 1/15

(k) No lot gains direct access from Stafford Drive.

Frontage

(l) Every allotment that has a frontage has a minimum frontage width of six metres.

(m) In the Richmond West and Motueka West development areas (except in the Light Industrial Zone location at Beach Road as shown on the planning maps), the minimum frontage width for allotments in the: C10 10/07 Op 3/14 C43 4/13 Op 1/15

(i) Mixed Business Zone is 30 metres, except on Lot 1 DP 457909 at the eastern end of the McPherson Street extension, which is 25 metres, excluding the Retail Frontage; C10 10/07 Op 3/14

(ii) Mixed Business Zone Retail Frontage (as shown on the planning maps) is 40 metres;

(iii) Light Industrial Zone is 10 metres.

(n) In the Richmond West and Motueka West development areas (except in the Light Industrial Zone location at Beach Road as shown on the planning maps) no fewer than 95 percent of all allotments have direct frontage to a public road or public reserve that is at least 10 metres (except on Lot 1 DP 457909 at the eastern end of the McPherson Street extension) where no fewer than 80 percent of all allotments have direct access to a public road. For the avoidance of doubt, this means that no more than 5 percent of all allotments may be rear allotments without any road or reserve frontage. C10 10/07 Op 3/14 C43 4/13 D 8/14

Heritage Site or Item Present

(o) The land being subdivided does not include: C10 10/07 Op 3/14

(i) a heritage site or item referred to in Schedule 16.13A [Heritage Buildings and Structures]; or C16 9/09 Op 8/12

(ii) a protected tree in the Richmond West Development Area referred to in Schedule 16.13B.

Existing Buildings

(p) Where a new allotment contains an existing building, the boundaries of the allotment are drawn relative to the building so that the building complies as a permitted activity with the relevant zone rules relating to building coverage, building setbacks, building height, daylight admission lines, outlook, privacy and outdoor living space; and with parking and access requirements under the relevant general rules.

Amenity Plantings within a Boundary Setback - Light Industrial Zone in Richmond West, Motueka West and Mapua Development Areas C10 10/07 Op 3/14 C22 2/11 Op 1/15 C43 4/13 Op 1/15

(q) Amenity plantings are provided within the boundary setbacks on allotments in the following locations in accordance with the following specifications: C10 10/07 Op 3/14

(i) In the Light Industrial Zone north of Headingly Lane, bounded by Lower Queen Street, Sandeman Road, Borck Creek and the Open Space Zone, amenity plantings are:

(a) 2.5 metres wide adjoining Borck Creek comprising species consistent with those of the Waimea Inlet Indigenous Ecosystem, and which at maturity ensure buildings are screened from Borck Creek (requires knowledge of the building location);

(b) 12 metres wide adjoining the Open Space Zone comprising species consistent with those of the Waimea Inlet Indigenous Ecosystem, and which at maturity ensure buildings are screened from the Open Space Zone (requires knowledge of the building location);

(c) 2.5 metres wide adjoining Sandeman Road and Artillery Place, including any indicative road extension;

(d) 15 metres wide adjoining Lower Queen Street, except where an indicative reserve adjoins Lower Queen Street. A framework of large trees is provided continuing the theme of existing Oak trees, within which other plantings are incorporated to provide an 'avenue' park-like setting.

(ii) In the Light Industrial Zone bounded by Lower Queen Street, McShane Road and Swamp Road, amenity plantings are:

(a) 20 metres wide incorporating a 2.5 metre bund adjoining the Rural 1 Zone and Swamp Road;

(b) 15 metres wide adjoining Lower Queen Street, except for that allotment containing the group of protected trees (Tree ID 872);

(c) 2.5 metres wide adjoining McShane Road.

(iii) In the Light Industrial Zone bounded by Borck Creek and McShane Road, amenity plantings are:

(a) 2.5 metres wide adjoining Borck Creek, comprising species consistent with those of the Waimea Inlet Indigenous Ecosystem, and which at maturity ensure buildings are screened from Borck Creek (requires knowledge of the building location);

(b) 2.5 metres wide adjoining McShane Road and the Mixed Business Zone.

(iv) In the Light Industrial Zone bounded by State Highway 60, State Highway 6, Borck Creek and the Residential Zone, amenity plantings are:

(a) 6 metres adjoining the Residential Zone;

(b) 2.5 metres adjoining Borck Creek;

(c) 10 metres adjoining State Highway 60.

(v) In all Light Industrial Zone locations, amenity plantings are 2.5 metres wide adjoining Indicative Collector Road reserve boundaries, except at access points.

(vi) Amenity plantings at least 2.5 metres wide are provided on boundaries adjoining Stafford Drive and Seaton Valley Stream. The latter shall be locally sourced indigenous plantings. **C22 2/11 Op 1/15**

(r) A planting plan, cross section and design statement prepared by an appropriately competent person in landscape architecture are provided with every application for subdivision that show the species, height at maturity, planting and spacing layout, maintenance and replacement programme and the planting theme, where the allotment is in the amenity planting setback. **C10 10/07 Op 3/14**

(s) The amenity planting of the setback is carried out prior to the issue of the Section 224(c) certificate, with such amenity planting managed and maintained on an ongoing basis under an appropriate legal instrument.

Amenity Plantings within a Boundary Setback - Mixed Business Zone, Richmond West Development Area **C10 10/07 Op 3/14**

(t) Amenity plantings are provided within the boundary setbacks on allotments in the following locations in accordance with the following specifications:

(i) Adjoining the Open Space Zone and the Recreation Zone north east of Lower Queen Street, amenity plantings are at least 10 metres wide for the full length of the boundary adjoining those zones, except that on Lot 1 DP 457909 at the

eastern end of the McPherson Street extension, amenity plantings adjoining the Open Space Zone are not required. Amenity plantings are to comprise species consistent with those of the Waimea Inlet Coastal Flats Indigenous Ecosystem, and planting ensures that buildings are screened from the Open Space Zone, Recreation Zone, and State Highway 6.

(ii) Adjoining McShane Road and State Highway 60, amenity plantings are 10 metres wide for the full length of the zone boundary. A framework of large trees is provided continuing the theme of Lower Queen Street, within which other plantings are incorporated to provide a park-like setting and partial screening of buildings from McShane Road, State Highway 60 and the Rural 1 Zone.

(iii) Adjoining Borck Creek indicative reserve, amenity plantings are 2.5 metres wide and adjoining Poutama Drain indicative reserve, amenity plantings are 2.0 metres wide, for the full length of the zone.

(iv) Amenity plantings west of Borck Creek comprise species that, at maturity, provide a visual screen, the height of which averages at least 50 percent of the building height.

(v) Adjoining the Lower Queen Street road reserve boundary in the Retail Frontage shown on the planning maps, amenity plantings are 2.5 metres wide.

(vi) Adjoining the Residential Zone, Open Space Zone and the Light Industrial Zone, amenity plantings are at least 2.5 metres wide, except that this requirement does not apply on Lot 1 DP 457909 at the eastern end of the McPherson Street extension. **PC79**

(u) A planting plan, cross section and design statement prepared by an appropriately competent person in landscape architecture are provided with every application for subdivision that show the species, height at maturity, planting and spacing layout, maintenance and replacement programme and the planting theme, where the allotment is in the amenity planting setback. **C10 10/07 Op 3/14**

(v) The amenity planting of the setback is carried out prior to the issue of the Section 224(c) certificate, with such amenity planting managed and maintained on an ongoing basis under an appropriate legal instrument. **C10 10/07 Op 3/14**

Reserves **C10 10/07 Op 3/14**

(w) Subject to but not limited by rule 16.4.2.1, in the Richmond West Development Area and Mapua Light Industrial Zone, land subject to a notation on the planning maps as indicative reserve is set aside and vested in the Council upon subdivision in general alignment with the indicative reserve areas shown on the maps and dimensions where these are specified as follows: **C22 2/11 Op 1/15**

(i) 70 metre wide reserve along Borck Creek to Lower Queen Street and a 61 metre wide reserve from Lower Queen Street to the Open Space Zone adjoining Waimea inlet; **C10 10/07 Op 3/14**

(ii) 6 metre wide reserve on Part Lot 1 DP 94 linking the existing indicative road to Borck Creek reserve;

(iii) 15 metre wide reserve along the northwest boundary of Lot 1 DP 17704, Lot 1 DP 20017 and Lot 1 DP 20497;

(iv) 5,500 square metre reserve along the southwest boundary of Part Lot 1 DP 94 fronting Lower Queen Street;

(v) 15 metre wide reserve incorporating Poutama Drain;

~~(va) 10 metre wide reserve separating the Mixed Zone from the Residential Zone west of Borck Creek which will vest in the Council as Local Purpose Reserve (walkway) without compensation or credit against Reserve Financial Contributions.~~ **PC79**

(vi) 5 metre wide reserve adjoining the western side of Seaton Valley Stream. **C22 2/11 Op 1/15**

(x) ~~Except for the 10 metre wide reserve separating the Mixed Business Zone from the Residential Zone west of Borek Creek,~~ Ssubject to but not limited by rule 16.4.2.1, indicative reserve areas are to be vested in the Council as Local Purpose Reserve walkway/recreation) and Local Purpose Reserve (drainage) and the part of the area vested as Local Purpose Reserve (walkway/recreation) will form part of the financial contribution for reserves and community services in accordance with rule 16.5.2.4. **C10 10/07 Op 3/14 PC79**

Building Platform Levels **C10 10/07 Op 3/14 C73 12/20 Op 6/23**

(y) In the Richmond West Development Area, the building platform level is 4.6 metres above mean sea level and constructed in a way which provides a gradual transition between the ground level (datum reference: NVD55) and 4.6 metres to achieve a visually natural appearance, except that the 4.6 metre building platform level does not apply to those parts of Lot 1 DP 18146 and Lot 4 DP 18918 (Nelson Pine Industries), Lot 3 DP 18918 (Dynea NZ Ltd) and land held in Record of Title 459167 (580 Lower Queen Street) that are protected from inundation from the sea by a seawall; nor in the Light Industrial Zone location at Beach Road as shown on the planning maps.

C10 10/07 Op 3/14

A consent notice is to be registered on the record of title for any allotment for which a building platform is required by this condition, pursuant to Section 221 of the Act.

Filling of Allotments **C10 10/07 Op 3/14**

(z) In the Richmond West Development Area, allotments below the 4.6-metre contour above mean sea level (datum reference: NVD55) are not filled, except to create a building platform area. This condition does not apply in the Light Industrial Zone location at Beach Road as shown on the planning maps.

Development Plan

(za) Allotments in the Rural Industrial Zone form part of an overall development plan for each zone.

(zb) In the Tourist Services Zone at Salisbury Road, Richmond, access to Salisbury Road from Lot 2 DP 18824 (123 Salisbury Road, occupied by the Baptist Church) and Lot 3 DP 18824 (141 Salisbury Road, occupied by the Aquatic Centre) is by way of a joint access.

Stormwater **C7 7/07 Op 10/10**

(zc) In the Central Business, Commercial, Mixed Business and Tourist Services zones, and in the Heavy, Light and Rural Industrial zones: **C10 10/07 Op 3/14**

(i) EITHER **C7 7/07 Op 10/10**

Stormwater from every allotment is discharged to a Council-maintained stormwater drainage network that has the capacity to receive the additional stormwater.

OR

The discharge complies with section 36.4 of this Plan.

AND

(ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network. **C10 10/07 Op 3/14**

(iii) Except in the Light Industrial Zone location at Beach Road as shown on the planning maps, all stormwater from each site in an Industrial Zone is collected and conveyed through a stormwater interceptor treatment device so that any sediment, hydrocarbon or floating debris that may be discharged is able to be **C10 10/07 Op 3/14**

substantially retained by such a device before there is any discharge to the Council-maintained stormwater drainage network.

Note: Design information for stormwater interceptor treatment devices and stormwater treatment and collection systems is provided in the Nelson Tasman Land Development Manual 2019. **C10 10/07 Op 3/14** **C69 6/19 Op 6/20**

(iv) A planting plan and design statement by an appropriately competent person in landscape architecture is provided with any plan submitted showing a stormwater greenway and/or retention area. **C43 4/13 Op 1/15**

(v) **Indicative Stormwater Retention Area** **C43 4/13 Op 1/15**
Where applicable, a stormwater retention area is to be provided in the location of any indicative stormwater retention area shown in the Motueka West Development Area on the planning maps in order to mitigate downstream stormwater effects such as flooding.

Note: A discharge consent may be required where new stormwater infrastructure is being created. **C7 7/07 Op 10/10**

Cultural Heritage Sites **C16 9/09 Op 8/12**

(zd) An Authority from Heritage New Zealand Pouhere Taonga has been obtained under the Heritage New Zealand Pouhere Taonga Act 2014 to modify, damage or destroy a cultural heritage site; or, written evidence from Heritage New Zealand Pouhere Taonga has been obtained to show that such an authority is not considered necessary.

(ze) Where the listed cultural heritage site is a wāhi tapu site, manawhenua iwi have given their written approval to the proposed activity as an affected party.

Notes:

(1) An assessment may be required in accordance with requirement 19.2.2.41.

(2) The modification, damage or destruction of any cultural heritage site that is an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014 must be authorised by an authority from Heritage New Zealand Pouhere Taonga.

(3) If any cultural heritage site is exposed during site works then all site works must cease immediately. The areas must be immediately secured in a way that any artefacts or remains are untouched. Manawhenua Iwi, Heritage New Zealand Pouhere Taonga, Department of Conservation, and Tasman District Council must be notified, and the Police in the case of human remains, that an archaeological site has been exposed, so that appropriate action can be taken. This includes such persons being given reasonable time to record and recover archaeological features discovered before work may recommence on the site.

A resource consent is required. The Council has reserved control over the following matters:

(1) Access.

(2) The proximity, safety and ease of access between any site and the nearest collector, distributor or arterial road.

(3) The provision, design and routes of cycleways, walkways and bridle-paths, including linkages between any site and local retail areas, schools, reserves, bus routes and arterial roads.

(4) The relationship of any new road with existing roads, adjoining land and any future roading requirements. **C69 6/19 Op 6/20**

(5) Availability and provision of services, including the appropriate trenches, ducts, cables, pipes and other ancillary works provided to the road boundary for each allotment, except for rear allotments or those located off shared accesses where the services shall be provided to an internal boundary.

(6) Location and effects of earthworks necessary to achieve matters (1) and (5).

(7) Potential effects on heritage protection and protected trees. **C10 10/07 Op 3/14**

(8) Financial contributions.

(9) All matters referred to in Section 220 of the Act.

(10) The degree of compliance with any mandatory and good practice matters of any Nelson Tasman Land Development Manual 2019. **C69 6/19 Op 6/20**

(11) Matters relevant to the development of a neighbourhood centre, in the Urban Design Guide (Part II, Appendix 2). **C22 3/11 Op 1/15**

(12) Effective stormwater management, including the use of Low Impact Design solutions and any other mandatory or good practice matter of chapter 5 of the Nelson Tasman Land Development Manual 2019. **C69 6/19 Op 6/20**

Amenity Plantings - Richmond West and Motueka West Development Areas **C10 10/07 Op 3/14 C43 4/13 Op 1/15**

(13) Landscaping and amenity plantings for the identified allotments, including the type, height and location of species to be planted, planting plan, planting and maintenance programme, and bunding. **C10 10/07 Op 3/14**

(14) The variation in the use of trees, shrubs and groundcovers to create a planting framework, including the utilisation of existing plantings, where appropriate.

(15) The extent to which the amenity plantings create a visually attractive appearance when viewed from public roads and reserves, adjoining zones and the coastal environment.

(16) The degree of application of a consistent landscape theme that links amenity plantings with plantings within the Light Industrial and Mixed Business zones.

(17) The depth and height of plantings and the extent of the screening effect of industrial buildings from the adjoining roads, Rural 1 and Open Space zones, and Borck Creek reserve.

(18) The extent of use of both fast-growing species for initial screening and suitable longer-lasting species, and the use of open-grassed areas or low vegetation of varying depth within the buffer in front of screen planting.

(19) The appropriateness of the species to the local environment and conditions.

(20) The degree of site contouring in association with planting to assist with screening buildings and car parks from view.

(21) The legal instrument for ensuring ongoing management, maintenance and replacement of amenity plantings.

Traffic - Richmond West Development Area

(22) The assessment and management of traffic safety of the cross intersection created by the formation of the indicative road in the Richmond West Development Area on the west of lower Queen Street opposite Headingly Lane. **C10 10/07 Op 3/14**

Cultural Heritage

(23) Where there is a listed cultural heritage site present on any part of the land being subdivided: C16 9/09 Op 8/12

(a) any matters raised in a report prepared in accordance with Information Requirement 19.2.2.41;

(b) any matters raised in the authority granted by Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, that are relevant to control of the design and construction of the proposed subdivision activity;

(c) any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site;

(d) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;

(e) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision duriing construction.

16.3.4.2 Restricted Discretionary Subdivision (Business and Industrial Zones – Richmond West Development Area)

C10 10/07 Op 3/14

Subdivision in the Central Business, Commercial, Mixed Business, Tourist Services, Rural Industrial, Heavy Industrial and Light Industrial zones that does not comply with controlled condition (a) of rule 16.3.4.1 is a restricted discretionary activity.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matter to which Council has restricted its discretion:

(1) In the Richmond West Development Area:

(a) the extent to which the design of the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Distances (NZECP 34:2001);

(b) the extent to which the design of the subdivision allows for activities to be set back from high voltage transmission lines to ensure adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

16.3.4.3 Restricted Discretionary Subdivision (Business and Industrial Zones – Cultural Heritage Sites)

C16 9/09 Op 8/12

Subdivision in the Central Business, Commercial, Mixed Business, Tourist Services, Rural Industrial, Heavy Industrial and Light Industrial zones that does not comply with controlled condition (zd) of rule 16.3.4.1 is a restricted discretionary activity.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matter to which the Council has restricted its discretion:

(1) Where there is a listed cultural heritage site present on any part of the land being subdivided:

(a) any matters raised in a report prepared in accordance with requirement 19.2.2.41;

(b) any matter necessary to ensure the appropriate management, protection or enhancement of a Cultural Heritage Site;

(c) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;

(d) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction.

(e) any matter relevant to the absence of an authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

16.3.4.3A Restricted Discretionary Subdivision (Industrial Zones – Specified sites at Brightwater)

C57 11/15
Op 12/18

Subdivision in the Rural Industrial and Light Industrial zones in specified sites in Brightwater is a restricted discretionary activity, where the subdivision complies with controlled activity conditions 16.3.4.1(b), (c), (d), (l), (o), (p), (zc), (zd) and (ze).

A resource consent is required. Consent may be refused or conditions imposed, only in respect of controlled activity conditions 16.3.4.1(b), (c), (d), (l), (o), (p), (zc), (zd) and (ze) and the following matter:

(1) (a) Protection for flood flow paths during a 1 percent Annual Exceedance Probability event;

(b) the effects of a 1 percent Annual Exceedance Probability flood event are mitigated so that any identified building location is not subject to inundation; and

(c) the effects of any proposed mitigation on other properties.

16.3.4.4 Discretionary Subdivision (Central Business, Commercial, Mixed Business, Tourist Services (except at Mapua), Rural Industrial, Heavy Industrial and Light Industrial Zones)

C10 10/07
Op 3/14

Subdivision in the Central Business, Commercial, Mixed Business, Tourist Services (except at Mapua), Rural Industrial, Heavy Industrial, or Light Industrial zones that does not comply with the controlled conditions of rule 16.3.4.1 is a discretionary activity~~.~~ if it complies with the following condition: PC79

(a) The land is not within the Commercial Closed Zone at Marahau.

(b) The land is not subject to Schedule 17.4A (as shown on the planning maps).

A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

16.3.4.5 Discretionary Subdivision (Tourist Services Zone - Mapua)

Subdivision by means of the relocation or adjustment of an allotment boundary in the Tourist Services Zone at Mapua is a discretionary activity, if it complies with the following conditions:

(a) It does not create any additional allotments on which a dwelling can be built.

(b) It does not require works that would exacerbate erosion or inundation.

A resource consent is required. Consent may be refused or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

16.3.4.5A Discretionary Subdivision (Heavy Industrial Closed Zone – Wakefield)

C58 11/15
Op 7/17

Subdivision by means of the relocation or adjustment of an allotment boundary in the Heavy Industrial Closed Zone at Wakefield is a discretionary activity, if it complies with the following conditions:

(a) The land being subdivided does not create any additional allotments on which a building can be built.

(b) Following subdivision, existing buildings meet the relevant permitted conditions for wastewater, water supply and boundary setbacks, and there is adequate provision for stormwater.

A resource consent is required. Consent may be refused or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

16.3.4.5B Discretionary Subdivision (Commercial Closed Zone - Marahau)

PC79

Subdivision by means of the relocation or adjustment of an allotment boundary in the Commercial Closed Zone at Marahau is a discretionary activity, if it complies with the following conditions:

(a) It does not create any additional allotments on which a building or dwelling can be built. PC79

(b) It does not require works that would exacerbate coastal erosion or inundation.

(c) Following subdivision, existing buildings meet the relevant permitted conditions for wastewater, water supply and boundary setbacks.

A resource consent is required. Consent may be refused or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

16.3.4.6 Non-Complying Subdivision (Tourist Services Zone - Mapua)

Except as provided for in rule 16.3.4.5, subdivision in the Tourist Services Zone at Mapua is a non-complying activity.

16.3.4.7 Prohibited Subdivision (Heavy Industrial Closed Zone – Wakefield)

C58 11/15
Op 7/17

Except as provided for in rule 16.3.4.5A, subdivision in the Heavy Industrial Closed Zone at Wakefield is a prohibited activity for which no resource consent will be granted.

16.3.4.8 Prohibited Subdivision (Commercial Closed Zone - Marahau)

PC79

Except as provided for in rule 16.3.4.5B, subdivision in the Commercial Closed Zone at Marahau is a prohibited activity.

[Unchanged or irrelevant text omitted]

SCHEDULES

[Unchanged or irrelevant text omitted]

Schedule 16.3B: Transport Conditions

Refer to rules 16.3.3.1,16.3.3.1B, 16.3.3.2C 16.3.3.3, 16.3.3.4, 16.3.4.1, 16.3.5.1, 16.3.6.1, 16.3.7.1, 16.3.8.1.

Roads, Access and Parking

(a) All roads, including indicative and connecting roads, are laid out, constructed and vested in the Council in accordance with the road construction conditions specified in section 18.8. **C10 10/07 Op 3/14 C69 6/19 Op 6/20**

(b) Every allotment has vehicle access to a formed legal road other than a limited access road (unless written consent is given by the authority controlling the limited access road). Access to allotments is constructed in accordance with section 4.6.1.1 of the Nelson Tasman Land Development Manual 2019. **C69 6/19 Op 6/20**

(c) Where subdivision creates or alters title boundaries of developed sites, every allotment created (including any balance title) has vehicle parking provided and constructed in accordance with the conditions specified in section 16.2.

Linking Subdivision Roads to Existing Roads

(d) Where any land to be subdivided is subject to a road designation, provision is made for the land to vest in the Council as road at the time of subdivision. Where the land cannot legally vest in the Council as road at the time of subdivision, provision is made to enable the Council to acquire the land, by separately defining the parcels of land, which must be held in conjunction with adjoining land and a Consent Notice pursuant to Section 221 of the Act registered on the title, until such time as the Council acquires the land.

(e) Where any land to be subdivided is subject to a notation on the planning maps as an "Indicative Road", a road is laid out and constructed on the general alignment of the indicative road~~, except that in the Richmond West Development Area, the location of:~~ **C10 10/07 Op 3/14 C73 12/20 Op 6/23 PC79**

~~(i) any point of intersection of an indicative road with an existing formed road must not vary;~~

~~(ii) the indicative roads shown adjoining the indicative reserve that contains Borck Creek must not vary from those positions;~~

~~(iii) the indicative roads shown along the boundaries of the locations of the Mixed Business Zone and Residential Zone must not vary from those boundaries;~~

~~(iv) the indicative road shown along the boundary of the Recreation Zone must not vary from that boundary~~.

The requirement to lay out and construct a road on the general alignment of the indicative road means that desired connectivity, (to both the transport and reserves network), resilience, drainage and access requirements of the future roading network can still be achieved even if the final road location changes from that of the indicative road (except as specified in (i) – (iv) above).

(f) Where any land to be subdivided is subject to a notation on the planning maps indicating that a "Connecting Road" is required through the land, the road is to be laid out, constructed and vested in the Council at the time of the subdivision.

Note: In the Richmond West Development Area, the intersection to be formed between the indicative road and State Highway 60, between State Highway 6 and McShane Road, shown on the planning maps, is subject to approval by the New Zealand Transport Agency under the Government Roading Powers Act 1989. **C10 10/07 Op 3/14**

(g) Where any new road extends or completes an existing road, the road is constructed at the developer's cost to the relevant conditions specified in section 18.8. **C69 6/19 Op 6/20**

(h) Except in the Rural 3 Zone and Services Contribution Area, and in the Lower Queen Street and McShane Road in the Richmond West Development Area, where any land to be subdivided has frontage to any existing road that is not constructed to the conditions set out in section 18.8 for the relevant level of the existing road in the Road Hierarchy, the road along **C10 10/07 Op 3/14**

the frontage adjoining the land to be subdivided is formed and upgraded by the developer to the conditions of road widths, kerb and channelling and associated drainage attributable to the subdivision, berm, footpath, crossings and street lighting specified in section 18.8.

(i) Where any land to be subdivided has a frontage to an existing Council road which has inadequate road reserve width to meet the condition in the Plan, adequate land to meet the condition is vested in the Council at the time of subdivision, at no cost to the Council. **C69 6/19 Op 6/20**

(j) The subdivision provides a safe and efficient road, cycleway and pedestrian access connection to adjoining land and roads, cycleways and pedestrian accessways.

Schedule 16.3C: Services Required on Subdivision in Certain Zones

Refer to rules 16.3.3.1, 16.3.4.1, 16.3.3.1B, 16.3.3.2C

This schedule applies to Central Business, Commercial, Mixed Business, Tourist Services, Heavy and Light Industrial and Rural Industrial zones, and the Residential Zone in the Richmond South, Richmond West, Richmond East, Richmond Intensive, Brightwater, Motueka West and Mapua development areas (excluding the Residential Coastal Zone), and the Rural Residential Serviced Zone in the Richmond East and Mapua development areas. **C10 10/07 Op 3/14 C20 8/10 Op 8/12 C22 2/11 Op 1/15 C43 4/13 Op 1/15 C66 10/17 Op 12/18 C75 9/22 Op 10/23**

SERVICE	STANDARD
Stormwater	The land to be subdivided is connected to a Council stormwater network (including any stream that has been modified to function as a stormwater drain) that is capable of receiving additional stormwater because of the subdivision. **C69 6/19 Op 6/20** OR **C66 10/17 Op 12/18** The discharge complies with 36.4 of this Plan. AND All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network. In the Richmond Intensive Development Area, where a site or part of a site is located within a specified stormwater flood flow path as shown on the planning maps: (a) the development provides for the stormwater flood flow to cross the post-development site and retains the predevelopment upstream entry and downstream exit points of the stormwater flood flow to and from the site; (b) the flood flow path surface is constructed or treated to prevent erosion of the surface.
Wastewater	The land to be subdivided is connected to a Council wastewater reticulation that is capable of receiving additional wastewater as a result of the subdivision.
Water Supply	The land to be subdivided is connected to a Council potable water supply reticulation that is capable of providing a potable water supply for each allotment and sufficient water for fire-fighting purposes, unless in the Rural Residential Zone (other than the Rural Residential Serviced Zone in the Richmond East and Mapua development areas), rule 17.8.3.1(m) is complied with. **C20 8/10 Op 8/12 C22 2/11 Op 1/15**
Electricity	The land to be subdivided is provided with electric power, appropriate to the circumstances.
Telephone	The land to be subdivided is provided with a telephone system, appropriate to the circumstances.

Note: Schedule 16.3A contains an assessment criterion that refers to this table.

[Unchanged or irrelevant text omitted]

CHAPTER 17: ZONE RULES

[Unchanged or irrelevant text omitted]

17.1 RESIDENTIAL ZONE RULES

Refer to Policy sets 5.1, 5.2, 5.3, 6.2, 6.3, 11.1, 11.2, 13.1, 33.4.

17.1.1 Scope of Section

This section deals with land uses in the Residential Zone. Subdivisions are dealt with in Chapter 16.3. Information required with resource consent applications is detailed in Chapter 19.

Advice Note: The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 may apply to some activities, including farming activities and activities in or near wetlands and rivers. The National Environmental Standard may alter the activity status of an activity and impose additional standards, information requirements, matters for assessment and criteria. Please ensure you have met any requirements in the regulations in addition to those in this plan.

NES-FW (ca) 12/20

17.1.2 Land Use

17.1.2.1 Permitted Activities (Land Use - General)

C19 5/10 Op 8/12

Any land use is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

[Unchanged or irrelevant text omitted]

17.1.3 Building Construction or Alteration

17.1.3.1 Permitted Activities (Building Construction or Alteration — Standard Density Development)

C66 10/17 Op 12/18

Construction or alteration of a building for a standard density development is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) Where the activity is part of the Waimea Village Residential Development, it complies with the permitted activity conditions as set out in Schedule 17.1D and is otherwise exempt from conditions in 17.1.3.1(d) to (v).

Item (b) deleted as part of Plan Change 73.

C10 10/07 Op 3/14 C20 8/10 Op 8/12 C43 4/13 Op 1/15 C73 Op 6/23

(c) Dwellings on sites adjoining or within 60 metres of Designation 127 (Proposed Hope Bypass) are designed to meet internal sound levels, as follows:

C10 10/07 Op 3/14

Figure 17.1A: Internal Sound Levels

HOUSES AND APARTMENTS NEAR MAJOR ROADS	DESIGN SOUND LEVEL (dBA L_{eq})
Living areas	35
Sleeping areas	30
Work areas	35
Apartment common areas (e.g. foyer, lift, lobby)	45
Note: Dwellings are designed to meet "satisfactory" internal sound levels of AS/NZS 2107:20016	

Residential Site Density

(d) Sites have a net area of at least:

(i) 1000 square metres for each dwelling in St Arnaud (except 1,800 square metres for any site on Lake Road, Robert Street, Holland Street, Arnaud Street or Bridge Street);

Proposed as at 1 November 2008

[(c)(ii) Proposed]

(ii) 1000 square metres for each dwelling in settlements without wastewater reticulation except that where any allotment existed at 25 May 1996, the net area is at least 800 square metres, but that in each case, at least 500 square metres is available and suitable for effluent disposal; **C2 12/00**

(iii) 1800 square metres for each dwelling for Milnthorpe.

(iv) 450 square metres for each dwelling in settlements (other than Richmond and Motueka) with wastewater reticulation and treatment on allotments not adjoining an Industrial Zone;

(v) 350 square metres for each dwelling in Richmond and Motueka on allotments not adjoining an Industrial Zone except in the Richmond East Development Area to the south east of Hill Street; **C20 8/10 Op 8/12**

(vi) 800 square metres for each dwelling in serviced settlements on allotments adjoining an Industrial Zone;

(vii) 600 square metres for each dwelling in the Richmond East Development Area south east of Hill Street; **C20 8/10 Op 8/12**

(viii) 900 square metres for each dwelling in the Richmond East Development Area south east of Hill Street: foothill precinct, as notated on the planning maps.

Building Coverage

(e) Maximum building coverage is 33 percent, provided:

(i) the maximum building coverage is reduced by 18 square metres if a garage is not provided on site;

(ii) the maximum building coverage in St Arnaud is 20 percent;

(iii) telecommunication and radio-communication facilities which are less than 10 square metres in area, and which are less than 3 metres in height are exempt from the maximum coverage (one facility per site is exempt);

(iv) the maximum area for a sleepout is 36 square metres;

(v) where detention of stormwater runoff is provided on site for the additional building coverage over 33 percent, the maximum building coverage is 40 percent in Richmond, Motueka, Wakefield and Brightwater. **C59 11/15 Op 3/16**

For the additional building coverage, stormwater detention at the rate of 50 litres per 1 square metre is required on site.

Site Coverage

(f) Maximum site coverage in Richmond, Motueka, Wakefield and Brightwater is 70 percent.

Maximum Dwellings per Site

(g) At Milnthorpe, a maximum of one dwelling for Record of Title 11A/641 (20 Nelson Street, Milnthorpe) and one dwelling for each certificate of title issued before 12 November 1987. **C73 Op 6/23**

(h) There is no more than one dwelling per site.

Outdoor Living Space

(i) Each dwelling has an area of outdoor living space for the exclusive use of the occupants of that dwelling which:

(i) has a minimum area of 60 square metres;

(ii) contains a circle with a diameter of at least 6 metres;

(iii) is located to receive sunshine in midwinter;

(iv) is readily accessible from a living area of the dwelling.

Balcony or Deck

(j) Where a dwelling does not have outdoor living space at ground level, the dwelling is provided with a balcony or deck at first floor level of at least seven square metres and 1.5 metres minimum dimension, directly accessible from a living area.

(k) A balcony or deck with a finished floor level above 2 metres high is no closer than 4 metres from site or internal boundaries.

Walls

(l) Detached residential units on a site that are separated by less than 6 metres are arranged on the site so that the alignment of outside walls is stepped at least 2.5 metres relative to each other.

Building Envelope – Daylight Over and Around

(m) No building projects beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above ground level from all side and rear boundaries. The angle to be used is to be determined using the diagram in Schedule 17.1A, except that:

C73 Op 6/23

(i) for any roof with a slope of 15 degrees or greater and the roof ridge generally at right angles to the boundary, the end of the ridge may be up to 1.5 metres above the daylight admission line and the end area up to 2.5 square metres when viewed in elevation; and

(ii) any solar panel mounted flush to a building roof may project through the daylight admission line, provided they extend no greater than 250 millimetres above the roof plan on which they are mounted.

EXCEPT

Item (n) became item (m) (i) as part of Plan Change 73. Item (n) was intentionally left blank.

(o) As an **alternative** to conditions (m) of this rule, buildings on south-facing slopes (between west and east) over 10 degrees comply with the following on any nominated boundary:

A building must fit within the arms of a 110-degree angle shape placed 35 degrees from the boundary (as shown in Schedule 17.1B). Only one angle may be used on any one boundary.

Permitted intrusions into the daylight around angle are:

(i) eaves (not more than 600 millimetres);

(ii) buildings and structures complying with the special height limiting lines outside the angle.

The following applies with respect to (ii). Parts of the building or detached outbuildings may be outside the daylight around angle but only up to a certain height. To find out how high a building outside the arms may be, use the following steps:

(a) Apply the daylight around angle (Schedule 17.1C) to find out how high exceptions may be. Start at 2 metres above ground level at point "P". The maximum height then increases 0.5 metres for each 2 metres distance from the boundary. All heights are measured relative to point "P".

(b) The right-hand side of the indicator is at 1:200 scale, and 1:100 on the left-hand side. Apply the one that is appropriate to your site plan.

Height

(p) The maximum height of buildings is:

(i) 5 metres on sites of less than 400 square metres net area, except in the Mapua Special Development Area and the Richmond Intensive Development Area where the height limit is 6.5; **C22 2/11 Op 1/15 C66 10/17 Op 12/18**

(ii) 7.5 metres on sites of more than 400 square metres net area;

(iii) 3.6 metres for accessory buildings;

(iv) (iv)at Kaiteriteri, the highest point of buildings is not more than 4.5 metres above a ridgeline identified on the planning maps;

subject to condition 16.6.2.1(k).

Setbacks

(q) Buildings are set back at least 4.5 metres from road boundaries, in the case of all buildings; except that telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height are exempt from this requirement; except also that buildings are at least:

(i) 5.5 metres from road boundaries in the case of garages if the vehicle door of the garage faces the road;

(ii) 7.5 metres from the top of the bank adjoining Collingwood Quay;

(iii) 15 metres from Queen Victoria Street between Pah and Whakarewa streets. **C43 4/13 Op 1/15**

(r) Buildings are set back at least 1.5 metres from the internal boundaries on one side and at least 3 metres from all other internal boundaries (side and rear) in the case of all buildings except:

(i) 3 metres from side and rear boundaries in the case of buildings at St Arnaud;

(ii) no setback is required from side or rear boundaries for buildings with a common wall on the boundary along that part of the boundary covered by the common wall;

(iii) where a garage or carport is an integral part of a dwelling and forms an external wall adjoining a site boundary; or a carport is attached to an external wall of a dwelling; the provisions of (t) apply to that part of the dwelling that is a garage or carport;

(iv) accessory buildings;

(v) telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height.

(s) Buildings are set back at least 1 metre from any access located within the site if the access serves another site or dwelling.

(t) Accessory buildings are set back at least 1.5 metres from side and rear boundaries, but less than 1.5 metres if all of the following apply:

(i) where any accessory building has a wall adjacent to the boundary, that wall contains no windows; **C73 Op 6/23**

(ii) any accessory buildings adjacent to an individual boundary do not exceed a cumulative total of 7.2 metres in length or 50 percent of the length of the boundary, whichever is the lesser;

(iii) stormwater is contained within the site.

(u) Dwellings are set back at least 25 metres from a rural zone boundary and at least 10 metres from an industrial zone boundary, except that:

(i) on Record of Title NL 13A/194(Talisman Heights, Kaiteriteri) or its successive titles, the setback from the rural zone is at least 5 metres, **C73 Op 6/23**

(ii) on Old Wharf Road, Motueka, the setback from the Heavy Industrial Zone is at least 20 metres and the setback from the Rural 1 Zone is at least 10 metres;

(iii) on area of land zoned Residential located on the north side of Mapua Drive and west of Seaton Valley Road, the setback is at least 5 metres from the Rural 1 Deferred Residential Zone (2031) boundary. **C22 2/11 Op 1/15**

(iv) adjacent to the Light Industrial Zone at Bird Lane, Wakefield, the setback is at least 30 metres. **C58 11/15 Op 7/17**

(v) The building is set back at least:

(i) 3 metres from the top of the bank of any river with a bed less than 1.5 metres in width;

(ii) 8 metres from the top of the bank of any river with a bed between 1.5 metres and 5 metres;

(iii) 20 metres from the top of the bank of any river with a bed between 5 and 20 metres in width.

(w) Every building is set back a minimum of 25 metres from any boundary with Milnthorpe Quay, Esplanade Reserve, except that on Record of Title 11A/641 (20 Nelson Street Milnthorpe) and Record of Title 9B/454 (14 Nelson Street, Milnthrope)the minimum setback is 16.5 metres. **C73 Op 6/23**

(wa) The building is not located within, or within 10 metres of any indicative road or indicative reserve, except for the following: **C73 Op 6/23**

(i) This condition does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned.

(ii) No building setback is required under this condition on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.

(iii) No building setback is required in the Pohara area between Richmond Road and Falconer Road.

(x) In the Richmond West Development Area, fences, including security fences, are set back at least 2.5 metres from any sub-collector road to accommodate the amenity planting required by condition 16.3.3.1(t)(ii), and are not higher than 1.8 metres. **C10 10/07 Op 3/14** **C69 6/19 Op 6/20**

Wastewater Disposal

(y) All buildings (other than accessory buildings) which generate wastewater are connected to a reticulated wastewater system where the service is available.

Note: The Urban Design Guide (Part II, Appendix 2) applies in the Richmond South and Richmond West development areas and may be considered in preparing applications under this rule. **C5 3/06 Op 10/10**

Stormwater **C7 7/07 Op 10/10**

(z) (i) EITHER

All stormwater from buildings and impervious surfaces is discharged to a Council maintained stormwater drainage network that has the capacity to receive the additional stormwater.

OR

The discharge complies with section 36.4 of this Plan.

AND

(ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.

(za) Where the activity is in the Richmond Intensive Development area, the activity complies with condition (k) of Rule 17.1.3.4C relating to specified stormwater flood flow paths. C66 10/17 Op 12/18

Access

(zb) Access to each dwelling complies with 16.3.3.1(n)(ii)(h).

Fences

(zc) (a) In the Richmond East Development Area on principal or collector roads, any fence on a road boundary does not exceed 1.2 metres in height, and any fence on a side boundary is constructed to taper from 1.2 metres at the road boundary to any height not exceeding 1.8 metres, reaching that height no closer than 5 metres from the boundary. C20 8/10 Op 8/12 C69 6/19 Op 6/20 PC79

(b) In the Wakefield Development Area, any fence fronting onto a walkway or an area of public open space (not including the Tasman Great Taste Trail or any neighborhood reserves) does not exceed 1.2 metres in height and is visually permeable. C76 9/22 D9/24 CL16A 11/24

(c) In the Richmond West Development Area, on the indicative reserve or reserve containing an active transport corridor ~~walkway or walkway~~ separating the Mixed Business Zone from the Residential Zone west of Borck Creek any fence fronting onto the ~~walkway~~ active transport corridor reserve (or residential lanes or rights-of-way running parallel to the reserve) does not exceed 1.2 metres in height. C79 11/24 PC79

Reverse Sensitivity C75 9/22 Op 10/23

(zd) In the Brightwater Development Area:

(a) All new dwellings, or dwelling extensions, are setback 20m from the state highway's white edge line.

(b) Internal Noise: New dwellings, or new or altered habitable rooms in existing dwellings, in the Brightwater Development Area which are situated within 100m of the state highway's white edge line are designed to meet internal sounds levels, as follows:

Figure 17.1B: Internal Sound Levels

Dwelling near State Highway 6 – Brightwater Development Area – Habitable Room	Maximum Indoor Design Noise Level $L_{Aeq\ (24h)}$
Habitable Room	40dB

Note that the measured or predicted road traffic noise level must be determined in accordance with NZS 6801:2008 *Acoustics – Environmental Noise* and NZS 6806:2010 *Acoustics – Road Traffic Noise – New and Altered Roads*. Any extraneous noise sources such as abnormal events (e.g. cicadas and crickets, or a neighbour mowing the lawn or doing construction work) must be removed.

Ventilation: The following applies when windows are required to be closed to achieve the internal noise levels for habitable rooms in the Brightwater Development Area. Habitable rooms must have a ventilation and cooling system(s) designed, constructed, and maintained to achieve the following requirements:

a) Provides mechanical ventilation to satisfy Clause G4 of the New Zealand Building Code, and

b) Is adjustable by the occupants to control the ventilation rate in increments up to a high airflow setting that provides at least 6 air changes per hour; and

c) Provides cooling that is controllable by the occupant and can maintain the inside temperature to be no greater than 25° C; and

d) Provides relief for equivalent volumes of supply air; and

e) Does not generate more than 35dB LAeq when measured at 1 metre away from any grille or diffuser during the night-time period.

Except where:

i) The sound incident on the most exposed part of the proposed dwelling's facade is less than 57 dB $L_{Aeq\ (24h)}$ for road traffic noise; or

ii) All parts of the dwelling are at least 50m from the white edge line of the state highway and there is a solid building, fence (density of at least 10kg/m^2 with no gaps), wall or landform that blocks the line-of-sight from all parts of all windows and doors of the new or altered dwelling to any part of the state highway road surface within 100m of the dwelling.

A design report prepared by a suitably qualified and experienced acoustic specialist must be submitted to Council with the building consent application, demonstrating noise compliance prior to the construction or alteration of any dwelling being undertaken. Where a dwelling has habitable rooms on more than one floor, compliance shall be assessed on each floor separately. The report must add 3 dB to the measured or predicted noise level to take into account the future growth and peaks in road noise.

Note that an applicable acoustic report previously undertaken at the time of subdivision (in accordance with 16.3.3.1 (me)(ii)) may be used for the purpose of this rule, provided that the report is dated within the last two years, or is confirmed by a suitably qualified and experienced acoustic specialist to still be applicable to the site.

Note: For the purpose of rule 17.1.3.1(zd)(b), habitable room is defined as per the National Planning Standards – Any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom, office or other room specified in the Plan to be a similarly occupied room.

17.1.3.2 Controlled Activities (Building Construction — Standard Density Development)

C66 10/17 Op 12/18

Construction of a second dwelling on a site for a standard density development is a controlled activity, if it complies with the following conditions:

(a) The activity does not contravene any other applicable condition in rule 17.1.3.1.

(b) The site does not adjoin an Industrial Zone.

(c) The site is not in the Residential Closed Zone at Ruby Bay. **C22 2/11 Op 1/15**

(d) The site is not in the Residential Zone at Mapua, the Residential Coastal Zone at Mapua or the Mapua Special Development Area.

(e) In the Brightwater Development Area, the activity must comply with 17.1.3.1(zd) Reverse Sensitivity. **C75 9/22 Op 10/23**

A resource consent is required and may include conditions on the following matters over which the Council has reserved its control:

(1) Vehicle access and parking.

(2) Amenity effects arising from the proximity of neighbouring buildings.

(3) Drainage and provision of services.

(4) Financial contributions.

(5) In the Brightwater Development Area, whether the location and design of the dwelling appropriately addresses noise and vibration from the state highway. C75 9/22 Op 6/23

17.1.3.3 Controlled Activities (Building Construction or Alteration — Compact Density Development)

C66 10/17 Op 12/18

Where a resource consent application for compact density development subdivision ~~Construction or alteration of a building on a site within an approved subdivision plan for a compact density development~~ in the Richmond South, Richmond West, Brightwater, Wakefield and Mapua Special development areas and the Motueka West Compact Density Residential Area, as shown on the planning maps, has been lodged concurrently, the construction or alteration of a building on a site within that proposed subdivision is a controlled activity, if it complies with the following conditions:

C5 3/06 Op 10/10 C10 10/07 Op 3/14 C22 2/11 & C43 4/13 Op 1/15 C66 10/17 (D 7/18) C75 9/22 Op 10/23 C76 9/22 C80 12/23

Multiple Consents

(a) All buildings are or will be located within a site that has been approved as part of a compact density subdivision under rules 16.3.3.3, 16.3.3.4 or 16.3.3.7. C80 12/23

Note: Subdivision condition 16.3.3.3(a) requires that for compact density developments both the land use and subdivision consents are lodged with Council at the same time and assessed together.

Dwellings on a Site

C5 3/06 Op 10/10

(b) More than one dwelling may be constructed on any site.

Site Coverage

C59 11/15 Op 3/16

(c) Maximum site coverage is 70 percent.

Building Coverage

(ca) Maximum building coverage is 50 percent.

Stormwater – Richmond South and West Development Areas

C10 10/07 Op 3/14

(d) The stormwater generated from an individual site or development approved as part of any subdivision after 11 March 2006 in the Richmond South Development Area and 6 October 2007 in the Richmond West Development Area must comply with condition 16.3.3.1(mc). C66 10/17 Op 12/18

Reverse Sensitivity

C75 9/22 Op 10/23

(n) For Compact Density Development in the Brightwater Development Area, the activity must comply with rule 17.1.3.1(zd) *Reverse Sensitivity.*

Internal Boundaries

(e) Notwithstanding condition 17.1.3.3(g), all buildings are set back at least 2 metres from the road boundary, and no more than 5 metres, except that: C73 Op 6/23

(i) all garages and carports are set back at least 5.5 metres from road boundaries if the vehicle entrance of the garage or carport faces the road;

(ii) there is no side boundary setback where there is vehicular access to the rear of the site from a legal road or approved access;

(iii) where there is no vehicular access to the rear of the site, a side boundary setback of at least 1.5 metres on at least one side is provided, enabling access to the rear of the site;

(iv) there is at least a 5-metre setback from the rear boundary;

(v) a minimum of 4.5 metres applies in the Mapua Special Development Area with an intrusion no more than 1.5 metres deep and 3 metres wide for an entry feature or bay window. C22 2/11 Op 1/15

Building Envelope

(f) All buildings comply with the following requirements:

(i) There is no road boundary building envelope requirement. C73 Op 6/23

(ii) All buildings are wholly within an envelope created by taking a vertical line from the boundary 6 metres above ground level and then at an angle of 45 degrees inwards from that point. This applies for no more than 50 percent of the total boundary length.

(iii) For the balance 50 percent of the total boundary length, the envelope is taken from a point 3 metres vertical above the boundary and then at an angle 45 degrees inwards from that point.

[Unchanged or irrelevant text omitted]

17.1.3.4 Restricted Discretionary Activities (Building Construction or Alteration — Standard Density Development (excluding the Development Areas)) C66 10/17 Op 12/18

Construction or alteration of a building that does not comply with the conditions of rules C5 3/06 Op 10/10

[Unchanged or irrelevant text omitted]

`Building Design and Appearance

(27) The degree to which the proposed development will impact on the amenity and character of the area having regard to the scale, bulk, architectural style, materials, colours and setback of buildings and, in particular, the extent to which the development can be viewed from adjoining sites and public places.

(28) The extent to which any adverse visual effect can be mitigated by altering the layout of buildings, storage areas, car parking, landscaped areas and vegetation.

(29) The extent to which building design and appearance will adversely affect the natural character of the coast.

(30) The extent to which the continuous building length detracts from the pleasantness and openness of the site, as viewed from the street and adjoining sites.

(31) The ability to mitigate any adverse effects of the continuous building length through increased separation distances, screening or use of other materials.

(32) The extent to which practical use of the site will be affected by the proposal.

Privacy

(33) Adverse effects in terms of reduced privacy through being overlooked from, or being in close proximity to, neighbouring buildings, to an extent which is inconsistent with the surrounding environment.

(34) The ability to mitigate any adverse effects of the proposal on adjoining sites, including planting and landscaping and the relocation of windows to alternative practical positions.

Outdoor Living Space

(35) The extent to which the reduction in outdoor living space and its location will adversely affect the ability of the site to provide for the outdoor living needs of future residents of the site.

(36) Alternative provision of outdoor living space to meet the needs of future residents of the site.

(37) The extent to which the reduction in outdoor living space or the lack of its access to sunlight is compensated for by alternative space within buildings with access to ample sunlight and fresh air.

Services

(38) Provision for the collection and disposal of stormwater and sewage.

(39) The actual and potential adverse effects of the development in terms of existing catchment drainage characteristics, stormwater flow, erosion and sedimentation, and stormwater quality, including the following: C7 7/07 Op 10/10

(a) The extent to which all stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.

(b) The degree to which the development has used Low Impact Design solutions in the management of stormwater.

(c) The degree of maintenance or enhancement of natural drainage characteristics in development.

(d) The degree to which the design of the stormwater management network accounts for any possible future changes in development that may have an effect on, or be affected by, the development.

(e) The degree to which water conservation principles, such as rainwater collection and stormwater detention, have been used in the development.

Richmond East Development Area C20 8/10 Op 8/12

(40) The extent to which the increased height of fences located along principal or collector roads within the Richmond East Development Area may detract from public safety and visual amenity. C69 6/19 Op 6/20

Richmond West Development Area

(40A) The extent to which the increased height of fences located along the indicative ~~walkway~~ reserve containing an active transport corridor or ~~walkway~~ reserve containing an active transport corridor, separating the Mixed Business Zone from the Residential Zone west of Borck Creek may detract from public safety and visual amenity. PC79

Miscellaneous

(41) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).

(42) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

17.1.3.4A Restricted Discretionary Activities (Building Construction or Alteration — Comprehensive Development) C66 10/17 (D 7/18)

Construction or alteration of a building that does not comply with the conditions of rules 17.1.3.1 or 17.1.3.2 is a restricted discretionary activity, if it complies with the following conditions:

Three or More Dwellings on a Site

(a) There are three or more dwellings on one site that comply with the following:

(i) the development complies with the service requirements of Schedule 16.3C;

(ii) the minimum net area for each unit is at least 280 square metres in Motueka and Richmond and at least 350 square metres in other settlements with wastewater reticulation and treatment services;

(iii) building coverage does not exceed 40 percent;

(iv) the development is a comprehensive residential development; or the allotment or site was approved as part of a subdivision under rule 16.3.3.4; C75 9/22 (d 6/23)

(v) the development is not within the Richmond South, Richmond West or C76 9/22

Richmond East development areas south east of Hill Street, the Richmond Intensive Development Area or within the Brightwater, Wakefield or, Motueka West Development Areas, as shown on the planning maps.

Garages and Stormwater

(b) The activity complies with condition 17.1.3.4(g) relating to garages and 17.1.3.4(i) relating to stormwater.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

(1) Matters of restricted discretion (1) to (39) of rule 17.1.3.4.

[Unchanged or irrelevant text omitted]

17.1.20 Principal Reasons for Rules

Building Coverage

Both maximum building coverage and the minimum net site area enable the retention of settlements dominated by open space, rather than buildings, with space available for tree and garden plantings. **C59 11/15 Op 3/16**

Building coverage in Richmond, Motueka, Wakefield and Brightwater is increased, giving greater opportunity to meet the demand for consolidation of these settlements and flexibility for building design provided there is adequate stormwater detention as a consequence of the increased building coverage.

A site coverage limit is introduced to help ensure there is space for some stormwater mitigation on site. **C22 2/11 Op 1/15**

Higher coverage is permitted on sites for comprehensive, intensive and compact density development compared with standard density residential sites. With sites for intensive and compact density development, it is intended to encourage two-storey developments that enhance thermal efficiency but also to ensure that there is sufficient outdoor space provision, some stormwater dispersal and sunlight entry on site. **C66 10/17 Op 12/18**

Setback from Roads

The setback will promote an open and pleasant appearance of sites as viewed from the streets and adjoining properties and to allow space for vegetation, but also to enable efficient and practical use of sites.

Where garage doors face the road, sufficient space is required to allow for a vehicle to be parked off the street and for garage doors to be opened. Locating a garage closer than 5.5 metres to the road boundary is a non-complying activity. Garages may be located closer to the road boundary (up to 2 metres from the boundary) as a discretionary activity where the vehicle door of the garage is at right angles to the road boundary. This acknowledges that vehicle parking and manoeuvring occurs elsewhere on the site, and it may enable a site to be used more efficiently. As a discretionary activity, consideration can be given to the visual effects of the garage location.

Greater setback is required from Queen Victoria Street to allow for landscaping and a possible future bypass. **C43 4/13 Op 1/15**

The setback for compact density and intensive building development from the road boundary is less than the setback for standard development. The reduced setback enables buildings to front onto the street. This is encouraged for both amenity and safety reasons provided that the safe functioning of the road is not compromised. **C66 10/17 Op 12/18**

Indicative Roads and Reserves

C73 Op 6/23

The indicative road and reserve networks are a critical element to managing growth within the Tasman District. A planned network provides well-connected and accessible living and business environments. The design and placement of roads and reserves also has the potential to contribute to the level of amenity and character of each area. The building setback requirement protects the future alignment and ability to establish these roads and reserves. In one area (Pohara area between Richmond Road and Falconer Road) the final location of the indicative roads has a degree of uncertainty greater than that which justifies protection of the future transportation corridor through managing building placement. As such, the building setback requirements do not apply in that area.
The final location and construction of indicative roads and reserves (and walkways) are managed through the subdivision consenting process in Chapter 16.3. Other rules relevant to indicative roads and reserves can be found in Chapter 28.

Setbacks from Internal Boundaries

Side yard requirements are set to provide sufficient space to manoeuvre a vehicle to the back of a site, if required, and to enable efficient and practical use of the rest of the site, whilst also mitigating adverse effects of buildings on adjoining sites. A separation distance of buildings from adjoining neighbours' boundaries reduces the dominance of buildings on the outlook of adjoining sites, enables access to daylight along all sides of the site and provides a degree of privacy consistent with urban living. These values are likely to have been taken into account in the design of buildings that share a common wall and the requirement of setback is relaxed accordingly.

Accessory buildings are permitted closer to or up to the boundary in order to allow more flexible use of this space. However, if accessory buildings are located close to boundaries and have long blank walls, this may affect the outlook from adjoining properties as a result of the dominance of the site by a lengthy wall at close proximity. Consequently, provisions limit the length of walls of accessory buildings if located within 1.5 metres of a boundary.

Other Setbacks

Setbacks have been required for dwellings on sites adjoining Rural 1, Rural 2, Rural 3 and Industrial zones, in order to protect residential activities on these sites from potential adverse effects of non-residential activities.

Buildings need to be set back from accesses to allow sufficient space for windows and doors of buildings to open and the doors of vehicles to be opened.

Natural hazards, particularly erosion, are also a consideration in requiring setbacks, including building setbacks within specified distances from rivers.

Building Height

The height and daylight admission performance requirements are intended to retain outlooks which are not dominated by buildings, and to ensure good access to sunlight and daylight and levels of privacy by not being overlooked, consistent with urban living. The maximum of 7.5 metres will generally achieve this.

The lower height provisions for small sections reflect the need to avoid dominance and overlooking of adjoining sections by larger, higher buildings on smaller sites.

However, for compact residential development, a higher height limit is permitted if there is careful integration of buildings and surrounding spaces that retains residential amenities. C22 2/11 Op 1/15

The lower height of accessory buildings compared with the principal building is also consistent with the ability to locate accessory buildings in the side and rear yards.

Daylight Admission

C73 Op 6/23

Daylight admission lines are intended to reduce shading of adjoining sites by ensuring that buildings fall within an angle that allows sunlight to penetrate onto the adjoining site. The angle of the line is based on obtaining some sun onto sites even in mid-winter at midday. The angles ensure reasonable amenity protection, whilst allowing reasonable development potential on adjoining sites.

Some exceedances of the daylight admission lines are allowable for the end of a roof ridge or for solar panels, recognising the limited dimensions of these items. These allowances only apply to standard density development in the Residential Zone. Exceedance of daylight admission lines in compact density, intensive, and comprehensive residential developments may have a greater level of effect that should be considered through a resource consent process.

C73 Op 6/23

Building Design and Appearance

In residential areas, long buildings parallel to boundaries can be visually unattractive and affect the visual amenity enjoyed on adjoining properties and from streets. Breaks between buildings or changes in building orientation with associated change in roof line, can improve the pleasantness and openness of outlook from adjoining streets and sites by avoiding the dominance of continuous lengthy building form.

Fence Height

C69 6/19 Op 6/20

Reduced fence heights are required along principal or collector roads within the Richmond East Development Area and in the Richmond West Development Area on the indicative ~~walkway~~ reserve containing an active transport corridor or ~~walkway~~ reserve containing an active transport corridor, separating the Mixed Zone from the Residential Zone west of Borck Creek for the purposes of promoting public safety and visual amenity.

C20 8/10 Op 8/12 PC79

In comprehensive, compact and intensive density residential development, reduced fence heights are required to encourage informal surveillance between the property and the street and to maintain street amenity.

C43 4/13 Op 1/15 C66 10/17 Op 12/18

Outdoor Living Space

A minimum area, shape and location of outdoor living space is required for dwellings to ensure that an area of each site is set aside which is sufficient to meet the outdoor living needs of current and future residents of the site and meet needs for access to sunlight and fresh air. Requirements regarding proximity to living areas are intended to ensure that outdoor living spaces are pleasant, convenient and are likely to be available to be used by residents.

Alternative provision of a balcony reflects the practical difficulties for residents of units above ground-floor level of using outdoor living space at ground level. Reduced requirements for dwellings on sites of less than 350 square metres reflect the smaller potential size of units and the lower levels of occupancy likely.

The size of buildings as dwellings on any residential site and the number of dwellings allowed are governed by the building coverage limits. Open space amenity for each dwelling is protected by other rules, in addition to building coverage.

C59 11/15 Op 3/16

Home Occupations

Home occupations have the potential to impact on neighbours in terms of noise, odour, dust, visual effects, vibration, glare, loss of privacy, traffic and parking congestion. Specific activities (spray painting, motor vehicle repairs or dismantling, fibre-glassing, sheet-metal work, bottle or scrap storage, rubbish collection, motor body building, or fish or meat processing) are not permitted home occupations due to the activities inherent unsuitability to the residential environment. The controls are intended to ensure that the residential areas of the District remain dominated by residential, rather than by non-residential, activities.

C73 Op 6/23

The total floor area of buildings used for home occupations and the number of people employed on site are limited as key factors in minimising the scale and size of home occupations so that they remain incidental to residential activities on the site. The location of activities is also limited as it can affect the noise and visual amenity enjoyed within a Residential Zone. The hours that a home occupation can operate will affect the level of noise and disturbance experienced in Residential Zones. However, hours of operation are not applicable for home occupations that are visitor accommodation.

Retail sales and display of goods are excluded from sites of home occupations as this activity often involves significant vehicle and pedestrian movements which may generate noise, fumes, glare, disturbance, loss of privacy, traffic and parking congestion, and loss of traffic safety incompatible with the amenity and character

of residential areas. Activities which are highly likely to have adverse effects such as odour, dust, vibration and noxiousness are excluded to preserve the amenity of residential areas.

Vehicle trips associated with home occupations are commonly the cause of nuisance, inconvenience, or loss of amenity for neighbours, and limitations on the scale of vehicle trips generated can allow the assessment by way of a resource consent of any activity likely to result in additional traffic generation. The adverse effects of vehicle generation can be exacerbated in cul-de-sacs or on residential accessways shared with neighbours, which are often quieter, narrower, and with more limited parking and manoeuvring space than through streets.

Community Activities

Small-scale community activities are permitted provided they do not generate excessive traffic and noise that can cause a nuisance to neighbours.

Noise

Restrictions on noise levels are necessary in and adjoining a Residential Zone, as generally, prevailing noise levels are low and need to be maintained low in order to protect the pleasantness and amenity of these areas. In addition, limits on the hours of operation of non-residential activities in residential areas are necessary to maintain the amenity of these areas. The hours over which a non-residential activity operates is a significant determinant in the level of adverse effects likely for neighbours as a result of noise, traffic generation, vibration, loss of privacy, and general disturbance incompatible with residential amenity.

Noise limits are set in relation to the existing background noise levels which have been measured in many residential parts of the District. The dBA L_{eq} level sets a standard for noise measurement attuned to the human ear, which is an average of the noise measured over a specified time interval. This reflects noise levels generated by normal residential activities. The L_{max} level controls peak levels of noise at night-time, and minimises sleep disturbance.

Heavy vehicle trips can result in adverse effects that are significantly greater than those of other vehicle trips, as a result of noise, vibration, fumes, traffic congestion and safety. This rule recognises that the storage of heavy vehicles on a site in a residential area can have adverse effects on amenity values.

However, by enabling one vehicle to be stored on a site, it recognises that residents often need to store their employment-related vehicle at home.

Dust and Odour

Dust and odour can adversely affect health and the amenity enjoyed in all zones and may also adversely affect the operation of other activities such as food processing. As the effects of dust are often able to be mitigated, it is considered appropriate that mitigating measures be undertaken where possible.

Glare

Lighting can interfere with the enjoyment of a property and the sleep of occupants. These effects can be mitigated by altering the direction of lighting. Reflective surfaces such as metal and glass on buildings, fences or other structures can adversely affect the amenity enjoyed on adjacent sites. While it is not practical to require people to take steps to mitigate the effects of glare from glass surfaces, the effects from metal surfaces can be mitigated by painting or coating with a non-reflective finish.

Farming, Horticulture and Keeping of Animals

The keeping of animals, birds and bees in a Residential Zone is limited so as to avoid and mitigate any adverse effects such as noise, odour, flies, stings (which may be a nuisance or to which people may be allergic). The establishment of new horticultural units is also limited, to mitigate the adverse effects associated with the use of agricultural sprays, shelter belts and trees close to neighbours' boundaries.

Papakainga Development

Provision for papakainga development in the Residential Zone acknowledges the differing housing needs of the Māori community and the likelihood that this type of development will not conform with the standards and terms for traditional New Zealand low density subdivision and housing developments. By making

papakainga developments a controlled activity, the Plan is providing greater flexibility whilst ensuring control is reserved over matters that have the potential to adversely affect adjoining landowners.

Richmond South, Richmond West, Brightwater, Wakefield, Motueka West, Mapua Special and Mapua Development Areas

C5 3/06 Op 10/10

C22 2/11 Op 1/15

C43 4/13 Op 1/15

C75 9/22 Op 6/23

C76 9/22

C80 12/23

The Residential Zone forms part of the Richmond South, Richmond West, Brightwater, Wakefield, Motueka West and Mapua development areas. Compact density development is provided for through specific standards, and dwellings are to be located as approved through the subdivision process. Quality urban design is an important factor to achieving the overall goals for the Development Areas, and this has been implemented through a subdivision and development design guide. All development in the Richmond South, Richmond West, Brightwater, Wakefield, Motueka West, Mapua and Mapua Special development areas is subject to the requirements of the Urban Design Guide (Part II, Appendix 2). In the Brightwater and Wakefield Development Areas, development is to take into account the management of noise received from the state highway.
Non-notification (both public (s95A) and limited (s95B)) of Compact Density Development within the Brightwater Development Area ~~applies.~~ and Motueka West Compact Density Residential Area south of Whakarewa Street for Restricted Discretionary Activity applications for subdivision and Controlled Activity applications for land use. This responds to the objectives and policies in the TRMP which:

- Seek efficient use of land and infrastructure,
- Encourages medium density housing development of a high standard in suitable locations,
- Seeks a range of living opportunities and residential densities.

The non-notification provision is used for Compact Density Development in the Brightwater, Wakefield Development Areas and Motueka West Compact Density Residential Area south of Whakarewa Street because the structure of Compact Density Development rule 17.1.3.3 g) means that Compact Density Development along the external boundaries of the proposal site must meet the standard permitted activity bulk and location criteria in the Tasman Resource Management Plan unless the land adjoining the specific boundary is being developed as a Compact Density Development. Therefore, any properties outside of the Compact Density Development will not experience a change in terms of the bulk and location of buildings from what could be developed under a permitted activity scenario.

C76 9/22 D9/24

In the Wakefield Development Area, there is a requirement that subdivisions provide a proportion of lots that are smaller than 450m^2. Rule 17.1.3.1 permits dwellings on standard density lots. An additional permitted rule (Rule 17.1.3.1A) applies to new dwellings on the sites that are smaller than 450m^2, and also permits second dwellings that are on the sites that are greater than 600m^2.

Stormwater

C7 7/07 Op 10/10

Building work and land development which involves the use of hard (impervious) surfaces, affects stormwater flows and water quality from land. Rules require the effective management of stormwater and control of the effects of stormwater run-off in residential areas.

Water and Wastewater

C22 2/11 Op 1/15

Because water, wastewater and some stormwater services at Mapua and Ruby Bay are over their design capacity, second dwellings are not included as a controlled activity in the Residential Zone in this locality. At Ruby Bay and parts of Tahi and Iwa streets, there is also a need to minimise the number of dwellings exposed to coastal hazard risk so second dwellings are not permitted there.

Richmond Intensive Development Area

C66 10/17 Op 12/18

The Richmond Intensive Development Area (RIDA) is located in the Residential Zone in Richmond close to the town centre. It provides for residential intensification through a combination of infill in and redevelopment of the existing area. In addition to standard density development, medium density development in the form of Intensive development is provided for through specific standards.

In RIDA, consent for subdivision and residential building activity for Intensive development can be applied for separately. Land Use (building construction) is a Restricted Discretionary activity if key standards are met.

In RIDA, Intensive housing with a high standard of amenity is provided for through adherence to minimum standards for density, height, setbacks, bulk and scale of the housing relative to its context, and adjacent land uses, including streets. For RIDA, a reduced lot size of 200sqm is provided for Intensive housing, along with reduced parking and access standards that are appropriate for Intensive housing located close to the town centre. Standards for Intensive housing in RIDA also protect privacy and visual amenity.

Some of the bulk and location standards for Intensive housing are the same as those for Compact Density housing including the requirements for outdoor living space, the building envelope and external boundary setback standards. Buildings up to 7.5 metres in height are Restricted Discretionary activity. Buildings that are higher than 7.5m are a Discretionary activity.

The building construction provisions for RIDA include a condition that provides for a recess in buildings that have two or more storeys and exceed a certain length. The provision is expected to reduce the visual effects of solid walls on neighbouring properties and contribute to amenity values in the vicinity.

Stormwater from additional development in RIDA is managed so that it does not cause flooding or contribute to any damage caused by flooding. To that end, a permitted stormwater standard provides for onsite stormwater detention for additional site coverage resulting from new development; for specified flow path protection and for partial infiltration of stormwater to ground. The planning map titled 'Richmond Intensive Development Area – Specified Stormwater Flood Flowpaths' shows the major flowpaths within RIDA. It does not show minor stormwater flowpaths or flows resulting from unexpected blockages.

[Unchanged or irrelevant text omitted]

17.3 MIXED BUSINESS ZONE RULES

C10 10/07 Op 3/14

Refer to Policy sets 5.1, 5.5, 6.5, 6.6, 9.3, 11.1, 11.2.

17.3.1 Scope of Section

This section deals with land uses in the Mixed Business Zone. Subdivisions are dealt within Chapter 16.3. Information required with resource consent applications is detailed in Chapter 19.

Advice Note: The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 may apply to some activities, including farming activities and activities in or near wetlands and rivers. The National Environmental Standard may alter the activity status of an activity and impose additional standards, information requirements, matters for assessment and criteria. Please ensure you have met any requirements in the regulations in addition to those in this plan.

NES-FW (ca) 12/20

[Unchanged or irrelevant text omitted]

17.3.3 Building Construction or Alteration

C10 10/07 Op 3/14

17.3.3.1 Permitted Activities (Building Construction or Alteration)

Construction or alteration of a building is a permitted activity, if it complies with the following conditions:

C10 10/07 Op 3/14
C19/5/10 Op 8/12

(a) The activity is not the construction or alteration of any building:

Item (a) (i) removed as part of plan change 73.

C10 10/07 Op 3/14
C73 Op 6/23

(ii) where any side of the building is more than 50 metres in length (regardless of any wall off set provided in condition 17.3.3.1(i)); C10 10/07 Op 3/14

(iii) where the gross floor area is greater than 2,000 square metres.

Building Coverage

(b) The maximum building coverage is 50 percent, subject to compliance with the conditions of all other permitted activity rules relevant to the use of space on the site.

Height

(c) The maximum height of any building is 10 metres, except that:

(i) for slimline, self-supporting masts and poles and attached infrastructure, condition 16.6.2.1(j) applies;

(ii) for antenna attached to a building, condition 16.6.2.1(k) applies;

(iii) in the Richmond West and Motueka West development areas for any site adjoining the Residential and Open Space zones and any indicative reserve, the maximum height is 8.5 metres. C43 4/13 Op 1/15

Building Envelope C10 10/07 Op 3/14

(d) Buildings on sites that adjoin a Residential Zone or an indicative reserve do not project beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above ground level from all side and rear boundaries adjoining the Residential Zone or an indicative reserve. The angle is calculated according to the elevation calculator in Schedule 17.1A.

Setbacks

(e) The building is set back from roads and zone boundaries at least:

(i) 10 metres from roads, except where these roads adjoin the Borck Creek indicative reserve;

(ii) 5 metres from roads adjoining the Borck Creek indicative reserve;

(iii) 10 metres from the boundaries of sites in an adjoining Residential, Open Space, Recreation, or Rural 1 zone.

(f) The building is set back from reserves, rivers and amenity planting setbacks at least:

(i) 5 metres from boundaries of public reserves;

(ii) 8 metres from the top of the bank of any river with a bed less than 5 metres in width;

(g) Telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height are exempt from setback requirements.

(h) In the Richmond West Development Area, notwithstanding condition (g) of this rule, the building is set back at least 20 metres from the centreline of any electricity transmission line as shown on the planning maps.

(ha) The building is not located within, or within 10 metres of, any indicative road or indicative reserve, except for the following: C73 Op 6/23

(i) This condition does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned.

(ii) No building setback is required under this condition on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.

(iii) No building setback is required in the Pohara area between Richmond Road and Falconer Road.

Walls and Modulation

(i) An offset of at least 2.5 metres is required at intervals no greater than 25 metres along any wall that adjoins a road, a reserve, or a Residential, Recreation, Open Space or Rural zone.

Building Frontage

(j) The front of buildings on any site along the Retail Frontage in the Richmond West Development Area shown on the planning maps face Lower Queen Street.

Windows

(k) The front of buildings in (j) adjoining the Retail Frontage shown on the planning maps contain display windows at least 2.4 metres high starting at ground floor level or no higher than 500 millimetres above ground floor level, and cover at least 50 percent of the area of the ground floor walls for the purpose of display of goods and services, except on Part Section 215 Waimea East District (Lower Queen Street, Richmond, occupied by Grace Church) while the activity remains a community activity.

Fences

(l) Fences no higher than 600 millimetres are constructed along the Retail Frontage shown on the planning maps and are set back at least 2.5 metres from lower Queen Street, behind the amenity planting, except on Part Section 215 Waimea East District (Lower Queen Street, Richmond, occupied by Grace Church), while the activity remains a community activity, fences are no higher than 1.2 metres and set back behind the amenity planting.

(m) Fences (including security fences) along site boundaries that adjoin a road, a reserve, or an Open Space or Recreation zone are set back behind the width of amenity plantings required in condition 16.3.4.1(t) and condition 17.3.3.1(n)(iii), and are no higher than 1.8 metres.

Landscaping

(n) The site is landscaped, comprising:

(i) amenity planting required in car park areas in rule 16.2.2.4;

(ii) amenity planting required by conditions 16.3.4.1(t) and (u) which have been completed;

(iii) amenity planting at least 2.5 metres wide along the road frontage of any site, except where required in condition 16.3.4.1(t) and the width of the site access;

(iv) except on Lot 1 DP 457909 at the eastern end of the McPherson Street extension, additional amenity planting so that the total planting is at least 10 percent of the total site area;

(v) despite condition (n)(iii), on Lot 1 DP 457909 at the eastern end of the McPherson Street extension, where any site adjoins Designation 132 (Richmond Deviation), on the south boundary of this land, additional amenity planting at least 5 metres wide along the entire south boundary provides, at maturity, a dense screen of at least 2.5 metres high;

(vi) amenity planting at least 2.5 metres wide along any boundary of a site that adjoins a Residential Zone~~.~~ or the Open Space Zone separating the Residential Zone from the Mixed Business Zone west of Borck Creek. PC79

(o) Amenity plantings are maintained and replaced where dead, damaged or diseased.

Cross-boundary Effects

(p) Goods service docks, open work bays and openable work bays do not face a Residential Zone, Open Space Zone, public place or facility located on an adjoining site.

(q) Sites are screened from adjoining land in a Residential Zone by a fence, a wall, or planting that at maturity provides a dense screen, 1.8 metres high along the entire boundary (except for any vehicle or pedestrian entrance on a road boundary). Any such fence or wall does not include barbed or razor wire.

17.3.3.2 Controlled Activities (Building Construction or Alteration)

C10 10/07 Op 3/14

Construction or alteration of a building is a controlled activity if it complies with the following conditions:

(a) All the conditions of rule 17.3.3.1, except condition (a)(iii).

(b) The building has a gross floor area greater than 2,000 square metres.

[Unchanged or irrelevant text omitted]

17.4 INDUSTRIAL ZONE RULES

Refer to Policy sets 5.1, 5.5, 6.5, 6.7, 9.1, 9.3, 11.1, 11.2, 13.1, 14.4.

17.4.1 Scope of Section

This section deals with land uses in the Heavy Industrial Zone and the Light Industrial Zone. Rules apply to each zone unless otherwise stated. Subdivisions are dealt with in Chapter 16.3. Information required with resource consent applications is detailed in Chapter 19.

Advice Note: The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 may apply to some activities, including farming activities and activities in or near wetlands and rivers. The National Environmental Standard may alter the activity status of an activity and impose additional standards, information requirements, matters for assessment and criteria. Please ensure you have met any requirements in the regulations in addition to those in this plan.

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17.4.2 Land Use

17.4.2.1 Permitted Activities (Land Use)

Any land use is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

Particular Activities

PC79

~~(a) If the location of the activity is within the area that is subject to Schedule 17.4A (as shown on the planning maps), the activity is permitted by Rule 17.5.2.1 or 17.5.4.1.~~

(a) The location of the activity is not subject to Schedule 17.4A (as shown on the planning maps).

~~(a)~~(aa) The activity is not one of the following:

(i) a residential activity;

(ii) a community activity (except in the Light Industrial Zone location at Beach Road as shown on the planning maps);

C10 10/07 Op 3/14

(iii) motor vehicle repairs or dismantling or sheet-metal work, on sites adjoining or across a road from a Residential Zone;

(iv) a constructed or marked out landing area or pad for helicopters, an aircraft landing strip, aerodrome or airport.

(b) Retail sales are limited to:

(i) goods produced on, or ancillary to, the industrial use of the site (maximum retail area 100 square metres); or

(ii) goods of sufficient bulk to require outdoor storage such as landscape materials, machinery, or vehicles; or

(iii) takeaway food bars.

(d) On Lot 1 DP 18856, located on parts of 67, 69 and 71 Ellis Street, Brightwater permitted activities are limited to those listed under condition 17.4.2.1(b)(i), (ii) and (iii), plus indoor storage of goods.

Screening

(d) Outdoor storage areas are screened where directly exposed to immediately adjoining sites zoned Residential (except those across a road) by a wall or close-boarded fence at least 1.8 metres high.

Air Emissions – Dust and Odour

(e) There shall be no noxious, dangerous, offensive or objectionable odour or dust to the extent that it causes an adverse effect at or beyond the boundary of the site. **C68 7/18 Op 6/19**

(f) Open areas of land and stockpiles of loose material are contained or maintained so that dust does not cause an adverse effect at, or beyond, the boundary of the site. **C68 7/18 Op 6/19**

Glare

(g) Exterior lighting is directed away from adjacent residential properties and public places.

(h) All metal cladding, roofing or fences are painted or otherwise coated with a non-reflective finish.

Amenity Plantings

(i) Amenity plantings 2 metres wide are provided along all site boundaries with formed roads and sites adjoining a Residential Zone and the Seaton Valley Stream. Amenity plantings consist of species that, at maturity, provide a solid screen up to a height of at least 2 metres; except for telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height, and masts and poles and their antennas and mounting structures less than 10 metres in height. **C10 10/07 Op 3/14** **C22 2/11 Op 1/15**

(j) In the Richmond West Development Area, all amenity plantings located within or 20 metres from the centreline of the electricity transmission lines as shown on the planning maps are designed to ensure: **C10 10/07 Op 3/14**

(i) access to support structures is retained; and

(ii) the mature height of the vegetation maintains at least a 4-metre vertical and an 8-metre horizontal separation from all conductors.

(k) Except in the Light Industrial Zone location at Beach Road as shown on the planning maps, fences, including security fences, along site boundaries that adjoin roads, reserves and the Open Space Zone, are set back behind the width of amenity plantings and are no higher than 1.8 metres. **C22 2/11 Op 1/15**

Noise

(l) Except as specified in condition (n), in the Light Industrial and Heavy Industrial zones, noise generated by the activity, measured at or within the boundary of any site within the Light Industrial Zone, other than the site from where the noise is generated, or at or within the boundary of any site within the Central Business, Commercial or Rural Industrial zones, does not exceed: **C10 10/07 Op 3/14** **C19 5/10 Op 8/12**

	Day	**Night**
L_{eq}	65 dBA	55 dBA
L_{max}		85 dBA

(m) Except as specified in condition (n), in the Light Industrial and Heavy Industrial zones, noise generated by the activity measured at or within the boundary of any site within a Residential or Tourist Services Zone, or at or within the notional boundary of any dwelling in the Rural, Rural Residential or Papakainga Zone, does not exceed:

	Day	**Night**
L_{eq}	55 dBA	40 dBA
L_{max}		70 dBA

C19 5/10 Op 8/12

N.B. Day = 7.00 am to 9.00 pm, Monday to Friday, inclusive of 7.00 am to 6.00 pm Saturday (but excluding public holidays).

Night = All other times, including public holidays.

Noise must be measured and assessed in accordance with the provisions of NZS 6801:2008 *Acoustics - Measurement of Environmental Sound* and NZS 6802:2008 *Acoustics - Environmental Noise*. **C19 5/10 Op 8/12**

This rule also applies to that part of the Quarry Area in Lee Valley which is also Industrial Heavy Zone in and adjoining Record of Title 11A/542, and accordingly the provisions of condition 18.6.4.1(e) do not apply to that particular part of the Quarry Area.

(n) The following are exceptions to conditions (l) and (m): **C19 5/10 Op 8/12**

(i) In the Light Industrial Zone located on Part Section 18 and Part Sections 18A District of Takaka; Lot 4 District Plan 9734; Lot 1 District Plan 7173; Part Lot 1 District Plan 8754; and Part Lot 1 District Plan 11703 (68 Meihana Street, Takaka, occupied by Fonterra Ltd), noise measured at night does not exceed 45 dBA L_{eq}; and 'Day' equals 7:00 am to 9:00 pm every day of the year;

(ii) In the Light Industrial Zone located on Lots 1 and 2 DP 12079, and Lot 2 DP 11787 (Poutama Street, Richmond), noise measured at night does not exceed 45dBA L_{eq}.

(iii) In the Light Industrial Zone located in the Richmond West Development Area (except in the Light Industrial Zone location at Beach Road as shown on the planning maps), noise generated by the activity, measured: **C10 10/07 Op 3/14**

(a) at or within the boundary of any site within the Light Industrial Zone, other than the site from where the noise is generated, does not exceed:

	Day	**Night**
L_{eq}	60 dBA	50 dBA
L_{max}		80 dBA

(b) at or within the notional boundary of any dwelling in the Rural 1 Zone, does not exceed:

	Day	**Night**
L_{eq}	55 dBA	40 dBA
L_{max}		70 dBA

(c) at or within the boundary of the Mixed Business Zone, does not exceed:

	Day	**Night**
L_{eq}	60 dBA	45 dBA
L_{max}		70 dBA

(d) at or within the boundary of the Residential Zone, does not exceed:

	Day	Night
L_{eq}	55 dBA	40 dBA
L_{max}		70 dBA

N.B. Day = 7.00 am to 9.00 pm, Monday to Sunday inclusive (including public holidays)
Night = All other times.

(iv) In the Light Industrial Zone located at Bird Lane, Wakefield, noise generated by the activity, measured at 20 metres from the zone boundary, within the Residential Zone, does not exceed: **C58 11/15 Op 7/17**

	Day	Night
L_{eq}	55 dBA	40dBA
L_{max}		70dBA

Noise must be measured and assessed in accordance with the provisions of NZS 6801:2008 *Acoustics - Measurement of Environmental Sound* and NZS 6802:2008 *Acoustics - Environmental Noise*.

(o) For the areas of land located at 68 Meihana Street, Takaka (occupied by Fonterra Ltd), there must be at all times a current Noise Management Plan. The Noise Management Plan must specify the following:

(i) aims and approach;

(ii) the noise rules in this Plan which apply to the site;

(iii) the approach to compliance monitoring;

(iv) a complaints procedure;

(v) the best practicable option methods for noise mitigation for site areas, activities, and/or processes;

(vi) equipment maintenance requirements;

(vii) any site layout provisions relating to noise mitigation;

(viii) new plant/equipment policy;

(ix) staff training;

(x) means of communication with local residents and the wider community;

(xi) methods for review.

The current Noise Management Plan must be certified by the relevant Site Manager and must be available at the Takaka office of the Tasman District Council for inspection by the Public at any time.

Stormwater **C7 7/07 Op 10/10**

(p) (i) EITHER

All stormwater from buildings and impervious surfaces is discharged to a Council maintained stormwater drainage network that has the capacity to receive the additional stormwater.

OR

The discharge complies with section 36.4 of this Plan.

AND

(ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.

(q) Except in the Light Industrial Zone location at Beach Road as shown on the planning maps, all stormwater from each site is collected and conveyed through a stormwater interceptor treatment device so that any sediment, hydrocarbon or floating debris that may be discharged is able to be substantially retained by such a device before there is any discharge to the Council-maintained stormwater drainage network. **C10 10/07 Op 3/14**

Note: Design information for stormwater interceptor treatment devices and stormwater treatment and collection systems is provided in the current Council Engineering Standards and Policies.

Filling of Allotments

(r) In the Richmond West Development Area, allotments below the 4.6 metre contour above mean sea level (datum reference: NVD55) are not filled, except to create a building platform area. This condition does not apply in the Light Industrial Zone location at Beach Road as shown on the planning maps.

PC79

17.4.2.1A Permitted Activities (Scheduled Location)

Any land use within the area that is subject to Schedule 17.4A (as shown on the planning maps) is a permitted activity that may be undertaken without a resource consent, if it is an activity that is permitted by Rule 17.5.2.1 or 17.5.4.1.

17.4.2.1AB Controlled Activities (Scheduled Location)

C79 11/24

PC79

Any land use that does not comply with permitted condition (aa) of rule 17.4.2.1 is a controlled activity if it complies with the following conditions:

(a) The activity complies with conditions (aa) and (b) to (r) of rule 17.4.2.1.

(b) Mean Sea Level is lower than the Schedule 17.4A sea level rise trigger.

(c) Any resource consent issued will expire 12 months after Mean Sea Level reaches or exceeds the Schedule 17.4A sea level rise trigger.

A resource consent is required and may include conditions on the following matters over which the Council has reserved control:

(1) The removal of structures and materials associated with the activity from the site.

(2) The restoration of the site

(3) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).

(4) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

17.4.2.2 Restricted Discretionary Activities (Land Use)

C10 10/07
Op 3/14

PC79

Any land use that does not comply with permitted condition (j) of rule 17.4.2.1, but does comply with all other conditions of that rule, is a restricted discretionary activity.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matter to which Council has restricted its discretion:

Amenity Plantings

C10 10/07
Op 3/14

(1) In the Richmond West Development Area, the extent to which amenity plantings are designed so that adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

17.4.2.3 Discretionary Activities (Land Use)

Any land use that does not comply with the conditions of rules 17.4.2.1, 17.4.2.1A, 17.4.2.1B and 17.4.2.2 is a discretionary activity, if it complies with the following conditions: C10 10/07 Op 3/14 PC79

(a) The activity is not a residential activity other than a caretaker's residence on the same site as the caretaker works.

(b) The activity is not motor vehicle repairs or dismantling or sheet-metal work, on sites adjoining or across a road from a Residential Zone.

(c) The activity is not a community activity. C10 10/07 Op 3/14

A resource consent is required and may include conditions.

17.4.2.4 Non-Complying Activities (Land Use)

C10 10/07 Op 3/14

Any land use that does not comply with the conditions for a discretionary activity is a non-complying activity.

A resource consent is required. Consent may be refused or conditions imposed.

17.4.3 Building Construction or Alteration

17.4.3.1 Permitted Activities (Building Construction or Alteration)

Construction or alteration of a building is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(aa) The building is not on a site (as shown on the planning maps) that is subject to Schedule 17.4A. PC79

(a) The building is not on any of the Specified Sites in the Light Industrial Zone at Brightwater (as shown on the planning maps). C57 11/15 Op 12/18

Item (b) deleted as part of Plan Change 73 C10 10/07 Op 3/14 C73 Op 6/23

Building Coverage

(c) Maximum building coverage is 90 percent, except: C10 10/07 Op 3/14

(i) in the Light Industrial Zone in the Motueka West and Richmond West development areas (other than in the Light Industrial Zone location at Beach Road as shown on the planning maps) and at Mapua C22 2/11 & C43 4/13 Op 1/15

(ii) in the Heavy Industrial Zone in the Motueka West Development Area; C57 11/15 Op 12/18

(iii) in the Light Industrial Zone at Brightwater.

where the maximum building coverage is 75 percent.

Height

(d) The maximum height of a building is:

(i) 15 metres in the Light Industrial Zone other than on Lot 1 DP 6223 (Batchelor Ford Road) where the maximum height limit is 8 metres;

(ii) 20 metres in the Heavy Industrial Zone;

(iii) 7.5 metres on Lot 1 DP 18856 on parts of 67, 69 and 71 Ellis Street, Brightwater;

except that:

(a) for slimline, self-supporting masts and poles and attached infrastructure, condition 16.6.2.1(j) applies;

(b) for antenna attached to a building, condition 16.6.2.1(k) applies;

(c) any chimney or other equipment that is the best practicable option for the management of any emission to air, including dust, smoke and odour, may exceed this height, notwithstanding the meaning of "height" in the Plan;

(d) at Motueka West Development Area, the building or structure does not exceed the height limits shown in Schedule 16.11A for Motueka Aerodrome. **C43 4/13 Op 1/15**

Walls **C10 10/07 Op 3/14**

(e) In the Richmond West Development Area (except in the Light Industrial Zone location at Beach Road as shown on the planning maps), an offset of at least 2.5 metres is required at intervals no greater than 25 metres along any wall that adjoins a road, a reserve, or Open Space or Residential zone, except that on Part Section 108 Waimea East District (Appleby Highway) adjoining the Residential boundary, the interval is no greater than 15 metres.

No Dwellings

(f) The building is not a dwelling.

Cross-boundary Effects

(g) Goods service docks, open work bays and openable work bays do not face a Residential Zone, Open Space Zone, public place or public facility located on an adjoining site.

(h) Sites are screened from adjoining land in any Residential Zone by a fence or wall 1.8 metres high along the entire boundary (except for any vehicle or pedestrian entrance on a road boundary). **C10 10/07 Op 3/14**

Glare

(i) Metal cladding, roofing or fences are painted or otherwise coated with a non-reflective finish.

Building Envelope

(j) Buildings on sites which adjoin a Residential Zone do not project beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above ground level from all side and rear boundaries adjoining the Residential Zone. The angle is calculated according to the elevation calculator in Schedule 17.1A.

Setbacks

(k) The building is set back from road boundaries at least: **C10 10/07 Op 3/14**

(i) 3 metres in the Light Industrial Zone, except that in the Richmond West Development Area (other than in the Light Industrial Zone location at Beach Road as shown on the planning maps) buildings are set back at least 10 metres from roads, and in Motueka West Development Area buildings along the east side of Queen Victoria Street are set back at least 15 metres. **C43 4/13 Op 1/15**

(ii) 10 metres in the Heavy Industrial Zone;

except that telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height are exempt from this requirement.

Note: Refer to 16.6.2.1(j)(ii) for applicable telecommunication and radio-communication facility setback requirements. **C68 7/18 Op 6/19**

(ka) The building is not located within, or within 10 metres of, any indicative road or indicative reserve, except for the Light Industrial Zone where buildings are set back at **C73 Op 6/23**

least 10 metres from indicative roads and 5 metres from indicative reserves, except for the following:

(i) This condition does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned.

(ii) No building setback is required under this condition on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.

(iii) No building setback is required in the Pohara area between Richmond Road and Falconer Road.

(l) In the Light Industrial Zone, the building is set back from roads and zone boundaries at least: **C10 10/07 Op 3/14 C73 Op 6/23**

Item (i) removed as part of plan change 73

(ii) 20 metres from the boundaries of sites in an adjoining Rural 1 Zone, except adjoining Swamp Road where the setback is 15 metres and adjoining McShane Road, where the setback is 10 metres; **C10 10/07 Op 3/14**

(iii) 10 metres from the Open Space Zone.

(m) In the Richmond West Development Area, notwithstanding the exemption in condition (k) relating to telecommunication and radio-communication facilities, the building is set back at least 20 metres from the centreline of any electricity transmission line as shown on the planning maps.

(n) In the Heavy Industrial Zone, buildings are set back 10 metres from any boundary of a public reserve and from any adjoining Residential Zone, and at least 15 metres from Queen Victoria Street in the Motueka West Development Area. **C43 4/13 Op 1/15**

(o) The building is set back at least:

(i) 8 metres from the top of the bank of any river with a bed less than 5 metres in width;

(ii) 20 metres from the top of the bank of any river with a bed between 5 and 20 metres in width.

(p) Except in the Light Industrial Zone location at Beach Road as shown on the planning maps, fences, including security fences, along site boundaries that adjoin roads, reserves, and the Open Space Zone, are set back behind the width of amenity plantings and are no higher than 1.8 metres. **C10 10/07 Op 3/14**

Wastewater Disposal

(q) All buildings (other than accessory buildings) which generate wastewater are connected to a reticulated wastewater system where the service is available.

Stormwater

(r) (i) EITHER **C7 7/07 Op 10/10**

All stormwater from buildings and impervious surfaces is discharged to a Council maintained stormwater drainage network that has the capacity to receive the additional stormwater.
OR
The discharge complies with section 36.4 of this Plan.

AND

(ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.

(s) Except in the Light Industrial Zone location at Beach Road as shown on the planning maps, all stormwater from each site is collected and conveyed through a stormwater interceptor treatment device so that any sediment, hydrocarbon or floating debris that **C10 10/07 Op 3/14**

may be discharged is able to be substantially retained by such a device before there is any discharge to the Council-maintained stormwater drainage network.

Note: Design information for stormwater interceptor treatment devices and stormwater treatment and collection systems is provided in the current Council Engineering Standards and Policies.

Landscaping C10 10/07 Op 3/14

(t) Except in the Light Industrial Zone location at Beach Road as shown on the planning maps, the site is landscaped comprising:

(i) amenity planting required in carparking areas in rule 16.2.2.4;

(ii) amenity planting required by conditions 16.3.4.1(q), (r) and (s);

(iii) amenity planting at least 2.5 metres wide along the frontage of any site, except where required in condition 16.3.4.1(q);

(iv) additional amenity planting so that the total planting is at least 10 percent of the site area.

(u) Amenity plantings are maintained and replaced where dead, damaged or diseased.

17.4.3.2 Controlled Activities (Building Construction or Alteration - Light Industrial Zone at Brightwater: Specified Sites)

C19 5/10 Op 8/12
C57 11/15 Op 12/18

For the area of the Light Industrial zone in Brightwater contained within Part Section 2, Waimea South District, being the land contained in Record of Title 65/68 12C/239 or on those parts of Lots 4 and 5 DP 18856 (Spencer Place, Brightwater), any construction or alteration of a building is a controlled activity, if it complies with the following conditions:

(a) The maximum height of a building is 8 metres; and

(b) The building coverage is not extended on the site.

A resource consent is required and may include conditions on the following matters over which the Council has reserved control:

(1) The location and size of building. C57 11/15 Op 12/18

(2) The location of mounding, landscaping, ponding areas and flood flow paths.

(3) The duration of the consent and the timing of reviews of condition and purpose of reviews.

(4) Financial contributions, bonds and covenants in respect of the performance of conditions.

17.4.3.3 Restricted Discretionary Activities (Building Construction or Alteration)

Construction or alteration of a building that does not comply with the conditions of rules 17.4.3.1, 17.4.3.2(a) or 17.4.3.3A is a restricted discretionary activity. However, this rule shall not apply to the construction or alternation of a building in a location that is subject to Schedule 17.4A.

C19 5/10 Op 8/12
C57 11/15 Op 12/18
PC79

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

Building Coverage

(1) The effect on the amenity and character of the local environment of reducing open space and increasing the amount of building over a site.

(2) The extent to which site development will be able to comply with other requirements for setback, landscaping, parking, vehicle manoeuvring, access and loading provisions.

(3) The necessity for the increased building coverage in order to undertake the proposed activities on the site. Any increased flood hazard or flood hazard risk will be a consideration at Brightwater, including: C57 11/15 Op 12/18

(a) protection for flood flow paths during a 1 percent Annual Exceedance Probability flood event;

(b) the effects of a 1 percent Annual Exceedance Probability flood event are mitigated so the building is not subject to inundation; and

(c) the effects any proposed development has on the flood hazard within the site and beyond the site boundaries.

(4) The degree to which any reduction in open space can be mitigated by building design and appearance, or landscaping.

Setback from Roads

(5) The extent to which reduced setback will affect compliance with parking, loading and access rules.

(6) The design and appearance of the building and its visual impact from the street or adjoining properties.

(7) The necessity for a reduced setback to enable more efficient or practical use of a site.

(8) The degree to which a reduced setback will affect the coherence of adjoining site development in terms of appearance, layout and scale, and the openness and visual amenity of the street when viewed from adjoining properties.

(9) The potential for the privacy of adjoining residential sites to be affected from buildings built at a reduced setback.

(10) The potential for any landscaping to mitigate any increased visual impact created from a reduced setback.

Setback from a Residential Zone or Public Reserve

(11) The extent of the visual impact of the building from the adjoining residential site and its impact on the amenity and character of the residential environment or reserve, taking into account its design and appearance, bulk and length of walls.

(12) The extent of any shading created and the impact this may have on any outdoor living spaces or main living areas within a dwelling or on the public enjoyment of a reserve.

(13) The potential for the development to affect the privacy of the residents or users of the reserve.

(14) The potential to mitigate any adverse effects created through alternative layouts of buildings, car parking and storage areas on site.

(15) The potential for the development to affect the amenity of the adjoining residential environment or reserve in terms of effects such as noise, glare, dust, smell and vibration.

Setbacks from Indicative Roads and Reserves C73 Op 6/23

(15A) The extent to which alternative practical locations are available for the building.

(15B) The extent to which alternative practical routes are available to achieve the road network intended by the indicative road.

(15C) The extent to which alternative practical locations are available for future reserves.

(15D) The effects of the building being sited within the setback of the indicative road or reserve.

Height

(16) The extent of any adverse effects on the environment from exceeding a maximum height and, in particular, the effect of any increased building height on the visual character of the area and compatibility with the scale of adjoining buildings.

(17) The degree to which the increased height or intrusion through the daylight admission lines (Schedule 17.1A) will affect the amenity and enjoyment of residential sites, streets and public open space through a reduction in view, casting of shadows, visual dominance of outlook by buildings, or loss of privacy through being overlooked from buildings, which is out of character with the local environment.

(18) The degree to which the increased building height may result in decreased opportunities for views from properties in the vicinity or from roads.

(19) The degree to which any adverse effects from increased height can be mitigated by site layout, setback, building design and appearance, and landscaping.

(20) The extent to which the increased building height will adversely affect the natural character of the coastal environment.

Services

(21) Provision for the collection and disposal of stormwater and wastewater.

Stormwater

C7 7/07 Op 10/10

(22) The ability of the Council-provided stormwater drainage network to accommodate additional stormwater.

(23) The extent to which the stormwater run-off generated by additional development has been managed.

(24) The extent to which the activity has employed Low Impact Design solutions to the management of stormwater flow and water quality.

(25) The extent to which permitted activity conditions for the use and storage of hazardous substances can be met.

Electricity Transmission Corridor

C10 10/07 Op 3/14

(26) In the Richmond West Development Area:

(a) the extent to which buildings comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Distances (NZECP 34:2001);

(b) the extent to which the buildings are set back from high voltage transmission lines to ensure adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

Duration and Financial Matters

(27) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).

(28) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

17.4.3.3A Restricted Discretionary Activities (Building Construction or Alteration - Specified Sites in Brightwater)

C57 11/15 Op 12/18

Construction or alteration of a building that either:

(a) creates a new footprint or extends the footprint of a building in the Light Industrial zone in specified sites in Brightwater (as shown on the planning maps) that complies with permitted activity conditions 17.4.3.1(c)(iii), (d), (f) to (u); or

(b) does not comply with Controlled Activity condition 17.4.3.2(b);

is a restricted discretionary activity.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matter to which the Council has restricted its discretion:

(1) (a) Protection for flood flow paths during a 1 percent Annual Exceedance Probability event flood event;

(b) the effects of a 1 percent Annual Exceedance Probability event flood event are mitigated so the building is not subject to inundation; and

(c) the effects any proposed development has on the flood hazard within the site and beyond the site boundaries.

17.4.20 Principal Reasons for Rules

Building Coverage

Setting maximum building coverage enables space available for tree and garden plantings and parking. In Light Industrial and Heavy Industrial zones, building coverage allows for landscaping, parking, access and manoeuvring. The performance requirements allow reasonable development opportunities.

In Brightwater, a flexible approach to building coverage has been introduced in 2017 to enable site-by-site design for avoidance or mitigation of flood hazards from a 1 percent Annual Exceedance Probability flood event. The sites are located ~~in~~ on the floodplain of the Wairoa River at Brightwater and have been subject to periodic flooding. A site at the northern end of Spencer Place, Brightwater, is also bisected by the main trunk wastewater line.

C57 11/15 Op 12/18

In the Richmond West Development Area (except in the Light Industrial Zone location at Beach Road as shown on the planning maps) and the Motueka West Development Area, coverage is limited to provide a standard of amenity and open space anticipated in a new industrial park.

C10 10/07 Op 3/14
C43 4/13 Op 1/15

Building Setbacks

Setback is a means of mitigating various adverse effects, such as loss of privacy, loss of amenity, the visual impact of buildings from the street and from other zones (especially the Residential Zone), the lack of available parking areas and lack of opportunity for landscaping. Natural hazards, particularly river erosion, are also a consideration.

In the Industrial zones, road boundary setback is required in order to provide space for landscaping and parking, and due to the potential need for higher buildings, greater setback will enhance the feeling of spaciousness in these areas. Greater setback is required from Queen Victoria Street to allow for landscaping and a possible future bypass.

C43 4/13 Op 1/15

Side and rear yards are required where Industrial zones adjoin a Residential Zone or public reserve to allow for screening, landscaping and to provide a degree of separation to protect the amenity of residential areas and reserves from dominance by industrial buildings.

Indicative Roads and Reserves

C73
Op 6/23

The indicative road and reserve networks are a critical element to managing growth within the Tasman District. A planned network provides well-connected and accessible living and business environments. The design and placement of roads and reserves also has the potential to contribute to the level of amenity and character of each area. The building setback requirement protects the future alignment and ability to establish these roads and reserves. In one area (Pohara area between Richmond Road and Falconer Road) the final location of the indicative roads has a degree of uncertainty greater than that which justifies protection of the future transportation corridor through managing building placement. As such, the building setback requirements do not apply in that area. The final location and construction of indicative roads and reserves (and walkways) are managed through the subdivision consenting process in Chapter 16.3. Other rules relevant to indicative roads and reserves can be found in Chapter 28.

Building Height

Height is a key factor in determining the visual amenity, dominance of buildings, levels of privacy, access to sunlight and daylight, and the spaciousness of an area.

C43 4/13
Op 1/15

The maximum height in the Light Industrial and Heavy Industrial zones is higher than in other zones to allow for machinery and processes which may be necessary for industrial activity to occur. There is a lower height limit on Lot 1 DP 6223 (Batchelor Ford Road, Motueka) as it is a small isolated coastal site. At Motueka West Development Area, the obstacle limitation surface for the aerodrome may be a relevant matter.

Daylight admission lines are intended to reduce shading of adjoining sites by buildings by ensuring that buildings fall within an angle that allows sunlight to penetrate onto the adjoining site. The angle of the line will vary depending on the orientation of the building to the sun and is based on obtaining some sun onto sites even in mid-winter at midday. Consequently, north-facing walls will be able to be higher than south-facing walls. The angle has been set at a level that ensures reasonable amenity protection, whilst allowing reasonable development potential on adjoining sites.

Privacy

The proximity and location of windows adjacent to site boundaries can affect the privacy enjoyed on adjoining sites through being overlooked from buildings. Privacy is particularly valued in areas zoned Residential and therefore rules only relate to sites adjacent to these areas.

Landscaping and Visual Amenity

The location of outdoor storage areas at the rear of buildings, together with screening, will mitigate any adverse visual effects. Landscaping is only required to improve the visual appearance of business activity where activities can be viewed by the public from roads and public spaces and where sites are adjacent to a Residential Zone. Fences or walls are required where industrial zones adjoin a Residential Zone, in order to contain debris within the site and to screen business activities from residential areas. These requirements will separate incompatible activities and improve the standard of amenity in residential areas by reducing the dominance of buildings and improving the outlook towards residential areas.

Retailing

Limitations on retailing in Light Industrial and Heavy Industrial zones are imposed in order to encourage retail activity to consolidate in and close to the Central Business and Commercial zones. An additional reason for this rule involves the lower standard of amenity which is usually allowed for in Industrial zones compared with Central Business and Commercial Zones. This is sometimes necessary to enable activities to occur. Retailing that is primarily limited to bulky items and goods made on the site is unlikely to undermine the coherence and amenity values of either the commercial or industrial areas.

Noise

Restrictions on noise levels are necessary adjoining a Residential Zone as prevailing noise levels are low and need to be maintained at a low level in order to protect the pleasantness and amenity of these areas.

There are some specific sites where the permitted activity standards are set at a slightly higher level than for the Zone generally. This is in recognition of industrial activities which have been established under previous plans which have provided for such levels, and which are not practicably able to meet the standards now generally applying to the industrial/residential interface. For the larger of these sites, there is also a requirement for a Noise Management Plan to assist in mitigating effects of noise.

In some areas, such as in the vicinity of 68 Meihana and/or 83 Motupipi Streets (Fonterra Ltd) in Takaka, there are established existing use rights, and nearby residents may at times be affected by higher levels of noise than the Plan provides for.

C10 10/07
Op 3/14

In the Light Industrial Zone in the Richmond West Development Area (except in the Light Industrial Zone location at Beach Road as shown on the planning maps) the intra-zone noise emission control allows for light industrial activities to operate for 24 hours at a noise emission level that is compatible with the zone use. On the zone boundary, day and night controls (apart from exemptions) ensure compatibility with adjoining land uses and provides certainty as to the measurement point, compared with other controls such as "notional boundaries" where the establishment of sensitive activities nearby outside the zone may have the effect of continually altering the measurement point for noise assessment.

The use of a gradation of zones between Industrial zones and sensitive Residential Zones where the intermediate zones act as buffers, means that the separation distance will provide an effective mitigation measure from the adverse effects of noise emitted from the Light Industrial Zone. A buffer provided around the perimeter of the Light Industrial Zone at the interface with the Rural 1 Zone will also assist with providing noise attenuation at the boundary of the zone.

Residential Activities

Residential activities are excluded from Light Industrial and Heavy Industrial zones as often a lower standard of amenity is required in these zones for industrial activities to operate than would be expected in areas of residential activity. Therefore, if residential activities were located in industrial areas, the operation of these activities could be adversely affected by pressure from residents to reduce noise levels (and other effects) to levels compatible with residential activities.

Due to the level of amenity sought in the Residential Zone, where Light Industrial and Heavy Industrial zones adjoin this zone, performance requirements are provided regarding the location of work bays and vehicle access, parking and loading areas as it is considered that the effects of these activities, such as visual effects and noise, can be mitigated in this way.

Certain activities, which are known to be likely to cause noise nuisance (and other effects incompatible with residential amenity), are excluded from Light Industrial and Heavy Industrial zones where they adjoin a Residential Zone in order to protect the amenity of a Residential Zone.

Dust and Odour

Dust and odour can adversely affect the amenity enjoyed in all zones and may also adversely affect the operation of other activities such as food processing. As the effects of dust are often able to be mitigated, it is considered appropriate that mitigating measures be undertaken where possible.

The effects of odour can also affect the amenity enjoyed in areas and in some cases, can be hazardous to people's health, particularly where adjoining residential areas.

Glare

Lighting can have effects due to the glare or illumination produced, which can interfere with the enjoyment of a property and the sleep of occupants. These effects can be mitigated by altering the direction of lighting.

In addition, reflective surfaces such as metal and glass on buildings, fences or other structures can adversely affect the amenity enjoyed on adjacent sites. While it is not practical to require people to take steps to mitigate the effects of glare from glass surfaces, the effects from metal surfaces can be mitigated by painting or coating with a non-reflective finish.

Stormwater

C7 7/07
Op 10/10

The effective management of stormwater within industrial developments is an important issue that must be addressed. The risk of stormwater contamination is generally higher than in other zones. Industrial sites can have large areas of sealed or compact surfaces for outdoor storage, such as heavy machinery. Industrial businesses often also use and store hazardous substances and potentially contaminating substances.

Filling of Allotments

The standard seeks to avoid inhibiting or altering the course of natural over-land stormwater flow paths and the risk of flooding other properties.

Lower Queen Street Light Industrial Zone location PC79

Part of the Light Industrial Zone location in Lower Queen Street is subject to Schedule 17.4A. In this low-lying area appropriate land use activities and buildings can be undertaken in the shorter to ~~medium~~ mid-term until such time as they become inappropriate due to their exposure to inundation, coastal hazards and sea level rise. Activities that are permitted in the Rural 1 zone remain permitted in this scheduled area.

Buildings in this area are subject to specific rules in the schedule and are required to obtain a resource consent and to be reassessed, and/or removed or relocated once the Schedule 17.4A sea level rise trigger is reached.

[Unchanged or irrelevant text omitted]

SCHEDULES PC79

Schedule 17.4A: Subdivision and building on low-lying light industrial land, Lower Queen Street, Richmond

This schedule provides rules for the land that is subject to Schedule 17.4A as shown in the planning maps. Rules for subdivision and building construction or alteration are provided in this schedule. Rules for land use activities are in Section 17.4.2.1.

17.4A.1 Subdivision PC79

17.4A.1.1 Discretionary

Subdivision within this scheduled area is a discretionary activity, if it meets the following condition:

(a) The subdivision is a boundary adjustment and no additional titles are created as a consequence of the subdivision.

OR

(b) The subdivision is for the purposes of constructing a network utility.

17.4A.1.2 Prohibited PC79

Except as provided for above in 17.4A.1.1, subdivision within this scheduled area is a prohibited activity for which no resource consent will be granted.

17.4A.~~1~~2 Building Construction or Alteration

17.4A.~~1~~2.1 No Permitted Building PC79

No buildings are permitted.

17.4A.~~1~~2.2 Controlled Activities

PC79

Construction or alteration of a building is a controlled activity, if it complies with the following conditions:

(a) The building complies with the conditions (a) to (u) of Rule 17.4.3.1

PC79

(b) The building is temporary, relocatable, or readily removable.

(c) A condition is placed on any resource consent to the effect that the building must be relocated or removed from the site ~~when~~ within 12 months following Mean Sea Level reach~~es~~ing or exceed~~s~~ing the Schedule 17.4A sea level rise trigger.

PC79

(d) With any resource consent application, the applicant provides a plan that satisfactorily addresses how the buildings are able, both physically and financially, to be removed from the site.

For the purpose of this rule, "readily removable", means that the building is designed to be deconstructed with minimal destructive demolition. For example, it is made with panels which are bolted together and can be unbolted.

A resource consent is required and may include conditions on the following matters over which the Council has reserved control:

(1) The nature of the building and its construction.

(2) The risk of coastal erosion and flooding and adverse effects on the building and property from present and potential future coastal erosion and flooding hazards.

(3) The effects of the proposed activity, including the effects of eventual building relocation and site remediation, on natural character and the coastal environment.

(4) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).

(5) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

17.4A.~~1~~2.3 Restricted Discretionary Activities

PC79

Construction or alteration of a building is a restricted discretionary activity, if it complies with the following conditions:

(a) The building complies with conditions (b) to (d) of rule 17.4A.~~1~~2.2

A resource consent is required. Consent may be refused, or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

(1) All matters identified in Rule 17.4A.~~1~~2.2

(2) All matters identified in Rule 17.4.3.3.

17.4A.~~1~~2.4 Discretionary Activities

PC79

Construction or alteration of a building that does not comply with the conditions of Rule 17.4A.~~1~~2.3 is a discretionary activity.

A resource consent is required. Consent may be granted and conditions imposed, or consent may be refused.

Principal Reasons for Rules

PC79

This scheduled area is subject to projected future inundation in the Light Industrial Zone location that was established by Plan Change 10. The rules for this location reflect that use of this land for light industrial purposes may be appropriate for a period of time, but that ultimately landowners must be responsible for removing industrial buildings and activities, and that this should be done "on a fine day" before significant damage or destruction of the buildings is done requiring forced relocation and coastal clean-up.

The rules do not allow additional landowners in this area so that there are fewer barriers to adaptation and relocation when the trigger level is reached. It will also reduce the potential for future public costs and adverse effects associated with infrastructure relocation or removal.

[Unchanged or irrelevant text omitted]

17.14 DEFERRED ZONE RULES

Refer to Policy sets 5.1, 6.1, 6.3.

17.14.1 Scope of Section

~~C10 10/07~~ ~~Op 3/14~~ ~~C51 1/15~~ ~~Op 9/16~~ PC79 ~~C73~~ ~~Op 6/23~~ PC79

~~This section deals with the procedure for removal of deferrals of future urban or rural residential zones on rural, residential or rural residential zoned land in the Deferred Residential, Deferred Mixed Business, Deferred Light Industrial, Deferred Rural Residential, Deferred Tourist Services, Deferred Heavy Industrial and Deferred Papakainga zones.~~

~~This section also provides the ability to remove the indicative road, reserve or walkway symbology from the planning maps once land for the purpose of those items has been vested in Council, or the land has been otherwise acquired by Council for these purposes.~~

~~In conjunction with the removal of a zone's deferral, this section enables the removal of the associated deferral of the Fire Ban or Fire Sensitive Area status that may apply to some location.~~

PC79

This section outlines the planning provisions that apply to areas mapped as deferred zones, and which are subject to the Deferred Zone Framework.

Deferred zones are identified in the planning maps and feature the word "deferred" in the title. For example, "Rural 1 deferred Light Industrial Zone". Deferred zones are used to enable the efficient and streamlined transition of undeveloped land with insufficient servicing to developable land.

~~Deferred zones are used when the infrastructure requirements are able to be clearly defined and planned to be delivered within 10 years.~~

For the purposes of this section the "original zone" is the zone that applied to the land before the land was rezoned to a deferred zone. The "end use" is the provision or zone framework that applies to the anticipated future use of the land, once a specific requirement is satisfied. In the above example, the original zone is Rural 1 and the end use zone is Light Industrial.

Deferred zones identified in Schedule 17.14A are used when the infrastructure requirements are able to be clearly defined and planned to be delivered within 10 years as shown in the relevant Council Long Term Plan.

17.14.2 ~~Procedure for Removal of Deferral~~ All Deferred Zones

~~(a)~~ ~~Any area of land listed in Schedule 17.14A and shown on the planning maps that is zoned Rural 1, Rural 2, Rural Residential, or Residential and with a notation of Deferred Residential, Deferred Mixed Business, Deferred Light Industrial, Deferred Rural Residential, Deferred Tourist Services, Deferred Heavy Industrial, or Deferred Papakainga zone, becomes effective as the zone that is deferred, from the date that Council resolves that:~~

~~C51 1/15~~ ~~Op 9/16~~ PC79

PC79

~~(i) the relevant service being a reticulated water supply, wastewater, stormwater, or transportation service, as applicable, has been provided, or can be provided to the satisfaction of the Council, either for the whole or for any part of each area of land, including any part that is sought to be developed, to service the land; or~~ PC79

~~(ii) where applicable, the date until which the area remains deferred is now due.~~

~~(b) Where the relevant service is to be provided by any person other than the Council, concept engineering plans for the service must be approved by the Council before the Council resolves that the deferral for the relevant zone may be removed so that the zone that was deferred becomes effective over that land that is the subject of the service provision.~~

~~(c) The removal of the deferred status and the commencement of the new effective zone as listed in Schedule 17.14A is effected by a resolution of Council when the required services have been provided, or can be provided, to the satisfaction of the Council and the Plan is amended without further formality from that date of resolution, to show the new effective zone. Council will advise landowners when it has made a resolution.~~ ~~C22 2/11 Op 1/15~~ ~~C10 10/07 Op 3/14~~ ~~C51 1/15 Op 9/16~~ PC79

~~(d) When a resolution of Council is made for the removal of the deferred status of an area's zoning, this will also apply to the removal of the deferred status of the applicable Fire Ban of Fire Sensitive Area where either exist.~~ ~~C73 Op 6/23~~ PC79

~~(e) Indicative road, reserve or walkway symbology shall be removed once land has been vested with Council for the purpose of the intended road, reserve, or walkway, or the land has been otherwise acquired by Council for these purposes.~~ ~~C73 Op 6/23~~ PC79

Note deleted as part of Plan Change 73. C10 10/07 Op 3/14 C51 1/15 Op 9/16 C73 Op 6/23

17.14.2.1 Deferred land not listed in Schedule 17.14A PC79

For any ~~deferred~~ site in a deferred zone that is not listed in Schedule 17.14A, the plan provisions ~~that applied to~~ for the original zone ~~continue to~~ apply, and ~~regardless of~~ provision 17.14.2.2 does not apply.

17.14.2.2 Deferred land listed in Schedule 17.14A

(a) The provisions specified in the relevant row of Column C of Schedule 17.14A apply to ~~A~~ any activity, including subdivision, land use, structure or building, ~~that is occurring or is proposed to occur~~ on land that is subject to a deferred zone listed in Schedule 17.14A ~~is subject to the provisions specified in the relevant row of Column C of Schedule 17.14A.~~ ~~until~~ unless rule 17.14.2.2.(b) is satisfied.

(b) If the infrastructure required (as stated in the relevant row of Schedule 17.14A, Column D) is delivered then the provisions specified in the relevant row of Column G of Schedule 17.14A apply.

For the purpose of this rule, 17.14.2.2, 'delivered' means:

(i) Infrastructure is ~~either~~ physically constructed, ~~or~~

~~(i) infrastructure is planned and funded to be constructed within the next three years, and~~

AND

(ii) ~~whether (i) or (ii) above applies,~~ ~~to the satisfaction of the~~ the Council's website includes a statement from the Council's Group Manager – Community Infrastructure ~~and has confirmed action~~ that the infrastructure required for that deferred zone ~~has been~~ is delivered ~~must also be~~ ~~posted~~ ~~on the Council's website~~.

(c) ~~In the event that~~ If the required infrastructure specified in Schedule 17.14A for the deferred zone has not been delivered within 10 years ~~elapses~~ from the operative date of the plan change that originally established the deferred zone (as specified

in the relevant row of Schedule 17.14A, Column I) ~~to the delivery of the necessary infrastructure~~, then provision 17.14.2.2.(b) must not be applied and the provisions in the relevant row of Column C of Schedule 17.14A will continue to apply thereafter.

17.14.20 Principal Reasons for Rules

~~These zones are temporary, transitional zones on land which the Council wishes to retain for future urban, more intensive activities, either when more appropriate levels of servicing are available or after a time period to maintain a coherent urban form.~~ ~~C22 2/11 Op 1/15~~ ~~C51 1/15 Op 9/16~~ PC79

~~The rules enable either the Council or any person to provide the required services and any person may propose to service any part or all of any deferred zone area. In either case, the Council has to approve the servicing proposal, before the deferred status over the relevant part of the future zone can be removed by a resolution of Council. Services may be provided either before or after removal of any deferral.~~ ~~C51 1/15 Op 9/16~~ PC79

Deferred zones rely on a framework that engages planning provisions in multiple chapters in the Plan~~, .but~~ PC79
~~operate so that certain of those~~ plan ~~provisions are only triggered after a specific activity has been delivered.~~ Each deferred zone is a separate zone. ~~which, through~~ For deferred zones listed in Schedule 17.14A, the mechanism set out in ~~this~~ Section 17.14~~, incorporates~~ applies the planning provisions of two other zones (the original zone and the end use zone). For deferred zones that are not listed in Schedule 17.14A, only the original zone provisions apply (e.g for a site zoned as Rural 2 deferred Residential, the plan provisions for the Rural 2 Zone apply).

Each deferred zone in Schedule 17.14A has an original zone and an end use zone specified, along with details of the new or upgraded infrastructure that needs to be 'delivered' before any site within that deferred zone can be developed. The original zone provisions specified in Schedule 17.14A apply to the land within each deferred zone until the specified infrastructure has been delivered, after which the end use zone provisions apply. The definition of 'delivered' and the mechanism for managing activities in the deferred zones are set out in Rule 17.14.2.2.

Confirmation that the specified infrastructure has been delivered for a particular deferred zone will be provided on the Council's website, and will be added to Column H of Schedule 17.14A via a future plan change process. For the avoidance of doubt, at this time the zone will not change but a different set of planning provisions (urban or rural residential provisions) will apply. ~~A Schedule 1 plan change process will be used to change the zoning of a deferred zone to an end use zone, for example, from Rural 1 deferred Residential to Residential.~~

~~Deferred zones listed in Schedule 17.14A operate so that certain of those plan provisions are only triggered after a specific activity has been delivered.~~

~~For deferred zones listed in Schedule 17.14A, Tthe application of the provisions changes from the former to the latter depending on a trigger: the delivery of the necessary infrastructure that is specified in Schedule 17.14A. Confirmation of the activation of that trigger for any given parcel of land is provided on the Council's website and will be added to Column H of Schedule 17.14A via the plan change process.~~

Comprehensive planning, including a full Schedule 1 (RMA) assessment and plan change process ~~is~~ has been undertaken, including an assessment of the necessary infrastructure, to ~~re~~zone undeveloped land ~~to~~ as a deferred zone listed in Schedule 17.14A. Once the land has been confirmed as a deferred zone, work can begin either by the Council or any other person on delivering the required infrastructure ~~to enable development to commence. Once infrastructure ats~~This ~~repehas been delivered (as defined in Rule 17.14.2.2 meaning it is either physically constructed or planned and funded within the first three years of the Council's Long Term Plan) then a mechanism is provided in Section Rule 17.14.2.2 whereby the land can be developed in accordance with the provisions that apply to the anticipated end use. For the avoidance of doubt, at this time the zone will not change~~

~~but a different set of planning provisions (urban or rural residential provisions) will apply. A future Schedule 1 plan change process will be used to change the zoning of a deferred zone to an end use zone, for example, from Rural 1 deferred Residential to Residential.~~

A 10-year expiry period applies to deferred zone locations listed in Schedule 17.14A (provision 17.14.2.2(c)). If servicing is not delivered within 10 years, then the trigger becomes unavailable and the original zone provisions will continue to apply thereafter. This 'sunset clause' approach is needed in order to require a further assessment of the appropriateness of the end use of the land as circumstances may have changed (for example, sea level rise).

Some deferred zone locations shown on the planning maps (located in Motueka and Māpua) are not included in Schedule 17.14A because they require further assessment for zoning and servicing. No trigger provision is available for these sites ~~as~~ and a further plan change ~~will be~~ is necessary prior to servicing or development.

~~In the Richmond West Development Area, integrated servicing and economic or business development efficiencies are intended to be achieved through the method of zone deferrals deferred zone method for specific servicing. This will result in a sequence of supply of serviced land in the Richmond West Development Area over the long term.~~

C10 10/07
Op 3/14
C51 1/15
Op 9/16
PC79

~~**Note:** The areas notated on the planning maps are deferred for servicing.~~

PC79

~~A, C & F~~	~~• Upgrade the stormwater network.~~
~~G~~	~~• Construction of the Lower Queen Street water treatment plant.~~ ~~• Upgrade of the stormwater network.~~ ~~• Extension of and connection to Council's bulk waste and water supply networks.~~
~~B & D~~	~~Construction of the Lower Queen Street water treatment plant.~~ ~~Construction of the Borck Creek and Poutama Drain bulk stormwater network.~~ ~~Extension of and connection to Council's bulk waste, water supply and stormwater networks.~~
~~H~~	~~Construction of the Lower Queen Street water treatment plant.~~ ~~Construction of the Borck Creek bulk stormwater network.~~ ~~Extension of and connection to Council's bulk waste, water supply and stormwater networks.~~
~~E~~	~~Construction of the Borck Creek bulk stormwater network.~~ ~~Construction of the bulk water supply network from the Richmond South High Level Reservoir to the Richmond West Development Area.~~ ~~Extension of and connection to Council's bulk waste, water supply and stormwater networks.~~ ~~Substantial take-up of serviced land in the Richmond West Development Area with the same zoning.~~
~~I~~	~~Construction of the bulk water supply network from the Richmond South High Level Reservoir to the Richmond West Development Area.~~ ~~Extension of and connection to Council's bulk waste, water supply and stormwater networks.~~ ~~Substantial take-up of serviced land in Area H.~~

~~B~~	~~Construction of the Borck Creek and Poutama Drain bulk stormwater network.~~ ~~Extension of and connection to Council's bulk waste, water supply and stormwater networks.~~
~~E~~	~~Construction of the Borck Creek bulk stormwater network.~~ ~~Construction of the bulk water supply network from the Richmond South High Level Reservoir to the Richmond West Development Area.~~ ~~Extension of and connection to Council's bulk waste, water supply and stormwater networks.~~ ~~Transportation: Provision for a single mid-block intersection with SH60 to be approved by NZTA as part of the central access roadway through mixed business area as per indicative road layout on planning map.~~

~~Borck Creek construction will progress from the intersection of Lower Queen Street and McShane Road toward State Highway 60, Poutama Drain construction will progress from Borck Creek toward State Highway 6.~~ PC79

~~Development proposals will be considered by the Council before deferrals are removed, if services compatible with the Council's long term servicing needs as set out in the Council's Long Term Plan are provided by Council or to the satisfaction of Council.~~ ~~C51 1/15~~ ~~Op 9/16~~ PC79

~~Indicative roads, reserves and walkways are able to be removed from the planning maps once the land for these purposes is vested with Council as part of the subdivision and development process, or the land has been otherwise acquired by Council for these purposes. This ensures redundant items on the planning maps can be simply removed.~~ ~~C73~~ ~~Op 6/23~~ PC79

SCHEDULES

Schedule 17.14A: Deferred Zone Locations

C51 1/15
Op 9/16
PC79

Location of Area	Effective Zone until Removal of Deferral	Reason for Deferral	Date of Resolution for Removal of Deferral	Where Services Proposed by Developer, Legal Description of any Part of Area where Deferral Removed	Where Services Proposed by Developer, References to Detailed Performance Requirements and Engineering Plans of Services Approved by Council	Effective Zone after Removal of Deferral	
Richmond South Development Area (planning maps 23, 57, 127 - 129, 133)							
South of Hart and Bateup Roads ▪ 7 & 20 Paton Road	Rural 1	Reticulated water supply service required	27/8/15	Lot 1 DP 18100 Pt Lot 1 DP 17738	6915, 6915/1 and Schedule C	Residential (serviced)	
South of Hart and Bateup Roads ▪ 36 & 40 Hart Road	Rural 1	Reticulated water supply service required	3/5/18	NE part of Lot 2 DP 20243 Pt Sec Waimea East DIST	5915/7	Residential (serviced)	
South of Hart and Bateup Roads: - 50 Hart Road - 72 Hart Road - 472 Hill St	Rural 1	Reticulated water supply service required	5/11/20	▪ Lot 1 DP 450177 ▪ Lot 1 DP 545967 ▪ Part of Pt Sec 34 Waimea East DIST, Lot 1 DP 431455 & Lot 1 DP 8205		Residential (serviced)	12/20
South of Hart and Bateup Roads: - Bateup Road (Reserve) - 92, 92A & 92B Bateup Road - 28, 29A, 29B & 29C Collins Road - 3, 26 & 52 Paton Road - 45 Main Road	Rural 1	Reticulated water supply service required	4/3/21	▪ Lot 5 DP 446793 ▪ Lots 1, 2 & 3 DP 446793 ▪ Lots 1, 2, 3 & 4 DP 361254 ▪ Pt Lot 1 DP 17290 ▪ Lot 1 DP 4858 ▪ Lot 2 DP 17738 ▪ Lot 1 DP 6754		Residential (serviced)	9/21
South of Hart and Bateup Roads: ▪ Lot 2 DP 450177 - 66 Hart Road ▪ Lots 4 & 5 DP 431455 - Hart Road ▪ Lot 3 DP 411584 - Hart Road ▪ Lot 2 DP 20243 - SW part of 36 Hart Road ▪ Lot 2 DP 411584 - 68 Hart Road ▪ Pt Sec 35 Waimea East DIST - 520 Hill St South ▪ Lot 1 DP 8205 & Pt Sec 34 Waimea East DIST - 472 Hill St	Rural 1	Reticulated water supply service required				Residential (serviced)	9/21

Location of Area	Effective Zone until Removal of Deferral	Reason for Deferral	Date of Resolution for Removal of Deferral	Where Services Proposed by Developer, Legal Description of any Part of Area where Deferral Removed	Where Services Proposed by Developer, References to Detailed Performance Requirements and Engineering Plans of Services Approved by Council	Effective Zone after Removal of Deferral	PC79
Richmond West Development Area (planning maps 23, 57, 121 – 125, 127, 128, 130)							
Areas notated A and B (375 and 387 Lower Queen St) on the planning maps	Rural 1 and Recreation	Area A: Stormwater Area B: Reticulated water supply, wastewater and stormwater services (Borck Creek and Poutama Drain construction) required	25/9/15	**Area A:** Lot 1 DP 13664 Lot 6 DP 6697 Lot 3 DP 465626 Pt Sec 100 Waimea East District (two areas) Part Lot 1 DP 470387 Lot 2 DP 13664 Pt Lot 1 DP 20409	6906 S1 – S7	Residential (serviced)	
			9/6/16	**Part Area B:** Pt Lot 2 DP 470387 Pt Lot 2 DP 446230 Pt Lot 1 DP 446 230	6906/1	Residential (serviced)	
			5/11/20	**Part Area B:** Lot 205 DP 537200 Lot 302 DP 542339 Lot 3 DP 470387 Pt Lot 3 DP 15764 Lot 303 DP 542339 Lot 304 DP 542339 Sec 6 SO 455144		Residential (serviced)	12/20
Areas notated B (395 Lower Queen Street) on the planning maps	Rural 1	Area B: Reticulated water supply, wastewater and stormwater services (Borck Creek and Poutama Drain construction) required	26/7/18	**Part Area B:** Sections 3 – 5 SO 506258 Section 1 SO 490525 and sections 1 & 2 SO 506258	RM1600673	Residential (serviced)	C74 12/20 Op 3/23
Area notated B (Borck Creek) on the planning maps			16/12/21	**Part Area B:** Part Lot 6 DP 520567		Open Space	
Areas notated C on the planning maps	Rural 1	Area C: Stormwater service required.				Mixed Business	
Areas notated D on the planning maps	Rural 1	Area D: Reticulated water, wastewater and stormwater (Borck Creek and Poutama Drain construction) services required.	5/9/19	Lot 1 DP 511566		Mixed Business	
			16/12/21	**Part Area D:** All of D except: Lot 1 DP 20409 Sec 2 SO 450816 Sec 1 SO 512154 Sec 28 SO 455144 Sec 2 SO 512154 Lot 1 DP 511566		Residential	C74 12/20 Op 3/23
			16/12/21	**Part Area D:** Part Lot 6 DP 520567		Open Space	
Areas notated E on the planning maps	Rural 1	Area E: Reticulated water from Richmond South High-Level Reservoir, wastewater, stormwater (Borck Creek construction) services required and in respect of Area E, there is substantial take-up of serviced land in the Richmond West Development Area with the same zoning.				Mixed Business	C74 12/20 Op 3/23
Areas notated E (91 McShane Road) on the planning maps			16/12/21	**Part Area E:** Part Sec 16 SO 455144 Part Lot 2 DP 467493		Residential	
			16/12/21	**Part Area E:** Part Sec 16 SO 455144 Part Lot 2 DP 467493 Part Sec 13 SO 455144		Commercial	

PC79

Location of Area	Effective Zone until Removal of Deferral	Reason for Deferral	Date of Resolution for Removal of Deferral	Where Services Proposed by Developer, Legal Description of any Part of Area where Deferral Removed	Where Services Proposed by Developer, References to Detailed Performance Requirements and Engineering Plans of Services Approved by:	Effective Zone after Removal of Deferral	
Area notated F (part) at 28 Appleby Highway, Pt Section 108 Waimea East District	Rural 1	Area F: Stormwater service required	14/12/17	Pt Section 108 Waimea East District (part of title only)	6906/1, 2 sheets	Light Industrial	
Areas notated F (part), G, H and I on the planning maps	Rural 1	Area F: Stormwater service required Area G: Reticulated water, wastewater and stormwater services required Area H: Reticulated water, wastewater and stormwater (Borck Creek construction) services required Area I: Reticulated water, wastewater and stormwater services required and in respect of Area I, there is substantial take-up of Area H	31/8/17		6960	Light Industrial	11/21
			16/12/21	**Area H:** All of H except Lot 5 DP20409 and Lot 6 470387 and Lot 1000 DP 556528		Residential	C74 12/20 Op 3/23
Richmond East Development Area (planning maps 23, 57, 130, 135)							
Parts of the Area at 118, 126 Champion Road (Pt Lot 2 DP 3780; Lot 1 DP 5661)	Rural Residential (serviced)	Reticulated wastewater service required	16/3/17			Residential (serviced)	
Parts of the Area at 134 Champion Road (Pt Sec 93 Waimea East District)	Rural 2	Reticulated wastewater service required	16/3/17			Residential (serviced)	
Part of Area at 134 Champion Road	Rural 2	Reticulated wastewater required	16/3/17			Rural Residential (serviced)	
Parts of the Area at 138 and 140 Champion Road	Rural 2	Reticulated wastewater service required	27/8/15	Lot 1 and 2 DP 387909	6835/1	Residential (serviced)	
Parts of the Area at 144 Champion Road, below the 62.5m contour	Rural 2	Reticulated water supply service required	16/3/17			Rural Residential (serviced)	
Parts of the Area at 144, 206, 208 and 210 Champion Road (Pt Sec 93 Waimea East District; Lot 4 DP 2035; Lot 1 DP 19116; Pt Lot 3 DP 6202; Lot 1 DP 19012 and Sec 4 SO452872); and at Secs 1, 3 and 7 SO452872)	Rural 2	At Champion Road, reticulated wastewater service required; above the 62.5 metre contour (Secs 1, 3 and 7 SO452872) reticulated water supply service required				Rural Residential (serviced)	

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Mapua Development Area (planning maps 19, 54, 87)							
125 Mapua Drive	Rural 1	Reticulated water supply, wastewater and stormwater services required	22/5/14	Lot 2 DP17670		Residential (serviced)	
87 – 93 Mapua Drive	Rural Residential		22/5/14 27/8/15	Lots 8 – 11 DP 480837 (Part of Lot 4 DP 469498) Lots 2 and 3 DP 480837	6848/3	Residential (serviced)	
69 – 93 Mapua Drive	Rural Residential (in part)		5/11/20	Lot 1 DP 17670 Lot 2 DP 469498 Lot 3 DP 469498 Lot 3 DP 494693 Lot 1 DP 19875		Residential	
Stage 2	Rural 1	Reticulated water supply, wastewater and stormwater services required and deferred until 2031				Residential (serviced)	

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Location of Area	Effective Zone until Removal of Deferral	Reason for Deferral	Date of Resolution for Removal of Deferral	Where Services Proposed by Developer, Legal Description of any Part of Area where Deferral Removed	Where Services Proposed by Developer, References to Detailed Performance Requirements and Engineering Plans of Services Approved by Council	Effective Zone after Removal of Deferral	
Mapua Drive South	Rural 1 (in part)					Residential	12/20
166 Mapua Drive	Rural 1 (in part)	Reticulated water supply	30/9/21	Lot 2 DP 479544		Residential	11/21
Higgs Road South	Rural 1					Residential	
Southern extension of the Korepo Road Rural Residential Zone	Rural 1	Reticulated water, wastewater and stormwater services required				Rural Residential (serviced)	
29 Aranui Road (Lot 59, DP 17242), Mapua Special Development Area	Residential	Reticulated water supply, wastewater and stormwater services required				Residential (serviced) (rules for Mapua Special Development Area)	
Between Iwa Street and Aranui Road (Lot 1 DP 17890; Lot 1 307114; and Lots 1, 77-91, 101 &102 DP 504876)	Rural 1	Stormwater	28/9/17		Plan 6937/5	Residential	
North of Warren Place, Mapua	Rural 1	Reticulated water, wastewater and stormwater services required				Light Industrial	
Motueka West Development Area (planning maps 19, 52, 116, 118, 119)							
North and east of the northern and eastern greenways and south of the southern greenway	Rural 1	Reticulated water supply, wastewater and stormwater services required and in accordance with the development sequence starting from the south east to north west and from south east to south west, along the two greenways, shown by directional arrows on the planning maps				Residential (serviced)	
South of the eastern greenway	Rural 1	Reticulated water, wastewater and stormwater services required and in accordance with the development sequence starting from the south east to north west, and from south east to south west, along the two greenways, as shown by directional arrows on the planning maps				Mixed Business	
South of the western greenway/south of Green Lane	Rural 1	Reticulated water, wastewater and stormwater services required and in accordance with the development sequence starting from the south east to north west, and from south east to south west, along the two greenways, as shown by directional arrows on the planning maps				Light Industrial and Heavy Industrial	
Corner of Pah and Queen Victoria streets	Rural 1	Reticulated water supply, wastewater, stormwater services required				Papakainga	C57 11/15 Op 12/18

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Location of Area	Effective Zone until Removal of Deferral	Reason for Deferral	Date of Resolution for Removal of Deferral	Where Services Proposed by Developer, Legal Description of any Part of Area where Deferral Removed	Where Services Proposed by Developer, References to Detailed Performance Requirements and Engineering Plans of Services Approved by Council	Effective Zone after Removal of Deferral	
Motueka (outside the Motueka West Development Area) (planning maps 19, 52, 119)							
South of King Edward Street, Motueka	Rural 1	Reticulated water, wastewater and stormwater services required				Residential (serviced)	

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Brightwater (planning maps 22, 56, 90)							
South east of Snowdens Bush	Rural 1	Reticulated water supply, wastewater and transport (Ellis St intersection)	15/4/21	Lot 1 DP 3638 Lot 4 DP 4841 Lot 2 DP 534911 (part) Lot 1 DP 304184 (part) Pt Sec 33 Waimea South Dist		Residential	C57 11/15 Op 12/18 9/21
Reticulated water supply between Wanderers Ave & Lord Rutherford Road Removed as part of Plan Change 75							C57 11/15 Op 12/18 C75 9/22
Corner of Factory Road and River Terrace Road	Rural 1	Reticulated water supply	5/11/20	Lot 1 DP 456011 Lot 1 DP 395051		Light Industrial	Op 10/23 12/20 Cl20A U69 7/22
East of River Terrace Road	Rural 1	Reticulated water supply	5/11/20	Lot 2 DP456011		Light Industrial	Cl20A U69 7/22
East of River Terrace Road	Rural 1	Reticulated water supply	5/11/20	Lot 2 DP3453		Light Industrial	Cl20A U69 7/22
104 Waimea West Road, Brightwater (Part of Pt Section 33 Waimea South District)	Rural 1	Reticulated water supply				Residential	C68 7/18 Op 6/19
Brightwater Development Area (planning maps 22, 56, 90)							
Between Lord Rutherford Road, Main Road Spring Grove (State Highway 6), and Pitfure Stream	Rural 1	Reticulated water supply. Stormwater and water supply required.				Residential	C75 9/22 Op 10/23
Wakefield Development Area (planning maps 22, 58, 91)							
Between Pitfure Road, Edward Street, and Higgins Road	Rural 2	Reticulated wastewater, stormwater, and water supply required				Residential (serviced)	C76 9/22
Wakefield (planning maps 22, 58, 91)							
Bird Lane, Wakefield	Rural 1	Stormwater services; reticulated water supply upgrade; and roading improvements to Bird Lane and the intersection with SH6.				Residential	C65 10/17 Op 4/18
Higgins Road, Wakefield (Part Lot 1 DP 303114)	Rural 2	Higgins Road upgrade south of the Pitfure Bridge to ensure access in a Q100 event; and pedestrian/cycle link over the Pitfure Stream to Ryeland Avenue.				Rural Residential	C65 10/17 Op 4/18 C76 9/22
Other Settlements and Areas							
Parts of Murchison	Rural 2	Stormwater service required				Residential (serviced)	

~~65 Hotham Street, Murchison~~	~~Rural 2~~	~~Reticulated water, wastewater and stormwater services required~~				~~Residential (serviced)~~
~~161 Fairfax Street~~	~~Rural 2~~	~~Reticulated water, wastewater and stormwater services required~~				~~Residential (serviced)~~
~~166, 170, 174, 176, 178 Fairfax Street~~	~~Rural 2~~	~~Reticulated water, wastewater and stormwater services required~~				~~Residential (serviced)~~
~~Riwaka-Kaiteriteri Road, Kaiteriteri~~	~~Rural 2~~	~~Upgrading required adjoining Riwaka-Kaiteriteri Road~~	~~11/12/14~~	~~N/A~~	~~N/A~~	~~Rural Residential~~
~~Part of Patons Rock~~	~~Rural 1~~	~~Reticulated wastewater service required~~				~~Residential (serviced)~~
~~Sandy Bay Road, Marahau~~	~~Rural 1~~	~~Reticulated wastewater and water supply services required~~				~~Tourist Services~~
~~Marahau~~	~~Rural 1~~	~~Reticulated wastewater service required~~				~~Residential (Serviced)~~
~~Old Coach Road, Mariri~~	~~Rural 2~~	~~Road upgrading required once the existing tree crop has matured and been harvested~~				~~Rural Residential~~

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~~C77 9/22~~
~~Op 10/23~~
~~C77 9/22~~
~~Op 10/23~~

~~C77 9/22~~
~~Op 10/23~~

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Deferred Zone Site Location	Deferred Zone Site location number	Plan provisions that apply before services are provided	Infrastructure or servicing that is required to be delivered (Rule 17.14.2.2 refers)	Legal descriptions of land to which Column G H planning provisions apply	Where infrastructure or services proposed by developer, references to detailed performance requirements and engineering plans of services agreed with Council	Plan provisions that apply after services are delivered	Date when Column G provisions apply	Number and Operative Date of plan change that rezones site location to a deferred zone rezoning land to end use zone	Number and date of plan update that updates Column I
McShane Road	RW5	Chapter 5, Site Amenity Effects. Chapters 7, Rural Environment Effects. Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. 16.3.2.1 16.2.5 Section 16.3.5, Subdivision- Rural 1 Zone. and Chapter 17.5, Rural 1 Zone Rules.	**Wastewater:** Provision for a new trunk pressure main along indicative road layout through development area; provision for new pressure trunk main connection to existing 525mm gravity main along decommissioned rail corridor to the south of RW5 (now NZTA and Great Taste Trail corridor). See AMP ID 96118 in LTP 2024. **Water Supply:** Construction of the bulk water supply network from the Richmond South Low Level Reservoir to the Richmond West Development Area. Provision of a new trunk watermain through the mixed business area along the indicative road layout, including connection to existing 200mm watermain under Borck Creek at southern end of Summersfield Boulevard. See AMP ID 86204 in LTP 2024. **Transportation:** Provision for a single mid-block intersection with SH60 to be approved by that meets NZTA S standards as			Chapter 5, Site Amenity Effects. Chapters 5, 6, Urban Environment Effects Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. 16.3.2.1 16.2.5, Section 16.3.4, Subdivision - Business and Industrial Zones and Chapter 17.3, Mixed Business Zone Rules.			

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			part of the central access roadway through mixed business area as per indicative road layout on planning maps. To be provided by developer, plus some Council funding available. See AMP ID 46094 in LTP 2024. Stormwater Construction of remaining portion of Bourk Creek bulk stormwater network within Richmond West Development Area adjacent to south east boundary of RW5 to State Highway 60.						

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South West Hart Road	RS14	Chapter 5, Site Amenity Effects. Chapter~~s~~ 7, Rural Environment Effects. Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. ~~16.3.2.1~~ ~~16.2.5~~ Section 16.3.5, Subdivision- Rural 1 Zone. ~~and~~ Chapter 17.5, Rural 1 Zone Rules.	**Water Supply:** ~~Provision of planned "Richmond High Level Reservoir" to service the Richmond South area, or equivalent measure proposed by Council or developers to provide adequate level of service for water supply. See AMP ID 86120 in LTP 2024.~~ Provision of "Richmond South Low Level Reservoir" (AMP ID 86120) at 520 Hill Street South and construction of a Booster Pump Station (AMP ID 86178 programmed for years 4-5), or equivalent measure proposed by Council or developers to provide adequate level of service for water supply.			Chapter 5, Site Amenity Effects. Chapter~~s 5,~~ 6, Urban Environment Effects Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. ~~16.3.2.1~~ ~~16.2.5,~~ Section 16.3.3, Subdivision – Residential Zone ~~and~~ Chapter 17.1, Residential Zone Rules.			

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Between Lord Rutherford Road, Main Road Spring Grove (SH6) and Pitfure Stream	BW17	Chapter 5, Site Amenity Effects. Chapter~~s~~ 7, Rural Environment Effects. Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. ~~16.3.2.1-16.2.5~~ Section 16.3.5, Subdivision- Rural 1 Zone. ~~and~~ Chapter 17.5, Rural 1 Zone Rules.	**Wastewater:** Construction of the ~~"Waimea Wastewater Strategy"~~ Richmond Wakefield Trunkmain upgrade - Wastewater from Wakefield to Beach Road in Richmond including new Wakefield pump station and pressure main to Brightwater, bypass of wastewater flows from Wakefield around the Brightwater pump station, and construction of a new pressure main from Burkes Bank to Beach Road to carry the additional wastewater flows. See AMP IDs 96053, 96080, and 96081 in LTP 2024. **Water Supply:**			Chapter 5, Site Amenity Effects. Chapter~~s 5,~~ 6, Urban Environment Effects Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. ~~16.3.2.1-16.2.5,~~ Section 16.3.3, Subdivision – Residential Zone. ~~and~~ Chapter 17.1, Residential Zone Rules.			

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			Construction of the ~~"Waimea Water Strategy"~~, Richmond Wakefield Trunkmain upgrade - Water including development of a new bore field and water treatment plant at the proposed Clover Road site, and associated reticulation, reservoirs and pump stations to distribute the water to Wakefield and Brightwater. See AMP ID 86123 in LTP 2024.						
Bird Lane	WK20	Chapter 5, Site Amenity Effects. Chapter~~s~~ 7, Rural Environment Effects. Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. ~~16.3.2.1-16.2.5~~	**Wastewater:** Construction of the ~~"Waimea Wastewater Strategy"~~, Richmond Wakefield Trunkmain upgrade - Wastewater including new Wakefield pump station and pressure main to Brightwater, bypass of wastewater flows from Wakefield around the Brightwater pump station, and construction of a new pressure main from Burkes Bank to Beach Road to carry the additional wastewater flows. See AMP IDs 96053, 96080, and 96081 in LTP 2024. **Water Supply:** Construction of the ~~"Waimea Water Strategy"~~ Richmond Wakefield-Trunkmain upgrade - Water, including development			Chapter 5, Site Amenity Effects. Chapter~~s 5,~~ 6, Urban Environment Effects Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. ~~16.3.2.1-16.2.5,~~ Section 16.3.3, Subdivision – Residential Zone.			

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		Section 16.3.5, Subdivision-Rural 1 Zone. ~~and~~ Chapter 17.5, Rural 1 Zone Rules.	of a new bore field and water treatment plant at the proposed Clover Road site, and associated reticulation, reservoirs and pump stations to distribute the water to Wakefield and Brightwater. See AMP ID 86123 in LTP 2024.			~~and~~ Chapter 17.1, Residential Zone Rules.				

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			Stormwater: Identification and implementation of a stormwater discharge pathway to Pitfure Stream or the Wai-iti River, to be provided by the developer. **Transportation:** Upgrade of the Bird Land intersection with State Highway 6; see AMP ID 46024 in LTP 2024. Access to WK20 will be from Bird Lane, no direct access onto State Highway 6 is available.							
Higgins Road	WK21	Chapter 5, Site Amenity Effects. Chapter~~s~~ 7, Rural Environment Effects. Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. ~~16.3.2.1-16.2.5~~	**Wastewater:** Construction of the ~~"Waimea Wastewater Strategy"~~, Richmond Wakefield Trunkmain upgrade – Wastewater including new Wakefield pump station and pressure main to Brightwater, bypass of wastewater flows from Wakefield around the Brightwater pump station, and construction of a new pressure main from Burkes Bank to Beach Road to carry the additional wastewater flows. See AMP IDs 96053, 96080, and 96081 in LTP 2024. **Water Supply:** Construction of the ~~"Waimea Water Strategy" "~~, Richmond Wakefield			Chapter 5, Site Amenity Effects. Chapter~~s 5,~~ 6, Urban Environment Effects Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. ~~16.3.2.1-16.2.5,~~ Section 16.3.3,				

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		Section 16.3.6, Subdivision-Rural 2 Zone. ~~and~~ Chapter 17.6, Rural 2 Zone Rules.	Trunkmain upgrade –Water, including development of a new bore field and water treatment plant at the proposed Clover Road site, and associated reticulation, reservoirs and pump stations to			Subdivision – Residential Zone. ~~and~~ Chapter 17.1, Residential Zone Rules.			

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			distribute the water to Wakefield and Brightwater. See AMP ID 86123 in LTP 2024. **Transportation**: Formation of Higgins Road up to the site boundary, and upgrade of the Higgins Road crossing over Pitfure Stream to provide adequate flood conveyance level of service for the level of traffic that will be supported by the upgraded road. To be completed by the developer.						
Grey Street	MR22	Chapter 5, Site Amenity Effects. Chapter~~s~~ 7, Rural Environment Effects. Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. ~~16.3.2.1-16.2.5~~	**Wastewater:** Upgrade of the Hotham Street wastewater pump station and construction of a new rising main to the Murchison wastewater treatment plant. See AMP ID 96091 in LTP 2024. **Water Supply:** Upsizing of the Hotham Street watermain. See AMP ID 86175 in LTP 2024.			Chapter 5, Site Amenity Effects. Chapter~~s 5,~~ 6, Urban Environment Effects Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. ~~16.3.2.1-16.2.5,~~ Section 16.3.3,			

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		Section 16.3.6, Subdivision-Rural 2 Zone. ~~and~~ Chapter 17.6, Rural 2 Zone Rules.				Subdivision – Residential Zone. ~~and~~ Chapter 17.1, Residential Zone Rules.			
55 Hotham Street	MR24	Chapter 5, Site Amenity Effects. Chapter~~s~~ 7, Rural Environment Effects. Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. ~~16.3.2.1-16.2.5~~ Section 16.3.6, Subdivision-Rural 2 Zone. ~~and~~ Chapter 17.6, Rural 2 Zone Rules.	**Wastewater:** Upgrade of the Hotham Street wastewater pump station and construction of a new rising main to the Murchison wastewater treatment plant. See AMP ID 96091 in LTP 2024. **Water Supply:** Upsizing of the Hotham Street watermain. See AMP ID 86175 in LTP 2024.			Chapter 5, Site Amenity Effects. Chapter~~s 5,~~ 6, Urban Environment Effects Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. ~~16.3.2.1-16.2.5,~~ Section 16.3.3, Subdivision – Residential Zone. ~~and~~ Chapter 17.1, Residential Zone Rules.			

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65 Hotham Street	MR25	Chapter 5, Site Amenity Effects. Chapter~~s~~ 7, Rural Environment Effects. Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. ~~16.3.2.1-16.2.5~~ Section 16.3.6, Subdivision-Rural 2 Zone. ~~and~~ Chapter 17.6, Rural 2 Zone Rules.	**Wastewater:** Upgrade of the Hotham Street wastewater pump station and construction of a new rising main to the Murchison wastewater treatment plant. See AMP ID 96091 in LTP 2024. **Water Supply:** Upsizing of the Hotham Street watermain. See AMP ID 86175 in LTP 2024.			Chapter 5, Site Amenity Effects. Chapter~~s 5,~~ 6, Urban Environment Effects Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. ~~16.3.2.1-16.2.5,~~ Section 16.3.3, Subdivision – Residential Zone. ~~and~~ Chapter 17.1, Residential Zone Rules.				
Fairfax Street South	MR26	Chapter 5, Site Amenity Effects. Chapter~~s~~ 7, Rural	**Wastewater:** Upgrade of the Hotham Street wastewater pump station and a new rising main to the Murchison wastewater treatment plant.			Chapter 5, Site Amenity Effects. Chapter~~s 5,~~ 6, Urban				

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		Environment Effects. Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. ~~16.3.2.1-16.2.5~~ Section 16.3.6, Subdivision-Rural 2 Zone. ~~and~~ Chapter 17.6, Rural 2 Zone Rules.	**Water Supply:** Upsizing of the Hotham Street watermain. See AMP ID 86175 in LTP 2024.			Environment Effects Section 16.3.2.5, Subdivision in any Zone Subject to Deferred Zone Rules. ~~16.3.2.1-16.2.5,~~ Section 16.3.3, Subdivision – Residential Zone. ~~and~~ Chapter 17.1, Residential Zone Rules.			

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CHAPTER 19: INFORMATION REQUIRED WITH LAND USE CONSENT OR SUBDIVISION CONSENT APPLICATIONS

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19.1 SCOPE OF CHAPTER 19

C19 5/10 Op 8/12

This Chapter outlines the information required to accompany particular types of land use and subdivision consent applications. More than one of the requirements may apply to a particular application. For example, an application involving gravel extraction in most cases will have to include information under 19.2.1 (land use), 19.2.9 (land disturbance) and 19.2.10 (quarrying). The matters listed will not be relevant to every class of application, nor are they an exhaustive list.

For controlled activities and restricted discretionary activities, the information must include material addressing the matters over which the Council has retained control or discretion. Additional information will be needed for discretionary activities and non-complying activities. In all cases, the obligation remains with applicants to provide sufficient information to meet the requirements of Section 88 and the Fourth Schedule of the Act.

NES-FW (ca) 12/20

Advice Note: The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 may apply to some activities, including farming activities and activities in or near wetlands and rivers. The National Environmental Standard may alter the activity status of an activity and impose additional standards, information requirements, matters for assessment and criteria. Please ensure you have met any requirements in the regulations in addition to those in this plan.

19.2 INFORMATION REQUIRED FOR LAND USE OR SUBDIVISION CONSENT APPLICATIONS

19.2.1 Land Use

C19 5/10 Op 8/12

Applicants must submit, and the Council may request further information, on the following matters to the extent that they are relevant to any land use consent rule, together with information required under any other relevant section of this chapter:

19.2.1.1 Location of the proposed activity, including the legal description and address.

19.2.1.2 Name and address of the owner and occupier (other than the applicant) of any land to which the application relates.

19.2.1.3 The full name of the applicant, whether an individual, partnership or company and who will hold the consent. If the applicant is a partnership, the full names of all the partners.

19.2.1.4 Full description of the activity, including:

(a) hours or duration of operation;

(b) number of people involved (e.g. working on, capable of being accommodated on, or expected to visit or use the site);

(c) description of parking arrangements, and access and service provision, e.g. sewage and water;

(d) expected traffic flows to and from the site;

(e) details of any hazardous substances involved with the activity and any materials being extracted, used, or processed on the site (including an indication of volumes and quantities);

(f) any signs to be erected relating to the proposal *(refer to 19.2.5)*.

19.2.1.5 A site plan showing:

(a) roads onto which the property has frontage;

(b) boundaries, area and dimensions of the subject property(s);

(c) existing and proposed car parks, cycle parks, loading areas and utility, on-site access, on-site manoeuvring areas, vehicle crossings and their proximity to intersections; **C66 10/17 Op 12/18**

(d) formation of crossings, access and car parks; stormwater disposal from access and parking areas; **C69 6/19 Op 6/20**

(e) location and dimensions of existing and proposed buildings, including the percentage coverage if the application is in a residential, commercial or industrial area;

(f) location of known archaeological sites, significant individual or groups of trees, and details of proposed landscaping;

(g) any topographic features (embankments, cliffs, streams, wetlands, drains), selected ground heights and main power lines;

(h) present use of adjoining properties;

(i) the visibility available from any access, measured in terms of the requirements in rule 16.2.2.1;

(j) the location, type and anticipated maximum height of any proposed landscaping;

(k) details of any legal public access along and to any water body or the coast.

19.2.1.6 Elevation drawings showing building height and natural ground level, and the relationship of the building to the height limit and daylight angle controls for the relevant zone and set back from the Ruby Bay ridge top and toe, if applicable. **C22 2/11 Op 1/15 C69 6/19 Op 6/20**

19.2.1.7 A description of actual and potential adverse environmental effects (including cumulative effects) of undertaking the activity, including:

(a) effects on ecosystems and natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, cultural or any other special values for present or future generations;

(b) noise emissions;

(c) dust generation;

(d) traffic generation;

(e) visual effects;

(f) any other nuisance elements;

(g) stormwater management.

19.2.1.8 A description of any possible alternative methods or locations.

19.2.1.9 A description of mitigating measures (safeguards and contingency plans where relevant) to help prevent or reduce actual or potential effects of the activity.

19.2.1.10 For an activity involving a building or modification of landform in the Rural 3 Zone, or a building on an allotment in the Mapua or Waimea Inlet Rural Residential Zone which is below the controlled activity lot size for the zone, a statement outlining the extent of consistency of the activity with the 'Coastal Tasman Area Subdivision and Development Design Guide', prepared by an appropriately competent person in landscape or urban design analysis, including any suggested conditions to avoid, remedy or mitigate effects on the wider environment and within the vicinity of the activity. **C6 7/07 Op 10/10**

19.2.1.11 For an activity involving a building in the Rural 3 Zone on a site that adjoins any horticultural planting, details of how any exposure of the building to cross-boundary effects such as noise, odour, or pesticide discharge, may be avoided or mitigated, in addition to compliance with Plan rules.

19.2.1.12 For an activity involving a building in the Residential Zone in the Richmond South, Brightwater, Wakefield, or the Mapua Special development areas or the Motueka West Compact Density Residential Area: **C22 2/11 & C43 4/13 Op 1/15 C75 9/22 Op 10/23 C76 9/22 C75 9/22 Op 10/23**

(a) information describing the extent to which compliance is achieved with the conditions in rule 17.1.3.3 *Controlled Activities (Building Construction or Alteration – Compact Density Development)* for buildings in the Residential Zone in the Richmond South, Brightwater, Wakefield, or Mapua Special development areas or the Motueka West Compact Density Residential Area, or – in the case of the Brightwater and Wakefield Development Areas – compliance with 17.1.3.2 Controlled Activities *(Building Construction or Alteration – Standard Density Development)*;

(b) where the application is for a compact density land use development and subdivision, information describing consistency with the Urban Design Guide (Part II, Appendix 2).

19.2.1.13 An assessment of the effects of the development on stormwater run-off and natural drainage characteristics of the land, including: **C7 7/07 Op 10/10**

(a) changes to natural and/or existing drainage patterns;

(b) changes in land cover, such as vegetation removal;

(c) changes in infiltration characteristics, such as areas of proposed impervious surface cover, including buildings and sealed surfaces;

(d) proposed stormwater management methods, including the application of Low Impact Design solutions for the control of stormwater run-off and water quality;

(e) primary stormwater flows;

(f) secondary stormwater flows; **C7 7/07 Op 10/10**

(g) changes to areas that are inundated. **C22 2/11 Op 1/15**

19.2.1.14 A cultural heritage site assessment of: **C16 9/09 Op 8/12**

(a) the land subject to the proposed activity, where there is a listed cultural heritage site or precinct on any part of the land and it is unclear whether the proposed activity will have an effect on it or it is very clear that the proposed activity will have an effect on it;

(b) any site that is an archaeological site that must be prepared by an appropriately competent archaeologist and address:

(i) the location and extent of any cultural heritage sites, using a hand-held GPS or similar device to locate the site accurately;

(ii) the nature or type of physical evidence identified at each cultural heritage site;

(iii) an assessment of significance of each Cultural Heritage Site in terms of its archaeological values;

(iv) any recommended actions to avoid the potential for the modification, damage or destruction of any identified cultural heritage site in terms of its archaeological values;

(c) any site that is a wāhi tapu or wāhi tapu area that must be prepared by manawhenua iwi and must address:

(i) where appropriate, the location of any wāhi tapu or wāhi tapu area;

(ii) an assessment of the significance of the cultural heritage site in terms of cultural values, not otherwise covered within an archaeological assessment;

(iii) any recommended actions that could be used to avoid the potential for adverse effects of the proposed activity on any identified Cultural Heritage Site in terms of its significance to manawhenua iwi.

19.2.1.15 For amenity planting and specimen tree planting required by any rule, a description of the proposed tree root management, including root pit dimensions, soil structure, aeration, irrigation, and proximity to underground services. **C10 10/07 Op 3/14**

19.2.1.16 For any habitable building in the Fault Rupture Risk Area, provision of the report as required by condition (a) of rule 18.13.3.2. **C21 8/10 Op 1/15**

Richmond North Commercial Zone **C62 3/16 Op 10/17**

19.2.1.16A (a) A construction management plan (CMP) must be prepared by a suitably qualified person in civil engineering. The CMP must at least address the following:

(i) Regulatory obligations

(ii) The scope of construction activities and methods and assessment of effects for each activity

(iii) Programme of works

(iv) Detail of any proposed remediation if required

(v) Erosion and sediment control plan, including stormwater control

(vi) Transport management and site logistics

(vii) Dust control

(viii) Waste and recycling

(ix) Hours of operation

(x) Parking during construction

(xi) Consultation with nearby schools and residents prior to significant construction events that may be the source of nuisance

(xii) Contacts for communications

(xiii) Complaints procedure

(xiv) Methods for monitoring and reporting

(xv) Procedures for reviewing, amending and updating the CMP.

(b) A construction noise management plan (CNMP) must be prepared by a suitably qualified acoustic expert. The CNMP will be designed to achieve compliance with the construction noise limits set out in condition (t) under the controlled activity conditions for 'Building Construction or Alteration' in Schedule 17.2B. The CNMP must specify, as a minimum, the following:

(i) Construction noise and vibration criteria

(ii) Hours of construction activities, including times and days when noisy or vibration-inducing activities could occur

(iii) Machinery and equipment to be used

(iv) Vibration testing of equipment

(v) Preparation of building condition surveys of any critical dwelling prior to, during and after completion of construction works

(vi) Roles and responsibilities of personnel on site

(vii) Construction operator training procedures

(viii) Methods for monitoring and reporting

(ix) Procedures for reviewing, amending and updating the CNMP.

(c) An Operational Noise Management Plan (ONMP) must be prepared by a suitably qualified acoustic expert. The ONMP will be designed to achieve compliance with the noise limits in condition (e) under the permitted activity conditions for 'Land Use' activities in Schedule 17.2B. The ONMP must specify, as a minimum, the following:

(i) Operational Noise Management Plan objectives.

(ii) Mitigation and management measures to be adopted to ensure compliance with the relevant noise limits, including a signed statement by the qualified acoustic expert that the measures specified are adequate to ensure compliance with the noise limits.

(iii) Noise modelling; noise monitoring; auditing and reporting procedures.

(iv) Specifications for how operational noise is mitigated or controlled within the various loading bays and other goods-handling areas as well as outdoor refuse disposal and recycling materials handling areas.

(v) Noise complaint handling procedures and community liaison.

(vi) Procedures for amendments and review.

Advice Note: It is anticipated that the above management plans will be finalised through the resource consent process for any building proposal in the Richmond North Commercial Zone, and will be adhered to as conditions of any consent being granted.

[Unchanged or irrelevant text omitted]

Productive Value Report

C60 1/16
Op 6/19

19.2.1.17 A productive value report may be required for any land use consent and must contain the following:

(a) Soil type patterns across a site.

(b) The characteristics of soils, including drainage, potential rooting depth, present fertility, existing contamination and erosion proneness.

(c) Land form features, including slope and aspect, and flood proneness.

(d) Climate, including general characteristics relating to suitability for productive use.

(e) Historical and existing land uses, including crop type, surrounding uses and existing markets.

(f) Effects on potential land uses and productivity, including loss of land from production through access, curtilage development and required setbacks.

(g) Availability of water.

19.2.1.18A **Land use application under Schedule 17.4A**

C79 11/24

For any land use application under Rule 17.4A.2.2, a plan which demonstrates how buildings are able, both physically and financially, to be removed from the site.

From:	Environment Policy
To:	Tasmanrmp
Subject:	Tasman District Council: Proposed Plan Change 79 Transpower Hearing Statement
Date:	Friday, 6 June 2025 7:39:13 pm
Attachments:	20250606_Tasman_PC79_Transpower_HearingStatement_.pdf

Tēnā koe,

Transpower New Zealand Limited (submitter ref 174) writes in relation to the forthcoming hearing for Plan Change 79. Transpower accepts the s42A report recommendations and has therefore elected not to file evidence or appear at the hearing. The attached hearing statement records Transpower's position in response to the recommendations and we would be grateful if it could be tabled for the Panel's attention.

In the event that the hearing panel has any questions relating to Transpower's relief or the attached letter, we are readily available to appear.

Ngā mihi,

Rebecca

REBECCA ENG (she/her)
Technical Lead – Environmental Policy

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6 June 2025

Delivered via email to: tasmanrmp@tasman.govt.nz

Dear Sir/Madam,

RE: Proposed Plan Change 79: Deferred Zoning to the Tasman Resource Management Plan

Transpower New Zealand Limited ("Transpower") writes in relation to the Hearing scheduled for the 23rd and 24th June 2025.

Transpower's six submission points 174.1 – 174.5 sought confirmation that the operative Tasman Resource Management Plan provisions relating to subdivision, land use and earthworks within proximity of existing electricity transmission assets (i.e. National Grid) continue to apply to the site. The S42A report recommendation has confirmed that the Richmond East Development Area refers to the: "the area to the east of Richmond as shown on the planning maps" and that the provisions relating to existing transmission assets will apply to the site. Transpower supports the provisions and confirmation.

Transpower's submission points also sought that the Tasman Resource Management Plan be amended to give effect to the National Policy Statement on Electricity Transmission in New Zealand (NPSET) (including any future changes to the NPSET and NESETA). This includes explicit recognition of NPSET Policies 10 and 11 and the revised National Grid Corridor rules. The S42A report recommended disallowing this point, with the reasoning that the request was outside of the scope of PC79. Transpower is aware of the scope of PPC79 and accepts that amending the National Grid rule framework is beyond scope.

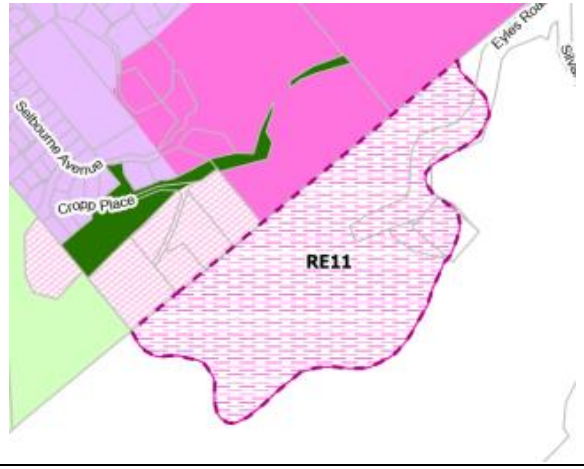
Based on the above, Transpower has not requested to be heard or filed evidence. That said, Transpower is available to respond to any questions the Hearings Panel may have.

For completeness Transpower records its position in respect of the relevant matters in the attached table.

If there are any queries on the above, or you require any further information, please do not hesitate to contact me on (09) 590 7072 or at environment.policy@transpower.co.nz.

Yours faithfully,

Rebecca Eng
Technical Lead – Environmental Policy
TRANSPOWER NEW ZEALAND LIMITED

Sub Ref	PDP Reference	Relief Sought in Transpower's Submission	S42A Report Recommendation	Transpower's Response to S42A Report Recommendations
174.1	Update Zone - Map 76-09	On the basis the operative TMRP provisions relating to subdivision, land use and earthworks within proximity of existing Electricity transmission assets (i.e. the National Grid) continue to apply to the site, Transpower is neutral on the rezoning. 	**Recommendation: For 174.1 – 174.5 Allow.** **No amendments.** **S42A reference:** Page 75 – 77. **Section 42A Commentary:** It is noted that Plan Change 22 - Richmond East Development Area, (operative August 2012) incorporated the above provisions into the TRMP at the request of Transpower at the time. **Evaluation** TRMP Chapter 2.2 defines the Richmond East Development Area as: "the area to the east of Richmond as shown on the planning maps". Site Location RE11 is part of the broader REDA. TRMP plan map notation is a tool used to spatially identify an area subject to a plan change that usually is subject to various plan provisions associated with the change (e.g. amenity planting and noise provisions relevant to Richmond West Development Area). Consequently, the TRMP notation remains regardless of the rezoning of locations to the 'end use' or any other zone. To date, none of the TRMP development area notations associated with various plan changes have been removed and it would require an RMA Schedule 1 Plan Change to do so.	On the basis the TRMP planning map notation will continue to identify the Richmond Area Development Area (including RE11), after the land is rezoned, Transpower supports the S42A report recommendations.
174.2	2.2 Defined Words - "Richmond Eas Development Area"	Clearly identify if the rezoned site will continue to be identified as Richmond East Development Area. Should the rezoned land not identified as Richmond East Development Area following the plan change, appropriate rules will be required to manage subdivision, use and development (including earthworks) within proximity of the National Grid assets.		
174.3 & 174.3.1	Subdivision – Rural Residential and Closed Zones Rules - Rules 16.3.8.1(j) and 16.3.8.3	Confirm the operative subdivision Rules 16.3.8.1(j) and 16.3.8.3 rules will continue to apply to the land to be rezoned. Should the land not be identified as Richmond East Development Area following the plan change, appropriate rules will be required to manage subdivision within proximity of the National Grid assets.		

Sub Ref	PDP Reference	Relief Sought in Transpower's Submission	S42A Report Recommendation	Transpower's Response to S42A Report Recommendations
174.4 & 174.4.1 & 174.4.2	17.8 Rural Residential Zone Rules - 17.8.3.1(g)(vii), 17.8.3.2(c) and 17.8.3.3	Confirm the operative land use rules 17.8.3.1(g)(vii), 17.8.3.2(c) and 17.8.3.3 will continue to apply to the land to be rezoned. Should the land not be identified as Richmond East Development Area following the plan change, appropriate rules will be required to manage land use within proximity of the National Grid assets.	**Staff Recommendation and Reasoning** 1. Allow requests for the reasons that: (i) Staff are able to confirm that the TRMP planning map notation will continue to identify the Richmond Area Development Area, including RE11, after the land is rezoned. (ii) An RMA Schedule 1 plan change would be required to remove the REDA from the planning maps.	
174.5	18.5 Land Disturbance Area - Rules 18.5.2.1(j) and 18.5.2.5	Confirm the operative earthworks rules 18.5.2.1(j) and 18.5.2.5 will continue to apply to the land to be rezoned. Should the land not be identified as Richmond East Development Area following the plan change, appropriate rules will be required to manage earthworks within proximity of the National Grid assets.		
174.6	Plan Wide	Despite the potential scoping issue, Transpower sought to amend the provisions within the TRMP to give effect to the NPSET (including any future changes to the NPSET and NESETA). This includes explicit policy recognition to give effect to the NPSET Policies 10 and 11 and revised National Grid Corridor rules.	**Recommendation: Disallow.** **S42A reference:** Page 75 – 77. **Section 42A Commentary:** Staff recommend that the request is disallowed for the following reasons: (i) Request is beyond the scope of PC79. (ii) Anticipated changes to national guidance are not yet available. (iii) Existing TRMP provisions enable NPSET Policies 10 and 11, notably operative Policy 6.8.3.28. in addition to the operative, subdivision and land use and disturbance rules that apply to the Richmond East Development Area.	Council has confirmed that this is outside of the scope of Plan Change 79. Transpower had considered the likeliness of scope within its submission, and therefore Transpower accepts the S42A report recommendation.