

**Annotated Plan Change Provisions and section 32AA assessment**

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AMENDMENT NO.	CHAPTER	PROVISION	REQUESTED CHANGE	REASONS FOR PROVISIONS AND AMENDMENTS TO PROVISIONS AS NOTIFIED
<b>CHAPTER 16 - TRANSPORT</b>				
<b>The amendments sought to Chapter 16 in the notified version have not been amended through or subsequent to the hearing and their section 32 assessment is contained in the application documents</b>				
<b>CHAPTER 17 – GENERAL PROCEDURES</b>				
1	17.1 Residential Zone Rules	17.1.2.1 Permitted Activities (Land Use - General)	(p) The land use occurs on CT <del>Volume 5C Folio 1208</del> 701541 ( <del>corner of Salisbury Road and 24</del> Champion Road, Richmond) and complies with the permitted activity conditions set out in Schedule 17.1E.	Change made in section 42A to reflect new Title reference and address of site
2	17.2 Central Business, Commercial and Tourist Services Zone Rules	17.2.2.1 Permitted Activities (Land use – Central Business and Commercial Zones)	<p>....</p> <p>Any land use in the Central Business Zone or Commercial Zone is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:</p> <p>.....</p> <p><b>Site Specific Activity: Richmond North Commercial Zone</b></p> <p>(p) The land use is a retail, commercial or community activity within the Richmond North Commercial Zone and complies with the permitted activity 'Land Use' Conditions A (i1) to (iv5) set out in Schedule 17.2B.</p> <p>(q) Tasman District Council's Resource Consent Manager has approved design and engineering plans, and a program for funding and construction, for an upgraded roundabout at the intersection of Salisbury Road and Champion Road. The upgraded roundabout shall be designed to achieve a typical weekday PM level of service of no worse than Level of Service D on all approaches to the intersection, including with the expected trip generation from the retail, commercial or community activities permitted to operate in the Richmond North Commercial Zone. Achievement of Level of Service D or greater shall be assessed against the relevant Level of Service criteria for roundabouts in the Austroads Guide to Traffic Management Part 3 – Traffic Studies and Analysis (2013)).</p> <p>(r) The upgraded roundabout has been constructed in accordance with the approved design to the satisfaction of Tasman District Council's Roading Manager within three years of the approval under q above and prior to retail, commercial or community activities commencing on the site.</p> <p>Advice Note: Building construction and site works may occur within the zone prior to condition (r) being met, provided all other relevant conditions are met.</p>	<p>Conditions q and r are the 'pre-conditions' that are referred and assessed in Mr Rae's supplementary statement dated 18 November 2016, as further amended prior to the planners' conferencing. Mr Rae's sec 32AA in relation to these amendments is therefore contained within both that supplementary statement and the transportation options assessment. Mr Rae considers these provisions provide clear trigger points and a high level of certainty as to outcome and are appropriate as a permitted activity rule.</p> <p>It is however noted by Ms Deans that these clauses were not reviewed by Ms Deans as part of this Section 32AA assessment (as for the wider rules provisions), and were addressed as part of the planners conferencing meeting on options for the Transportation issue.</p> <p>The condition precedent option here as proposed by Mr Rae is not supported by Mrs Deans (see JWS). For completeness the provisions and changes needed for the deferred zone option are also included in a separate table following this one.</p> <p>Under the deferred zone option items (q), (r) and the advice note provided opposite are not required.</p>
3	17.2 Central Business, Commercial and Tourist Services Zone Rules	(new)17.2.2.1A Restricted Discretionary Activities (Land Use – Site Specific Activity: Richmond North Commercial Zone)	<p>Any land use in the Richmond North Commercial Zone that does not comply with the permitted activity conditions 17.2.2.1(q) and 17.2.2.1(r) is a restricted discretionary activity.</p> <p>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:</p> <p>(1) Traffic effects on and improvements required to the transport network servicing the site, including effects on the parts of the road network controlled by different road authorities beyond Tasman District and in particular any improvements to the 'Three Roundabouts' required to achieve an appropriate Level of Service.</p> <p>Note: In the Richmond North Commercial Zone, the New Zealand Transport Agency is an affected person in accordance with section 95B of the Resource</p>	<p>Mr Rae - This rule is part of the 'pre-condition' approach referred and assessed in Mr Rae's supplementary statement dated 18 November 2016, as further amended further prior to the planners' conferencing. Mr Rae's sec 32AA in relation to these amendments is therefore contained within both that supplementary statement and the transportation options assessment. This includes the addition of an advice note that NZTA is an affected party which was requested in Ms Jenkins' statement of evidence and is accepted by Mr Rae as appropriate.</p> <p>However it is noted by Ms Deans that these clauses were not reviewed as part of this Section 32AA assessment, being addressed as part of the planners conferencing meeting on options for the Transportation issue.</p> <p>Also, the RDA matter opposite, as proposed by Mr Rae is not supported by Mrs Deans (see</p>

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			Management Act, insofar as this relates to effects on the transport network.	JWS). For completeness Ms Deans notes that the provisions and changes needed for the deferred zone option are also included in a separate table following this one. Under the deferred zone option provision 17.2.2.1A (1) is not required
4	17.2 Central Business, Commercial and Tourist Services Zone Rules	17.2.4.1 Permitted Activities (Building Construction or Alternation)	Construction or alteration of a building in the Central Business, Commercial or Tourist Services Zone, except any building <del>either</del> in either the Three Brothers Corner Commercial Zone or any building in the Richmond North Commercial Zone, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:	Change made in section 42A to provide improved grammar consistent with the TRMP
5	17.2 Central Business, Commercial and Tourist Services Zone Rules	17.2.4.1B Controlled Activities (Building Construction or Alteration – Site Specific Activity: Richmond North Commercial Zone	<p><b>Controlled Activities (Building Construction or Alteration’ – Site Specific Activity: Richmond North Commercial Zone)</b></p> <p>Construction or alteration of a building within the Richmond North Commercial Zone is a controlled activity if it complies with the controlled activity ‘Building Construction or Alteration’ conditions B (4a) to (4t) as set out in Schedule 17.2B.</p> <p>A resource consent is required and may include conditions on the following matters over which the Council has reserved control:</p> <p>(1) The external design and appearance of buildings.</p> <p>(2) The landscaping treatment of the site, including:</p> <ul style="list-style-type: none"> <li>(i) the landscape planting design along the Marchwood Grove Boundary incorporating where practicable the retention of established trees along the Marchwood Grove boundary;</li> <li>(ii) the landscape planting design along the Salisbury and Champion road frontages;</li> <li>(iii) any sculptural elements and the undergrounding of the Tasman Power line along Champion Road.</li> </ul> <p>(3) Vehicle access, the design of vehicle crossings, parking, and measures required (if any) to ensure the safe and efficient movement of vehicles to and from the site.</p> <p>Note: For the purposes of this matter, consideration of vehicle access is not limited to the definition of “access” set out in Chapter 2. Vehicle access also includes consideration of vehicle crossings, including the area of road reserve immediately adjacent to the access.</p> <p>(4) The location and appearance of the Acoustic Wall.</p> <p>(5) Pedestrian and cyclist circulation around, into and within the site.</p> <p>(6) The location of signage.</p> <p>(7) Traffic effects on and improvements required to the transport network serving the site, achieving typical weekday PM level of service of no worse than Level of Service D on all approaches to the Salisbury Road/ Champion Road intersection, including with the expected trip generation from the retail, commercial or community activities permitted to operate in the Richmond North Commercial Zone. Achievement of Level of Service D or greater shall be assessed against the relevant Level of Service criteria for roundabouts in the Austroads Guide to Traffic Management Part 3 – Traffic Studies and Analysis (2013)).</p>	<p>This arose from discussions at the hearing, and as agreed by the landscape experts during the hearing, and is a response to provide more of a focus on Marchwood Grove, and in particular to give a direction that trees in that area are to be retained where practicable in the design.</p> <p>For sake of completeness, reference to landscaping of the road frontages, which is equally important, has been added by the planners from the conferencing.</p> <p>Mr Rae - purple text shows the amended clause following a review by Mr Georgeson as part of the preparation of Mr Rae’s supplementary statement to provide clarity.</p> <p>This wording is based on the proposed provision contained in Mr Rae’s supplementary statement of evidence however has been refined to incorporate some comments made in the separate planning conferencing on the transportation issue.</p> <p>However it is noted that this clause was not reviewed by Ms Deans as part of this Section 32AA assessment, being addressed as part of the planners conferencing meeting on options</p>

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			<p>(8) Measures for the effective interception and treatment of contaminants discharged from the site. [Advice note: refer to section 36.4].</p> <p>(9) Completeness and adequacy of both the Construction Management Plan and Construction Noise Management Plan for the Richmond North Commercial Zone, as well as the ability of the Construction Noise Management Plan to ensure compliance with the relevant noise condition.</p>	<p>for the Transportation issue. Ms Deans - For clarity, matter (7) i.e. is not required if the deferred zone approach is used.</p> <p>These two matters taken from section 42A report to provide additional assessment of contaminants discharged from site, and to require assessment of construction noise.</p>
6	17.2 Central Business, Commercial and Tourist Services Zone Rules	17.2.4.2 Restricted Discretionary Activities (Building Construction or Alternation)	<p>Construction or alteration of a building that does not comply with the permitted conditions of rule 17.2.4.1 or the controlled conditions of rule 17.2.4.1A <b>or rule 17.2.4.1B</b> is a restricted discretionary activity, if it complies with the following conditions:</p> <p>(a) Except as provided for under condition (b), the maximum height of a building is 10 metres, except that for slimline, self-supporting masts and poles and attached infrastructure, condition 16.6.2.1(j) applies.</p> <p>(b) The maximum height of a building within the Three Brothers Corner Commercial Zone is 10 metres, except that plant rooms, air conditioning units, ventilation ducts, cooling towers, roof/sun lights or similar architectural features on any building may be up to 11.5 metres provided such features do not occupy more than 5 percent of the plan area of the building on which they are located.</p> <p>(c) <b>The maximum height of a building within the Richmond North Commercial Zone is 7.5 metres, except that plant rooms, air conditioning units, ventilation ducts, cooling towers, roof/sun lights or similar features on any building may be up to 9.0m provided such features do not occupy more than 5 per cent of the plan area of the building on which they are located.</b></p>	<p>No changes to notified version. Therefore the section 32 assessment in the application documents is still relevant.</p>
7	17.2 Central Business, Commercial and Tourist Services Zone Rules	17.2.4.2 Restricted Discretionary Activities (Building Construction or Alternation)	<p><b>Site Specific Activity – Richmond North Commercial Zone</b></p> <p>(45) The effect of the design and appearance of the building on the overall streetscape, <b>amenities</b> amenity and character of the surrounding environment, particularly from adjoining residential properties and the intersection of Salisbury <b>Read</b> and Champion Roads.</p> <p>(46) The extent to which any adverse visual effects can be mitigated by building design (architectural style, scale and design, bulk and length of walls, materials, colours), <b>landscaping (including sculptural elements)</b>, screening or through the proposed use of the setback area. This may require the burial underground of the Tasman Power line along Champion Road in order to achieve appropriate landscape treatment along this frontage.</p> <p>(47) The effect of any reduced landscaping <b>in terms of</b> on the scale and appearance of the buildings in the Richmond North Commercial Zone, particularly from adjoining residential properties and the intersection of Salisbury <b>Read</b> and Champion Roads <b>as well as along from the frontages of Salisbury and Champion Roads, and the ability to retain as far as practicable established trees along the Marchwood Grove boundary.</b></p> <p>(48) Any compensating factors for reduced landscaping or screening, including the nature of planting or materials used, the use of open space, the location of parking, manoeuvring or storage areas, or through the use of land within the landscape strip.</p>	<p>Various grammatical changes to be consistent with TRMP</p> <p>These words added by Mr Rae to emphasise the importance of retaining trees along Marchwood Grove boundary, as agreed by Ms Deans, , where practicable to mitigate effects.</p>

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			<p>(49) Vehicle access, the design of vehicle crossings, parking, and measures required (if any) to ensure the safe and efficient movement of vehicles to and from the site. For the purposes of this matter, consideration of vehicle access is not limited to the definition of “access” set out in Chapter 2. Vehicle access also includes consideration of the design of vehicle crossings, including the area of legal road reserve immediately adjacent to the access.</p> <p>(50) Traffic effects on and improvements required to the transport network serving the site, achieving typical weekday PM level of service of no worse than Level of Service D on all approaches to the Salisbury Road/ Champion Road intersection, including with the expected trip generation from the retail, commercial or community activities permitted to operate in the Richmond North Commercial Zone. Achievement of Level of Service D or greater shall be assessed against the relevant Level of Service criteria for roundabouts in the Austroads Guide to Traffic Management Part 3 – Traffic Studies and Analysis (2013)).</p> <p>(51) The location of signage</p> <p>(52) Pedestrian and cyclist circulation around, into and within the site to ensure the safe and efficient movement of passers-by and visitors to the site.</p> <p>(53) Measures for the effective interception and treatment of contaminants discharged from the site. [Advice note: refer to section 36.4].</p> <p>(54) Completeness and adequacy of both the Construction Management Plan and Construction Noise Management Plan for the Richmond North Commercial Zone, as well as the ability of the Construction Noise Management Plan to ensure compliance with the relevant noise condition</p>	<p>Mr Rae - this rule as notified has been amended following a review by Mr Georgeson as part of the preparation of Mr Rae's supplementary statement. to provide clarity</p> <p>This wording is based on the proposed provision contained in Mr Rae's supplementary statement of evidence however has been refined to incorporate some comments made in the separate planning conferencing on the transportation issue.</p> <p>Ms Deans - For clarity, under the deferred zone approach matter (50) is not required</p> <p>From the Section 42A report. Mr Rae considers that if the signs rules are to be breached the effects may be such that it is then appropriate to include the location of signage as a valid assessment matter.</p> <p>These two matters taken from section 42A report to provide additional assessment of contaminants discharged from site, and to require assessment of construction noise.</p>
8	17.2 Central Business, Commercial and Tourist Services Zone Rules	[new] 17.2.4.2B Controlled Activities (Building Construction or Alteration – Site Specific Activity: Richmond North Commercial Zone	<p><del>(6) Traffic effects on and improvements required to the transport network serving the site, including the maintenance of an acceptable level of service of at least Level D on all approaches to the intersection (in terms of the Level of Service criteria for roundabout intersections in the Highway Capacity Manual) for the Salisbury Road/Champion Road roundabout.</del></p>	<p>Mr Rae - As part of the 'pre-condition' approach referred and assessed in Mr Rae's supplementary statement dated 18 November 2016, this assessment matter would be deleted as it would no longer be relevant. Transportation effects would be part of a separate assessment matter in 17.2.2.1A.</p> <p>However it is noted that this clause was not reviewed as part of this Section 32AA assessment, being addressed as part of the planners conferencing meeting on options for the Transportation issue.</p>
9	17.2 Central Business, Commercial and Tourist Services Zone Rules	17.2.4.2 Restricted Discretionary Activities (Building Construction or Alteration)	<p><del>(50) Traffic effects on and improvements required to the transport network serving the site, including the maintenance of an acceptable level of service of at least D on all approaches to the intersection (in terms of the Level of Service criteria for roundabout intersections in the Highway Capacity Manual) for the Salisbury Road/ Champion Road roundabout.</del></p>	<p>Mr Rae - As part of the 'pre-condition' approach referred and assessed in Mr Rae's supplementary statement dated 18 November 2016, this assessment matter would be deleted as it would no longer be relevant. Transportation effects would be part of a separate assessment matter in 17.2.2.1A.</p> <p>However it is noted that this clause was not reviewed as part of this Section 32AA assessment, being addressed as part of the planners conferencing meeting on options for the Transportation issue.</p>
10	17.2 Central Business, Commercial and Tourist Services Zone Rules	17.2.20 Principal Reasons for the Rules	<p><b>Building Setbacks</b></p> <p>...</p> <p>In the Three Brothers Corner Commercial Zone and in the Richmond North Commercial Zone, an increased building setback is required for larger buildings (those having a gross floor area greater than 500 square metres) to ensure that any larger</p>	<p>No changes to notified version. Therefore the section 32 assessment in application documents is still relevant.</p>

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		<p>buildings established within the Zone do not dominate the character and amenity of the surrounding residential environment to the east and south. In addition, a greater building setback is required from the intersection of Gladstone Road and Bateup Road (Three Brothers Corner Commercial Zone), and Salisbury Road and Champion Road (Richmond North Commercial Zone), to ensure the opportunity to attain a high level of amenity at <del>this</del> these entrances to Richmond. A building setback from the road reserves of Gladstone Road and Bateup Road, and from Salisbury Road and Champion Road, is required to provide for landscaping of this setback area to mitigate any adverse visual effects of buildings along these frontages.</p> <p><b>Building Height</b></p> <p>...</p> <p>A specific exemption provides for certain features located on the roofs of buildings within the Three Brothers Corner Commercial Zone and the Richmond North Commercial Zone to exceed the maximum permitted building height. This exemption is limited to those features which do not exceed the maximum permitted height by more than 1.5 metres and they do not occupy more than 5 percent of the plan area of a building. This exemption recognises the relatively small size of these features and, when combined with the specific controls on building setbacks and landscaping within the Three Brothers Corner Commercial Zone and the Richmond North Commercial Zone, will provide an appropriate level of amenity for the surrounding environment.</p> <p>....</p> <p><b>Landscaping and Visual Amenity</b></p> <p>....</p> <p>The Three Brothers Corner Commercial Zone is located at a relatively high profile intersection at the corner of Gladstone Road and Bateup Road, Richmond. The Richmond North Commercial Zone is also located at a high profile intersection, at the northern approaches to Richmond, at the corner of Salisbury Road and Champion Road. Further, the Three Brothers Corner Commercial Zone adjoins a Residential Zone along its southern and eastern boundaries, and the Richmond North Commercial Zone adjoins a Residential Zone along its south-western and south-eastern boundaries. Recognising <del>this</del> these locations, specific landscaping treatment (prescribed minimum depths and tree planting at specified intervals) is required along road frontages and boundaries with the Residential Zone, with a minimum percentage of the Zone to be set aside for landscaping. These specific landscaping controls will ensure a high standard of amenity is achieved, and will assist in reducing the dominance of buildings and hard stand areas established within the Zone.</p> <p>....</p> <p><b>Activities and Effects</b></p> <p>...</p> <p>The Richmond North Commercial Zone is also a 'site specific' Zone, located at the intersection of Salisbury Road and Champion Road occupying an area of approximately 1.3ha. The Zone provides principally for a supermarket, along with other compatible smaller scale retail and or commercial activities, and a small scale community facilities.</p> <p>The rules for both of these site specific zones reflect the location and the activities anticipated to establish in the Zones and, as such, provide for a certain scale of retail and commercial activity in conjunction with specific controls on access, landscaping, and building setbacks, all of which distinguish these zones from other Commercial Zones.</p>	
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11	17.2 Central Business, Commercial and Tourist Services Zone Rules	[new] Schedule 17.2B Richmond North Commercial Zone	....	
<p><b>Schedule 17.2B Richmond North Commercial Zone</b></p> <p><i>Refer to 17.2.2.1(p), 17.2.4.1B and Zone Planning Maps 23, 57 and 130</i> Permitted Activity Conditions</p> <p><b>Permitted Activity Conditions</b></p> <p><b>A. Land Use</b></p> <p>Any land use within the Richmond North Commercial Zone is a permitted activity if it is a retail, commercial or community activity that complies with the following conditions:</p> <p><b>General</b></p> <p>(a) Any activity complies with the applicable permitted activity conditions relating to 'particular activities', <del>'hours of operation'</del>, 'storage area', 'air emissions – dust and odour', 'glare' and 'stormwater' <del>as contained in rule 17.2.2.1.</del></p> <p>(b) In relation to 'stormwater' the following specific permitted activity condition also applies in addition to rule 17.2.2.1:</p> <p>(i) Land for both primary and secondary flow paths must be provided for in any stormwater diversion or discharge.</p> <p>(c) Any activity is otherwise exempt from complying with the applicable permitted activity conditions relating to <del>'hours of operation'</del>, 'amenity plantings' and 'noise' <del>as contained in rule 17.2.2.1</del>, as specific requirements are imposed within this schedule relating to those matters.</p> <p><b>Specific Activity Controls</b></p> <p>(d) Any activity <del>only</del> consists only of</p> <p>(a) a supermarket, provided:</p> <p>(i) it does not exceed 3,200 square metres gross leasable floor area, <del>and</del></p> <p>(ii) it is located within Indicative Development Area "A" shown on the Structure Plan in the Planning Maps, and</p> <p>(iii) opening hours are 07.00 am to 10.00 pm, Monday to Sunday.</p> <p><i>Advice Note: For the purposes of this rule, <del>an</del> the enclosed loading bay required by Condition 14 is not included in "gross leasable floor area"</i></p> <p>(b) any other retail or commercial activity provided:</p> <p>(i) the total gross leasable floor area of all tenancies does not exceed 200 square metres; and</p> <p>(ii) it is located within Indicative Development Area "B" shown on the Structure Plan in the Planning Maps.</p>				<p>Grammatical and formatting improvements</p> <p>Hours of operation need to be excluded as there are specific rule for hours of operation contained within the Schedule.</p> <p>Recommended change from the section 42 report, and Mr Rae accepts there are advantages in including reference to the stormwater rule in the TRMP.</p> <p>Hours of operation need to be included as an exemption as there is a specific rule for hours of operation in the Schedule.</p> <p>From the meetings with submitters prior to the hearing it became apparent that an enclosed loading bay will be required. So there is now a requirement to build an enclosed loading bay for noise attenuation purposes. Preliminary design shows the loading bay structure will be more than 400m<sup>2</sup> in area. This triggers an unintended consequence in that the floor space limitation of 3,200 square metres for the supermarket will be exceeded. That overall floor space limitation is intended to control the scale of the supermarket activity on the site and its consequent amenity and retail distribution effects. The loading bay structure will not contribute to those effects. Accordingly the planners both agreed that the loading bay needs to be excluded from the calculation of floor space of the supermarket activity.</p>

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- (c) one or more community activities provided:
  - (i) the total gross leasable floor area of all tenancies does not exceed 600 square metres; ~~and~~
  - (ii) they activities are located within Indicative Development Area “C” shown on the Structure Plan ~~is~~ on the Planning Maps; and
  - (iii) the activity comprises a medical centre, childcare facility or gymnasium.
- (d) Delivery of goods by Heavy Goods Vehicles only occurs between 9.00 am and 8.00 pm on Sundays and Public Holidays and, for other days, only occurs between 7.00 am and 8.00 pm. All Heavy Goods Vehicles visiting the site are to enter the site via Salisbury Road and exit via Champion Road.

**Operational Noise**

- (e) Noise generated by any activity within the Richmond North Commercial Zone, measured:
  - (i) at or within the boundary of a site within a Residential Zone; or
  - (ii) at or within the notional boundary of any dwelling in a Rural, Rural Residential or Papakainga Zone, does not exceed:

Day	Time Period	Noise Limit
Weekdays and Saturdays	Daytime (0700 – <del>2200</del> 2000)	55dB LAeq (15 min)
	Evening (2000 – 2200)	50dB LAeq (15 min)
	Night-time (2200 – 0700)	40dB LAeq (15 min) 70 dB LAFmax
Sundays and public holidays	Morning (0700 – 0900)	50dB LAeq (15 min)
	Evening (2000 – 2200)	50dB LAeq (15 min)
	Daytime (0900 – 2000)	55dB LAeq (15 min)
	Night-time (2200 – 0700)	40dB LAeq (15 min) 70 dB LAFmax

Noise must be measured and assessed in accordance with the provisions of NZS6801:2008 Acoustics Measurement of Environmental Sound and NZS 6802:2008 Acoustics – Environmental Noise.

- (f) In the Richmond North Commercial Zone, there must be at all times a current Operational Noise Management Plan. The Noise Management Plan must specify the following:
  - (i) Noise Management Plan objectives.

Ms Deans - Delivery times and route restricted following the s.42A report recommendations to ensure the noise effects of HGVs on site are adequately managed.  
 Ms Deans - The route of HGVs is significant in order to ensure that the idling truck and refrigeration condenser is positioned as far from Marchwood Grove houses as practicable.  
 Mr Rae - the restriction on exiting of HGV's only onto Champion Road is an accepted part of PC62.

The noise rule has been separated into operational and construction components as recommended in Ms Deans' s42A report.

Ms Deans - Public holidays had previously been omitted from the Schedule and was recommended in the s.42A report to be included to provide residents with greater protection Malcolm Hunt's Supplementary evidence during the hearing statement referred to an on site survey which recorded noise levels well below the "average" ambient quoted in the requester's evidence. This lower result called into question the appropriateness of allowing 55 dBA up to 10pm on weekday evenings as this may permit noise to 10 dB or more above the ambient on weekday evenings. He recommended the Sunday night step down approach for all weekday evenings and the requester's consultant agreed.

Mr Cottle also considers this amendment is appropriate.

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		<p>(ii) Mitigation and management measures to be adopted to ensure compliance with the noise limits set out in (e) (3) and a signed statement that the measures specified are adequate to ensure compliance with the noise limits.</p> <p>(iii) Noise modelling; noise monitoring; auditing and reporting procedures.</p> <p>(iv) The Noise Management Plan must specify 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.</p> <p>(v) Noise complaint handling procedures and community liaison.</p> <p>(vi) Procedures for amendments and review.</p> <p>(vii) The <del>current</del> Noise Management Plan must be prepared by a suitably qualified acoustics expert and certified by the relevant Store Manager and must be available at the Tasman District Council offices for inspection by the public at any time.</p> <p>(viii) All permitted activities in the Richmond North Commercial Zone are undertaken in accordance with a Noise Management Plan Certified by the Tasman District Council for that purpose.</p> <p><b>Controlled Activity Conditions</b></p> <p><b>B. Building Construction or Alteration</b></p> <p>The construction of a building within the Richmond North Commercial Zone is a controlled activity if it complies with the following conditions:</p> <p><b>General</b></p> <p>(a) (4) Any construction or alteration of a building complies with the applicable permitted activity conditions relating to 'building coverage', 'building envelope', 'wastewater disposal', and 'stormwater' as contained in 17.2.4.1.</p> <p>Advice note: The enclosed loading bay required by Condition (s) is exempt from the building envelope requirement.</p> <p>(b) Any construction or alteration of a building is exempt from complying with the applicable permitted activity conditions relating to 'height' and 'setbacks', as contained in 17.2.4.1, as specific requirements are imposed within this schedule relating to those matters.</p> <p>(c) In relation to stormwater land for both primary and secondary flowpaths must be provided for in any stormwater diversion or discharge. [Advice Note: Refer to Section 31.1.5)</p> <p><b>Height</b></p> <p>(d) The maximum height of a building is 7.5 metres, except that plant rooms, air conditioning units, ventilation ducts, cooling towers, roof/sun lights or similar architectural features on any building may exceed 7.5m</p>	<p>From Malcolm Hunt's supplementary evidence, reworded by Mr Rae for clarity.</p> <p>From Malcolm Hunt's supplementary evidence, and is accepted by the planners.</p> <p>This clause is from Malcolm Hunt's supplementary evidence, and the planners agreed it is necessary to give effect to the rule.</p> <p>Mr Rae - From the meetings with submitters prior to the hearing it became apparent that an enclosed loading bay will be required. So there is now a requirement to build an enclosed loading bay for noise attenuation purposes. Preliminary design shows the loading bay structure, due to its location, will exceed the building envelope requirement near Marchwood Grove. The effects of a loading bay structure are positive in the sense of noise attenuation, and in terms of shading and outlook will be minor due to the presence of established trees and planned new plantings in those parts of the site. A resource consent for a full discretionary activity for the supermarket would be triggered for any breach of the building envelope for the loading bay structure, which seems out of proportion with its effects. Accordingly both the planners agreed that the loading bay needs to be excluded from the building envelope control.</p>
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			<p>provided such features do not exceed 9.0m and do not occupy more than 5 percent of the plan area of the building.</p> <p><b>Landscaping</b></p> <p>(e) The minimum percentage of the Richmond North Commercial Zone to be set aside as a landscaped area shall be 12 percent.</p> <p>(f) A landscaping strip with a minimum average width of 3.0 metres and a minimum width of 2.0 metres shall be provided along all road boundaries, except at access (vehicle or pedestrian) points, and in the pedestrian areas adjoining the building on the Champion Road frontage. <del>which are</del> The pedestrian areas of the site must be appropriately formed with hard landscaping such as paving and <del>which shall</del> must contain a minimum of 4 street trees and street furniture.</p> <p>(g) A landscaping strip with a minimum average width of 1.5 metres is provided along all boundaries of the sites adjoining a Residential Zone, except for:</p> <p>(i) the boundary with the adjacent site to the south-east where a landscaping strip with a minimum width of 1.5 metres is provided; and:</p> <p>(ii) where pedestrian walkways are provided and these walkways form part of an integrated pedestrian network through the Richmond North Commercial Zone where no landscaping strip is required.</p> <p>(h) Where the Richmond North Commercial Zone adjoins a Residential Zone, provision is made for landscaping and an acoustic wall barrier(s) to at least 2.5 metres in height along the length of the zone boundary.</p> <p><b>Trees</b></p> <p>(i) Road frontages shall be planted with a minimum of one tree, plus one additional tree for every 10 metres of road frontage (for example 10 metres frontage - 2 trees, 20 metres frontage - 3 trees, etc.). <del>Any Trees trees required shall be</del> are planted along the road frontage and in front of any buildings on the site. Trees shall be planted no more than 15 metres apart, <del>or</del> and no closer than 4 metres apart. <del>and shall be at least 2.5 metres in height at the time of planting.</del> Species are to be selected from the list in condition <del>(k)-(11)</del> (j) or such other species as may be approved by the Council. Trees along the Salisbury and Champion Road boundaries shall be at a minimum 3-3.5m high at the time of planting with a caliper of 50mm. All trees along the Salisbury and Champion Road boundaries shall be planted with root guard barriers.</p> <p>(j) Within the landscape strip required by (g) <del>(B)(5-8)</del> above, trees shall be planted at a rate of <del>One-one</del> one tree every 10 metres, or one tree for every 1.5 metres where hedged and maintained, and are between 2.2 and 2.5 metres in height at time of planting, with trees species to be selected from the following list, or such other species as may be approved by the Council:</p> <table border="1" data-bbox="795 1764 1626 1864"> <thead> <tr> <th>Botanical Name</th> <th>Common Name</th> <th>Habit</th> </tr> </thead> <tbody> <tr> <td colspan="3">Marchwood Grove Boundary and Southern Boundary</td> </tr> </tbody> </table>	Botanical Name	Common Name	Habit	Marchwood Grove Boundary and Southern Boundary			<p>Changes as a result of agreement between landscape witnesses, with some amendments to wording by the planners for consistency and clarity.</p>
Botanical Name	Common Name	Habit								
Marchwood Grove Boundary and Southern Boundary										

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			Acer palmatum	Japanese Maple	Deciduous
			Acer rubrum cultivars	Red Maple	Deciduous
			Alectryon excelsus	Titoki	Evergreen
			Cordyline australis	Cabbage tree	Evergreen
			Corokia sp	Corokia	Evergreen
			Fagus 'Dawyck Gold'	Gold columnar Beech	Deciduous
			Fagus sylvatica ' Riversii '	River Purple Beech	Deciduous
			Fraxinus excels 'Aurea'	Golden Ash	Deciduous
			Fraxinus ornus	Manna Ash	Deciduous
			Fraxinus sylvatica 'Purple Spire'	Purple Spire Ash	Deciduous
			Griselinea littoralis	Griselinea	Evergreen
			Kunzia ericoides	Kanuka	Evergreen
			Phormium cookianum (dwarf)	Mountain flax	Evergreen
			Pittosporum 'Stephens Island'	NZ Pittosporum	Evergreen
			Plagianthus regius	Ribbonwood	Evergreen
			Sophora macrophylla	Kowhai	Evergreen
			Pseudopanax 'Cyril Watson'	Pseudopanax	Evergreen
			<b>Street Trees</b>		
			Fraxinus purple spire	Ash	Deciduous
			Melia azedarach	Melia	Deciduous
			Quercus palustris	Pin Oak	Deciduous
			<b>Grasses</b>		
			Astelia 'westland'	Astelia	Evergreen
			Chionochloa flavicans	Dwarf toe toe	Evergreen
			Coprosma virescens	Coprosma	Semi deciduous

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			<table border="1"> <tr> <td>Dianella nigra</td> <td>Dianella</td> <td>Evergreen</td> </tr> <tr> <td>Hebe 'black panther'</td> <td>Hebe</td> <td>Evergreen</td> </tr> <tr> <td>Libertia sp</td> <td>NZ iris</td> <td>Evergreen</td> </tr> <tr> <td>Lomandra 'little pal'</td> <td>Lomandra</td> <td>Evergreen</td> </tr> <tr> <td>Muehlenbeckia astonii</td> <td>Muelenbeckia</td> <td>Evergreen</td> </tr> <tr> <td>Phormium cookianum (dwarf)</td> <td>Mountain flax</td> <td>Evergreen</td> </tr> <tr> <td><b>Ground Cover</b></td> <td></td> <td></td> </tr> <tr> <td>Acaena inermis 'Purpurea'</td> <td>New Zealand Burr</td> <td>Evergreen</td> </tr> <tr> <td>Coprosma acerosa taiko 'red rocks'</td> <td>Coprosma</td> <td>Evergreen</td> </tr> <tr> <td>Muehlenbeckia axillaris</td> <td>Muehlenbeckia</td> <td>Evergreen</td> </tr> </table> <p>(k) One tree is planted for every five parking spaces required on the site. Trees are planted within or adjacent to the carparking area. The car parking contains at least 14 trees with all <del>at least four</del> of these planted in tree pits.</p> <p>(l) Plantings are designed and established to meet the following requirements:</p> <p>(i) The minimum planting size of trees is specified in a landscape tree is 2.23.0-3.5 metres tall required by condition (h10) and 2.5 metres tall required by conditions (f) and (g) (10) and (11) (g8) at the time of planting and, for both areas, a minimum of 160 litre nursery grade bag size and are required to have a with minimum 50 millimetre caliper at shoulder height to minimise effects of vandalism. Staking may be as may be required.</p> <p>(ii) Plantings are watered during the first two summers if required as necessary to maintain tree health.</p> <p>(iii) Plantings that die or are damaged are replaced.</p> <p>(iv) The trees selected for the landscape strip required by condition (j-10 j) are capable of reaching a minimum of 6-8 metres in height at maturity.</p> <p>(v) Once mature, the trees are actively maintained at their mature heights.</p> <p><b>Acoustic Wall Barrier</b></p> <p>(m) An acoustic wall barrier of between 2.5 and 3 metres in height is provided along the entire length of the south western site boundary and south eastern site boundary, decreasing in height within no more than 5 metres of Salisbury and Champion Roads to allow for safe sight distances and the south eastern site boundary. The footings are to be placed in the best positions to best provide suitable growing conditions for planted landscape screening along those boundaries.</p>	Dianella nigra	Dianella	Evergreen	Hebe 'black panther'	Hebe	Evergreen	Libertia sp	NZ iris	Evergreen	Lomandra 'little pal'	Lomandra	Evergreen	Muehlenbeckia astonii	Muelenbeckia	Evergreen	Phormium cookianum (dwarf)	Mountain flax	Evergreen	<b>Ground Cover</b>			Acaena inermis 'Purpurea'	New Zealand Burr	Evergreen	Coprosma acerosa taiko 'red rocks'	Coprosma	Evergreen	Muehlenbeckia axillaris	Muehlenbeckia	Evergreen	
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				<p>Changes as a result of agreement between landscape witnesses, with some amendments to wording by the planners for consistency and clarity.</p> <p>Included to mitigate potential traffic safety concerns where cars exiting the site, and not being able to see approaching pedestrians and cyclists.</p> <p>As agreed by landscape experts, with some amendments to wording by the planners for consistency and clarity.</p> <p>The landscape experts recommended moving the alignment of the acoustic fence</p>																														

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<p>(n) This wall shall:</p> <ul style="list-style-type: none"> <li>(i) be offset 2 metres from the Marchwood Grove boundary for the first 11 metres from Salisbury Road to provide amenity planting along Marchwood Grove;</li> <li>(ii) be located on <del>requesters land</del> the site so as to enable, with planting to be located on the outer <del>boundary</del> side of this wall for the purposes of screening and mitigation of the Acoustic barrier;</li> <li>(iii) consist of a close boarded or overlapping treated pine fence with timber capping; and</li> <li>(iv) The footings are to be placed in the best positions to <del>best</del> provide suitable growing conditions for planted landscape screening along those boundaries.</li> </ul> <p><b>Building Setbacks</b></p> <p>(o) Any building is setback:</p> <ul style="list-style-type: none"> <li>(i) At least 10 metres from boundaries <del>in an</del> with the adjoining Residential Zone;</li> <li>(ii) At least 75 metres from the legal road <del>reserve</del> boundary with Salisbury Road;</li> <li>(iii) At least 5 metres from the legal road <del>reserve</del> boundary with Champion Road.</li> <li>(iv) The acoustic barrier in condition (m) <del>(11)</del>, the signage in condition (q) <del>(14)</del>, and the enclosed loading bay in <del>(16)</del> (s) are exempt from these setback requirements.</li> </ul> <p><b>Access and Vehicle Crossings</b></p> <p>(p) Access and vehicle crossings comply with the applicable permitted activity conditions in 16.2 (Transport (Access, Parking and Traffic)), except that</p> <ul style="list-style-type: none"> <li>(i) vehicular access from the Richmond North Commercial Zone is to be limited to a single 'left in-left out' access point and vehicle crossing at Salisbury Road and is limited to no more than two access points and vehicle crossings at Champion Road, the most southern of which is only for servicing vehicles egress.</li> <li>(ii) <del>a</del> vehicle access point that includes a physical island that separates inbound and outbound movements for the purpose of restricting some turning movements or providing a waiting place for pedestrians crossing the access point is be treated as a single vehicle access point and vehicle crossing.</li> </ul> <p><b>Signage</b></p> <p>(q) Any signage complies with the applicable permitted activity conditions relating to outdoor signage and advertising as contained in 16.1 (Outdoor Signs and Advertising), except that two free standing signs, each with a maximum height of <del>98.0</del> metres and a maximum sign area each of <del>29.726.4</del> square metres (on each side where double sided), may be established along the Salisbury Road and Champion Road frontages.</p>	<p>for the first 11.5m of Marchwood Grove (from the junction with Salisbury Road), in order to allow 2m of planting on the Marchwood Grove side of the acoustic fence for the first 11.5m. The planners agreed this is an improved outcome.</p> <p>Minor changes to provide consistency with TRMP language.</p> <p>Mr Rae - Exemptions from building setback for the acoustic barrier and enclosed loading bay are considered necessary to reflect that these have been included solely as mitigation measures, and will not increase the scale of the activity or have any adverse effects on the amenities of neighbours. The effects of a loading bay structure and an acoustic barrier are positive in the sense of noise attenuation, and in terms of dominance of buildings or loss of outlook will be minor in the context of the much larger supermarket building, and also due to the presence of established trees and planned new plantings in those parts of the site. Accordingly the planners agree that the loading bay and the acoustic barrier need to be excluded from the building set back control.</p> <p>The signs are shown on the Conceptual Development Plan in the road frontage areas and the effects of signs in those locations have accordingly been accepted as appropriate. The planners agreed there should be no need to set the signs back the same distance as required for the principal buildings which have different effects.</p> <p>The height and area of signs was reduced - from section 42A report. Mr Rae accepts these changes.</p> <p>Mr Rae - From the meetings with submitters prior to the hearing it became apparent that an enclosed loading bay will be required. So there is now a requirement to build an enclosed loading bay for noise attenuation purposes.</p>
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			<p><b>Structure Plan</b></p> <p>(r) Any development within the Richmond North Commercial Zone shall be in general accordance with the Structure Plan for the zone shown on the Planning Maps identified as Figure 1 in Schedule 17.2B.</p> <p><b>Loading Bay</b></p> <p>(s) An enclosed loading bay associated with the supermarket development shall be provided to assist in achieving compliance with applicable noise standards.</p> <p><b>Construction noise</b></p> <p>(t) Construction noise must be measured and assessed in accordance with NZS 6803:1999 “Acoustics – Construction Noise” and must, as far as practicable, comply with the following noise limits:</p> <table border="1" data-bbox="839 804 1576 1434"> <thead> <tr> <th rowspan="2">Day</th> <th rowspan="2">Time of Day</th> <th colspan="2">Noise Limit</th> </tr> <tr> <th>dB LAeq</th> <th>dB</th> </tr> </thead> <tbody> <tr> <td rowspan="3">Monday to Friday</td> <td>0630 - 0730 hrs</td> <td>55</td> <td>75</td> </tr> <tr> <td>0730 – 1800 hrs</td> <td>70</td> <td>85</td> </tr> <tr> <td>1800 – 2000 hrs</td> <td>65</td> <td>80</td> </tr> <tr> <td>Saturdays</td> <td>0730 - 1800 hrs</td> <td>70</td> <td>85</td> </tr> <tr> <td>Sundays and public holidays</td> <td>0730 – 1800 hrs</td> <td>55</td> <td>85</td> </tr> <tr> <td>At all other times</td> <td>-</td> <td>45</td> <td>75</td> </tr> </tbody> </table>	Day	Time of Day	Noise Limit		dB LAeq	dB	Monday to Friday	0630 - 0730 hrs	55	75	0730 – 1800 hrs	70	85	1800 – 2000 hrs	65	80	Saturdays	0730 - 1800 hrs	70	85	Sundays and public holidays	0730 – 1800 hrs	55	85	At all other times	-	45	75	<p>The Table is as per the appropriate NZS</p> <p>Ms Deans - This rule has been moved to part B of the schedule as it concerns construction.</p> <p>Reason for introducing construction noise rules – Temporary noise from construction projects generally cannot comply with the day-to-day permitted operational noise limits set out in the TRMP. Compliance with NZS 6803:1999 on Construction noise via a rule in the request will mean that noise produced is not unreasonable, when the limited duration, time of operation and mitigation measures are taken into account.</p> <p>Mr Rae - agrees this is the appropriate place for the Construction noise rules as it relates to the construction and not the activity (i.e. the land use).</p> <p>Malcolm Hunt has reviewed these changes and says he is happy with these.</p> <p>Ms Deans - This means that significant construction works cannot take place “at all other times” unless managed via the Construction Noise Management Plan</p>
Day	Time of Day	Noise Limit																														
		dB LAeq	dB																													
Monday to Friday	0630 - 0730 hrs	55	75																													
	0730 – 1800 hrs	70	85																													
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Saturdays	0730 - 1800 hrs	70	85																													
Sundays and public holidays	0730 – 1800 hrs	55	85																													
At all other times	-	45	75																													
<b>DISTRICT PLAN MAPS/PROTECTED TREE SCHEDULE</b>				Both planners agree that Protected Trees are to be removed from the Planning Maps as part of notified PC62, but for completeness, and as a consequential change they need to be referenced to the District Plan Maps Table of amendments																												
12			Amend Zone Map 23 ‘Richmond Overview’ to rezone site from Residential to Commercial	Mr Rae - the changes to Maps are changes required to give effect to PC 62 as notified. Ms Deans - If the deferred zone approach is used, the zone would be ‘deferred commercial’																												
13			Amend Zone Map 57 ‘Richmond Overview’ to rezone site from Residential to Commercial	Mr Rae - the changes to Maps are changes required to give effect to PC 62 as notified. Ms Deans - If the deferred zone approach is used, the zone would be ‘deferred commercial’																												
14			Amend Area Map 130 ‘Richmond North East’ to remove ‘T878 and T879’ from the site	Mr Rae - the changes to Maps are changes required to give effect to PC 62 as notified. Ms Deans - If the deferred zone approach is used, the zone would be ‘deferred commercial’																												
15			Amend Zone Map 130 Richmond North East’ to: - Remove ‘Site subject to 17.1.2.1(p)’ from the site the subject of the Plan Change (but leaving the ‘Day’s Site’ as subject to 17.1.2.1(p); - Rezone site from Residential to Commercial	Mr Rae - the changes to Maps are changes required to give effect to PC 62 as notified. Ms Deans - If the deferred zone approach is used, the zone would be ‘deferred commercial’																												

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			<ul style="list-style-type: none"> <li>- Include 'notation' identifying extent of Richmond North Commercial Zone; and</li> <li>- Include note identifying Richmond North Commercial Zone as 'subject to Schedule 17.2B'</li> </ul>	
			Structure Plan insertion into TRMP	
Schedule 16.13 B Protected Trees			Amend to remove 'T878 and T879' from the Schedule	<p>From the JWS - Consequential amendment to item 14 above</p> <p>Both planners agreed that Protected Trees are to be removed from the Planning Maps as part of notified PC62, but for completeness, and as a consequential change they need to be referenced to the District Plan Maps Table of amendments</p>
16	Chapter 19 Information Requirements	19.2.1.17	<p><b>1. Richmond North Commercial Zone info required for land use consent applications</b></p> <p>(a) A construction management plan (CMP) must be prepared by an appropriately competent person in civil engineering. It must be certified by Council and implemented and maintained throughout the entire construction period of the project. The CMP must at least address the following:</p> <ul style="list-style-type: none"> <li>(i) Regulatory obligations</li> <li>(ii) The scope of construction activities and methods and assessment of effects for each (iii) Programme of works</li> <li>(iv) Detail of any proposed remediation if required</li> <li>(v) Erosion and sediment control plan, including stormwater control</li> <li>(vi) Transport management and site logistics</li> <li>(vii) Dust control</li> <li>(viii) Waste and recycling</li> <li>(ix) Hours of operation</li> <li>(x) Parking during construction</li> <li>(xi) Consultation with nearby schools and residents prior to significant construction events that may be the source of nuisance</li> <li>(xii) Contacts for communications</li> <li>(xiii) Complaints procedure</li> <li>(xiv) Methods for monitoring and reporting</li> <li>(xv) The CMP shall be capable of being amended and updated and any changes submitted to the Consent Authority for approval.</li> </ul> <p>(b) A construction noise management plan (CNMP) must be prepared and certified by Council. It must be implemented and maintained throughout the entire construction period of the project. Construction activities must be carried out in accordance with a CNMP which must ensure compliance with the construction noise limits set out in rule 17.2.4.2A condition (d). The CNMP must specify as a minimum:</p> <ul style="list-style-type: none"> <li>(i) Construction noise and vibration criteria</li> <li>(ii) Hours of construction activities, including times and days when noisy or vibration-inducing activities could occur</li> </ul>	<p>Ms Deans advises that the changes she now seeks to be made to Chapter 19 differ from those stated in her Section 42A report. In particular Ms Deans now just seeks references to a Construction Management Plan (CMP) and a Construction Noise Management Plan (CNMP).</p> <p>Mr Rae does not consider that these additions to the information requirements in Chapter 19 are required to the proposed rule framework as the content and role of both the construction management plan and construction noise management plan are clear for an experienced commercial developer such as Progressive and the key aspects are set out in the very comprehensive provisions sought.</p> <p>Mr Rae considers these additions add unnecessary complication to the Plan Change.</p> <p>Ms Deans seeks these information requirement additions and states: <i>without a rule requiring these plans there is no certainty that the construction effects can be adequately managed – it is to provide protection for some of the submitters. I know that chapter 19 requires the CMP to be submitted with RC applications however my thinking was although a contractor wouldn't be appointed, possible working methods and construction activities based on examples of schemes of a similar scale for Countdowns elsewhere could be used. Then when the contractor is appointed they can amend plans as necessary – the rules allow for that. Similarly with the CNMP – while specific items of equipment are not known, noise levels associated with construction based on types of plant used in this construction process could be used. Generic until refined. Given your client does these developments all the time there must be a significant amount of knowledge.</i></p>

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			<ul style="list-style-type: none"><li>(iii) Machinery and equipment to be use</li><li>(iv) Vibration testing of equipment</li><li>(v) Preparation of building condition surveys of any critical dwelling prior to, during and after completion of construction works</li><li>(vi) Roles and responsibilities of personnel on site</li><li>(vii) Construction operator training procedures</li><li>(viii) Methods for monitoring and reporting</li><li>(ix) The CNMP shall be capable of being amended and updated and any changes submitted to the Consent Authority for approval</li></ul>	
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**Ms Deans’ Alternative Deferred zoning approach**

The Table below identifies the provisions needed if the deferred zone approached proposed by Ms Dean’s is to be followed. See the JWS from planners conferencing for cases for discussion on this.

<b>New provisions required</b>	
<b>Provision</b>	<b>Amendment</b>
Section 17.14 TRMP Provision 17.14.2 (a)	Insert in 17.14.2(a) after “Deferred Residential”: the words: “Deferred Commercial”
	Under the deferred zone approach, building construction or alteration is also recommended to be Controlled, defaulting to RDA. Evaluation of this approach is in the Reporting Officer’s Supplementary evidence tabled at the hearing
Schedule 17.14A	Completion of existing Schedule 17.14A, see example below.
Planning maps	Annotation of planning maps as explained above
<b>Provisions in the above tables (proponent’s latest plan change request) not required</b>	
<b>Provision</b>	<b>Amendment</b>
17.2.2.1 Permitted Activities (Land use – Central Business and Commercial Zones)	Delete provisions (q) and (r) and the advice note
17.2.2.1A Restricted Discretionary Activities (Land Use – Site Specific Activity: Richmond North Commercial Zone)	Delete provision 17.2.2.1A (1)
17.2.4.1B Controlled Activities (Building Construction or Alteration – Site Specific Activity: Richmond North Commercial Zone)	Delete matter 6
17.2.4.2 Restricted Discretionary Activities (Building Construction or Alternation)	Delete matter 50

**Annotated Plan Change Provisions and section 32AA assessment**

**Key to Annotations:** Black – Existing TRMP text. Red – PC62 as notified Blue – amendments made by Mr Rae following s42A report prior to the hearing Green – amendments made during the hearing Orange – landscape related amendments agreed between Requestor and TDC following the hearing. Purple – amendments made subsequent to the hearing including two planning Joint Witness Conferences resulting in two JWS dated 16 December

The Table below identifies the potential rule needed if the deferred zone approached proposed by Ms Dean’s is to be followed. See the JWS from planners conferencing for cases for discussion on this.

**Schedule 17.14A**

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 North Commercial Zone [insert legal description]	Residential	(i) Transportation network improvements required to achieve no worse than Level of Service D on all approaches of the TDC roundabout (Salisbury Road/Champion Road) in accordance with Austroads Guide to Traffic Management Part 3 – Traffic Studies and Analysis (2013)	To be completed subsequently	To be completed subsequently	To be completed subsequently	Richmond North Commercial Zone

Ms Deans’ note for Commissioner: While the only criterion under ‘reason for deferral’ is that shown above, the developer agreement (under the LGA) or the deed (on legal advice) that is the outcome of deferred zone negotiations, would contain the ‘teeth’ that would ensure the development does not commence before the roundabout improvements are completed. Essentially the developer agreement or deed would specify that any Resource consents would be conditional upon the roundabout works being completed before any resource consent can be implemented (i.e. a pre commencement condition).