



STAFF REPORT

TO: Environment & Planning Committee

FROM: Deborah Hewett, Policy Planner

REFERENCE: L332-5

SUBJECT: **COUNCIL SUBMISSION ON VARIATIONS 61- 63 – EP07/12/03 –**
Report Prepared for 13 December 2007 Meeting

1. PURPOSE OF REPORT

The purpose of this report is to:

- Advise the Environment & Planning Committee of the need for a Council submission to Variation 61-63 as set out in Attachment 1.
- Obtain approval from the Environment & Planning Committee for the submission in Attachment 1 to be lodged by 20 December 2007.

2. BACKGROUND

The Council notified Variations 61 - 63 on 6 October 2007 relating predominantly to the Richmond West Development Area.

Submissions close on 20 December 2007.

A Council submission to Variations 61 – 63 is necessary to correct errors, to enable consistent administration of the plan, and consistency in how certain land uses are provided for within the mixed business zone. It is also necessary to incorporate omissions in some rules.

The submission addresses:

- a) Errors on area maps (reserve locations, protected trees, open space zone relative to mean high water springs) and other minor errors.
- b) Omissions of the new 'Mixed Business Zone' in relevant rules and omissions in some rule content in the Mixed Business Zone
- c) Inconsistencies in Mixed Business Zone rules for community activities with visitor, tourist accommodation and ancillary residential activity, and policy.
- d) Omissions and inconsistencies in some rule content in the Residential Zone subdivision rules.
- e) Omission of some matters in the Transport rules and Road Area Rules

- e) Improvements to the hazardous facilities rules in the mixed business zone (setting an upper limit for the size of hazardous facilities in the discretionary rule and a non-complying activity status rule consistent with the non-complying status identified in Figure 16.7A
- f) Inconsistencies in rules for deferred zone, Rural 1 zone (noise rule), stormwater discharges
- g) Amendments to protected tree schedule
- h) Zone a small portion (400m²) of TDC owned land (Lot 1 DP 720) open space rather than Rural 2 consistent with the rest of the title.

3. RECOMMENDATION

THAT the Committee **adopts** the submission to Variations 61 - 63 set out as Attachment 1 for lodging before closure date.

Deborah Hewett
Policy Planner

SUBMISSION ON VARIATION 61 - 63 TO THE PROPOSED TASMAN RESOURCE MANAGEMENT PLAN

Submission by Tasman District Council

Submitter Tasman District Council
Address for Service Private Bag 4. Richmond, 7031
Contact Person Dennis Bush King
Email Dennis.Bush-King@tdc.govt.nz
Telephone (03) 5438 430
Fax (03) 5439 524
Hearing Wish to be heard in support of our submission
Date 13 December 2007

Signed _____

Dennis Bush-King
Environment and Planning Manager
For and on behalf of the Tasman District Council

1. PLAN MAPS

Relief requested:

Amend Plan maps as follows:

Area Map 23	Amend Queen Street to <u>Lower Queen Street</u>
Area Map 121	Delete reserve extensions cross State Highway 6 (from Poutama Drain & Borck Creek)
Area Map 122	Delete Protected Tree ID <u>705</u>
Area Map 122	Add a new Protected Tree ID <u>876</u>

Amend map zone boundaries adjacent to the Waimea Inlet to reflect the mark of Mean High Water Springs, as necessary.

Amend Map 57 showing that part of Lot 1 DP 720 (owned by Tasman District Council) with a Rural 2 zoning in the south west corner adjacent to Borck Creek (comprising 400 m²) to an Open Space Zone.

Reason:

The plan maps show inaccurate information; incorrect road name, reserve extensions across the State Highway, and identifies a protected tree that has been removed. A new protected Tree ID is added that reflects the split of Tree ID 803 into two parts; Avenue of Trees at the northern end of the A&P site and a new ID for Exotic Woodland on the A&P Site. In addition some zone corrections adjacent to the Waimea Inlet may need to be made to reflect mean high water springs. A small portion of Rural 2 TDC land is to be zoned open space to be consistent with the zone for the allotment.

2. CHAPTER 16 GENERAL RULES

Chapter 16.2 – Transport (Access, Parking and Traffic)

Relief requested:

A reference in section 16.2.3A back to relevant permitted activity conditions for parking and loading identified in section 16.2.3 is necessary to ensure that these conditions are addressed.

Rule 16.2.3A

Replace the wording in Rule 16.2.3A (f) with the following wording

- (f) Compliance with all applicable conditions under section 16.2.3, except for condition 16.2.3(aa).

Reason:

The controlled activity rule for carparking layout and design did not intend to remove the requirement to meet other permitted activity standards relating to parking spaces, loading areas, surfacing and the management of stormwater. The scope of (f) has been increased to address this. The controlled activity rule 16.2.3A only relates to parking layout and design, and only intends control over these matters, as necessary.

Chapter 16.3 – Subdivision

Relief requested:

Include the word 'net' which ties back to the definition in the Plan for net area. Reword to provide consistent language.

Rule 16.3.3 - Controlled Subdivision (Residential Zone)

Amend Rule 16.3.3(m)(i)(a) and (b) to read:

- (a) The minimum net area of every allotment is 350 square metres
- (b) The minimum average net area for all allotments is 550 square metres

Reason:

To ensure consistent interpretation and administration of the Plan.

Matters of Control – Subdivision (Residential Zone)

Relief requested:

Add matters to which the Council has limited its control (for amenity plantings) to read:

- (n) Landscaping and amenity plantings for the identified allotments, including the type, height (at maturity and at planting time), girth at planting, and location of species to be planted, planting plan, planting and maintenance programme, and bunding.
- (o) The variation in the use of trees, shrubs and groundcovers to create a planting framework, including the utilisation of existing plantings, where appropriate.
- (p) The extent to which the amenity plantings creates a visually attractive appearance when viewed from public roads and reserves, and adjoining zones.
- (q) The degree of application of a consistent landscape theme that links amenity plantings with plantings within the Residential and Mixed Business zones, and reserves.
- (r) The depth and height of plantings and the extent of the screening effect of buildings from major roads and the Rural 1 Zone.
- (s) 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
- (t) The appropriateness of the species to the local environment and conditions.
- (u) The degree of site contouring in association with planting to assist with screening buildings and car parks from view.
- (v) The legal instrument for ensuring ongoing management, maintenance and replacement of amenity plantings.

Reason:

To provide consistency with the relevant matters of discretion in the restricted discretionary activity (16.3.3A). The same standard relating to amenity planting setback applies and the matters are the same. This provides for consistent administration of the rule and Plan.

Rule 16.3.3A – Restricted Discretionary Subdivision (Residential Zone)

Relief requested:

Amend text below the heading to add the word restricted before “discretionary activity”, in the second line.

Add standards to include amenity plantings within a setback to read:

(vi) **Amenity Plantings within a Boundary Setback – Richmond West Development Area**

- (a) 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 State Highway 6, amenity plantings are 20 metres wide commencing at the eastern most intersection of Poutama Drain, west to the Three Brothers corner, and northwest along State Highway 60 to Borck Creek, incorporating a landscaped mound at least 2.5 metres high.
 - (ii) Adjoining State Highway 60 (Stage 2), amenity plantings are 20 metres wide from the north boundary of Borck Creek to McShane Road incorporating a landscaped mound at least 2.5 metres high.
 - (iii) Adjoining McShane Road (Stage 2), amenity plantings are 20 metres wide for the full length of the zone boundary. A framework of large trees is to be provided, within which other plantings are incorporated to provide a park-like setting.
 - (iv) Adjoining Borck Creek (Stage 2), amenity plantings are 20 metres wide for the full length of the zone boundary, except where a collector road is provided adjoining the Borck Creek reserve as part of a subdivision, where the width is reduced to 2.5 metres. A framework of large trees is to be provided, within which other plantings are incorporated to provide a park-like setting.
 - (v) Adjoining the Mixed Business Zone boundary and indicative reserves (Borck Creek (Stage 1), Poutama Drain and Eastern Hills Drain), amenity plantings are 2.5 metres wide.
- (b) In the Richmond West Development Area, 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.
- c) In the Richmond West Development Area, 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.

Matters of Discretion – Subdivision (Residential Zone)

Amend and add matters to which the Council has restricted its discretion (for amenity plantings) to read:

- (16D) The extent to which the amenity plantings creates a visually attractive appearance when viewed from roads, reserves, and adjoining zones.
- (16E) The degree of application of a consistent landscape theme that links amenity plantings with plantings within the Residential and Mixed Business zones, and reserves.
- (16F) The depth and height of plantings and the extent of the screening effect of buildings from roads, reserves and adjoining zones.
- (16I) The legal instrument for ensuring ongoing management, maintenance and replacement of amenity plantings.

Reason:

To provide consistency with Rule 16.3.3A controlled activity rule that addresses amenity plantings within a boundary setback. There is also a matter of restricted discretion that relates specifically to the amenity plantings setback which does not link to a rule. This is an omission and the intention was that this rule applies to all residential subdivision which provides continuity for this matter. Rewording of some matters makes them relevant to the residential zone circumstances. An addition regarding the legal instrument mirrors that for the mixed business and industrial zone providing consistency.

Chapter 16 - Hazardous Substances

Relief requested:

Include an upper limit to the size of hazardous facilities in the mixed business zone by amending consent status index for discretionary activities in the zone to 0.2 - 0.65 in Figure 16.7A

Amend the discretionary activity rule to reflect the maximum consent status index exceedance that trips to a non-complying activity. Include a non-complying rule that cascades from the discretionary activity rule and reflects Figure 16.7A which identifies a non-complying activity status trip.

Rule 16.7.4 (a) – Discretionary Activities (Hazardous Facilities)

Amend to add another provision (a)(iii) that reads:

The activity:

- (a)
 - (i) has a total quantity ratio calculated in accordance with Schedule 16.7B that exceeds the maximum consent status index for either permitted or controlled activities, but does not exceed the maximum consent status index for discretionary activities, in the consent status table for zones in which it is located, as specified in Figure 16.7A; or

Review and clarify the expression of words in Rule 16.7.3(b)(ii) and Rule 16.7.4(a)(ii)

Rule 16.7.4A Non-Complying Activities (Hazardous Facilities)

Add a new Rule 16.7.4A that reads:

16.7.4A Non-Complying Activities (Hazardous Facilities)

Any activity that does not comply with the conditions of Rule 16.7.4(a)(iii) is a non – complying activity.

A resource consent is required. Consent may be refused, or conditions imposed.

Figure 16.7A

Amend Figure 16.7A to read:

Zone	Consent Status Index				
	For All Permitted Activities	For Existing ① Controlled Activities	For New ② Controlled Activities	For New ② Discretionary Activities	Non Complying
Mixed Business	≤0.2 ≤0.1 (if within 30m of a Residential Zone)	N/A	N/A	>0.2 – 0.65 ≤0.1 (if within 30m of a Residential Zone)	≥0.65 >0.1 (if within 30m of a Residential Zone)

Reason:

The Mixed Business Zone has a high amenity that reflects the range of the people oriented activities that may take place there. A site that stores or uses large amounts of hazardous substances including flammable or explosive substances is not appropriately sited in a Mixed Business Zone as proposed by Council. It is possible that some smaller scale light industrial activities will establish (or continue) in the zone and these may include for example an urban service station. However, without an upper CSI limit for discretionary activities, there is no guidance as to what level of hazardous substance storage and use Council is willing to accept in a zone where amenity levels are expected to be high and in an area so closely located to a sensitive receiving environment.

The following examples show the Consent Status Indices for various amounts of fuel that could be stored onsite. Fuel is the hazardous substance used in the calculations because it is the most significant substance at most hazardous facilities and the calculations are based on underground storage not near water. Above ground storage is considered much more risky and the quantity will need to reduce significantly for the same quantity ratio.

1. 10,000 litres Diesel, 10,000 + 5,000 litres Petrol (91 + 96 Octane) CSI = 0.22 (small rural facility)
2. 20,000 litres Diesel, 20,000 + 10,000 litres Petrol CSI = 0.43 (larger rural facility)

3. 30,000 litres Diesel, 30,000 + 15,000 litres Petrol CSI = 0.65 (small urban facility)
4. 40,000 litres Diesel, 40,000 + 15,000 litres Petrol CSI = 0.82 (truckstop facility)
5. 50,000 litres Diesel, 50,000 + 20,000 litres Petrol CSI = 1.04 (medium/large urban facility)

LPG use and storage can significantly increase the index because of the Fire/Explosion risk factor. A large timber treatment plant will be using sufficient hazardous substance the CSI to be about 1.5

An index of 1 is the benchmark for industrial zones, however, the zone is not suited to large scale hazardous facilities that are better suited in an industrial zone. An upper limit of 0.65 for the consent status for discretionary activities is sought. An upper limit gives a clear signal that large industrial scale hazardous facilities are not envisaged for the zone.

3. CHAPTER 17 – ZONE RULES

Chapter 17.2A – Mixed Business Zone

Rule 17.2A.2 Permitted Activities –(Land Use)

Relief requested:

Amend Rule 17.2A.2(d)(i) to read:

- (i) located to the rear of any building or outdoor area where there is no building

Reason:

Outdoor display and sales areas may not have buildings associated with them, but may require storage areas. The amendment addresses this matter.

Rule 17.2A.3 Controlled Activities – (Land Use)

Relief requested:

Amend to add standards and renumber remaining standards and terms to read:

(a) The activity complies with the conditions of Rule 17.2A.2, except 17.2A.2(b)(iii)

(aa) The activity is one of the following:

Reason:

The amendment seeks to clarify application of the standard. Is also incorporates all conditions in Rule 17.2A.2 that are considered relevant to the activity.

Matters of Control – (Land Use)

Relief requested:

Amend matter (4) to read:

- (4) Effectiveness of screening or reducing the impact of buildings and outdoor storage, display or sales areas from roads, reserves, and adjoining zones particularly where these are of a larger scale and bulk.

Reason:

To ensure application of the matter to outdoor storage, display and sales areas

Rule 17.2A.4 Discretionary Activities – Restricted (Land Use)

Relief requested:

Amend 17.2A.4(c) to read:

- (c) A community activity which is:
- (i) not located on a site or within 30 metres of a site where hazardous facilities and substances have a consent status index greater than 0.1; and
 - (ii) not located along the Retail Frontage shown on the planning maps.

Reason:

Provide consistency with standards for visitor and tourist accommodation and ancillary residential activity. The location of community activities where people gather on or near sites with hazardous facilities has safety implications, particularly where flammable or harmful substances are stored and/or used.

Non-retail activities are not intended to be located along the retail frontage shown on the planning maps. The location is identified for the purpose of accommodating large format retail activities adjacent to major transport networks. This is consistent with Policy 6.7.18

Matters of Discretion - Visitor and Tourist Accommodation and Residential Activity

Relief requested:

Add matters to which the Council has restricted its discretion to read:

- (7) Traffic effects and nuisance associated with traffic movements
- (8) Hours of operation

(9) Noise

(10) Lighting and glare

Reason:

Provide consistency with the matters identified for community activity and include glare as a matter of discretion. Traffic, hours of operation, noise, lighting and glare are all relevant matters arising from community activities where adverse effects may need to be addressed through conditions of consent or are of a nature, scale and intensity that consent may be declined. This is particularly relevant where adjoining sensitive zones. The Council needs scope to consider these matters.

Matters of Discretion – Community Activity

Relief Requested:

Amend and add a matter to which the Council has restricted its discretion:

- (8) Compatibility with the adjoining residential zone, rural zones, and activities within the mixed business zone

(13) Lighting and glare

Reasons:

Lighting and glare is a relevant matter in assessing an application for a community activity and is particularly relevant to consideration of adverse effects on adjoining sensitive zones and activities within the mixed business zone. The Council needs scope to consider these matters

Rule 17.2A.5 Discretionary Activities –(Land Use)

Relief Requested:

Amend wording under the heading to read:

Any land use activity that does not comply with the conditions in Rule 17.2A.2 or the standards and terms in Rule 17.2A.3 or Rule 17.2A.4 is a discretionary activity, if it complies with the following standards and terms:

Reason:

To provide consistency with wording in other activity status and accuracy and clarity to the rule.

Rule 17.2A.7 Permitted Activities – Building Construction or Alteration

Relief Requested:

Amend the wording of the first sentence of 17.2A.7(l) to delete the words 'standards and terms' and replace with the word conditions. Amend the wording of Rule 17.2A.7(o)(ii) and (iii):

Amend 17.2A.7(l) by adding the word floor between 'ground' and 'level' that reads:

- (l)contain display windows at least 2.4 metres high starting at ground floor level....

Amend Rule 17.2A.7(o)(ii) and (iii) to read:

- (ii) amenity planting required by Rule 16.3.5 (hc) and (hd) which have been completed
- (iii) amenity planting at least 2.5 metres wide along the road frontage of any site, except where provided in Rule 16.3.5 (hc).

Reason:

To provide accuracy and clarity to the rule.

Rule 17.2A.8 Controlled Activities – Building Construction or Alteration

Relief Requested:

Amend to add a standard and terms that reads:

(aa) The activity complies with the conditions of Rule 17.2A.7, except 17.2A.7(b)(iii)

Amend 17.2A.8(b)(i) to delete residential and rural zones and replace with zones to read:

- (i) scale, bulk, height and layout to minimise visual effects and dominance of built form relative to neighbouring buildings, streetscape, reserves and adjoining zones, where relevant, and from the Richmond Hills;

Matters of Control - Building Construction or Alteration

Relief requested:

Amend matter (1) to delete residential and rural zones and replace with zones and add a matter of control:

- (1) Visual effects and dominance of built form relative to adjoining buildings, streetscape, reserves and adjoining zones, and the use of design features and elements to mitigate effects.

(5) Financial contributions

Reason:

To maintain consistency with the wording of matter (2) which refers to 'adjoining zones' and which is not limited to zones. The open space zone is also a consideration.

Chapter 17.4– Rural 1 Zone

Rule 17.4.2 Permitted Activity (Land Use)

Relief requested:

Amend Rule 17.4.2(da) to add the words 'Rural 1 Zone' to read:

(da) In the Richmond West Development Area Rural 1 Zone, noise generated by the activity

Reason:

To provide consistency with Rural 2 noise rule and improve ease of interpretation and administration of the Plan.

Chapter 17.12 Deferred Zone Rules

Relief requested:

Amend Rule 17.12.2(a) to include reference to water to read:

(a) This zone will become effective when a reticulated water, wastewater and/or stormwater system is installed to service the locality and will become a residential zone (serviced).

Reason:

To improve clarity and interpretation of the rule.

4. CHAPTER 18 – SPECIAL AREA RULES

Rule 18.1 Protected Trees - Schedule 18.1B

Relief requested:

Amend Schedule 18.1B as follows:

Amend Protected Tree ID 803 by deleting 'Exotic woodland' and labelling species as Avenue of trees.

Add a new Tree ID 876 for Exotic Woodland.

Remove the number '(19)' from Tree ID 873 after Phoenix canariensis

Remove the letter 'C' after the valuation number for Tree ID 873

Protected Trees						
Sch. No.	Tree ID	Category	Species	Location	Valuation No.	Area Map No.
	803	A	<u>Avenue of trees</u>	A&P Showgrounds	1957021200 1957021200 A 1957021200	121
	876	A	<u>Exotic Woodland</u>	A&P Showgrounds	1957021200 1957021200 A 1957021200	121
	873	B	<u>Phoenix canariensis</u>	A&P Showgrounds	1957021200	122
	875	A	<u>Quercus robur (48)</u>	387 Lower Queen Street	1957014400	121

Reason:

A new protected Tree ID is added that reflects the split of Tree ID 803 into two parts; Avenue of Trees at the northern end of the site and a new ID for Exotic Woodland on the A&P Site. In addition, inaccuracies in the number of trees and valuation references are also addressed.

Rule 18.10 Road Area – Figure 18.10E

Relief requested:

Amend the Figure to alter the height at planting and to add girth diameter at planting. Amend and add matters of control to better reflect the content of the rule over which the Council may set conditions of consent.

Amend Figure 18.10E as follows:

Figure 18.10E: Street Tree Planting for Richmond West Development Area

Location	Spacing Interval (metres)	Height (metres) and Girth Diameter (millimetres at 1 metre height) at planting	Height at Maturity (metres)	Species Theme	Berm to be grassed or planted
Arterial Roads	10	$\frac{1.8}{50}$	10	Single species	Both
Distributor Roads	10	$\frac{1.8}{50}$	10	Single species	Both
Collector Roads	8	$\frac{1.8}{50}$	8	Single species	Both
Access Roads	8	$\frac{1.8}{50}$	6	Single species	Both
Minor Roads	6	$\frac{1.8}{50}$	6	Single species	Either

Matters of Control – Road Area

Amend to add words to existing matters of control (1) and (2) and add new matters of control (5), (6) and (7) to read as follows:

- (1) The width of the berm and adequacy to accommodate larger street tree plantings, and stormwater swales
- (2) The design and width of the road reserve to accommodate pedestrians and cyclists, street tree plantings, parking areas, swales and landscaping.
- (5) The height and species, size at planting and maturity, spacing interval, and berm treatment
- (6) Ensuring adequate ongoing maintenance and replacement of plantings
- (7) The location of cycleways and walkways, including the possible provision for combined use

Reason:

A more relevant measure for size of tree at planting is the girth diameter. The height needs to be adjusted to reflect this and to ensure that the tree is of a size that shock will not result in delayed growth. The availability of trees locally is also another consideration. The information was omitted from the table. Amending and adding to matters of control reflects the content of the rule and enables the Council to set conditions of consent relating to those matters.

5. CHAPTER 36 - DISCHARGES OR DIVERSION OF STORMWATER OR DRAINAGE WATER –

Amend wording to include Mixed Business Zone

Relief requested:

Include the new mixed business zone in the stormwater discharge rule.

Amend Industrial zone wording to reflect actual zones – ‘Light Industrial Zone and Heavy Industrial Zone’.

Rule 36.4.2 – 2.

Amend the wording to read:

2. The discharge or diversion has commenced before 19 September 1998, or the discharge or diversion has previously been authorised by a discharge permit, and the point of discharge or diversion is within any Residential Zone, Rural Residential Zone, Rural 3 Zone, Commercial Zone, Central Business Zone, Mixed Business Zone, Light Industrial and Heavy Industrial Zone, Rural Industrial Zone, Tourist Accommodation Zone, or Papakainga Zone; or

Reason:

To provide consistent administration of the Plan by including the new Mixed Business Zone in the Rule. This was overlooked.

5. Part II

Appendix 2: RICHMOND SOUTH DEVELOPMENT AREA AND RICHMOND WEST DEVELOPMENT AREA SUBDIVISION AND DEVELOPMENT DESIGN GUIDE

Relief requested:

Reflect the rules to which the Design Guide applies.

Amend and Add Plan Rules to section 3 to read:

16.3.3A Subdivision (Restricted Discretionary Activity)

16.3.4 Subdivision (Discretionary Activity)

5. General Matters

Relief requested:

Add the equivalent or like content of Rule 17.2A.7(o) and (p) for the Residential Zone and the Light Industrial Zone in the Building Construction or Alteration Section.

Reason:

Provides consistency with the Mixed Business Zone.