



Will be considered for release in full

MINO-773 Hope Bypass update

7 June 2023

Provide an update on where Hope Bypass is in the approvals process.

Waka Kotahi NZ Transport Agency's response:

- The Richmond Programme Business Case recommended seeking to extend the duration of the Hope bypass designation for at least ten years. The business case was endorsed by the Waka Kotahi Board in May 2022.
- With the business case approved, work continues on preparation of the extension to the designation.
- The Resource Management Act timeline for applying for an extension to a designation means that the earliest date this can be done is on 1 August 2023 (being within three months of expiry).

Released under the Official Information Act 1982

Hope Bypass: Extension of Lapse Period for Designation

September 2023

Waka Kotahi NZ Transport Agency

Hope Bypass Designations - Richmond to South Hope: To Provide Future Limited Access Road (D127 and D132)



Out of Scope

Application for Extension of Lapse Period Under Section 184 of the Resource Management Act 1991

To: Tasman District Council
189 Queen Street
Richmond 7020

From: Waka Kotahi NZ Transport Agency
55 Collingwood Street
Nelson 7010

Pursuant to Section 184(1)(b) of the Resource Management Act 1991 (RMA) Waka Kotahi NZ Transport Agency (Waka Kotahi) is applying for an extension of the lapse period for two existing designations. As per the RMA requirements, this application is being made within three months of the current designation lapse date of 1 November 2023.

Existing Hope Bypass Designation

The Hope Bypass is designated under the Tasman Resource Management Plan (TRMP) as D127 and D132 with Waka Kotahi (referred to in the TRMP as 'NZ Transport Agency') being the requiring authority - see details in Table 1 below.

Table 1: Details of Existing Designations on the Hope Bypass Route

Designation Reference	Purpose	Date included in the District Plan	Current Lapse Date	Proposed New Lapse Date
D127 Hope Bypass Queen St, Richmond to State Highway 6, South Hope	To provide future limited access road – Hope Bypass Queen St, Richmond to State Highway 6, South Hope	01 November 2008	01 November 2023	01 November 2038
D132 Corner of Stratford and Queen Streets	Proposed limited access road	01 November 2008	01 November 2023	01 November 2038

The Hope Bypass corridor is currently accommodating a section of the National Cycle Trail 'Great Taste' ride between Ranzau Road (western end of D127) and the Richmond Deviation (eastern end of D132). West of Ranzau Road, the designation runs behind several rural zoned properties and traverses 326 and 304 Main Road Hope before connecting back to State Highway 6 (SH6).

The original Notice of Requirement (NoR) is included as **Attachment A** and corresponding map as **Appendix B** of this application. The Hope Bypass was formally designated on 25th May 1964, under Section 21(6) of the Town and Country Planning Act (1964) for the purpose of a "proposed motorway" and has been rolled over successive Waimea Country and Tasman Resource Management Plans (TRMP). The Hope Bypass was formally designated under the Resource Management Act 1991 in 1996 via the Proposed TRMP (operative 1 November 2008).

The Hope Bypass designation was set aside as a long-term transportation measure should additional capacity in the Richmond network be required based on future demand for transport. As such, there is limited information concerning the intended use or development of the Hope Bypass beyond 'State highway purposes' in the initial documentation. There are no conditions associated with the designation.

Most of the length of the Hope Bypass route is encompassed within D127 (shaded blue, Figure 1), with Designation D132 (shaded red, Figure 1) providing a critical link between the Richmond Deviation (SH6) and the eastern end of the Hope Bypass. D132 was initially designated for a duration of 10 years, lapsing on 1 November 2018. A decision was made by Tasman District Council (TDC), dated 30 August 2018, in response to the Waka Kotahi request to extend the lapse period for D132 to align with the duration of the main Hope Bypass designation, D127. As such, both D127 and D132 are due to lapse on 1 November 2023.

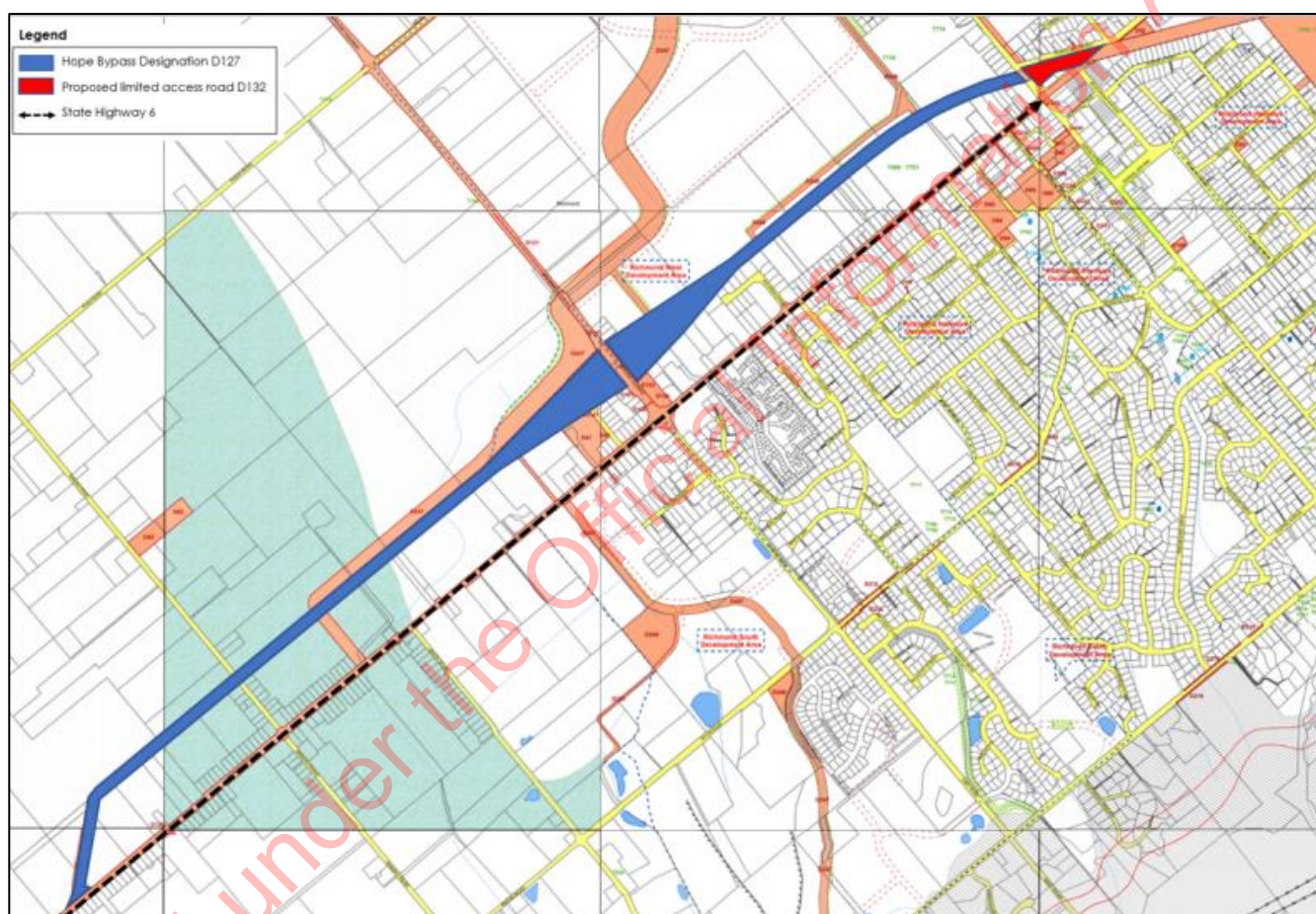


Figure 1: Location of Hope Bypass Designation (D127 Blue; D132 Red) – sourced from the Richmond PBC

The Hope Bypass designations (D127 and D132) run parallel to the north of State Highway 6 (SH6) and intersects with the wider state highway network at three points.

- Adjoins SH6 to the south of the Hope township on Main Road Hope.
- Intersects/passes underneath State Highway 60 (SH60) / Appleby Highway overbridge directly north-east of the SH6 / SH60 / Bateup Road roundabout.
- Adjoins SH6 to the north (Richmond Deviation) near McGlashen Avenue in Richmond.

SH6 to the north of the SH60 intersection is categorised as a 'Regional' road under the One Network Road Classification¹ (ONRC) system, with an estimated Annual Average Traffic Count² of over 20,000 vehicles (approximately 12% of these being heavy vehicles). SH6 to the south is categorised as an 'Arterial' road under the ONRC system, with an estimated Annual Average Traffic Count of over 15,000 vehicles (approximately 12% of these being heavy vehicles).

The existing designation lapse dates alongside the proposed extended lapse dates are detailed in Table 1 above. The proposed lapse date allows for an extension of 15 years to enable the implementation and monitoring of short and medium-term transport interventions plus further property, planning and design work to be undertaken as detailed in this application.

The application to extend the lapse period of the Hope Bypass designation will provide evidence supporting:

- Why the designation is reasonably necessary to secure and enable the ongoing functioning of the transportation network that is not 'fanciful or theoretical'; and
- A reasonable degree of certainty about the designations future use and a timeline of its implementation.

Ongoing need for the existing designation

This route has been designated since 1964 (rolled over from the previous TRMP) and is currently utilised as a recreational shared path and forms part of the Great Taste Trail (which is 175km in length). Due to population growth pressures, and associated current and planned residential and business development, the Hope Bypass route needs to be secured for construction of a new transport corridor.

The ONRC status and high vehicle numbers indicate that the Richmond / Hope section of SH6 makes a major contribution to the social and economic wellbeing of the region and connects regionally significant places, industries, ports and airports. However, the functioning of this route has deteriorated over time resulting in an ongoing need for the retention of the Hope Bypass designations to allow for the implementation and monitoring of planned transport improvements across the wider Richmond area which would support further investigations into the required form and function of the proposed Bypass.

An extension of designation D127 and D132 will allow for the monitoring of short- and medium-term interventions (detailed below), supporting the development of Hope Bypass which has been identified as a long-term intervention.

A). Nelson and Tasman District Growth

The Nelson / Tasman region has been subject to high growth rates, especially over the past decade resulting in significant demand for housing. Due to geographical constraints within the Nelson City Council boundaries, housing in and around central Nelson has struggled to meet this demand, which has directed growth and development toward the nearest available flat land in Richmond. As a result, the Richmond urban area has experienced rapid population and business growth, especially during the last 5-10 years, with corresponding increases to traffic volumes utilising the surrounding Richmond transport network. Ongoing residential development and intensification of existing urban areas in and around Richmond, Brightwater and Wakefield are linked to the increased traffic intensity along the SH6 corridor.

In addition, recent safety interventions on the local road network (speed reductions, traffic calming measures etc. under various strategies such as Transport Choices and Streets for People) encourage drivers to move away from 'rat-running' through local streets to use the main arterial route through Richmond (Gladstone Road / SH6). Gladstone Road also serves part of the 'Richmond Intensive Development Area', standard residential activity, plus commercial, retail and industrial activities.

¹ <https://nzta.govt.nz/ONRC.pdf>

² Data sourced from <http://www.mobileroad.org>

B). Future Growth Defined in the Nelson Tasman Future Development Strategy 2022 – 2052³

The Nelson Tasman Future Development Strategy 2022 – 2052 (NTFDS) is a 30-year high-level strategic plan that outlines areas in Nelson and Tasman where there is potential for future housing and business growth. This provides a valuable guide for decision making and also provides an evidence base to inform reviews and changes to resource management plans and facilitate the next round of transport infrastructure strategies and long-term plans.

Population growth projections for the region over the next 30 years are outlined in the NTFDS which was adopted in 2022. The NTFDS aims to consolidate and direct the Nelson and Tasman region’s future growth along the SH6 corridor, prioritising intensification, allowing for some greenfield expansion, and business growth in and around established urban areas such as Nelson, Richmond, Brightwater and Wakefield as illustrated in Figure 2 below.

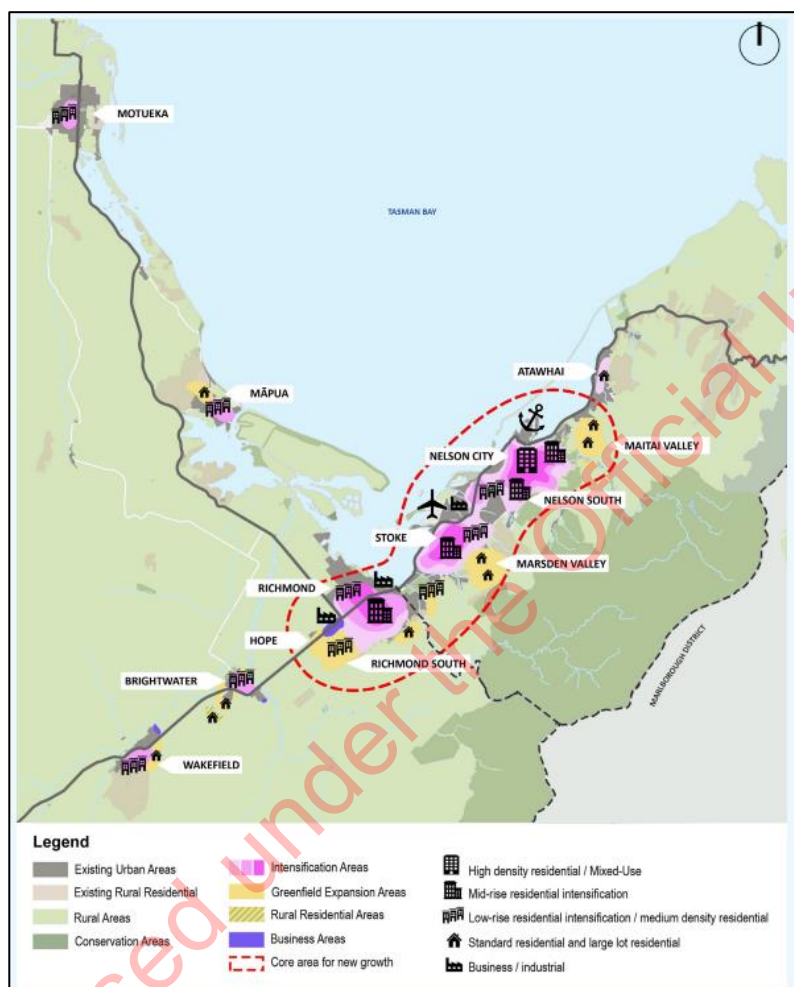


Figure 2: Regional View of NTFDS Growth Strategy (NTFDS 2022, Figure 7 Page 22)

In particular, the NTFDS plans for the consolidation and growth of the Richmond township through intensification of the existing urban area and the development of residentially zoned greenfield areas. This is anticipated to provide roughly 3,800 new dwellings and would require supporting urban amenities and services in and around the Richmond settlement area over the next 30 years (see Figure 3 below).

³ <https://www.tasman.govt.nz/my-council/key-documents/more/future-development-strategy/>

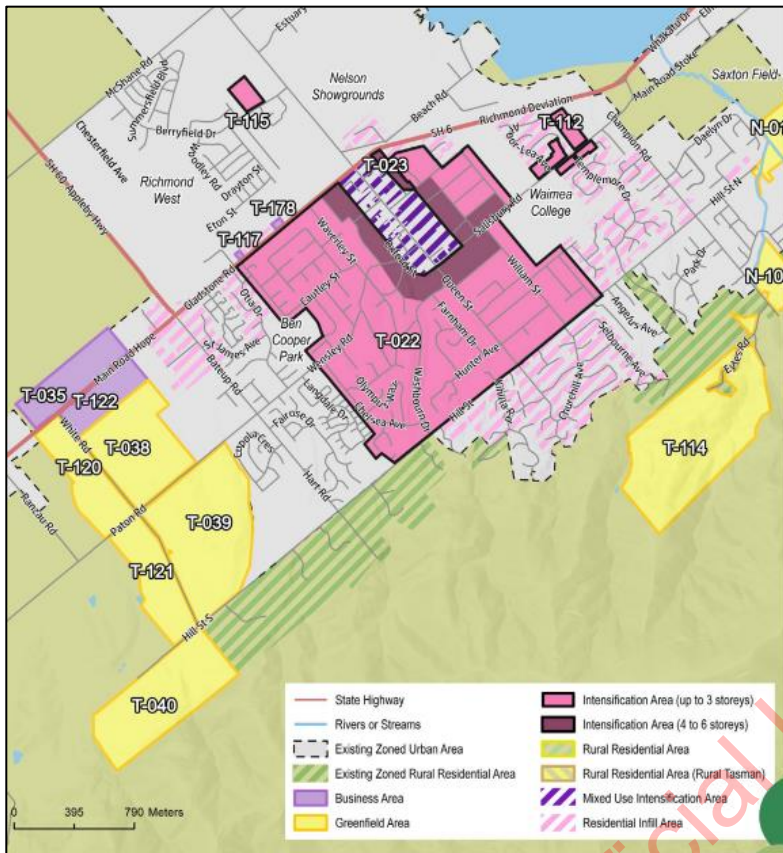


Figure 3: NTFDS Strategy for Richmond and its immediate surrounds (NTFDS 2022, Figure 7 Page 22)

Large-scale greenfield opportunities are anticipated in the NTFDS to deliver roughly 2,600 new homes along Champion Road, Richmond West and Richmond South and twenty-nine hectares of business land is planned in Richmond South along SH6. Mixed business development is also expected around the outskirts of Richmond. Options for implementing this SH6 corridor-oriented growth are currently being explored through the NTFDS Implementation Plan which is in the early planning stages.

C). Hope Bypass's Role in Responding to Regional Growth

The Hope Bypass has been identified as a long-term transportation response to improve the functioning, safety and efficiency of the transport network through Richmond and Hope, being a strategic local and regional transport link subject to safety and efficiency issues exacerbated by ongoing regional development and growth.

This 'corridor' approach to development meets many of the NTFDS objectives and enables utilisation of existing infrastructure (including transport networks) rather than building brand new connections to serve developments in areas where there is no existing access to reticulated infrastructure. However, this development strategy will exacerbate existing challenges faced along SH6 through Richmond and Hope e.g., transporting good and produce to and from the Port efficiently and connecting people and places in general.

Waka Kotahi and TDC have completed a strategic case investigating methods to improve the road corridors' safety and efficiency in the short to medium term. This is the first step to understand if / when the Hope Bypass will be needed as a long-term transportation measure should additional capacity in the Richmond transportation network be required.

Substantial progress toward giving effect to the Hope Bypass Designation.

To support this application as per s184, Waka Kotahi must demonstrate, to the satisfaction of TDC, that 'substantial progress or effort' has been (and is continuing to be) made towards giving effect to the designation. This does not necessarily mean that physical works must be underway⁴.

Substantial progress has been made, particularly over the last 8-10 years to determine whether (and when) the Hope Bypass is required to be constructed, and what steps need to be taken for it to be funded and constructed. The work has been undertaken in response to increasing transportation issues in and around Richmond.

The Hope Bypass project will be a substantial financial investment for the region. Waka Kotahi must progress through multiple steps before the project can be fully funded and programmed i.e., given effect to. Investigations into when the Hope Bypass is to be constructed are closely tied to the safety and efficiency of the wider transport network – this is reflected in points A–C below. Property investigation and acquisition is an integral part of enabling the construction of the Hope Bypass (detailed in point D below). Substantial progress continuing to be made is outlined in points E and F below.

A). Richmond Arterial Investigation Strategic Case - 2016

The Richmond Arterial Investigation Strategic Case (2016) (RAISC) was initiated partly as a follow up to the Nelson to Brightwater Roding Study from 2008 which supported the preservation of the Hope Bypass route. Waka Kotahi undertook the RAISC as part of work included in the 2015-2018 National Land Transport Program (NLTP). The strategic case highlighted the Hope Bypass as a long-term transportation solution.

This case indicated several factors which highlight the ongoing strategic importance of the Hope Bypass designation and what problems need addressing, including:

- A change in function over time of Gladstone Road (SH6) from a through-road to more places and the conflicting types of traffic have created deteriorating efficiencies, particularly at the intersections.
- The inefficient form of the state highway and the accessibility of alternative routes means that people are avoiding the state highway and using local / residential roads instead.
- Traffic growth and transportation planning pressures from land use development and planned regional growth is likely to adversely impact the local roading network in the form of severance and safety in the future.

Following completion of the RAISC in 2016, it was proposed that a Network Operating Framework (NOF) and Activity Plan be developed to understand future transport demand, consider intervention options and determine the trigger levels when investment will be warranted to implement the Hope Bypass.

B). Network Operating Framework (NOF) - 2020

A NOF creates a strategic network and hierarchy for all modes of transport. The Richmond NOF was adopted in 2020 with a long list of interventions to address both the transport mode prioritisation and 'gaps' in the network being created. These interventions are the main output of the NOF and informed the Richmond Transport Programme Business Case and will continue to inform future transport improvements in the network.

There will be ongoing changes in policy, planning land use and infrastructure requirements that alter the strategic direction of transport planning. For this reason, the NOF is a live process which requires updating to reflect the strategic objectives of the region. In doing so, the NOF will continue to be a crucial component of future planning and the development of an integrated transport network. Ongoing monitoring (already funded through the 2021-24 NLTP) of traffic volumes, travel times, bus patronage, active mode uptake and crash statistics is essential. The Richmond NOF (together with the Richmond PBC) will assist Waka Kotahi in understanding whether / when the Hope Bypass is required.

⁴ [quality planning website](#)

C). Richmond Transport Programme Business Case - 2022

The Richmond Transport Programme Business Case (PBC) was undertaken by Waka Kotahi and TDC in order to investigate and address Richmond's transport needs over the next 30 years, and one of the key drivers for undertaking the PBC was to help inform a decision around whether the Hope Bypass designation duration should be extended to enable construction. The PBC was approved and endorsed in May 2022.

A (PBC) is a necessary step to apply for funding under the Land Transport Plan. The Hope Bypass project did not initially progress forward to a PBC because during the RAISC, growth pressures were not of a significance to warrant this intervention. Regional growth has since occurred faster than the underlying projections informing the RAISC decision.

The work completed on the PBC identified an emerging programme of transport interventions that will be delivered over the short, medium and long-term out to the year 2050. Waka Kotahi and TDC are progressing with short-term improvements to the road network, including:

- Cycle lanes along key routes.
- Improved public transport.
- Targeted safety treatments for pedestrians and cyclists.

In parallel with the delivery of the short-term programme, Waka Kotahi and TDC will proceed to investigate and shape the projects from the medium-term programme. All Waka Kotahi projects, including the Hope Bypass, will be subject to further investigation and national funding prioritisation in accordance with Waka Kotahi processes. This work will focus on safety improvements on the state highway and investments to cycle lanes connecting residential zones with areas of high place value. Before finalising the long-term programme, Waka Kotahi will review the success of the short and medium-term interventions and ultimately determine if and when long-term interventions, notably the Hope Bypass project, are required in the Richmond area. This will be dependent on several factors including:

- The level of mode shift for journeys to education and work that the short-term programme can deliver.
- Uptake in public transport following improvements to services.
- Where future land use development occurs, and how this compares to what we are expecting.
- When future land use development occurs.

The PBC-level assessment and modelling established that:

- Without the bypass, travel time reliability along SH6 Gladstone Road will likely worsen. This is because interventions which are targeted at improving liveability (such as reduced speed limits on Salisbury Road to discourage rat-running) places more demands on SH6. Substantial housing growth will also generate significantly more vehicle trips, and regardless of how much active mode infrastructure is provided, it's anticipated that most of new trips would still be vehicle-based.
- A bypass would deliver significant travel time benefits for through traffic, and as a result would reduce the level of rat-running on local streets. The bypass would therefore strongly support the desired safety and liveability objectives for the PBC and allow for full realisation of benefits for local roads (quieter, lower traffic volumes, cleaner air, more liveable, cheaper to maintain, designed for people, safer to cross, safer to use for all modes).
- For capacity reasons, the form of the intersection between the bypass and Lower Queen Street would most likely need to be grade-separated (flyover), however further work would be required to determine this.
- The Hope Bypass would not necessarily be a high-speed road. Potential forms and functions for the road should be considered as part of a separate business case.
- Careful consideration will need to be given to how the designation could be used to support the active transport network. The assumption of this PBC is that the bypass would include a fully separated off-road cycle (or shared) path that would run the length of the designation, with at least one safe (signalised) crossing point.

The PBC noted that the Hope Bypass designation should be extended to allow time for a detailed investigation into the form and function of a potential bypass to be undertaken. A Planning Memo was produced as part of the Richmond PBC that specifically addressed the Hope Bypass designation and planning processes that would be required to extend the lapse date of the designation, and to give effect to the designation – this is included as Attachment D.

D). Property Investigations and Land Acquisitions

All of the land within D132 has already been purchased by Waka Kotahi. The majority of D127 (being a 20m wide corridor) consists of an old railway corridor which is already owned by Waka Kotahi and is currently leased and used as an off-road shared use path. There is an additional 15m wide corridor that is designated over privately owned land. Waka Kotahi have commissioned and finalised two property reports (in 2013 and 2021) as preliminary steps to identify and acquire remaining properties within the Hope Bypass designated area. The reports show privately-owned areas located within the Hope Bypass designation area, the area of the property required and market valuations⁵ of the land. The remaining properties to be purchased are attached as **Appendix C** of this application.

A number of properties have already been acquired by Waka Kotahi to facilitate giving effect to the designation, listed in Table 2 and identified in Figure 4 below:

Table 2: Properties acquired by Waka Kotahi to facilitate and progress designation works.

Map Ref.	Address	Appellation	Des.	Status & Date Purchased
1	14/8 Stratford Street, Richmond	Section 4 SO 463421	D132	Purchased and held by Waka Kotahi 15/11/2013
2	12 Stratford Street, Richmond	Section 5 SO 463421	D132	Purchased and held by Waka Kotahi 5/12/2007
3	10 Stratford Street, Richmond	Section 6 SO 463421	D132	Purchased and held by Waka Kotahi 15/11/2013
4	335 Lower Queen St, Richmond	Lot 5 DP 3969	D132 and D127	Purchased and held by Waka Kotahi 20/08/1973
5	24B Appleby Highway, Richmond	Crown Land Block VI (under action) Waimea Survey District	D127	System Management Asset of Waka Kotahi 16/11/1989
6	Appleby Highway to Ranzau Road, Hope, Richmond	Crown Land Block VI (under action) Waimea Survey District	D127	System Management Asset of Waka Kotahi 16/11/1989
7	395 Lower Queen Street, Richmond	Section 15 SO 555056	D127	Acquisition in Progress (not yet purchased) <i>Not yet purchased</i>
8	Appleby Highway, Hope (Rural), Richmond	Lot 4003 DP 572271	D127	Part Owned - Held - Not Managed <i>Not yet purchased</i>
9	2 Appleby Highway, Richmond	Part Section 108 Waimea East DIST	D127	Purchased and held by Waka Kotahi 4/10/1984
10	15 Appleby Highway, Richmond	Part Lot 17 DP 4875	D127	Purchased and held by Waka Kotahi 4/08/2008

⁵ Market valuations were included in the 2021 report but are not included in this application.

11	21 Appleby Highway, Richmond	Part Lot 20 DP 4875	D127	Purchased and held by Waka Kotahi 4/08/2008
12	Railway Land - adjoining 194 Ranzau Road, Hope (Rural)	Section 1 SO 14087	D127	Purchased and held by Waka Kotahi 16/11/1989

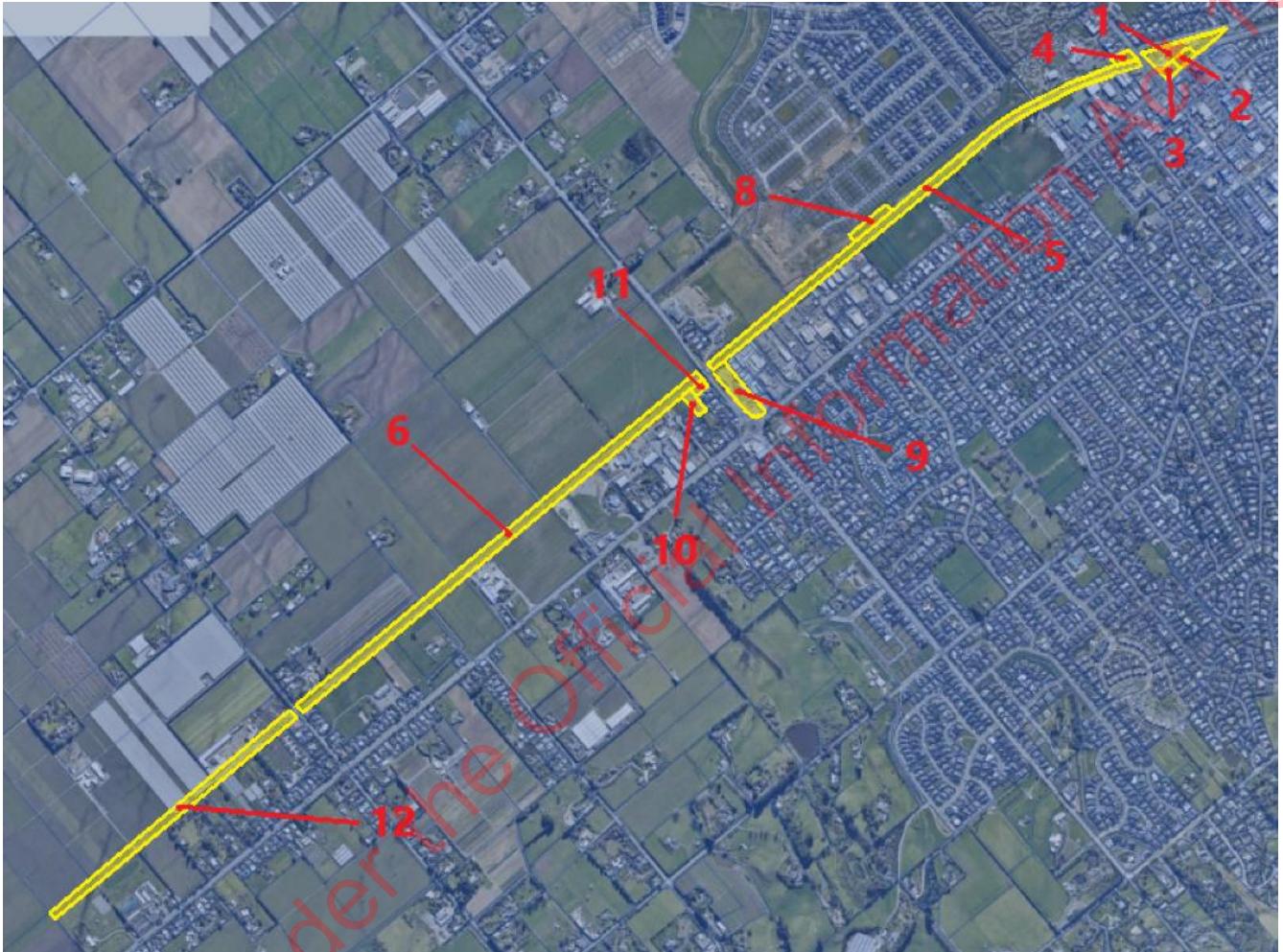


Figure 4: Map of Properties Acquired or in the process of acquisition to support giving effect to the designation.

E). Funding

Waka Kotahi would not consider the Hope Bypass 'confirmed' until funding is approved to deliver the project / physically construct the transport infrastructure - until then Waka Kotahi is still in the 'planning' phases. Waka Kotahi is working through the required funding process as per Figure 5 below and have completed the 'Strategic case' (Richmond Arterial Investigation Strategic Case – 2016) and the 'Programme business case' (Richmond Transport Programme Business Case – 2022) which signalled the intention to progress with the bypass. In order to get confirmation that this project will go ahead, Waka Kotahi will still need to complete a single-stage business case, then get funding commitment to deliver the project (Waka Kotahi Business Case Approach is outlined in Figure 5 below).

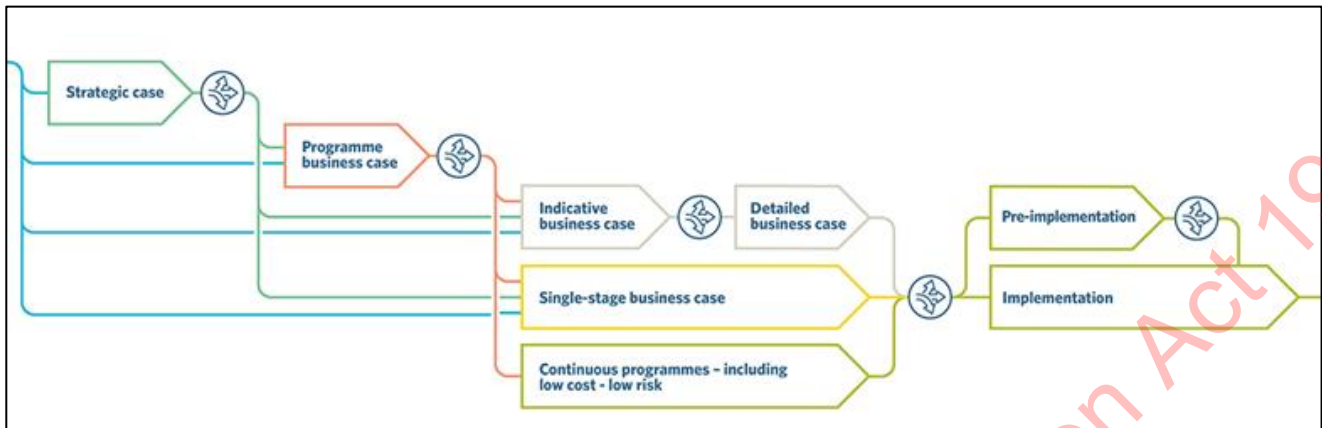


Figure 5: Waka Kotahi Business Case Approach

Currently Waka Kotahi have put forward a request to the NLTP for funding to undertake a single-stage business case for the SH6 corridor that runs adjacent to the designations D127 and D132, however this is subject to other national priorities.

F). Ongoing Monitoring

Waka Kotahi is working with TDC to monitor the short- and medium-term interventions (from the Richmond PBC) to assess their success and their impacts on the transport system in and around Richmond, including, but not exclusive to:

- Impacts on mode shift e.g., people moving out of private vehicles and using public transport or active transport.
- Recording the numbers and types of users on the state highway, local roads and shared path facilities.
- Collating safety data such as crash records.

This monitoring will feed back into the Richmond NOF (discussed above) as a live document and is essential in order to move to the next phase of the business case approach to detail the likely form and function of the Hope Bypass.

Management of potential ‘planning blight’ effects

It is noteworthy that case law⁶ states that ‘a private landowner should not have the use of its land significantly limited for a long period because of a possible third-party requirement which might never happen’ and that ‘s184 was in place in the RMA to prevent unfair blighting of property for extended periods of time where the designating authority does not make substantial progress or effort towards giving effect to the designation’. Anyone, other than the relevant requiring authority, proposing to undertake works within a designation must not prevent or hinder the project or work.

Waka Kotahi as the requiring authority of Hope Bypass is operating with sufficient flexibility to mitigate potential ‘planning blight’ effects by enabling appropriate development and use of land both within and surrounding the designated area. The majority of the designated corridor is currently accommodating a section of the National Cycle Trail ‘Great Taste’ ride, between Ranzau Road (western end of D127) and Richmond Deviation (eastern end of D132), enabling the ongoing use of the land for recreational use and active transport modes.

All land subject to D132 is owned by Waka Kotahi and is managed accordingly via lease agreements. Privately owned land subject to D127 to the west of SH60 consists of Rural 1 zoned land with one site zoned rural industrial. The zoning restrictions on most of this land limit the construction and operation of structures, as the zone provides for rural productive land uses. Existing land uses are unaffected, and the designation has not unduly restricted any further development of this land.

Privately owned land subject to D127 to the east of SH60 predominantly consists of residential and light industrial zoned land, with one site zoned Rural 1 deferred residential (occupied by the caravan park). Existing land uses / structures are not restricted by the designation and Waka Kotahi has exercised flexibility to enable ongoing maintenance, use and development of land subject to D127 without preventing or hindering the construction of the Hope Bypass. This is illustrated in Table 3 below, compiling examples of recent applications (since 2016) processed by Waka Kotahi for land use changes / new structures within the Hope Bypass designation requiring s176(b)⁸ approval:

Table 3: Schedule of s176 applications approved by Waka Kotahi in relation to D127 or D132

Application Ref.	Date	Address	Proposal	Outcome
160107	14/07/2016	8/14 Stratford Street	Resource Consent to replace new images on existing signs	Waka Kotahi granted s176 approval and affect party approval
1018013	21/02/2018	Section 14086 and SO 14085 (Situating 400m from the intersection of Hope Bypass)	Section 176 written approval for the installation of two 11kV feeder cables within the Hope Bypass designation, to service new residential developments in the Richmond Township.	Waka Kotahi granted s176 approval, noting should works proceed within the designation the applicant would be required to relocate the cables outside of D127.
2019-659	14/02/2020	68 Gladstone Road	Section 176 approval to partially replace an existing building within Designation 127 (upgrade of an existing storage warehouse).	Waka Kotahi granted s176 approval with conditions limiting the size of the buildings to the existing building footprint and noting in the event Waka Kotahi requires the land for State Highway

⁶ Meridian 37 Ltd v Waipa DC [2015] NZEnvC 119; and Bunnings Ltd v Auckland Transport [2020] NZEnvC 92, (2020) 22 ELRNZ 1

⁷ Planning Blight is defined within the Oxford dictionary as: “The reduction of economic activity or property values in a particular area resulting from expected or possible future development or restriction of development.”

⁸ <https://www.legislation.govt.nz/s176b>

				purposes the building shall be removed at the landowner's cost.
2019-707	17/90/2019	17 Appleby Highway	Applicant sought s176 approval to construct a removable shed within Designation 127.	Waka Kotahi granted s176 approval with the condition the structure be removed should we require the land for State Highway purposes.
160133	8/09/2016	15 Appleby Highway	Resource consent application to operate a contracting storage yard consisting of staff vehicles, small trucks, diggers and a forklift within Designation 127.	Waka Kotahi granted s176 approval and affected party approval subject to the condition the land be vacated should Hope Bypass construction proceed.
2021-2218	01/09/2022	24 Main Hope Road	Resource consent application to erect a canopy, apron slab and sealed parking spaces within Designation 127.	Waka Kotahi granted s176 approval and affected party approval subject to the condition that the structure be removed should Waka Kotahi require the land for State Highway purposes.
160161	29/11/2017	28 Appleby Highway	Resource consent application and Section 176 approval to construct and occupy a temporary dwelling within Designation D127.	Waka Kotahi granted Section 176 approval and affected party approval with the conditions that the temporary dwelling be removed should Waka Kotahi require the designated land for highway purposes.

In addition to the s176 approvals listed above, Waka Kotahi has agreed to purchase two 15m wide strips of land in the Richmond West suburb of Berryfields (residential zone) where the s185(3)(b)(i)⁹ test was met. The property acquisition process is in progress for one site and is soon to commence for the other. Agreements have been made with the developers and TDC to enable construction of an acoustic fence (should the Hope Bypass be confirmed) to protect the inhabitants of the new residential development in Berryfields from excess road noise should the Hope Bypass be constructed.

Once TDC have processed this s184 application, Waka Kotahi will advise all affected landowners of the extended designation lapse date, remind landowners of the restrictions in land use within designated areas, and advise of the process required to gain approval for certain activities i.e. the s176 approval process.

Summary

Overall, the assessment above has demonstrated the progress and effort Waka Kotahi has made toward giving effect to the Hope Bypass designations. Continued effort will be made to give effect to the designation including ongoing monitoring and analysis of the use and functioning of the wider Richmond transport network, revision / ongoing updates to the Richmond NOF and progression of the single-stage business case for the Hope Bypass.

Waka Kotahi has already undertaken a substantial investment related to progressing the Hope Bypass, including significant property investigations and acquisition, ongoing management relating to private properties subject to the designation, and substantial work (alongside TDC) implementing and monitoring transport interventions to inform the likely required form and function of the Hope Bypass as a future transport route.

Should the existing designations lapse and a new Notice of Requirement need to be submitted in the near future, Waka Kotahi would need to progress an unnecessary statutory process and be open to legal challenge. In the absence of the designation, potential development on the land could preclude or be sensitive to the proposed

⁹ <https://www.legislation.govt.nz/s185>

Hope Bypass transport infrastructure. At present, the designation gives plan users and landowners a degree of certainty over the extent to which the project will have effects on property and allows Waka Kotahi to continue efforts to give effect to the designation.

Based on the above, there is no reason precluding TDC from extending the lapse date of Designation D127 and D132 by 15 years, in line with section 184(1)(b) of the RMA. Please contact **Out of Scope** at **Out of Scope** [@nzta.govt.nz](mailto:outofscope@nzta.govt.nz) if you have any queries about this application.

Signed by:

Out of Scope

Principal Planner, Poutiaki Taiao / Environmental Planning
Transport Services

Pursuant to authority delegated by Waka Kotahi NZ Transport Agency

15/09/2023

Address for Service:

Waka Kotahi
44 Bowen Street
Pipitea, Wellington 6011
Private Bag 6995
Wellington 6141
New Zealand

Out of Scope

s 9(2)(a)

E-mail: **Out of Scope** [@nzta.govt.nz](mailto:outofscope@nzta.govt.nz) and environmentalplanning@nzta.govt.nz

Attachment A: Original Notice of Requirement (1964)

Attachment B: Planning Map showing Hope Bypass (1964)

Attachment C: Schedule of properties not yet purchased, but subject to the Hope Bypass Designation

Attachment D: Hope Bypass – Planning Approvals Memo extracted from Richmond PBC

Attachment A – Original Notice of Requirement, 1964



AK:BR

T.P.149/179

The County Clerk,
Waikanae County Council,
P.O. Box 191,
NELSON.

25 May 1964

Dear Sir,

As you know, a decision was made recently on the Nelson-Selkirk express route in consequence of which consideration of the review of your Council's district scheme in conjunction with public works has now been completed and I enclose a notice of requirement under section 24(5) of the Town and Country Planning Act 1953, together with plans T.P.7453 and T.P.7453/1. Those sections of the route falling within the County are coloured orange on the plans and are required to be shown in the district scheme as "Proposed Motorway".

Since your Council is no doubt anxious to complete the review of the district scheme I am also enclosing my certificate under regulation 17 of the Town and Country Planning Regulations 1960. The certificate is issued on the understanding that the requirement will be incorporated in the scheme before it is publicly notified pursuant to section 22 of the Act. You will, of course, be aware of the provisions of sections 25(2) and 26(2) of the Act which relate to any objections affecting public works.

Yours faithfully,

(Sgd) Percy B. Allan

Minister of Works

COPIES TO:

The Director of Roading (4)

D.C.W., WELLINGTON (2)

TOWN AND COUNTRY PLANNING ACT 1953
REVIEW OF WAIMERA COUNTY DISTRICT SCHEME
REQUIREMENT OF MINISTER UNDER SECTION 21(6)

Pursuant to section 21(6) of the Town and Country Planning Act 1953, the Minister of Works hereby requires that the land coloured orange on the attached plans T.P.7453 and T.P.7453/1 be shown in the district scheme as "Proposed Motorway".

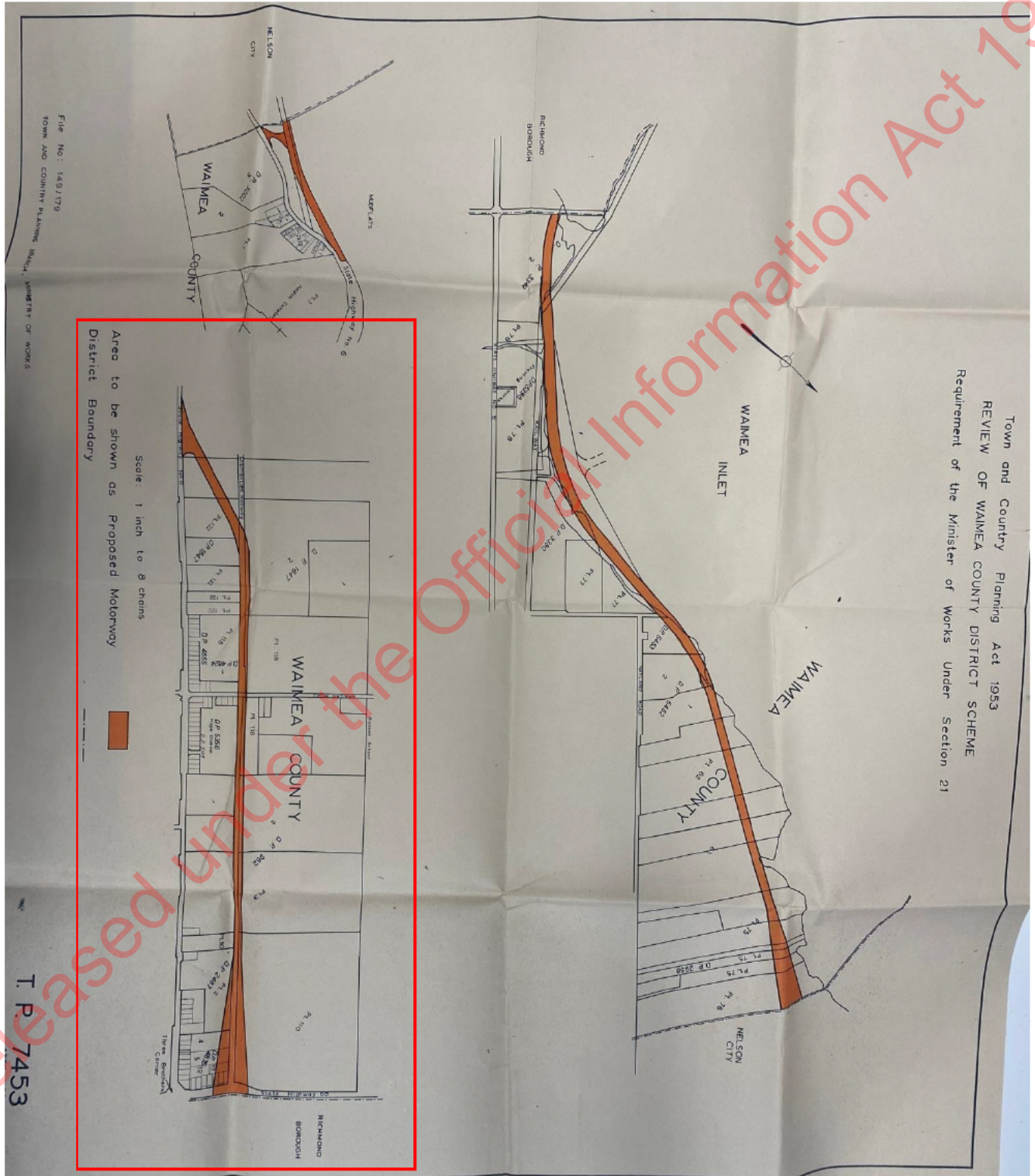
Dated at Wellington this *twenty-fifth* day of May 1964.

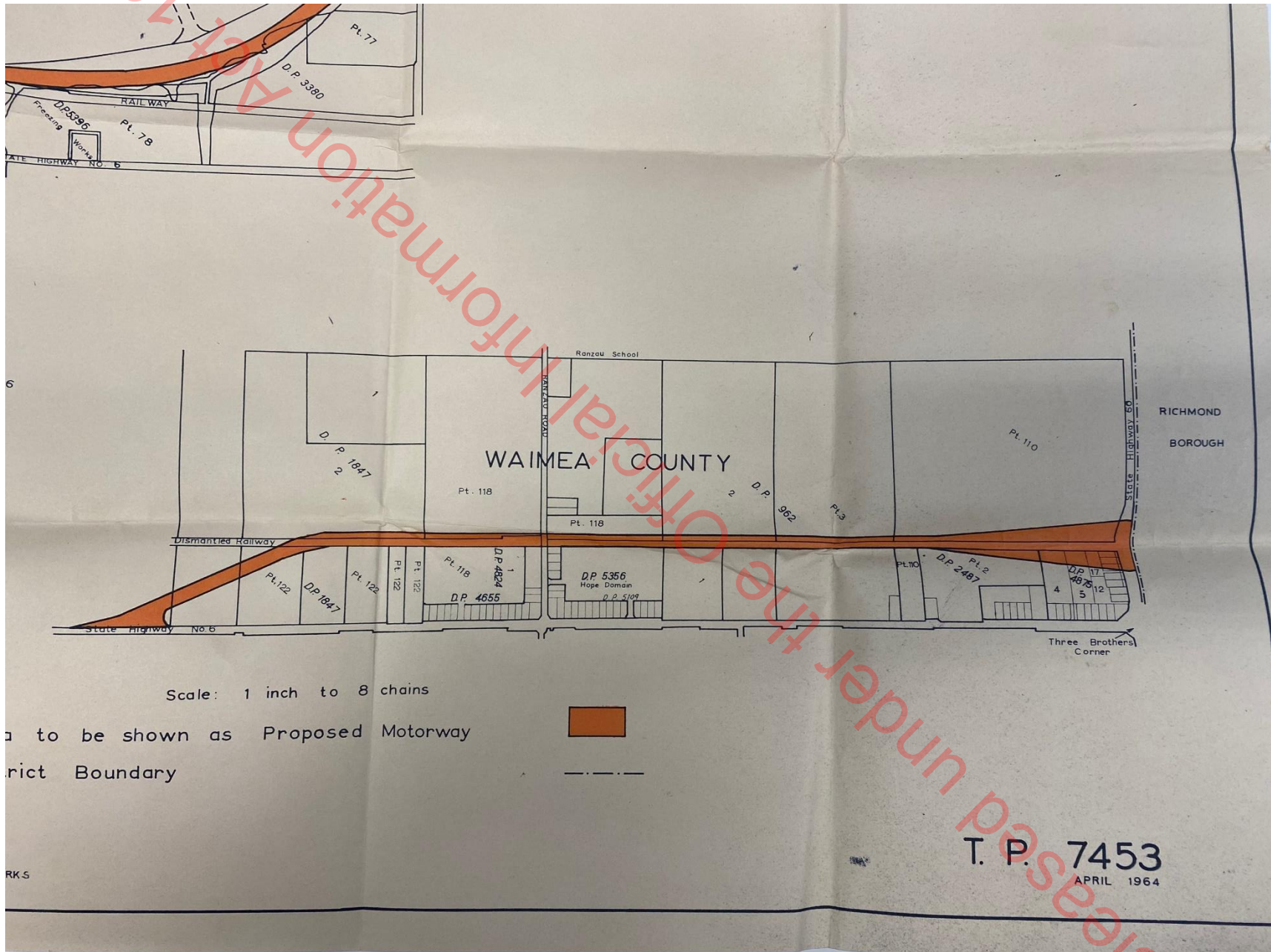
(Sgd) Percy B. Allen
Minister of Works

To the Waimera County Council

Attachment B – Planning Map showing Hope Bypass (1964)

NB: Hope Bypass section within the red rectangle and enlarged on the following page. The corresponding map showing the northern extent of the bypass designation (within Richmond Borough) could not be found in the National Archives





Released under the Official Information Act 1982

Attachment C – Schedule of properties not yet purchased, but subject to the Hope Bypass Designation

Table of properties affected by the designation in their entirety:

Map Reference	Address	Appellation	Des.	Total Area (ha)
5	Camberley Road	RT - 1012652 ID - 8178310	D127	0.2237
7	30 Appleby Hwy	RT - NL100/128 ID - 3603902	D127	0.1012
10	148 Main Road Hope	RT- NL13C/858 ID - 6543963	D127	0.2814
12	154A Main Road, Hope	RT- NL13C/856 ID - 6543961	D127	0.1578
18	304 Main Road, Hope	RT -NL57/286 ID - 3609721	D127	2.9592
24	19 Appleby Hwy	RT - NL1B/1341 ID - 7026125	D127	0.0791
25	17 Appleby Hwy	RT - NL1B/1340 ID - 7026124	D127	0.0791
27	72 Gladstone Road	RT - NL135/73 ID - 3624411	D127	0.4383

Table of properties where only part of the property is affected by the designation:

Map Reference	Address	Appellation	Des.	Total Area (ha)	Area Required (ha)
1	345 Lower Queen Street	RT - 284098 ID - 6874702	D127	3.6720	0.3057
2	Lower Queen Street	RT - 929093 ID - 7743525	D127	0.0808	0.0114
3	Lower Queen Street	RT - 829989 ID - 7743524	D127	0.2948	0.0236
4	395 Lower Queen Street	RT - 1011927 ID - 8178311	D127	0.1839	0.1839
6	28 Appleby Hwy	RT - NL3A/247 ID - 6976569	D127	6.9014	1.2832
8	Appleby Hwy	RT - 564909 ID - 7351794	D127	17.8495	2.2712
9	132 Main Road, Hope	RT - NL13C/857 ID - 6543962	D127	14.2630	0.2320
11	Appleby Hwy	RT - 564908 ID - 7351793	D127	10.1994	0.0806

13	148 Main Road Hope	RT - 564907 ID - 7351792	D127	0.6156	0.0143
14	185 Ranzau Road West	RT - NL5B/819 ID - 3609882	D127	5.0763	0.8699
15	194 Ranzu Road West	RT - NL2A/945 ID - 3607596	D127	2.0234	0.4431
16	300 Main Road Hope	RT - 957513 ID - 3643015	D127	14.9303	0.4407
17	300 Main Road, Hope	RT - 957513 ID - 3646356	D127	14.9303	0.0886
19	326 Main Road, Hope	RT - 547009 ID - 7355717	D127	2.9688	0.3100
20	24 Main Road, Hope	RT - NL13B/293 ID - 3610789	D127	5.2547	0.0516
21	Main Road, Hope	RT - NL10B/221 ID - 3623071	D127	0.1890	0.0115
22	24 Main Road, Hope	RT - 534072 ID - 7377557	D127	5.2547	0.3302
23	Normans Place	ID - 3617189	D127	0.0680	0.0237
26	31-33 Bateup Road	RT - 301618 ID - 6896225	D127	1.2293	0.0599
28	68 Gladstone Road	RT - NL6C/354 ID - 3624981	D127	0.5681	0.5681
29	66 Gladstone Road	RT - 27334 ID - 6548561	D127	1.1622	0.3274
30	62 Gladstone Road	RT - 27333 ID - 6548560	D127	2.0061	0.1586
31	62 Gladstone Road	RT - 27333 ID - 3603781	D127	2.0061	0.1786
32	63 Gladstone Road	RT - 27333 ID - 6517665	D127	2.0061	0.1312
33	24 Poutama Street	RT - NL7B/256 ID - 3658025	D127	0.1117	0.0402
34	22 Poutama Street	RT - NL7B/255 ID - 3658047	D127	0.1117	0.0215
35	20 Poutama Street	RT - NL7B/254 ID - 3641316	D127	0.1117	0.0115
36	18 Poutama Street	RT - NL7B/253 ID - 3602268	D127	0.1117	0.0044

Aerial Images of properties / part of properties yet to be purchased (note area to be purchased shown where the red hatching overlays the yellow areas). NOTE: there is a technical error in the mapping that show a 'gap' in the designated area at the end of Norman Andrews Place (shown on the second map) that needs to be addressed.



Act 1982



All measurements are approximate and subject to survey.

	<small>Imagery sourced from: LINZ Data Services Property boundaries sourced from Land Information NZ. Crown Copyright reserved. Property boundaries accuracy: +/-5m in urban areas, +/-10m in rural areas. Coordinate System: NZGD 2000 New Zealand Transverse Mercator Datum: NZGD 2000 // This map was produced with ArcGIS Pro (SaaS).</small>	Land Requirement Plan Map Areas No. 20 - 36			
	s 9(2)(a)	DATE 17/09/2021	SHEET 1 OF 1	PROJNO 6096B	





Released under the Official Information Act 1982

To: Waka Kotahi and Tasman District Council
 From: Stantec NZ
 File: Hope Bypass – Planning Approvals Memo
 Date: May 24, 2021

1 PURPOSE OF MEMO

The Richmond Transport Programme Business Case (PBC) is being developed to better understand the current and future transport problems that Richmond in the Tasman district is facing, and to establish a preferred programme of interventions.

The 'Hope Bypass' is a designated, but undeveloped, route alongside SH6 heading south towards Hope from Lower Queen Street in Richmond. Waka Kotahi is the requiring authority for the designation, which will lapse in 2023. One of the key drivers for undertaking the PBC is to help inform a decision around whether the designation duration should be extended.

The purpose of this memorandum is to provide planning advice in relation to the lapsing of the Hope Bypass designation. This memorandum does not provide recommendations on whether the Hope Bypass designation should be extended, but rather provides advice regarding the planning requirements to extend the designation and to give effect to the designation moving forward.

2 PROJECT AREA

The extent of the PBC project area includes Richmond and the Waimea Plains from Wairoa River to the south, Waimea River to the north and Champion Road to the east. Figure 1 below shows the location of the township of Hope near Richmond, relative to Nelson City and other key regional destinations.



Figure 1: Location of Hope suburb in the Tasman Region

The project area is situated within the Tasman Region. The Tasman District Council (TDC) is a unitary authority and a single resource management document, the Tasman Resource Management Plan (TRMP) contains the District Plan, the Regional Coastal Plan, and other Regional Plan provisions.

The Hope Bypass designation is situated north, and parallel to, SH6 as illustrated in Figure 2 below.

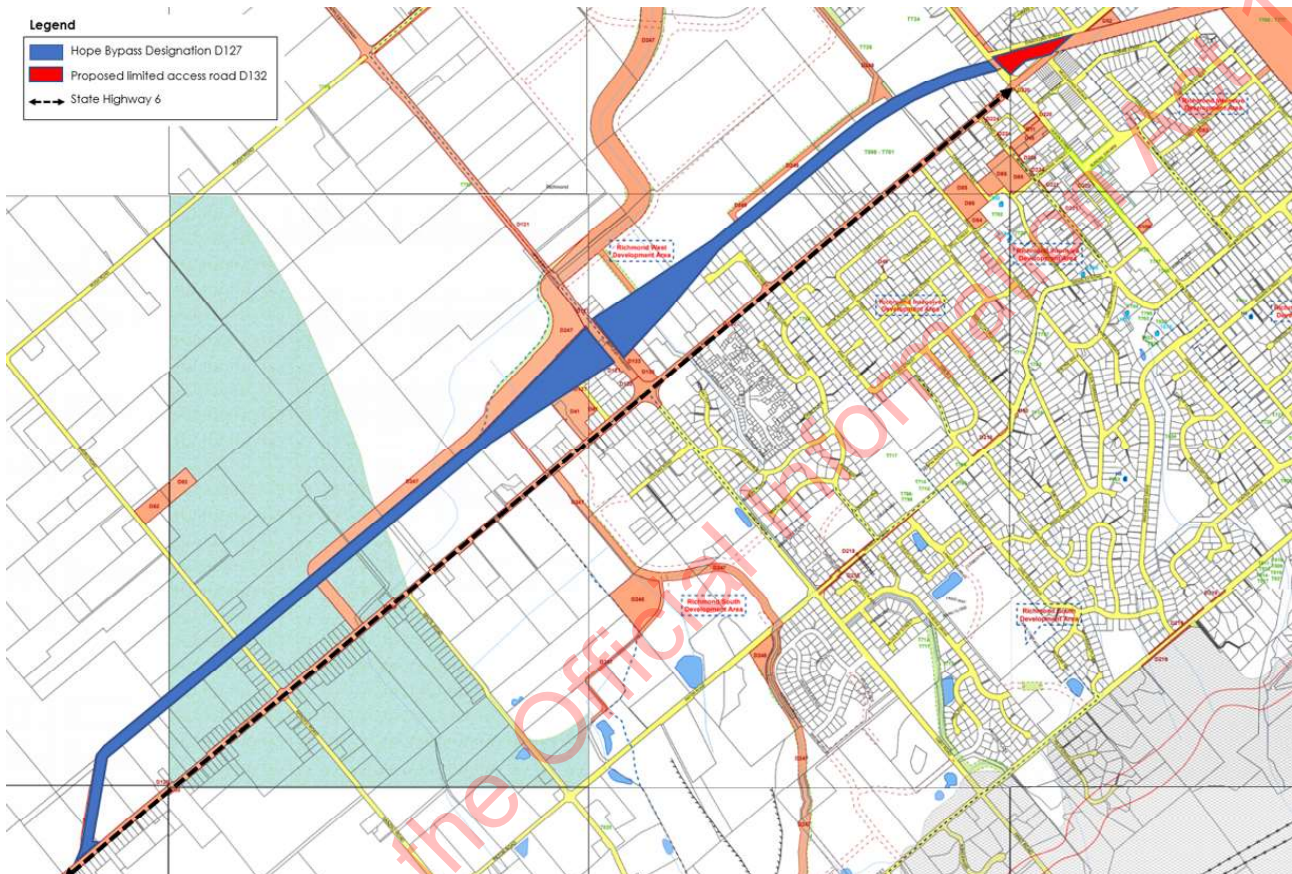


Figure 2: Location of existing Hope Bypass designation (D127) and Access Road (D132), north of SH6.

3 DESIGNATION AND DISTRICT COUNCIL REQUIREMENTS

3.1 HOPE BYPASS DESIGNATION

The Hope Bypass is designated under the TRMP as D127 for the purpose described as 'State highway purposes'. The 'NZ Transport Agency' (now Waka Kotahi) is identified as the requiring authority.

It is understood that the Hope Bypass designation was set aside as a long term transportation measure should additional capacity in the Richmond transportation network be needed. As such, there is little information about the intended use or development of the Hope Bypass, beyond 'State highway purposes', as its future use is understood to be determined based on the long term future transport demand. There are no conditions associated with the designation.

The Hope Bypass corridor is currently accommodating a section of the National Cycle Trail 'Great Taste' ride. Implications of existing activities and land use within the designation is discussed further in Section 3.3 below.

Relevant to the Hope Bypass designation is designation D132 which is situated between the Richmond Deviation and the eastern end of the Hope Bypass D127 (also shown in Figure 2). D132 provides a critical link in the connection between the existing transport network and any future development and use of the Hope Bypass. D132 was initially authorised for a duration of 10 years, lapsing on 1 November 2018. A decision was made by TDC, dated 30 August 2018, in response to Waka Kotahi's (then NZ Transport Agency's) request to extend the lapse period for D132 to align with the duration of Hope Bypass designation D127. As such, D132 will also lapse on 1 November 2023.

3.2 LAPSE DATE OF DESIGNATION

The requirements for the lapsing of designations which have not been given effect to are set in s184 of the RMA. In accordance with s184, both D127 and D132 will lapse on 1 November 2023 unless:

- they are given effect to before the end of that period; or
- the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made and fixes a longer period (i.e., an extension beyond the current lapse date in 2023).

At the time of this memorandum, designations D127 and D132 have not been given effect to. The corridor is currently accommodating a section of the National Cycle Trail 'Great Taste' ride, between Ranzau Road (western end of D127) and the Richmond Deviation (eastern end of D132). The cycle trail is shown in Figure 3 below. West of Ranzau Road, the designation runs behind several rural zoned properties and traverses No. 326 and No. 304 Main Road before connecting back to SH6 (Main Road).



Figure 3: National Cycle Trail. Source: Google Street View 2021

As the designations have not been given effect to, an application must be made within 3 months before 1 November 2023. An application must demonstrate, to the satisfaction of TDC, that 'substantial progress or effort' has been made towards giving effect to the designation and is continuing to be made.

Continuing substantial progress or effort

The 'continuing substantial progress or effort' test is similar to that for applications to extend the lapse period of resource consents under s125 of the RMA, and does not require completion or near completion of the works. It also does not necessarily always mean that physical works must be underway¹. However, the applicant's personal and financial circumstances or the financial viability of the proposal are not a relevant consideration to a consent authority's determination on the lapsing period². There is considerable case law in relation to what constitutes making 'substantial progress or effort' and for determining whether the extension of a designation or resource consent lapse period is appropriate.

It is noteworthy that case law³ states that 'a private landowner should not have the use of its land significantly limited for a long period because of a possible third party requirement which might never happen' and that 's184 was in place in the RMA to prevent unfair blighting of property for extended periods of time where the designating authority does not make substantial progress or effort towards giving effect to the designation'. Anyone, other than the relevant requiring authority,

¹ Quality Planning. 2021. www.qualityplanning.org.nz

² Akaroa Organics v Christchurch City Council [2010] NZEnvC 37

³ Meridian 37 Ltd v Waipa DC [2015] NZEnvC 119; and Bunnings Ltd v Auckland Transport [2020] NZEnvC 92, (2020) 22 ELRNZ 1

proposing to undertake works within a designation must not prevent or hinder the project or work to which the designation relates, without first obtaining the requiring authority's written consent (as per s176(b) of the RMA).

In this regard, the extent of land affected by the designation which is owned by Waka Kotahi will be an important consideration, as the extension of the lapse period essentially locks up the use of the land for any other reason, preventing its possible use by others for the period of the designation. A memorandum was prepared in October 2013⁴, reviewing properties owned by Waka Kotahi at that time in relation to the Hope Bypass alignment, and making recommendations as to the retention or disposal of the land holdings. The memorandum recommended a mixed disposal and retention strategy. It is recommended that a similar review of properties currently owned by Waka Kotahi is undertaken (if not already known) in order to better understand the extent of private landowners potentially affected by the designation over their property.

To extend the lapse period of the designation, Waka Kotahi will also need to prove that the designation is reasonably necessary to secure or enable the functioning of the transportation network and is not fanciful or theoretical. Particular and convincing reasons will be needed, as well as a reasonable degree of certainty about the designation's use and timeline.

It is recommended that a review of land ownership within the designation is undertaken to confirm where land, not owned by Waka Kotahi, would be further limited by the designation, and to gain an understanding of acquisition required for Waka Kotahi to give effect to the designation. The reasons to support an application to extend the lapse period should also be discussed with TDC in advance of any application.

3.3 OUTLINE PLAN OF WORK

Section 176 of the RMA directs that land use rules in district plans established in accordance with s9(3) of the RMA do not apply to activities within designations, that are consistent with the purpose of that designation. This means that consent is not required for any activities occurring within the designation, which would otherwise trigger the need for consent under the district plan. The purpose of the designation is broad, therefore the type of activities and use of the designation should also be discussed with TDC.

Section 176A of the Resource Management Act 1991 (RMA) requires that, unless waived, an outline plan of works (OPW) must be submitted to the territorial authority (in this case TDC) before any construction commences within a designation. The territorial authority may waive the requirement for an OPW at the request of a requiring authority.

While there are no criteria within s176A(2)(c) of the RMA for determining whether to waive the need for an outline plan, guidance may be provided on such decisions by assessing the level of effects that the proposed work or project may have and whether the proposal or work would otherwise meet any relevant performance standards of the underlying zone provisions.

Anyone, other than the relevant requiring authority, proposing to undertake works within a designation must not prevent or hinder the project or work to which the designation relates, without first obtaining the requiring authority's written consent (as per s176(b) of the RMA). The corridor is currently accommodating a section of the National Cycle Trail 'Great Taste' ride. It is understood that TDC obtained from Waka Kotahi a license to occupy land within the designation D127 for a cycleway and walkway for use by the general public. Information received from TDC related to the Hope Byass (scanned records) included documentation of this agreement (license to occupy) in draft form noting an expiration date of 30 September 2014 and a right of renewal of one (1) further term of three (3) years through to 1 October 2017. No other documentation or agreement was found. The continued occupation of the designated area for the use of the cycleway facility will be subject to the agreement by Waka Kotahi as the requiring authority. It is recommended that the validity and status of any agreement to occupy land within the designation is confirmed, in particular to ensure that future use of the designation is not prevented or hindered by any other past or current arrangement between the requiring authority and TDC.

To give effect to the designation, an OPW, or request to waive the requirement for an OPW, will need to be submitted to TDC. The level of detail must be commensurate to the scale and effects of the activities proposed.

Works outside the designation

As a result of the PBC, transport options may be identified which may occur outside the existing boundaries of D127 and D132. The planning options for the works proposed outside the designation are to:

- obtain any relevant district council resource consents (where required); or
- alter the designation to include these areas (which would negate the need for district council consent).

⁴ Author unknown, however memorandum drafted on NZ Transport Agency/Waka Kotahi letterhead

Regardless of whether resource consent is required for any work outside the designation boundary, it is recommended that the designation boundary is altered to correctly align the parcel boundaries with the activities 'on the ground' to capture the areas of state highway within the designation and protect the area of work for future access and maintenance. Alterations to the designation are discussed in Section 3.4 below.

3.4 ALTERATION TO DESIGNATION

The boundary of D127 and/or D132 can be altered to include land on which works are required outside the designation.

An alteration can be done either as a 'minor' alteration to designation in accordance with section 181(3) of the RMA, or as a 'full' alteration to designation in accordance with section 181(2) of the RMA.

To be done as a minor alteration, the following RMA criteria must be met:

- 181 *Alteration of designation*
- (3) *A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if—*
- (a) *the alteration—*
 - (i) *involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned; or*
 - (ii) *involves only minor changes or adjustments to the boundaries of the designation or requirement; and*
 - (b) *written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and*
 - (c) *both the territorial authority and the requiring authority agree with the alteration— and sections 168 to 179 and 198AA to 198AD shall not apply to any such alteration.*

An alteration to the designation could be done as a minor alteration where the land is already under the control of Waka Kotahi, or if the landowner is in agreement in accordance with criteria (b). Therefore, a review of all other land owners within the designation boundary (as mentioned above) is beneficial.

If the landowner's written approval is not obtained and/or an agreement for use (purchase/ acquisition) is not obtained, a 'full' alteration to designation in accordance with section 181(2) of the RMA would be required. It is likely that this application would be (at least) limited notified to directly affected landowners.

3.5 REMOVAL OF DESIGNATION

If Waka Kotahi decides the designation(s) or part of the designation is no longer required, notice in accordance with s182 of the RMA, in the prescribed form, is to be given to:

- (a) *the territorial authority concerned; and*
- (b) *every person who is known by the requiring authority to be the owner or occupier of any land to which the designation relates; and*
- (c) *every other person who, in the opinion of the requiring authority, is likely to be affected by the designation.*

In accordance with s182(2), as soon as reasonably practicable after receiving the notice as above, TDC shall, without using the process in Schedule 1 of the RMA, amend its district plan accordingly.

TDC may, within 20 working days of receipt of the notice decline to remove that part of the designation, if TDC considers the effect of the removal of part of a designation on the remaining designation is more than minor.

Waka Kotahi may also object, under section 357 of the RMA, to any decision to decline removal of part of a designation as above.

4 OTHER APPROVALS

4.1 REGIONAL CONSENT REQUIREMENTS

As noted earlier in this memorandum the TRMP contains the District Plan, the Regional Coastal Plan, and other Regional Plan provisions. Designations do not remove the need for the requiring authority to obtain any necessary regional consents (i.e. stormwater management, works in the margins and beds of streams, etc).

In addition to requirements in relation to the designation, the future use and development of the designation may also require consents for activities such as earthworks, vegetation clearance and managing stormwater as well as placement or upgrade of any existing structures such as pipes or culverts including where these are located within an existing waterway (including drainage channels). A full review of any future proposal should be undertaken against the regional provisions of the TRMP.

4.2 NATIONAL PLANNING INSTRUMENTS

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (Freshwater NES) took effect on 3 September 2020⁵. The standards regulate activities that pose a potential risk to the health of freshwater and freshwater ecosystems.

These regulations relate to activities which involve the installation of structures in a waterway which may affect fish passage. The NES-F regulations also apply to activities within, or between 10 – 100m of, wetlands. Further information and assessment is required to identify areas of wetland and if any other proposed activities in proximity to wetlands or in rivers or lakes (as defined by the RMA) require consent under these regulations.

The National Policy Statement for Freshwater Management 2020 (NPS-FM) sets out the objectives and policies for the management of freshwater. The NPS-FM took effect on 3 September 2020 and replaces the National Policy Statement for Freshwater Management 2014 (amended 2017).

The NPS-FM applies to all freshwater (including groundwater) and, to the extent they are affected by freshwater, to receiving environments (which may include estuaries and the wider coastal marine area). Any resource consent application for activities in relation to a wetland, structures in waterways, stormwater discharges or dewatering activities will require an assessment of the proposal against the provisions of the NPS-FM.

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS) provides a nationally consistent set of planning controls for the management of activities that disturb contaminated and potentially contaminated land. The preparation of a Preliminary Site Investigation (PSI) for the whole corridor would provide assurance of the extent of any contaminating land activities (identified on the Ministry for the Environment - Hazardous Activities and Industries List) within the designation and reduce the likelihood of encountering unexpected contamination in the future.

4.3 HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) came into effect in May 2014, repealing the Historic Places Act 1993. The purpose of this act is to promote identification, protection, preservation, and conservation of New Zealand's historical and cultural heritage. HNZPT administers the act and was formerly known as the New Zealand Historic Places Trust (Pouhere Taonga).

Archaeological sites are protected under Section 42 of the HNZPTA, and it is an offense to carry out work that may "modify or destroy, or cause to be modified or destroyed, the whole or any part of that site if that person knows, or ought reasonably to have suspected, that the site is an archaeological site", whether or not the site has been previously recorded.

If any archaeological sites are likely to be disturbed by the works, an archaeological assessment should be completed by an archaeologist and archaeological authority from Heritage New Zealand Pouhere Taonga may be required. There are no archaeological sites identified on the New Zealand Archaeological Association Archsite (www.archsite.eaglegis.co.nz).

⁵ Except subpart 4 of Part 2 (application of synthetic nitrogen fertiliser to pastoral land) come into force on 1 July 2021.

There is only one site listed on the NZAA Archsite, that is situated in proximity to the existing designations. The site (referenced N27/180) is located in the southwest corner of Gladstone Road and Queen Street just south of the boundary between D127 and D132. The site contained an historic hotel however this was demolished in 2009 and the site was redeveloped.

Notwithstanding, further advice should be sought to provide a better understanding of significance of the area and to confirm any requirement for any further investigation or Archaeological Authority.

5 CONCLUSION

The Hope Bypass is designated under the TRMP as D127 for the purpose described as 'State highway purposes'. The 'NZ Transport Agency' (now Waka Kotahi) is identified as the requiring authority. Designation D132 provides a critical link between the Richmond Deviation and the eastern end of the Hope Bypass D127 and, as such, the lapse date of D132 is aligned with D127, being 1 November 2023.

To extend the lapse date beyond 1 November 2023, an application must be made within 3 months before that date, demonstrating that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made.

To extend the lapse period of the designation, Waka Kotahi will need to prove that the designation is reasonably necessary to secure or enable the functioning of the transportation network and that it is not fanciful or theoretical. Particular and convincing reasons will be needed, as well as a reasonable degree of certainty about the designation's use and timeline. This is especially important where land is not owned by Waka Kotahi, as the extension of the lapse period essentially locks up the use of the land for any other reason other than the purpose of the designation, preventing its possible use by others including the current land owners.

It is recommended that a review of land ownership within the designation is undertaken to confirm where land, not owned by Waka Kotahi, would be further limited by the designation, and to gain an understanding of acquisition required for Waka Kotahi to give effect to the designation. It is important that the reasons to support an application to extend the lapse period are discussed with TDC in advance of any application.

Other advice is provided in this memorandum in relation to giving effect to the designation and to alter or remove the designation. A more detailed review of planning requirements and consent pathways should be undertaken relative to any future activities proposed within the designation.

11 October 2023

Waka Kotahi New Zealand Transport Agency
Attn: **Out of Scope**
55 Collingwood Street
Nelson 7010

Dear **Out**

Waka Kotahi New Zealand Transport Agency application to extend the lapse period of Designations D127 and D132 (Hope Bypass Designations) in the Tasman Resource Management Plan under Section 184 of the Resource Management Act 1991

Pursuant to Section 184(2)(b) of the Resource Management Act 1991 ("the Act"), please find enclosed a copy of the Council's assessment and decision on the designation lapse period extension application referred to above.

At this stage the Council has not calculated the final costs for this process. You will receive a letter shortly regarding the final processing costs.

Please feel free to contact me if you have any questions regarding any aspect of this request. My contact details are listed at the top of this letter.

Yours sincerely

s 9(2)(a)

Principal Planner – Resource Consents

DESIGNATIONS D127 & D132 LAPSE PERIOD EXTENSION

ASSESSMENT

Application and TDC Reference:

TDC Ref: RM230613

Application: pursuant to Section 184(1)(b) and 184(2)(b) of the Resource Management Act 1991 (“the Act”), Tasman District Council (“the Council”) has received an application by Waka Kotahi New Zealand Transport Agency (the Requiring Authority) dated 15 September 2023 to extend the lapse period of Designations D127 and D132 (Hope Bypass Designations) by 15 years from 1 November 2023 to 1 November 2038.

Designation Details:

Designation ID:	D127
Purpose/Function:	To provide future limited access road
Location:	Hope Bypass Queen St, Richmond to State Highway 6, South Hope, Queen St, Richmond to State Highway 6, Hope
Legal Description:	Crown Land Block VI (under action) Waimea Survey District Nelson, Lot 7 DP 12079, Lot 8 DP 12079, Lot 9 DP 12079, Lot 10 DP 12079, Lot 1 DP 20381, Lot 2 DP 19676, Lot 1 DP 307025, Lot 2 DP 307025, Lot 2 DP 10855, Lot 1 DP 5489, Pt Sec 108 Waimea East Dis, Lot 5 DP 3969, Lot 1 DP 370048, Sec 3 SO 506258, Sec 2 SO 506258, Sec 4 SO 506258, Lot 3 DP 470387, Lot 1 DP 446230, Sec 2 SO 521391, Pt Sec 108 Waimea East District, Lot 3 DP 3731, Lot 3 DP 447251, Pt Lot 18 DP 4875, Pt Lot 19 DP 4875, Part Lots 17 & 20 DP 4875, Lot 3 DP 435942, Lot 1 DP 435942, Lot 1 DO 15676, Lot 1 DP 20183, Lot 1 DP 6866, Lot 2 DP 1847, Lot 2 DP 1847, Pt Sec 122 Waimea East Dis, Areas A, B & C, DP 440351
Map No.:	AM 57, 124, 126, 127, 128, 131 SM 151

Designation ID:	D132
Purpose/Function:	Proposed limited access road
Location:	Corner of Stratford and Queen Street
Legal Description:	Sec 4 SO 463421
Map No.:	AM 132

Background

As part of their application, Waka Kotahi New Zealand Transport Agency has provided a detailed account of the background and history associated with the two ‘Hope Bypass’ Designations and addressed the ongoing need to secure a transport system to support the needs of the region and its communities both now and into the future, which is accepted and adopted for the purposes of this assessment to avoid undue repetition.

However, for the sake of completeness and transparency, it is important to note the following key points:

- The route was originally designated in 1964 under s21(6) of the Town and Country Planning Act 1953 for the purpose of a “proposed motorway” and has been rolled over in successive Waimea County and Tasman District Council plans.
- The Hope Bypass was formally designated under the Act in 1996 via the proposed Tasman Resource Management (operative 1 November 2008) and set aside with a 15-year duration as a long-term transportation measure should additional capacity in the network be required based on future demand. There is limited information concerning the purpose/function beyond providing a future limited access road and there are no conditions associated with the designation.
- The majority of the length of the Hope Bypass is encompassed within D127, with D132 providing a critical link between it and the Richmond Deviation (State Highway 6). D132 had an initial duration of 10 years before the Council made a decision, under s184 of the Act, to extend the lapse period to align with the duration of the main Hope Bypass designation (D127). As such, both D127 and D132 are due to lapse on 1 November 2023.
- The Designations are currently shown in various TRMP maps, with a broad overview provided in Figure 1 below.

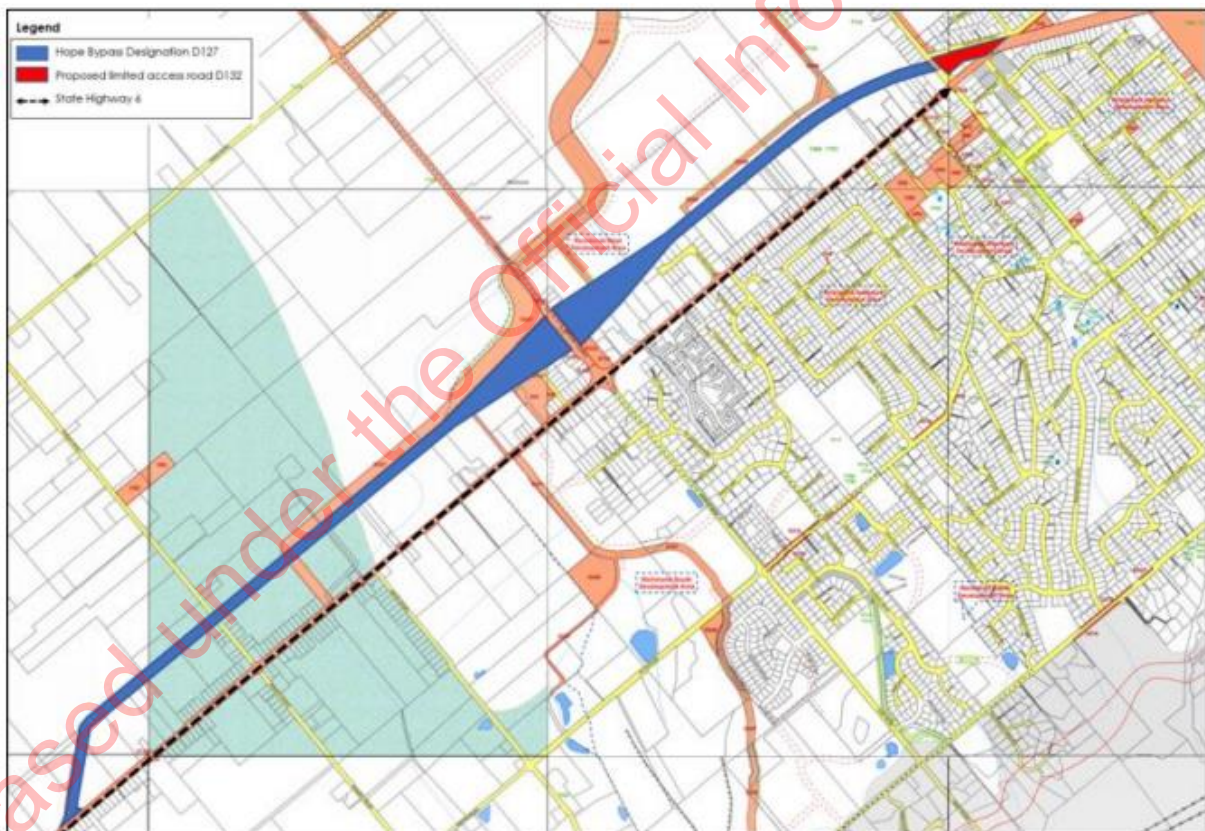


Figure 1: Location of Hope Bypass Designation (D127 Blue; D132 Red) – sourced from the s184 application.

Relevant Statutory Provisions

Section 184 of the RMA, states:

- (1) *A designation lapses on the expiry of 5 years after the date on which it is included in the district plan unless—*
 - a. *it is given effect to before the end of that period; or*
 - b. *the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made and fixes a longer period for the purposes of this subsection; or*
 - c. *the designation specified a different period when incorporated in the plan.*
- (2) *Where paragraph (b) or paragraph (c) of subsection (1) applies in respect of a designation, the designation shall lapse on the expiry of the period referred to in that paragraph unless—*
 - a. *it is given effect to before the end of that period; or*
 - b. *the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made and fixes a longer period for the purposes of this subsection.*
- (3) *A requiring authority may object, under section 357, to a decision not to fix a longer period for the purposes of subsection (1).*

Assessment

In terms of s184(1)(a) and s184(2)(a), the designations clearly have not been given effect to as the works provided for in the purpose of the designations are not in place.

In terms of s184(1)(b) and 184(2)(b), Waka Kotahi New Zealand Transport Agency has provided sufficient evidence to demonstrate that substantial progress and effort has been, and continues to be, made towards giving effect to the designations, which is accepted and adopted for the purposes of this assessment to avoid undue repetition.

However, and again for the sake of completeness and transparency, I particularly emphasis the following key points:

- The requiring authority has completed a number of preliminary investigations to help inform short/medium term improvements and the ultimate form and function of the Hope Bypass – being the long-term intervention, including: the North Nelson to Brightwater Corridor study 2008, the Richmond Arterial Investigation – Strategic Case 2016, the Network Operating Framework 2020, and the Richmond Transport Programme Business Case 2022. The outcome of the work identified above collectively continued to highlight the strategic importance of the route for the region.
- The requiring authority has purchased and now owns all land within the D132 corridor, as well as the majority of the land within the D127 corridor. Further, they have also completed two property investigation studies in 2013 and 2021 to identify and acquire the remaining properties with the Hope Bypass designated area in order to facilitate giving effect to the designation.
- The requiring authority cannot consider the Hope Bypass ‘confirmed’ until funding is approved to deliver the project and physically construct the transport infrastructure, so it is still in the ‘planning’ phase. In order to get funding committed it needs to complete a single-stage business case (SSBC) and then get funding confirmed to deliver the project. However, they have put forward a request to the National Land Transport Programme for funding of the SSBC for the State Highway 6 corridor that runs adjacent to the designations (though that is subject to other national priorities).

Notwithstanding the above, recent high growth rates in the Nelson/Tasman Region over the last 5-10 years, which is anticipated to continue having regard to the Nelson Tasman Future Development Strategy 2002-2052, also strongly highlights the ongoing need to ensure the retention of the Hope Bypass designations so the ability to provide the necessary transport network improvements in the future is protected and secured.

Further, while not expressly part of the statutory considerations for the Council's decision making in this particular instance, Waka Kotahi New Zealand Transport Agency has addressed how they are managing potential 'planning blight' effects as part of their s184 application too. In essence, this is the actual and potential effects on private landowners from having the use of their land significantly limited for long periods of time because of third party requirements that might never happen. In this case, I am satisfied the requiring authority is doing all that can be reasonably expected in circumstance to appropriately manage said effects, which includes: enabling continued use of land within the corridor for recreational purposes (i.e. The Great Taste Trail); acquiring and where possible leasing land and buildings within the corridor; and issuing s176 approvals to allow for ongoing maintenance/use/development of land within the corridor that either does not, or will not, prevent or hinder the project.

DECISION

This proposed extension to the lapse periods of Designations D127 and D132 (Hope Bypass Designations) by 15 years to 1 November 2038 is **APPROVED** on 11 October 2023 pursuant to Section 184(1)(b) and 184(2)(b) of the Resource Management Act 1991, under delegated authority from the Tasman District Council by:

s 9(2)(a)



Principal Planner – Resource Consents

From: [Felix Marwick](#)
Subject: Hope Bypass designation update
Date: Tuesday, 24 October 2023 11:18:25 am
Attachments: image001.png
image002.png

As you have previously shown an interest in this work, I'm passing on the details below to explain what the extension in the Hope Bypass Designation Lapse date means and what the next steps are from here. I've also included a bit of extra background and history as well.

Regards

Felix Marwick / Media Manager
Te Waka Kōtuitia Engagement and Partnerships
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E Felix.Marwick@nzta.govt.nz / www.nzta.govt.nz

Follow these social media accounts for important State Highway updates:

Traffic updates: journeys.nzta.govt.nz

Waka Kotahi Wellington Facebook: facebook.com/NZTAWgtn

Waka Kotahi South Island Facebook: facebook.com/NZTASouthIsland

Waka Kotahi Wellington Twitter: twitter.com/WakaKotahiWgtn

Waka Kotahi Top of the South Twitter: twitter.com/WakaKotahiTOTS



Media Response: Hope Bypass designation lapse date extension

24 October 2023

The following statement can be attributed to, Rich Osborne, Regional Manager System Design

Hope Bypass designation lapse-date extension:

- The Hope Bypass designation lapse date has been extended until 1 November 2038. It had been due to expire in November this year.
- Extending the lapse date of the designation means Waka Kotahi retains the ability to plan for long-term transportation measures should more capacity in the network be required in future.
- Waka Kotahi is contacting affected landowners to inform them of the lapse date extension and what it means for them.
- The next step will be to get funding for a single staged business case, which would look at the transport system in the lower Queen Street/Gladstone Road area. This would also focus on the intersections that connect with the state highway, walking and cycling, and public transport.

The lapse date extension of the designation / the Richmond Transport Programme Business Case / designation purpose:

- In 2021, Waka Kotahi and Tasman District Council worked together on the Richmond Transport Programme Business Case (PBC).
- It was endorsed last year by the Waka Kotahi Board and the Tasman District Council.
- The business case addresses Richmond's transport needs over the next 30 years. Its short-term programme included extending the lapse date of the designation for the Hope Bypass, which was due to expire this year (see above).
- A designation is a planning tool which provides for a proposed public work or project. It also places restrictions on what a property owner or occupier can do on the designated land.
- The purpose of the Hope Bypass Designation is to provide a long-term transportation response to improve the function, safety and efficiency of the transport network through Richmond and Hope.

- Waka Kotahi and Tasman District Council have completed a strategic business case investigating methods to improve the road corridors' safety and efficiency in the short, medium and long term.
- Short- and medium-term solutions are underway. These are the first steps to understand if / when the Hope Bypass will be needed as a long-term transportation measure.

Next steps:

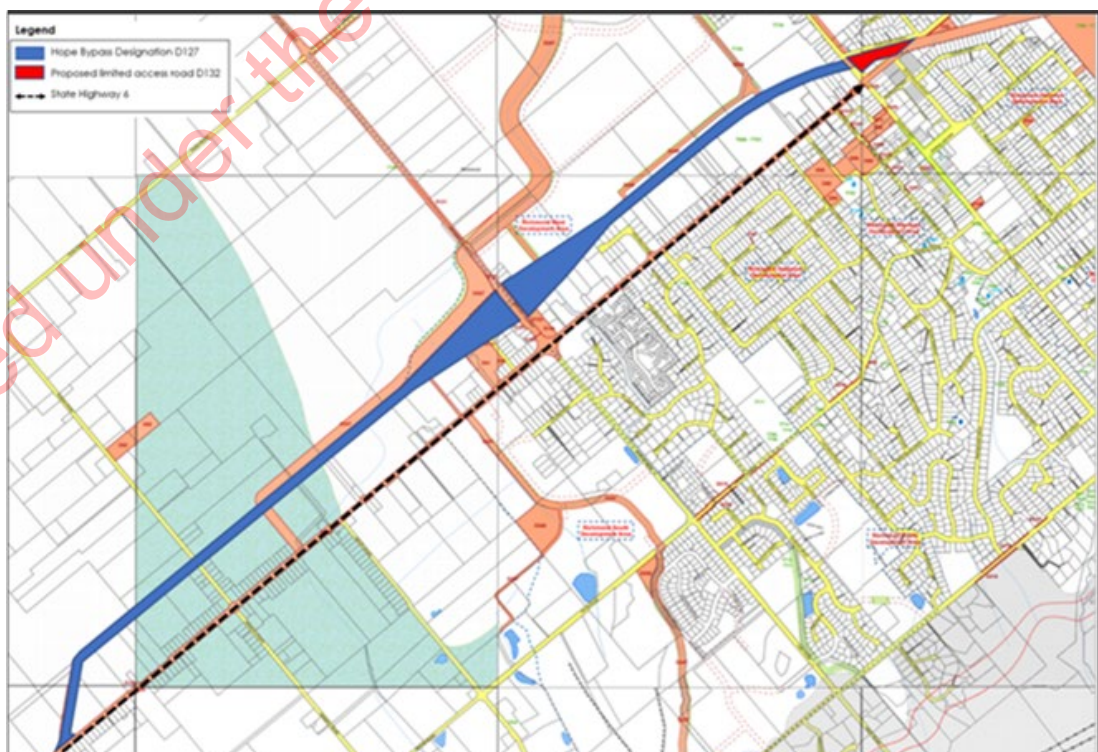
- Following the extension of the lapse date, the next step is to get funding for a Single Stage Business Case. This would investigate the current state highway, the form and function of the bypass, the intersections that connect with the state highway, walking and cycling, and public transport.
- The Single Stage Business Case would include looking at the intersections that connect to State Highway 6, including the Lower Queen Street intersection.

Lower Queen Street intersections and future design under the Richmond Transport PBC:

- We will only know the designs for these intersections once the Single Stage Business Case is completed.
- We have looked at the current signals at this intersection, which have been optimised as much as possible. Changes to the Lower Queen Street intersection area to add additional lanes have been considered, but this would be a significant piece of work that has yet to be funded.

Hope Bypass background:

- The route was originally designated in 1964 under s21(6) of the Town and Country Planning Act 1953 for the purpose of a "proposed motorway" and has been rolled over in successive Waimea County and Tasman District Council plans.
- The Hope Bypass was formally designated in 1996 via the proposed Tasman Resource Management (operative 1 November 2008) and set aside with a 15-year duration as a long-term transportation measure should additional capacity in the network be required based on future demand.
- Tasman District Council has issued a decision to extend the lapse date for the two designations relating to the Hope Bypass. The new lapse date is 1 November 2038.
- The area of the designation remains unchanged. For some years, the Hope Bypass route has been identified and designated (as shown in council planning maps). The current designation for the Hope Bypass is shown in the map below.



15 September 2023

s 9(2)(a)

Ref. NZT-8816

Dear s 9(2)(a)

Thank you for your email of 1 August 2023 to Tasman District Council regarding Hope Bypass. Your email has been referred to Waka Kotahi NZ Transport Agency for response as we are the agency responsible for state highways.

While Waka Kotahi is not able to comment on National Party policy covered in the Stuff article that you refer to, we can share our current information for the project with you.

The Hope Bypass route has been identified in the draft Government Policy Statement (GPS) released in August 2024/25 - 2033/34, which can be found here:

<https://www.transport.govt.nz/assets/Uploads/Draft-Government-Policy-Statement-on-land-transport-2024.pdf>. More specific information from the GPS on the Bypass can be found in its Strategic Investment Programme: <https://www.transport.govt.nz/assets/Uploads/Draft-GPS-Strategic-Investment-Programme-further-information.pdf>.

The Bypass has been designated in council planning maps for a number of years (please see the map at the end of this response). More recently, Waka Kotahi and Tasman District Council completed the Richmond Transport Programme Business Case which contains more technical information on the Hope Bypass, and is available at: <https://nzta.govt.nz/projects/richmond-transport-programme-business-case/>.

Regarding public engagement, in 2021 Waka Kotahi and the Tasman District Council engaged with the community on the Richmond Transport Programme Business Case. At that time Waka Kotahi identified that the lapse date for the existing designation for the Hope Bypass needed to be extended to allow for potential construction in the future.

Subsequently, extending the designation lapse date for the Bypass has been prioritised by Waka Kotahi. Once this planning process is completed and depending on the timing of national land transport funding, Waka Kotahi will then be able to proceed to the next developmental steps for the Bypass.

The next developmental steps are likely to involve preparing a detailed business case, which would include further technical and design investigations. These investigations are likely to consider how the Bypass would integrate with key intersections, such as the Lower Queen Street/State Highway 6 intersection. The business case would include further public consultation on key design details.

Subject to the outcomes of the detailed business case, and detailed design processes, there may be a need for minor amendments to existing designation boundaries (that is, changes to the proposed route). These changes would need to go through an 'alteration to designation' planning process.

Furthermore, should the Bypass be progressed, properties affected by the existing designation would need to be purchased. It is also possible that the Great Taste Trail may be affected as part of the construction of the Bypass (and its shared user path).

In terms of Lower Queen Street, I can provide the following updates:

- Waka Kotahi has looked at the current signals at the Lower Queen Street intersection. These signals have been optimised as much as they can be. Unfortunately, due to the level of demand at the intersection, no further changes can be made.
- Changes to the Lower Queen Street intersection area to add an additional right-hand turn have been considered. This would be a significant piece of work that is not currently funded.

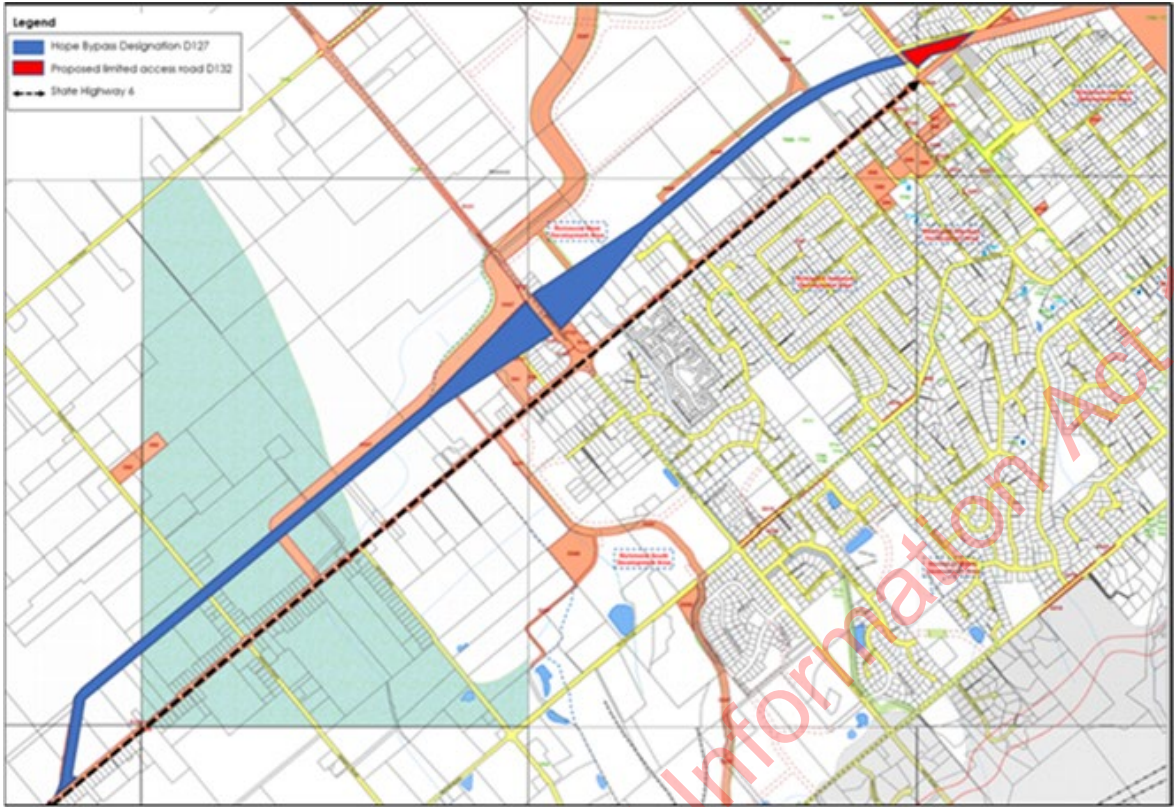
If you would like to discuss this matter further with Waka Kotahi, you are welcome to contact us by email to official.correspondence@nzta.govt.nz.

Yours sincerely

Out of Scope



National Manager System Design



Released under the Official Information Act 1982

Number	Member	Portfolio	Question	Reply Due	Reply	File Note
13511 (2023)	Brown, Simeon	Transport (Hon Michael Wood)	What is the latest estimated cost of the Hope Bypass?	12/05/2023 12:00:00 AM	Waka Kotahi NZ Transport Agency advises me that the most recent cost estimate in 2021 for the Hope Bypass was approximately \$250m.	

Released under the Official Information Act 1982

Number	Member	Portfolio	Question	Due Date	Reply	File note
19849 (2023)	Brown, Simeon	Transport (Hon David Parker)	As at 3 July 2023, what would be the time savings to journey times, if any, as a result of the construction of the Hope Bypass?	11/07/2023 12:00:00 AM	I am advised that the construction of the Hope Bypass is expected to bring a 33% travel time saving for freight travelling by the year 2048 - this is compared to the 'Do Minimum' scenario. This has factored in the estimated 51% increase in vehicle trips by 2048.	This information was collected from the Richmond Transport PBC (Dec 2021)
19850 (2023)	Brown, Simeon	Transport (Hon David Parker)	As at 3 July 2023, how many deaths, if any, and how many serious injuries, if any, have occurred along the route that the Hope Bypass would upgrade or replace, for each year for the past six years?	11/07/2023 12:00:00 AM	I refer the member to sheet WPQ-19850 Attachment.	
19851 (2023)	Brown, Simeon	Transport (Hon David Parker)	As at 3 July 2023, what are the daily traffic movements, if any, along the route that the Hope Bypass would upgrade or replace?	11/07/2023 12:00:00 AM	I am advised that the annual average daily traffic along the length of SH6 Hope Straight and Gladstone Road to be between 10,327 and 20,322. The range is due to traffic counts being taken from two separate traffic counting sites from Brightwater through to Queen Street.	This information was sourced from mobileroad.org.

Released under the Official Information Act 1982

Attachment for WPQ-19850 (2023) – As at 3 July 2023, how many deaths, if any, and how many serious injuries, if any, have occurred along the route that the Hope Bypass would upgrade or replace, for each year for the past six years?

WPQ-19850 (2023): DSIs on the route that the Hope Bypass would upgrade or replace		
Year	Deaths	Serious injuries
2017		1
2018		1
2019		1
2020		1
2021		
2022*		
2023*		1
Total	0	5

* 2022 and 2023 data is incomplete and is current from CAS as at 3/07/2023

File Note:

- This data is provided from the road traffic crash database; Crash Analysis System (CAS) version 2.4.1
- Waka Kotahi NZ Transport Agency maintains CAS which is updated once a Traffic Crash Report (TCR) is received from NZ Police sometime after the crash.
- Data is limited to fatal and serious injuries for the years 2017 to 2023 as recorded in CAS to date - 3/07/2023.
- Data is limited to crashes on the routes specified in the Questions sheet.
- A crash, to be recorded in CAS must have occurred on a road. The CAS definition of a road is any street, motorway or beach, or a place to which the public have access with a motor vehicle, whether as of right or not e.g. a public car park.
- Due to the police reporting time frame and subsequent data processing, there is a lag from the time of a crash to full and correct crash records within CAS.
- Fatal, Serious Injury and Minor injury crash report data is usually recorded in CAS within one working day of Waka Kotahi receiving it from NZ Police. Data relating to non-injury crashes may take up to 7 months before it appears in CAS.
- Due to the nature of non-fatal crashes, it is believed that these are under-reported, with the level of under-reporting decreasing with the increasing severity of the crash.
- Due to the Covid-19 pandemic, NZ had a 4-level Alert system in place from 21 March 2020 until this changed to a Traffic Light system from 3 December 2021 to 12 September 2022. The amount of traffic on the roads during level 4 lockdowns was greatly reduced, which consequently reduced the number of road crashes. Road movements under the Orange and Red levels of the Traffic Light system would also be reduced due to the restrictions in place, so data from these periods will not align with previous trends