

NELSON CITY COUNCIL

Nelson Resource Management Plan

Plan Change 19
Blackwood Street Reserve (West) Rezoning

Report of Hearing and Decisions on Submissions

Hearings Commissioner
Sylvia Allan



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APPENDIX 1 – CONSOLIDATED AMENDMENTS TO PLAN CHANGE 19

COMMISSIONER DECISION ON PROPOSED PLAN CHANGE 19 – NELSON RESOURCE MANAGEMENT PLAN

BLACKWOOD STREET RESERVE (WEST) REZONING

1. INTRODUCTION

- 1.1 I, Sylvia Allan, was appointed by Nelson City Council on 27th April 2011 as a Hearings Commissioner, to hear, consider and decide the submissions and further submissions on proposed Plan Change 19 to the Nelson Resource Management Plan.
- 1.2 The hearing was conducted in accordance with the requirements of the Resource Management Act 1991 (RMA), including the First Schedule to the Act. This report provides the record of the hearing and decisions in terms of Clause 10 of the First Schedule.
- 1.3 Proposed Plan Change 19 is an area-specific plan change, relating to an area listed as a Scheduled Neighbourhood Park (NP11) in table OSs.5 (Neighbourhood Parks) of the Open Space and Recreation Zone (Chapter 11) in the Nelson Resource Management Plan and shown on Map 23 (right-hand side map) as zoned Open Space Recreation. The intention is to rezone the land partly as Industrial Zone and partly as Residential Zone. Plan Change 19 as notified included a map delineating the extent of the area involved and the areas that are proposed to be changed from Open Space Recreation Zone to each of the other two zones.
- 1.4 The Proposed Plan Change as notified included a short explanatory statement which indicates the land is presently little used for its intended purpose and would be better and more efficiently used for the alternative purposes proposed. Recreational access is to be retained along Jenkins Creek and the zoning of an area for an esplanade reserve is unaffected by the Plan Change.
- 1.5 The Proposed Plan Change was publicly notified on 25th September 2010. Seven submissions were received. The decisions requested were summarised and notified for further submissions on 22nd January 2011. Three further submissions were received.
- 1.6 On 28th June, Submitter 4, Graeme Hart, advised Nelson City Council by letter that he had withdrawn his submission. The Council advised further submitters of this withdrawal. I have been advised that no decision is necessary in respect of the further submissions on this matter, which was in any case not directly related to the subject of the Proposed Plan Change.

2. OFFICER'S REPORT

- 2.1 A comprehensive Planning Officer's Report (Section 42A Report) was prepared for the hearing and provided to submitters and further submitters. This provided an overview of the Proposed Plan Change which is repeated here, as it succinctly sets out what is a quite complex situation:

“ – The Council owns land, being Lot 12 DP 13786, which is zoned and scheduled as a neighbourhood reserve, but is not vested as reserve under the Reserves Act. The site is not well used as a reserve due to its relative isolation and poor visibility. The Proposed Plan Change seeks to rezone the land as industrial and residential, in order to promote more efficient use of this land, while still providing for recreation and access along Jenkins Creek.

- This Plan Change does not seek to add to or alter any existing issues, objectives, or policies but rather relies on these to guide the Plan Change.
- The plan in Attachment 1 to this report (document number 942946) shows the rezoning proposed by this plan change. The proposed subdivision layout is shown for information only in Attachment 2 (document number 729019).
- Following the outcome of this Proposed Plan Change process, a resource consent process is required to subdivide the land. Any residentially zoned land will be subject to rule REr.107 and any industrially zoned land will be subject to rule INr.73. The consent category for this subdivision is controlled if all the controlled activity conditions are met and discretionary if all the controlled activity conditions are not met.
- Both of these controlled activity rules require an esplanade reserve to be created of the dimensions set out in Appendix 6, Table 2. Appendix 6 of the Nelson Resource Management Plan (NRMP) provides for the creation of a 10m wide esplanade reserve along this reach (Quarantine Road to Annesbrook Drive) of Jenkins Creek at the time of subdivision, to provide for public access and conservation values.”

- 2.2 The Officer’s Report also outlined the genesis of and background to the Proposed Plan Change, including the range of possible alternative uses considered. It outlines consultation undertaken over a two and a half year period prior to the notification of the Proposed Plan Change. It sets out the relevant considerations under the RMA, the Regional Policy Statement and the Nelson Resource Management Plan. It also notes the provisions of the Council’s Parks and Reserves Activity Management Plan 2009.
- 2.3 The Report provided discussion and recommendations in relation to the range of issues raised in the submissions and further submissions.
- 2.4 As well as the Planning Officer’s Report, a Section 32 Report – an evaluation of alternatives, benefits and costs in relation to the Proposed Plan Change – was available.

3. HEARING

- 3.1 The hearing of submissions on Plan Change 19 was held on 14th July 2011 between 1pm and 2.30pm at the offices of Nelson City Council. Prior to that, on 13th July, I undertook a site visit of the land covered by this Plan Change and the surrounding area.
- 3.2 The following parties appeared at the hearing:
- Mr Bill Sayer
 Ms Noeline Inglis
 Mr Lionel Solly – on behalf of the Department of Conservation
 Ms Charmian Koed
- 3.3 Council officers in attendance were:
- Ms Debra Bradley (Planning Adviser and author of the Section 42A Report)
 Mr Matt Heale (Principal Adviser, Resource Management Plan)
 Mr Ian Morrison (Team Leader Property Office)
 Ms Bev McShea (Administrative support)

4. DECISIONS SUMMARY

As the person with delegated authority to hear and determine submissions on Proposed Plan Change 19 to the Nelson Resource Management Plan, I have given careful consideration to the generalities and details of the Proposed Plan Change, the advice from Council officers, the nature and content of the written submissions and further submissions, the evidence and/or verbal submissions of submitters who appeared at the hearing, and have determined pursuant to clauses 10(1) and (2) and Clause 16(2) of the First Schedule of the RMA:

1. that Proposed Plan Change 19 should be approved subject to the amendments set out in this Report and compiled in Appendix 1 of this Report;
2. to adopt the Section 32 Report included in the Planning Officer's Report, subject to any modifications set out in section 6 of this Report;
3. to accept in whole or in part, or to reject the submissions as set out in the Decisions Summary Table below; and
4. that these decisions be publicly notified and advice served on submitters pursuant to clauses 10(4)(b) and 11(1) and (3) of the First Schedule to the RMA.

In addition, in making the decisions under delegated authority, I have identified some aspects relating to the practicality of the situation, which in part relies on subsequent subdivision processes which the Council intends to undertake.

I have included recommendations on these aspects as supplementary and informal commentary in section 7 of this report.

Decisions Summary Table – Proposed Plan Change 19

The table below summarises the matters that were raised in submissions and the decisions sought, and the further submissions. It states the decision made in respect of each submission. Further discussion and reasons are set out in the next section of this report.

Topic	Submitter Name	Submission Number	Submitter Number	Decision Sought	Decision
Map 23 Rezoning and removal of Scheduled Item NP11	Daphne Stevens – representing tenants in NCC housing	1	1	Supports the Plan Change in part, but requests to change the 645 square metres of proposed residential land to become part of the planned esplanade reserve. Plant high growing trees on the west side to hide the industrial sprawl that this land will become, and to lessen the noise, for the wellbeing of residents young and old (as shown on a map attached to the submission).	Accept in part

Topic	Submitter Name	Submission Number	Submitter Number	Decision Sought	Decision
	<i>Paul McArthur, Manager Parks and Facilities, NCC</i>	<i>Further submission X2</i>	<i>1</i>	<i>States other residential not affected. The proposed residential area does not contribute to esplanade reserve values and is not required for such purposes.</i>	Accept in part
	Department of Conservation	2	1	Neutral submission, but within the area subject to Plan Change 19 and presently in Council ownership, provide for an esplanade reserve of a minimum of 10 metres wide on the bank of Jenkins Creek, consistent with Appendices 6.1 and 6.2 of the Nelson Resource Management Plan.	Accept
	<i>Paul McArthur, Manager Parks and Facilities, NCC</i>	<i>Further submission X2</i>	<i>2</i>	<i>States that esplanade reserve will be close to or greater than 10m (maps included).</i>	Reject
	Staig & Smith Ltd	3	1	Supports rezoning, but seeks that Map 23 be amended so that the proposed walkway is relocated away from the eastern boundary of Lot 12 DP 13786, to being in line with the existing Merton Way walkway, following the position of the sewer main.	Accept in part
	<i>Paul McArthur, Manager Parks and Facilities, NCC</i>	<i>Further submission X2</i>	<i>3</i>	<i>Investigations indicated route proposed was in a better position. It also has sufficient width.</i>	Accept in part
	Graeme Hart	4	1	The esplanade reserve needs a walkway from Annesbrook Drive that is fenced to separate it from the Council flats' back lawn.	Withdrawn prior to hearing

Topic	Submitter Name	Submission Number	Submitter Number	Decision Sought	Decision
	<i>Daphne Stevens – representing tenants in NCC housing</i>	<i>Further submission X1</i>	1	<i>Supports submission.</i>	-
	<i>Paul McArthur, Manager Parks and Facilities, NCC</i>	<i>Further submission X2</i>	4	<i>Submission is not relevant to the Plan Change</i>	-
	Charmian Koed	5	1	That only residential sites replace the reserve, not industrial, because of the high level of noise which Annesbrook residents already have to live with, day and night. Retain a green and treed stream area.	Accept in part
	<i>Daphne Stevens – representing tenants in NCC housing</i>	<i>Further submission X1</i>	5	<i>There is sufficient reserve land in the area.</i>	Accept in part
	Bill Sayer	6	1	Do not rezone the areas proposed for residential use (645m ²), the larger Industrial site (1265m ²), or the area proposed for a walkway. These areas should be retained as Open Space and Recreation zoning.	Accept in part
	<i>Paul McArthur, Manager Parks and Facilities, NCC</i>	<i>Further submission X2</i>	6	<i>Cycle access adequately protected. Adequate provision is made elsewhere for fruit trees.</i>	Accept in part
	Noeline Inglis	7	1	1. Do not rezone this land - retain the reserve. 2. Remove the industrial encroachment of the reserve. 3. Plant the reserve and Jenkins Creek in a sympathetic manner to encourage use by the	Accept in part

Topic	Submitter Name	Submission Number	Submitter Number	Decision Sought	Decision
				public and by wildlife. 4. Fence off the Council flats on their west side. Do not cut down the creek-side trees and replace them with a security fence.	
	<i>Paul McArthur, Manager Parks and Facilities, NCC</i>	<i>Further submission x2</i>	<i>7</i>	<i>The land is not held under the Reserves Act 1977. Offers to work with submitter to enhance biodiversity on the esplanade reserve.</i>	<i>Accept in part</i>
	<i>Charmian Koed</i>	<i>Further submission x 3</i>	<i>1</i>	<i>Support for reasons in further submitter's original submission.</i>	<i>Accept in part</i>

Consolidated Amendments to Plan Change 19

Appendix 1 shows the text of Plan Change 19 as notified, with further changes as a result of the decisions set out in this report shown as tracked changes in colour, along with an amended map showing changes to be made to the zonings proposed in Plan Change 19.

5. DISCUSSION AND REASONS FOR DECISIONS

This section of the report provides an overall discussion and analysis of Proposed Plan Change 19 in relation to its purpose and the submissions received. The decisions on the submissions have been set out in the table in section 4 of this report, Decisions Summary. The nature and content of the submissions are discussed as relevant below. Reasons for the decisions are set out, and further changes from those notified in Proposed Plan Change 19, resulting from the decisions, are also set out. Appendix 1 provides a consolidated replacement Plan Change 19.

5.1 Discussion

Background

As identified in the Officer's Report, an area of Council-owned land some 2850m² in extent is directly affected by this Plan Change. The land is described as the Blackwood Street Reserve (West), a Neighbourhood Park in the Nelson Resource Management Plan. It is part of a larger lot – Lot 12 DP13786 – which is accessed off Blackwood Street, Stoke, and via a small strip of unzoned land on the Plan Map 23 which also forms part of a connection between Blackwood Street and Merton Place. This was explained at the hearing as being a drainage reserve/easement, although the Certificate of Title shows it as road to vest (accessway).

The land is currently zoned Open Space Recreation. The boundary between the Open Space Recreation Zone and the Industrial Zone which comprises the remainder (the southern part) of the site can only be determined by close inspection of the Plan Map. It is not apparent on the ground. Land in adjacent titles to the east and south-east are in the Residential Zone, but a small sliver of industrially zoned land, reducing in width to the east, separates the southern extent of the Open Space Recreation Zone area from the Residential Zone on adjacent lots to the south.

The layout of lots and zone pattern in the immediate area is further complicated by the presence of Jenkins Creek within the Industrial Zone part of the lot. At present, this does not have an esplanade reserve within the Council-owned lot or on the lot to the west (also zoned Industrial), although within the Residential zoned land to the south-east there is an esplanade reserve. Esplanade reserves remain in the same zoning as adjacent land within the Nelson Resource Management Plan, so are not always easy to identify on the Plan Maps.

One of the potential benefits of the proposed rezoning is that the subsequent subdivision will result in the creation of a defined, legal, esplanade reserve, 10m in width, in compliance with the requirements for such reserves in the Plan.

The genesis of the Council-owned lot, with an Open Space Recreation zoning and Scheduled in the Plan as a Neighbourhood Park, was not explained in documentation or at the hearing. The land is held in fee simple title and has not been vested as a reserve under the Reserves Act 1977.

Proposed Plan Change 19 provides for rezoning of the area, by removing the Open Space Recreation notation and replacing it partly with Industrial Zone (the larger western part of the area) and partly with Residential Zone (the eastern part), as shown on the plan forming part of the Plan Change as notified.

The Council has undertaken considerable consultation and the proposal was considered under the Annual Plan prior to developing and notifying the Proposed Plan Change.

Wider Zoning/Land Use Pattern

Blackwood Street is a residential cul-de-sac running to the east from Annesbrook Drive. Lots at the eastern end of Blackwood Street abut Industrial Zone land accessed off Merton Place and Bullen Street.

As well as the Blackwood Street (West) Reserve, the Blackwood Street (East) Reserve (Neighbourhood Park) is accessed from Blackwood Street. This has a relatively long frontage onto Blackwood Street itself, and is surrounded on all sides by residential land.

The Blackwood Street (West) Reserve is on the edge of, and extends into, the large industrially-zoned Stoke area, and is the only neighbourhood park to do so.

Site Visit

The site visit clarified a number of practical aspects of the area which are not apparent from the Plan Maps on their own. The matters identified from the site visit which, along with information in reports and from submissions, are material to the decision include the following observations (in no particular order):

- The area of land concerned has not been developed as a reserve, and has had minimum maintenance as open space. Significant encroachment from the two adjoining industrial land uses has occurred, particularly at the western end.

- There is an apparently well-used, but narrow walking/cycling track adjacent to Jenkins Creek leading from Annesbrook Drive which emerges on Pascoe Street. This track is less well maintained at the western end and adjacent to the reserve.
- There is a lack of identification of the Blackwood Street Reserve – i.e. lack of signage.
- There is a significant Council asset of an air quality monitoring station between the land proposed for industrial rezoning and Blackwood Creek in the area which is intended to become part of the esplanade reserve.
- While the interface between industrial and residential zones in the area is generally tidy, the industrial activities appear to somewhat affect the residential amenity of the western end of Blackwood Street - particularly in terms of noise.
- The apparent connection from the walkway between Blackwood Street and the Blackwood Street (West) Reserve contains underground infrastructure (understood to be a sewer line) and is well-planted. At present, practical access through this route is not possible because of the planting.
- Jenkins Creek is open, steep-sided and in part protected by a low bund. There is little vegetation on the bank of the Creek in the vicinity of the Reserve.
- The Blackwood Street (East) Reserve is well-developed and appears to be very well-used. It is occupied by a large playground and a smaller area of grassed and treed open space with some seating. Because of its location, use and development it does not provide many opportunities for some of the activities referred to in submissions or earlier consultation (such as dog-walking, cycling, ecological enhancement, community gardens). Its location means that it is separated and cannot be part of a network of accessways through the area.

Submissions

The range of submission points is set out in the decision summary table. The Proposed Plan Change has raised a large number of issues and several submitters expanded on their written submissions at the hearing, including by presentation of supporting illustrative material, extracts and information from the Nelson Resource Management Plan and other sources.

Submitters who spoke at the hearing were generally critical about the lack of active management of the reserve by the Council, lack of signage (so that people did not know it was a reserve) and apparent acceptance of industrial encroachment.

While there was not complete agreement between submitters, those who spoke at the hearing considered that the rezoning as proposed was forgoing a considerable opportunity to create an enhanced open space area which could be used for ecological enhancement and stream restoration along with the esplanade reserve, and/or cycle and pedestrian use as part of a wider network, and/or for a community garden.

While submitter 2, the Department of Conservation, held a neutral position in terms of the rezoning, the written evidence of Mr Solly on behalf of the Director-General of Conservation emphasised that the purposes of riparian margins (Table 6.1 in Appendix 6 of the Nelson Resource Management Plan) along Jenkins Creek are for “enhancing aquatic habitat, access, recreation and hazard mitigation flood capacity”. He also noted the stated purposes of esplanade reserves in the RMA (Section 229) and emphasised that no less than 10 metres should be provided for, in order to meet the multiple purposes. Mr Solly acknowledged that the actual width of the esplanade reserve would be more of a matter for the subdivision application. Council Officers present confirmed that a subsequent subdivision application (to create the esplanade reserve) would be highly likely to be publicly notified.

Submitter 7, Ms Inglis, provided considerable material on stream ecological health relating to Jenkins Creek, Plan policy, and the Council's Esplanade and Foreshore Reserves Management Plan. She also spoke about the limitations of the Blackwood Street (East) Reserve in achieving ecological enhancement and some recreational opportunities. She explained her opinions as to the unsuitability of the Plan Change area for residential zoning, and the better use of all of the Plan Change area if retained as Open Space Recreation Zone.

Ms Inglis favoured retaining the land in its current Open Space Recreation zoning, in accordance with Plan policy, for the needs of future generations, and for ecological and recreational enhancement of the wider area. She considered there is no environmental or social benefit from the sale of the Reserve – only financial.

Submitter 6, Mr Sayer, spoke to his submission which sought to retain the area proposed to be rezoned residential and the larger industrial section as Open Space Recreation Zone. He provided a comprehensive power-point presentation focussing on the importance of cycling in the wider area, present shortcomings in provision, and the needs for space sufficient to meet the requirement of both pedestrians and cyclists. He also focussed on the possible use of the remaining reserve land for community gardens, given the need for such areas in terms of present and future economic hard times.

Other submitters who did not attend the hearing have raised the following points in their written submissions:

- concern about the unsuitability of the residentially zoned site due to proximity to industrial land, including exposure to noise and odour (submitter 1)
- associated with the above, concern at the practicality (and social impact) of retaining a narrow accessway to the esplanade within a residential section (submitter 1). Submitter 3 preferred the sewer main as a connection to reduce confusion
- associated with the above, a desire to retain the proposed residential zoned area of Plan Change 19 as open space and part of the esplanade reserve (submitter 1)
- a wish that any rezoning should only be to residential, as additional industrial land will exacerbate the existing problems of noise from industrial activities that residents already experience (submission 5.1).

In its further submissions (X1.1 to X1.7) Nelson City provided comment relating to most of the points raised by submitters.

It was clarified by Mr Morrison at the hearing that the land proposed to be rezoned industrial is intended to be sold to the adjoining industrial land owners (and presumably amalgamated with existing titles). Thus the lack of legal access provisions to the land proposed to be rezoned industrial is not an issue.

5.2 Evaluation

The proposed is a Plan Change for a rezoning of currently zoned Open Space Recreation land, and the removal of a Scheduled Neighbourhood Park in Table OSs.5 of the Nelson Resource Management Plan.

The Plan Change process is a requirement in terms of Policy OS2.2 which applies whenever a change from open space or recreation use of land is proposed.

Policy OS2.1 requires the continuing review of land in the Open Space Recreation Zone to ensure that changing community needs are being met. Both policies are found in the Plan under Objective OS2, which is to “retain the opportunity to provide for changing community needs and aspirations”. The explanations to these policies all emphasise the need for careful consideration and evaluation of

alternatives, and the need to consider wider community needs (the community as a whole) as well as the local community and surroundings when considering a change away from the current plan provisions.

Open Space Recreation zoning is provided for in the Plan to meet an overall objective of “maintaining the social well-being and health of the community by recognising and enhancing opportunities for use of Open Space and Recreation land, its amenity and the continuation of present uses”.

Proposed Plan Change 19 has arisen from an evaluation that identified that little use was being made of the land. That enabled the Council to decide to take the following steps of reviewing the uses and considering alternative uses. Submitters have however raised the issues of poor maintenance, lack of identification as open space, and unchallenged industrial encroachment (all observed in the site visit) as contributing to low levels of use. While this is likely to be a contributing factor, it is also unrealistic for the Council to develop and maintain an active recreational area which may not achieve high levels of use due to its locality and the availability of other local parks. The Officer’s Report notes the Council’s target in its 2009 Parks and Reserves Asset Management Plan to have a neighbourhood park within 400m of all houses in residential areas. In this respect, the area could be considered as surplus to that requirement.

However, the immediate area has two other requirements associated with the current open space provision that may not be fully achieved if all the land proposed to be rezoned passes out of public ownership and into residential and industrial use – those are the requirements for through access to link with wider existing community networks (pedestrian and cycle) and environmental/ecological enhancement along the stream. This latter requirement relates to the 2008 Esplanade and Foreshore Reserves Management Plan. There are also amenity issues relating to present residential areas and the future residential rezoned area due to a reduction in open space in the area and the interface with the proposed extended industrial area. There are, however, relevant objectives and policies in the Nelson Resource Management Plan which relate to these matters and set minimum standards through rules.

There is also the need to provide clear space around the air quality monitoring station, which is an important community asset (I was advised that this is addressed by required setback of any building by 3m from the boundary in the Industrial zone although a substantial fence with associated effects could be constructed on the boundary). This is not directly a rezoning consideration although it may influence the width of the future esplanade reserve.

Industrial Zoning

I consider that the two parcels of land proposed to be created and sold to adjoining industrial owners is generally an efficient and effective use of the land. Its removal from the Open Space Recreation Zone and use for industrial purposes will have little adverse amenity effect on nearby existing houses. I have concerns however about the loss of width of open space along Jenkins Creek, particularly given the configuration of the bank and bund, the presence of the air quality monitoring station and the need to achieve ecological enhancement of the stream, as well as to provide passage for cyclists and pedestrians. (I consider that the Blackwood Street/Merton Place connection, while a useful functional link, does not provide the same level of use and amenity for recreational cyclists and pedestrians.)

Thus while the decision is to confirm the rezoning of the industrial area as provided in the Plan Change, the actual extent of disposal of Council-owned land within the zone is worthy of further consideration. Land to be retained as esplanade reserve should be of sufficient width for all the relevant purposes.

I make a separate recommendation in relation to the appropriate width of the esplanade reserve later in this report (section 7).

Residential Zoning

The area of land proposed to be zoned Residential would, if rezoned, provide for one dwelling, or a small multi-unit development. The title to be created would have an easement across it for the sewer main and would have an access point off Blackwood Street shared with pedestrians and cyclists accessing the existing and future esplanade reserve.

Although the Section 32 analysis concluded that the rezoning as proposed is most effective in terms of the residential land created, and Ms Bradley confirmed her view at the hearing, I am more persuaded by the assessments in the Section 32 analysis relating to Option 3, which does not rezone the area shown as residential.

While I recognise that there are opportunity costs to the Council from the loss of a residential section for sale, and ongoing maintenance costs in retaining part of the area as open space, I consider the following:

- the maintenance costs of retaining the area of land, given its small size, will be low as the Council will have to maintain (and has offered to work with submitters to enhance) the future esplanade reserve which is adjacent.
- the retention of some 800m of open space as a node on a connected pathway system will provide for a range of future open space and recreational uses, including environmental enhancement in association with the esplanade reserve, but also for informal recreational uses of the type not suited to the Blackwood Street (East) Reserve such as dog walking, some community gardening (should it ever be needed in this area), and other forms of active recreation. This offers both local and wider benefits which are greater than acknowledged in the Section 32 analysis.
- the retention of some 800m of open space, once signposted and subject to basic management, will provide a superior connection to the esplanade reserve than the alternative narrow passageway between two residential sections. This will enhance overall connectivity, access and urban form permeability which has wider benefits than just to the immediate community.
- the retention of land in public ownership will provide ready and ongoing access to the sewer line, to the esplanade reserve and to the air quality monitoring station for maintenance and repairs as needed.

In the longer term, I consider the social and environmental benefits of retaining the reduced area of land in Open Space Recreational zoning will exceed the short and medium term opportunity costs and ongoing maintenance requirements of not disposing of the land. I also consider that to retain the present zoning will provide greater community benefits than the addition of the development and accommodation opportunity presented by the provision of one new residential section in the area.

5.3 Overall Conclusion and Reason for Decision

In RMA Part 2 terms, I consider that the decision to allow the rezoning of the proposed Industrial Zone portion of the Blackwood Street (West) Reserve, and to not allow the rezoning of the portion proposed to be added to the Residential Zone, provides an appropriate balance in terms of the social and economic wellbeing of the local and wider community and safeguards the needs of future generations.

It also acknowledges section 6 matters of access to rivers and streams, and section 7 matters of amenity, environmental quality and efficiency of use and development.

More specific reasons relating to the decision are set out in the above discussion.

To the extent that the submissions reflect the decision, they are either accepted, rejected or accepted in part as set out in the Decisions Summary Table earlier in this report.

5.4 Modifications to Proposed Plan Change 19

The following changes to the Proposed Plan Change as notified are made:

- Reference to NP11 in Table Oss.5 to be retained. The word “(part)” to be added after the lot number in the right-hand column.
- On Map 23, right-hand side, rezone the part of the Open Space Recreation Zone area proposed to be rezoned Industrial Zone as such.
- On Map 23, right-hand side, retain the part of the Open Space Recreation Zone area proposed to be rezoned Residential Zone as Open Space Recreation Zone, and relocate the Scheduled site notation to this area.

6. SECTION 32 FURTHER EVALUATION

I have reviewed the Section 32 evaluation carried out by the Council, dated 25th September 2010. I consider that Option 3 (industrial rezoning over part of the area and retain a portion of Open Space and Recreation Zoning) should be evaluated more favourably than Option 2 (which the Plan Change was based on).

The only difference is around the additional residential use opportunity created, versus the retention of a larger area of open space and adequate access to the esplanade reserve. Given the locality, I consider retaining an area of open space adjacent to the esplanade reserve, and the concomitant potential community benefits, to be more effective in terms of achieving the sustainable management of the natural and physical resources in this part of the city's fabric. The ongoing maintenance costs will be minor in the context of the adjacent esplanade reserve, and will be outweighed in the long term by retaining an opportunity for present and future generations.

7. ADDITIONAL MATTERS RELATING TO DECISION

The decisions above relate to the Plan Change only. However, three matters have arisen in deliberating upon the situation relating to the Plan Change, which are beyond the ability of the Plan Change process to address.

These matters are drawn to the attention of the Council as recommendations for subsequent consideration and possibly action.

1. The southern boundary of the part of the Open Space Recreation Zone to be retained lies adjacent to a small sliver of Industrial zoned land which, due to the location of lot boundaries, intrudes between the Open Space Recreation Zone and the Residential Zone which is understood to comprise the esplanade reserve in this area. The subdivision associated with the provision of new Industrial Zone sites to the west of the retained Open Space Recreation Zone will create the opportunity for a rationalisation of boundaries and zoning in this area. My recommendation is that the small area of land identified on the map in Appendix 1 should become part of the Open Space Recreation zone.

This could be done by the Council as a minor amendment or correction under Clause 20A of the First Schedule to the RMA.

2. It is the intention of the Council to provide an approximately 10m wide esplanade reserve along Jenkins Creek, between the creek and the new Industrial Zone sites (the intended width from the indicative plans prepared to illustrate the effect of Plan Change 19 includes some

width of less than 10m and some width of more than 10m). The subdivision boundary for the esplanade reserve will define the southern boundary of the Industrial lots. In this location, given the steepness of the stream bank, the present lack of much riparian vegetation, the presence of the bund or stopbank, and the interrupting presence of the air quality monitoring station, the 10m width required by the rules of the Plan seems less than would be required to successfully achieve all the purposes of an esplanade reserve in the Plan and the RMA (all of which are relevant and appropriate in this area). It is recommended that the Council carefully consider the desirable width of the esplanade reserve in this location, and provide a wider reserve. An increase in width of 3 to 5 metres would have little effect on the attractiveness of the Industrial lots (both of which are to be added to adjacent lots), but would significantly enhance the potential usability and environmental quality of the future esplanade reserve. The width of the esplanade reserve provided will not affect the industrial rezoning, as the esplanade reserve itself will have this zoning.

3. The status of the Blackwood Street (West) Reserve to be retained is not a matter for a Plan Change. However, part of the lack of active management of the reserve may relate to its ambiguous status as Council-owned land in fee simple. It is therefore recommended that the Council consider gazetting the area to be retained as Open Space Recreation Zone under the Reserves Act as a local purpose reserve for access and informal recreational purposes.

Signed: 

Hearings Commissioner

Date: 19 September 2011

APPENDIX 1 – CONSOLIDATED AMENDMENTS TO PLAN CHANGE 19

PLAN CHANGE 19

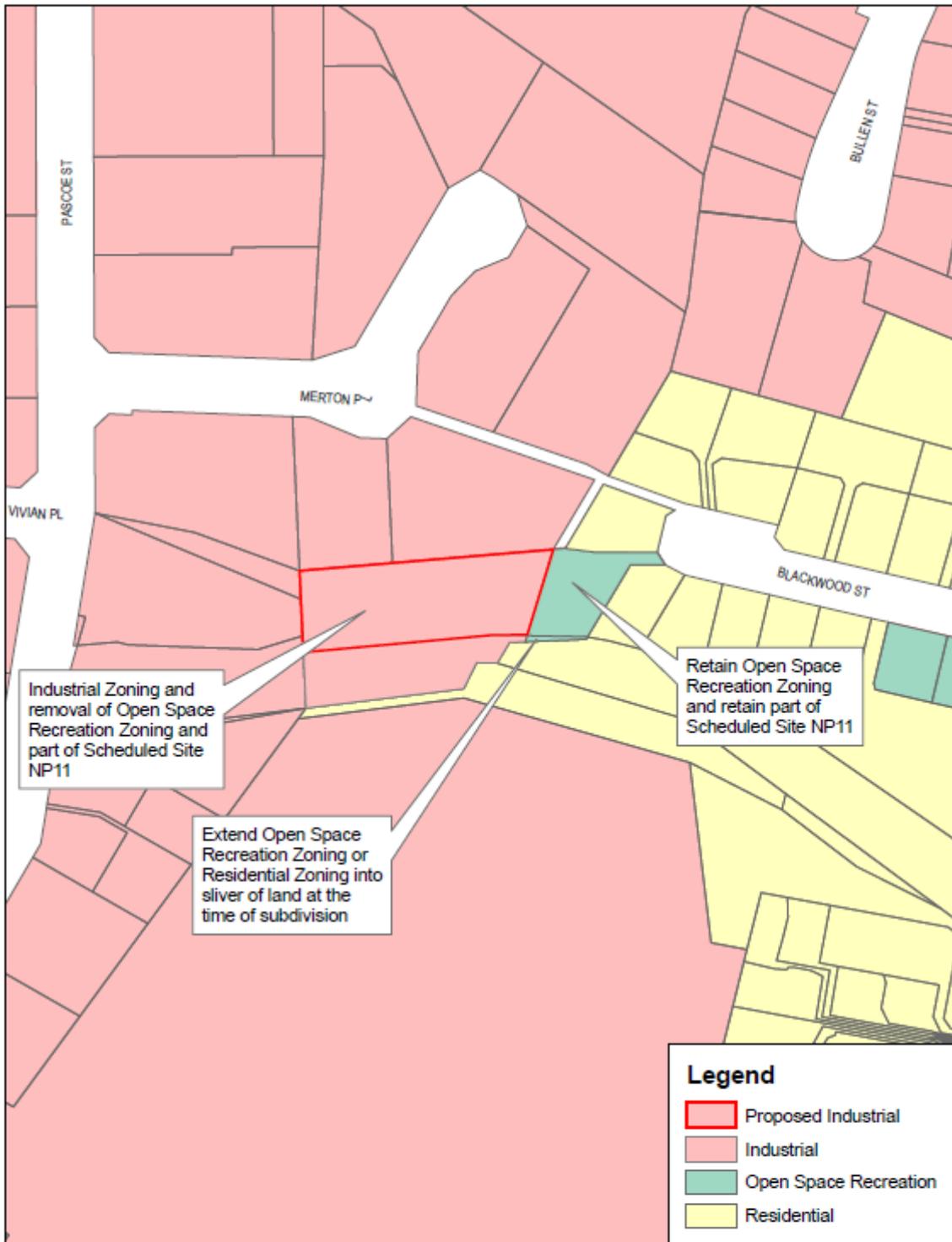
Amendments to Nelson Resource Management Plan following Decisions on Submissions

In table OSs.5 (Neighbourhood Parks) of the Open Space and Recreation Zone (Chapter 11), on page 11-9 of the Nelson Resource Management Plan (NRMP), ~~delete~~retain in its entirety the row NP11 as follows:

NP11 NP11	Blackwood Street Reserve (West) Blackwood Street Reserve (West)	Lot 12 DP 13786 Lot 12 DP13786 (part)
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Amendment to Map 23

Amend Map 23 right hand side to remove part of the existing Open Space and Recreation Zoning and to relocate the NP11 Schedule, replacing it with Industrial and Residential Zoning as shown ~~in Attachment 2 (Document No. 942946):~~ on the attached plan.

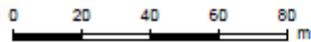


Plan Change 19 – Blackwood St Rezoning

Nelson Resource Management Plan



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Scale 1:1,750



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