

NELSON CITY COUNCIL

Nelson Resource Management Plan

Proposed Plan Change 13 – Marsden Valley Re-zoning and Structure Plan Project

Planning Officers Report - Addressing Submissions on the Plan Change prior to Hearing Parts A, B and C

Date of Hearing: 18th and 21st June 2010

PART A

PROPOSED PLAN CHANGE 13 - Marsden Valley Re-zoning and Structure Plan Project

1. INTRODUCTION

Reporting Officer

- 1.1. My name is Reuben Peterson. I am employed by Nelson City Council in the role of Policy Planner. I have been with the Council for 6 and a half years, 4 as a Consents Planner and the remainder in my current role.
- 1.2. I have a Bachelor of Resource Studies (Hons) from Lincoln University.
- 1.3. I have been involved in this Plan Change from the beginning and have led the process through the notification period.
- 1.4. Through developing the Plan Change Council has employed the expertise of a number of professionals. Those in attendance at the hearing are: Liz Kidson – Landscape Architect and Andrew Palmer – Geotechnical Engineer.
- 1.5. Also available are Nelson City Council staff Andrew James, Manager of Transportation, Phil Ruffell, Utilities Manager, and Andrew Petherham, Manager Community Projects. Each of these people will present their expert view in relation to the submission points relevant to their field and be available to answer questions.
- 1.6. Written evidence is provided by Liz Kidson – Landscape Architect (Topic 9 Landscape) and Andrew Palmer – Geotechnical Engineer (Topic 10 – Geotechnical).

Overview of Proposal

- 1.7. The proposed Plan Change addresses the re-zoning of a large portion of Marsden Valley located in the foothills of Stoke. The current zoning is a mixture of Residential Zone and Rural Zone – Lower Density Small Holdings overlain by Schedule I and T which provides specific rules which are primarily relevant to the location and density of development of this area.
- 1.8. The proposed zoning includes Suburban Commercial Zone, Residential Zone – Higher Density Area, Residential Zone and Rural Zone – Higher Density Small Holdings Area. These zones are overlain by Schedule I which provides specific rules to implement the structure plan and to achieve a best practice urban design outcome for the area. This zoning pattern has been developed to achieve a community environment which is developed around notable natural and landscape features of the valley.
- 1.9. The rezoning is accompanied by consideration of the existence and location of Plan overlays in the area.

Purpose of this Officers Report

- 1.10. This officer report has been prepared under Section 42A of the Resource Management Act:

- to assist the Hearing Committee in making its recommendations to Nelson City Council on the submissions and further submissions to Proposed Plan Change 13 – ‘Marsden Valley Rezoning and Structure Plan Project’ to the Nelson Resource Management Plan (the Plan);
 - to assist submitters and further submitters who requested to be heard, by providing, prior to the hearing, a staff evaluation of decisions requested in submissions.
- 1.11. The evaluations and recommendations presented in the report are based on the information available prior to the hearing, including that contained in the submissions and further submissions. In evaluating the submissions and further submissions, the matters considered include whether a decision requested:
- falls within the functions of Nelson City Council under the Resource Management Act 1991 (RMA);
 - will enhance the ability of the Plan to achieve the purpose of the RMA;
 - will improve a policy, rule or other method so that it is more efficient and effective for achieving the relevant objectives;
 - will improve the Plan in relation to such matters as its lawfulness, clarity, accuracy, effectiveness and coherence.

Structure of Report

1.12. The report is divided into the following sections:

Part A

- Introduction
- Background and Consultation
- Overview of Proposed Plan Change
- Notification and Submissions
- Assessment of Issues
- Statutory Assessment
- Conclusions

Part B

- Recommendations on Submissions organised by Topic
- Index of submission points by Topic

Part C

- Plan text and maps amended as per officer’s recommendation based on submissions received.

2. BACKGROUND AND CONSULTATION

- 2.1. The background to this Plan Change is discussed in section 2.1 'Background to Issue' (pg 4) and section 3.1 'Reasons for approach' (pg 8) of the Section 32 report. In summary this plan change was put forward as a private plan change which was adopted by Council. The zoning patterns and provisions were developed in tandem with a separate plan change covering a wider area of land. This plan change was notified first with the second plan change (Plan Change 17 – Enner Glynn and Upper Brook Valley Structure Plan and Rezoning Project) currently being drafted.
- 2.2. A summary of the consultation and Plan Change process up until notification of the Plan Change is set out below:
- Initial discussions with private plan change proponent (early 2008)
 - Private Plan Change lodged with Council (30 May 2008)
 - Initial phone consultation with landowners (July 2008)
 - Private Plan Change adopted by Council, with resolution to investigate expanding the scope to include Enner Glynn and Upper Brook Valley's (July 2008)
 - Council resolves to widen scope of plan change to include Enner Glynn and Upper Brook Valley (October 2008)
 - Letter, timeline, information and map sent to landowners (November 2008)
 - Site visits (February 2009)
 - Newsletter 1 released with information on the process (April 2009)
 - Council receives request to notify areas of Marsden Valley subject to the original private plan change request ahead of the wider land area now included in the project scope. Also that this occurs ahead of the proposed RMA Simplifying and Streamlining Act 2009. Resolution of Council accepts request (July 2009)
 - Newsletter 2 released with further information to keep people up to date, and to provide copies of the discussion maps (July 2009)
 - Public meeting to discuss proposals of zoning, with particular focus on Enner Glynn and Upper Brook Valley project (23 July 2009)
 - Notification (19 September 2009)

- 2.3. Throughout this process, other parties were consulted as required under Clause 3 of Schedule 1 of the RMA, including the Minister of the Environment, and tangata whenua of the area. Also throughout the process there have been ongoing face to face meetings, emails and phone conversations.

3. OVERVIEW OF PROPOSED PLAN CHANGE

Site and Locality

- 3.1. Marsden Valley is located near to well established existing suburban residential development in Stoke. This existing development has covered the plains and lower foothills of Stoke but has not penetrated up the valleys. Marsden Valley itself contains the Stoke Substation at the valley mouth, followed by the Nelson Christian Academy and the Marsden Cemetery. Further up the valley the use is predominantly rural in character with some housing. An operating quarry is located at the top end of the valley, this borders Council reserve land which has been planted over the years by school and youth groups.
- 3.2. A maps showing the area subject to this Plan Change, including the proposed Zoning, Overlays and the Structure Plan are included in the notified version of the Plan amendments. The amended maps as per officer's recommendation based on submissions received are contained in Part C of this report.

Scope of the Plan Change

- 3.3. The scope of the Plan Change is set out in full in the Plan Change documentation as notified. This includes changes to:
- Meanings of Words (Chapter 2)
 - Administration (Chapter 3)
 - District Wide Objectives and Policies (Chapter 5)
 - Residential Zone (Chapter 7)
 - Suburban Commercial Zone (Chapter 9)
 - Open Space and Recreation Zone (Chapter 11)
 - Rural Zone (Chapter 12)
 - Appendix 2 (Volume 3)
 - Planning Maps (Volume 4)

General Approach

- 3.4. Nelson City Council completed the Nelson Urban Growth Study 2006 (NUGS) which considered areas of Nelson which could be suitable for accommodating future residential growth. Stoke Foothills, of which Marsden Valley is a part, was identified as one of these areas. Marsden Valley, other neighbouring valleys, and the saddles and plateaus in between were all recognised as being suitable for some level of development as they

can be serviced, and they are close to existing infrastructure and communities.

- 3.5. It was recognised that the current operative zoning pattern does not provide for the level of development envisaged through NUGS.
- 3.6. A structure plan approach to providing for growth has been undertaken to ensure that a planned and integrated zoning pattern is established. The development of this structure plan also incorporated neighbouring land to the north which is currently being drafted as Plan Change 17 Enner Glynn and Upper Brook Valley. The purpose was to ensure that zoning, overlays, connections and servicing was considered on a wider scale than just Marsden Valley in isolation.
- 3.7. The approach to the zoning included in this plan change is to orientate development around a 'village centre' with residential densities reducing as the distance from this centre increases. The zoning and structure plan provisions also provide for protection and enhancement of natural values, such as identified vegetation, riparian areas and landscape features. The primary connections for pedestrians, cyclists and vehicles are also shown through out the plan change area.
- 3.8. The whole plan change area is included in a Scheduled Site within the Plan to ensure that rules which specifically apply to this area are able to be provided and enforced.
- 3.9. The Section 32 report contains a description of the options considered for providing the approach outlined above, while the associated Plan Amendments document contains the changes as proposed to appear in the Plan text. A summary of these proposed changes is provided below.

Meanings of Words

- 3.10. New definitions have been included in order to define terms introduced into the Plan by way of this proposed Plan Change. These include:
 - 3.10.1. 'Biodiversity Corridor' describes the purpose, width, and vegetation type expected of a biodiversity corridor. It also explains that by definition certain activities can occur within a biodiversity corridor.
 - 3.10.2. 'Generally Accord' is defined as a specific term in relation to the implementation of structure plans or outline development plans. It sets out that items shown must be provided for, but that their locations 'generally accord' with that shown.
 - 3.10.3. 'Greenspace' is defined as open or vegetated space as shown on structure plans or outline development plans. The provision is included to allow for these plans to show 'greenspace' areas but for their ownership and management to be determined when consent is applied for. It also explains that by definition certain activities can occur within 'greenspace'.
 - 3.10.4. 'Structure Plan or Outline Development Plan' explains that these plans are a mapped framework showing land use patterns, areas of open space, infrastructure and is often across properties of multiple ownership. Both terms are grouped here as meaning the same thing because earlier plan changes have used the term outline development plan while this plan change uses structure plan.

Administration

- 3.11. A new section is included in the Administration chapter to provide guidance and explanation on the use of structure plans and outline development plans with the Plan. It also further explains how to use and interpret items shown on these plans, such as Roads, Walkways, Biodiversity Corridors and Greenspace.

Objectives and Policies

- 3.12. District wide objectives and policies: The proposed plan change provisions are considered to fit within the current district wide objectives and policies, therefore the changes relate to the reasons, explanations, and methods only. These are with the purpose of providing explanation and reasoning for how the new concept of 'biodiversity corridors' fits into the current Plan objectives and policies. The changes specifically relate to Objective DO5.1 'Natural values' and Policy DO5.1.2 'Linkages and Corridors'.

Zone specific objectives and policies

- 3.13. Residential: The Plan contains an existing objective and related policies (RE4 Marsden Valley (Schedule I)) which describes the provisions as per the existing operative zoning pattern. The objective and policies have also been revised to provide the guidance for the proposed zoning structure of Marsden Valley. The objective states '*Subdivision and development of Marsden Valley (Schedule I area) that results in a high level of residential amenity built around a village centre as a focal point*'. The policies are that development is in accordance with the structure plan and that existing vegetation patterns are maintained and enhanced.
- 3.14. Suburban Commercial: To recognise the different nature of the Suburban Commercial Zone proposed in the valley a specific objective and related policies has been developed. This area of Suburban Commercial Zoning is varied by specific provisions of the rules within the Schedule applying through this plan change. These changes focus on the type of activities and quality of design in the area. This is with the intention of allowing for the creation of a quality urban environment serving residents and visitors.
- 3.15. Rural: Amendments to the explanations and reasons for the existing objectives and policies are proposed to ensure accuracy of statements within the Plan. The zoning and structure plan changes proposed have resulted in some text becoming redundant whilst improved clarity is desired in others.

Rules

- 3.16. A number of existing rules are proposed to be amended to provide for new items to the Plan and to ensure clarity and consistency with the suite of proposed plan change provisions. These will be discussed by zone. The specific rules proposed to relate to the area through the scheduled site are discussed in the Residential Zone section as this is where they are located in the proposed plan change. There are however rules within the schedule that relate to all of the relevant zones.

Residential Zone:

- 3.17. REr.23 'Minimum Site Area' and REr.24 'Site coverage': Minor amendments to the explanation sections of these rules to maintain consistency and clarity with main changes are proposed.

- 3.18. REr.59 'Vegetation Clearance': Additions to include proposed biodiversity corridors in the scope of this rule which enables the clearance of vegetation to be managed.
- 3.19. REr.106 'Marsden Valley (Schedule Site – Sch I)': Changes to the name of the scheduled area to reflect that it includes more than just a residential area as currently stated.
- 3.20. REr.107 'Subdivision – General': Additions to the subdivision rule to ensure that the provisions within schedules and structure plans are provided at the time of subdivision. Also amendments for consistency and clarity.
- 3.21. Schedule I 'Marsden Valley': The proposed provisions contained within Schedule I are the main body of rules which specifically relate to the land area subject to this plan change. All other relevant zone rules still apply unless specifically stated otherwise. This approach was taken as Schedules are a common method used in the Plan to provide a specific set of rules which are only applicable to the area concerned. Marsden Valley has a specific set of rules proposed for two reasons:
- To incorporate the zoning pattern and specific connections shown on the associated structure plan.
 - To introduce a suite of rules, assessment criteria and design principles which modify the outcomes generally expected in the relevant zones elsewhere in the district.
- 3.22. The rules contained in Schedule I:
- 3.22.1. require that subdivision design shall generally accord with the structure plan. This ensures that the desired pattern of development is achieved regardless of how it is staged, or who carries it out.
- 3.22.2. protect a number of groups of trees or woodlands which are not otherwise protected through the heritage or landscape tree provisions of the Plan. All but one of these tree groups have current protection under the operative Schedule I of the Plan due to the important contribution they make to the character of the area and the role they play in protecting biodiversity and habitat. There has been confusion over their status and the links to the heritage and landscape tree provisions. The proposed provisions aim to more accurately depict the tree group locations and their method of protection.
- 3.22.3. provide for a network of walking and cycling tracks to be established which link between roads, and between roads and areas of open space.
- 3.22.4. restrict the location of buildings and vehicle crossings in relation to the Marsden Valley Road frontage.
- 3.22.5. place controls over the hours that liquor is available for sale which are more restrictive than that found in the rest of the suburban commercial zone.
- 3.22.6. do not allow some specified activities to occur which could be detrimental to the 'village centre' that is to be developed in this area.
- 3.22.7. provide a specific height allowance for buildings in the suburban commercial zone provided they achieve the stated design principles. These principles are to ensure that a 'village centre' environment is achieved without domination by taller, poorly designed buildings. The

height limit is proposed to be increased to allow for varied building and roof designs.

Suburban Commercial Zone

- 3.23. SCr.69B 'Marsden Valley (Schedule Site – Sch I)'. This is a new rule added to Chapter 9 Suburban Commercial Zone to ensure that the proposed schedule overlaying the proposed zone is able to be implemented.
- 3.24. SCr.71 'Subdivision – general'. A new controlled standard is added which requires that subdivision layout and design generally accords with the structure plan contained in Schedule I.

Open Space and Recreation Zone

- 3.25. OSr.71 'Vegetation Clearance'. Additions to include proposed biodiversity corridors in the scope of this rule which enables the clearance of vegetation to be managed.

Rural Zone

- 3.26. RUr.20 'Permitted Activities – General'. Removal of the specific exclusion of industrial or commercial activity from the Marsden Valley area which resulted in the Residential Zone 'Home Occupation' rule prevailing. These uses are now to be assessed under the standard rules which apply to the zone.
- 3.27. RUr.25 'Vegetation Clearance'. Additions to include proposed biodiversity corridors in the scope of this rule which enables the clearance of vegetation to be managed.
- 3.28. RUr.77 'Marsden Valley'. Amendments carried out to ensure the correct schedule is referenced.
- 3.29. RUr.78 'Subdivision – General'. Additions and amendments to the subdivision rule to ensure that the provisions within the schedule and structure plan are provided at time of subdivision. Also the allowance for section sizes down to 2000m². Amendments for consistency and clarity also carried out.

Appendices

- 3.30. Appendix 2 'Heritage Trees'. Amendments carried out to number and more accurately define the existing woodlands. One tree is renamed to correctly identify it.

Planning Maps

- 3.31. Planning Maps 28, 31, 34, 54 and 55 (left hand side) show the revised overlay information such as the Fault Hazard, Land Management, Services, and Heritage Trees and Woodlands.
- 3.32. Planning Maps 28, 31, 34, 54 and 55 (right hand side) show the revised zoning, Schedule I and the Landscape Overlay.
- 3.33. The revised Schedule I Structure Plan map is inserted into Chapter 7, Residential Zone.
- 3.34. Chapter 12, Rural Zone currently includes a map for Schedule T covering the Rural Zone portion of Marsden Valley as occurs in the plan prior to this

plan change. This is removed and reference inserted to the Schedule I Structure Plan map in Chapter 7 Residential Zone.

4. NOTIFICATION, SUBMISSIONS AND FURTHER SUBMISSIONS

Notification

- 4.1. The Plan Change was publicly notified on 19 September 2009, with submissions closing on 30 October 2009, 19 submissions were received.
- 4.2. A summary of the decisions requested was notified on 30 January 2010 and closed on 12 February 2010, 5 further submissions were received.

Submissions Overview

- 4.3. The table below provides the names of submitters and further submitters:

Submitter Number	Submitter Name	Further Submitter Number	Further Submitter Name
1	Tiakina te Taiao Ltd - Cherie Tawhai	X1	Hendrik Heinekamp
2	George Dunning	X2	Craig and Jane Gass
3	Eileen Bruce	X3	Irene Turner
4	Jude Tarr	X4	Nita Knight
5	Rosalie Higgins	X5	John McLaughlin - Marsden Park Ltd
6	Downer EDI Works - Kyle Paddon		
7	Trevor James & Myffie James		
8	Echo Holdings Ltd - Steve Malcolm		
9	Hendrik Heinekamp		
10	Craig and Jane Gass		
11	New Zealand Fire Service Commission		
12	Department of Conservation		
13	John McLaughlin - Marsden Park Ltd		
14	Helen Campbell - Royal Forest and Bird Protection Society Inc		
15	Tim Percival - Tasman Hang Gliding & Paragliding Club		

16	Robert Bryant – Tasman Hang Gliding & Paragliding Club		
17	Carly & Christopher Feltham		
18	Nita Knight		
19	Irene Turner		

4.4. The general breakdown of submissions is:

- Support (approve the Plan Change as is): 0 submitters
- Conditional support (approve with modifications): 14 submitters
- Opposition (reject the Plan Change): 0 submitters
- Conditional opposition (if approved make changes): 5 submitters

4.5. Main issues in support are:

- The provisions for biodiversity corridors
- In principle support for the urban design and landscape values intended for the area.
- General support for planned direction to guide development.

4.6. The main issues in opposition are:

- Roading connections either not required / uneconomic or having an adverse effect on Enner Glynn Valley in particular.
- Reverse sensitivity issues of quarry traffic passing through proposed residential and suburban commercial areas. Also requests that the trucks go around the 'village' rather than through it.
- Adverse health effects on school pupils and residents of the valley due to winter temperatures and plantation forestry pollen.
- The school site should provide for a wider range of possible educational uses.
- Concern that the Plan Change will allow for further housing development that do not incorporate current urban design principles and is an inefficient use of land.
- Concern that the proposed Suburban Commercial Zone provisions will not ensure that a 'village centre' is created.
- Proposed opening hours for the sale of alcohol are too long and conflict with a 'village centre' concept. Also noted was a total restriction on the sale of alcohol.
- Requests for changes to the zoning of specific areas of land as the proposal does not provide the most appropriate or efficient use of the land.

- There is no statement that a suitable water supply for fire fighting is required.
- The proposal should restrict or ban cats in the area.
- The perception of a heavy emphasis on the protection of landscape features.
- Need to include roading standards originally contained in the private plan change application.
- Include reserves in the Structure Plan due to the important role they play in the physical structure of subdivision and development.
- Various changes to the provision for a school site.
- Changes are noted to the provisions for Tree Groups and Woodlands in the proposed provisions.
- Use of subjective wording such as 'quality' and 'good' plus use of other wording of this nature.
- The location of the Landscape Overlay.
- Reserve areas should be shown on the planning maps.
- An area shown as Rural High Density Small Holdings should be zoned as Residential.
- Body corporate / property owner groups required to ensure ongoing pest and vegetation control is carried out.
- Hang gliding and paragliding landing sites to be provided.
- Biodiversity Corridor widths to be increased, including specific provision for where the corridor is crossed by a vehicle access.
- Request presented that a specific landowner's property be included in the Plan Change as Residential Zone and Residential Zone – Higher Density Area.
- Areas of proposed Residential Zone and Residential Zone – Higher Density Area be shown as Residential Zone – Lower Density Area.
- The vegetation clearance rule in each chapter should not have the word 'forest' replaced with 'vegetation' as proposed.
- Buildings should not be permitted in greenspace areas, biodiversity corridors or on skylines.

5. STRUCTURE OF ASSESSMENT OF ISSUES (PART B)

- 5.1. In Part B to this report I address each of the submission points raised. The submission points are grouped by topic. Within this grouping each point made by individual submitters is included along with relevant further submissions. I then discuss the submission points made and make a recommendation on each item. Recommendations for amendments, additions or deletion to text have been made. These are shown with the proposed text as per Plan Change 13 in normal font, text to be removed ~~struck through~~, and text to be added underlined.

- 5.2. In some cases a submission point covers multiple topics. Where possible these have been split into a), b), c) etc to allow items to be grouped by topic. The primary listing is still by submission point number. For example submission point #7.1 becomes, #7.1 a), #7.1 b) and #7.1 c). Where required I have added explanatory text as a 'Note' to aid understanding of the layout of individual items of a submission or further submission. When in doubt the full submission or further submission shall prevail.
- 5.3. The submission points made often do not directly address an individual section of the Plan Change text. For this reason I consider it appropriate to group the submission points by topic, but to still include the individual comments made. This ensures the nuances of individual comments are not lost but it allows for more focussed consideration of topics.
- 5.4. For ease of reference an index of which topic each individual submitter's submission points are considered under is provided at the rear of Part B.
- 5.5. The Topics are:
- Topic 1: Riparian Overlay, Biodiversity Corridors and Vegetation
 - Topic 2: Transportation Networks
 - Topic 3: Parks and Open Space
 - Topic 4: Urban Design (Residential and Commercial)
 - Topic 5: Cats and Domestic Pets
 - Topic 6: Miscellaneous
 - Topic 7: Zoning Pattern and Rules
 - Topic 8: School
 - Topic 9: Landscape
 - Topic 10: Geotechnical

6. STATUTORY CONSIDERATIONS

- 6.1. The relevant statutory considerations are set out below, with my assessment of the Plan Change.

Section 74(1)

- 6.2. Section 74(1) of the RMA requires that a territorial authority shall prepare and change its district plan in accordance with:
- *It's functions under section 31,*
 - *Provisions of Part 2, and*
 - *A direction given under section 25A(2), and*
 - *Its duty under section 32, and any regulations.*

- 6.3. An assessment of the consistency of the Plan Change with each provision identified is carried out below.

Section 31

- 6.4. The Council's functions are outlined in section 31 of the RMA and relate to giving effect to the RMA in its district. More specifically Section 31 states:

- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
 - (a) *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
 - (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purposes of -*
 - i) *the avoidance or mitigation of natural hazards; and*
 - ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
 - iii) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
 - iiii) *the maintenance of indigenous biological diversity:*
 - (c) *Repealed*
 - (d) *the control of the emission of noise and the mitigation of the effects of noise:*
 - (e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
 - (f) *any other functions specified in this Act.*
- (2) *The methods used to carry out any functions under subsection (1) may include the control of subdivision.*

6.5. I consider the proposed Plan Change is an appropriate response to Council's obligations under Section 31 of the Act. In particular it establishes objectives, policies and methods to achieve integrated management of the effects of the use, development, and protection of land and associated natural and physical resources within Marsden Valley (Sec 31 1) a)). It also protects, maintains and enhances indigenous biological diversity (Sec 31 1) b) iii)). It achieves these functions by providing a pattern to achieve structured development while providing for the protection and enhancement of indigenous biodiversity.

Part 2

- 6.6. Part 2 of the RMA sets out the purpose and principles of the Act. Section 5(1) establishes the purpose of the RMA as follows:
- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
 - (2) *In this Act, "sustainable management" means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while:*

- a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b) *safeguarding the life supporting capacity of air, water, soil, and ecosystems; and*
- c) *avoiding, remedying or mitigating any adverse effects of activities on the environment.*

- 6.7. This Plan Change has been developed, in conjunction with land owners in Marsden Valley, using a Structure Plan approach. The reasoning behind this was to develop a framework of Zoning, Overlays, connections and Plan provisions which would guide development of a future community centred on Marsden Valley. Previous to this the Nelson Urban Growth Strategy 2006 highlighted the potential for Marsden Valley (and neighbouring Valleys) to provide for some of Nelson's predicted population growth. Marsden Valley is currently zoned under the operative Nelson Resource Management Plan for development of a much greater density than currently occurs in the valley.
- 6.8. In my opinion the proposed Plan Change achieves this growth vision by allowing for the creation of a future community which provides for residents' social, economic and cultural wellbeing. I consider it does this by establishing a zoning pattern which will result in a defined and central village environment. This is a central commercial area, surrounded by higher density residential, moving out to standard residential and then into rural zonings. This allows for people to meet socially in a central area which can also provide for some of their economic and cultural needs.
- 6.9. The pattern of Zoning, Overlays and Structure Plan provisions ensures that the areas natural and physical resources are protected, and in some cases enhanced. Poorman's Valley Stream continues to be protected by use of a Riparian Overlay requirement and this is strengthened by the proposed use of a Biodiversity Corridor. A Biodiversity Corridor is also shown on a tributary watercourse. Greenspace areas are to be provided and areas of vegetation and habitat are to retain protection. The physical resource of the land is also being efficiently used to meet the reasonably foreseeable residential housing needs of future generations.
- 6.10. The provisions noted in paragraph 6.9, being Riparian Overlay, Biodiversity Corridor, Greenspace and vegetation protection, all help to safeguard the life supporting capacity of air, water, soil and ecosystems.
- 6.11. The Zoning and Overlay pattern established through the Structure Plan approach is considered to be the most appropriate to avoid, remedy or mitigate any adverse effects of activities on the environment. The current characteristics and values of the valley are set to change as development currently permitted occurs; the proposed Plan Change ensures development is managed in a way that avoids, remedies or mitigates adverse effects appropriately. Ad

hoc development with little guidance would change the character and values of the Valley and would result in an inferior outcome to directed and managed growth.

Section 25A(2)

- 6.12. Section 25A(2) provides for a Minister to direct a regional council or territorial authority to prepare a Plan, a Plan Change or a variation. No direction has been given by a Minister and therefore this provision is not relevant to this Plan Change.

Section 32

- 6.13. Before adopting for public notification any objective, policy, rule or other method promoted through this proposed Plan Change, Section 32 of the RMA imposes upon the Council a duty to consider alternatives, and assess their benefits and costs.
- 6.14. A Section 32 assessment was prepared and made available as part of the public notification process.

Section 74(2)

- 6.15. Section 74(2) sets out the matters that a territorial authority shall have regard to when changing its Plan. The relevant matters for this hearing are:
- Nga Taonga Tuku Iho Ki Whakatu Management Plan, June 2004, being the planning document recognised by an iwi authority and lodged with Council. This is discussed further in Section 6.25 – 6.30.
 - Council has not had any regard to trade competition or the effects of trade competition when developing this Plan Change.

Section 75

- 6.16. Section 75 specifies the contents of a district plan, and sections 75(3) and 75(4) set out the following mandatory obligations:
- (3) A district plan must “give effect to”:*
- *any national policy statement;*
 - *any New Zealand coastal policy statement; and*
 - *any regional policy statement*
- (4) A district plan must not be inconsistent with:*
- *a water conservation order, or*
 - *a regional plan for any matter specified in section 30(1).*

National Policy Statement

- 6.17. The proposed National Policy Statement on Electricity Transmission has been taken into account in developing this Plan Change.

Transpower New Zealand have knowledge of what is proposed but have chosen not to submit on the Plan Change.

Regional Policy Statement

- 6.18. The Nelson RPS became operative in 1997, and is currently being reviewed. It contains a number of objectives and policies relevant to the Plan Change, contained in:
- Chapter 6 Development and Hazards; and
 - Chapter 7 Natural and Amenity Values; and
 - Chapter 14 Infrastructure.

These provisions are outlined in greater detail in (i) to (iii) below.

(i) Chapter 6 Development and Hazards

- 6.19. DH1.2 Objective DH1.2.1. To avoid, remedy, or mitigate any adverse effects of urban expansion on the sustainable management of natural and physical resources including rural land uses.
- 6.20. The proposed Plan Change involves urban expansion into an area which is currently used for rural purposes. The underlying zoning pattern in the operative Plan allows for a level of development which would not be conducive to carrying out standard rural activities. The current zoning is a mixture of rural and residential. As has been discussed in section 6.7 – 6.11 of this report the proposed Zoning pattern and Structure Plan approach have been developed to achieve the intent of the stated Objective.

(ii) Chapter 7 Natural and Amenity Values

- 6.21. NA1.2 Objective NA1.2.1. Preservation or enhancement of amenity and conservation values.
- 6.22. The proposed Plan Change involves a level of urban development that will impact on the existing amenity values of Marsden Valley and have the potential to adversely affect the conservation values. Steps have been taken to ensure that features that create the visual amenity values of the valley are incorporated into the Structure Plan. These include protection of, and enhancement where appropriate of the streams, significant areas of vegetation, the more prominent slopes and areas of open space. Conservation values are preserved and enhanced through protection of areas of vegetation and habitat, and the introduction of biodiversity corridors which enable native flora and fauna to travel between areas of habitat. They will also provide habitat themselves and enhance watercourses and gullies where appropriate.

(iii) Chapter 14 Infrastructure

- 6.23. IN2.2 Objective IN2.2.1. A safe and efficient land transport system that promotes the use of sustainable resources, whilst avoiding, remedying or mitigating its adverse effects on human health and safety, and on natural and physical resources.

- 6.24. Transport connections within the Plan Change encourage a safe and efficient transport system by providing route options which connect communities, provide route choices to different destinations, allow for more feasible public transport options and more efficient movement of service vehicles. The provision of walking and where feasible cycling tracks will encourage transport by other means to occur.

Iwi Planning Documents

- 6.25. The Iwi Planning Document that has been registered with the Council is the Nga Taonga Tuku Iho Ki Whakatu Management Plan. This sets out the iwi perspective of five manawhenua iwi in Te Tau Ihu (top of the South Island). The plan is structured around the spiritual dimensions of wind and air (discharge of contaminants), the people, trees and birds, water and cultivated foods.
- 6.26. The Iwi Management Plan has objectives for urban planning and land management.
- 6.27. This proposed Plan Change supports identified tangata whenua values as stated in the Nga Taonga Tuku Iho Ki Whakatu Management Plan. In particular Value 5.2.3 'Protecting indigenous habitats, biodiversity and associated matauranga' is supported by the protection of areas of vegetation and habitat, Riparian Overlay protection of Poorman's Valley Stream and the introduction of Biodiversity Corridors into the Plan.
- 6.28. The proposed Plan Change also helps to achieve the tangata whenua vision comprised of a number of desired outcomes in section 5.3.1 of the Nga Taonga Tuku Iho Ki Whakatu Management Plan. The outcomes specifically achieved are:
- Nga tangata (the people) are healthy and able to maintain a quality of life.
 - Indigenous flora and fauna are maintained and enhanced for present and future generations.
- 6.29. These outcomes are achieved by the use of a Structure Plan approach to ensure the new community proposed for Marsden Valley will be able to meet some or all of their social, cultural and economic needs within their own community. This is supported by the use of urban design techniques in the development of the zoning patterns and connections and the on going use of urban design in subdivision and building design.
- 6.30. Indigenous flora and fauna are maintained and enhanced through the provisions stated in section 6.27 of this report.

Any other relevant planning documents

- 6.31. The Plan Change is consistent with relevant regional plan provisions, in particular the provisions of the Freshwater Plan as incorporated in the Nelson Resource Management Plan.

7. CONCLUSION

- 7.1. This report provides a statutory and effects based assessment of proposed Plan Change 13 – Marsden Valley. I have described the general approach and the background and consultation leading to the

development of this Plan Change. I have also assessed it against the statutory requirements under the RMA and have concluded that it meets all the relevant matters.

- 7.2. I acknowledged the various concerns, and suggestions for improvement, outlined in the submissions and further submissions, and have commented on these and made specific recommendations in Part B of this Report.
- 7.3. I have considered the submission and further submission points and have recommended amendments to the Plan Change as outlined in Part B. A revised copy of the Plan Change incorporating these recommended amendments is contained in Part C of this report.
- 7.4. With those amendments, and with any other changes that may be required following presentations by the submitters, I am of the opinion that the package of measures embodied in Plan Change 13 – Marsden Valley will provide a workable and realistic planning response to this resource management issue in Nelson.

Author: Reuben Peterson – Policy Planner – Nelson City Council

Signed:

.....

Date:

Peer Reviewed: Martin Workman -

Signed:

.....

Date:

PART B

8. RECOMMENDATIONS ON SUBMISSIONS ORGANISED BY TOPIC

- 8.1. TOPIC 1: Riparian Overlay, Biodiversity Corridor and Vegetation
- 8.2. This topic covers submission points directly relating to Poorman's Valley Stream and other tributary watercourses, the proposed Biodiversity Corridor provisions and vegetation protection provisions.

Submitter 1: Tiakina te Taiao Ltd

Support in part

Submission Point #1.1 Tiakina are looking for assurances that the values of Poorman's Stream are protected when considering any proposal or development around this area.

Decision Sought: Not directly stated – inferred to be specific protection of Poorman's Stream to be confirmed.

Further Submitter X1: Hendrik Heinekamp Statement X1.11

Support Submission Point #1.1

It is in the interest of Marsden Valley environment.

Further Submitter X3: Irene Turner Statement X3.1

Support Submission Point #1.1

Support for protection of Poorman's Valley Stream.

Further Submitter X4: Nita Knight Statement X4.1

Support Submission Point #1.1

The NCC Freshwater Plan 2007 identifies The Poorman's Stream for upgrading of its water quality. The Plan states "maintain 'C' quality or upgrade to 'B' where practicable. This is the opportunity for the future of the stream, it's protection and enhancement. With the development of the Valley there will be far more potential negative impacts on the Stream; run off, stormwater and other issues that more intense Valley population and development will bring.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.1

Support Submission Point #1.1

MPL supports the protection of Poorman's Valley Stream.

PLANNING OFFICER COMMENT #1 (TOPIC 1)

Tiakina te Taiao Ltd
Submission Point #1.1

The submitter seeks that the values of Poorman's Stream are protected. This submission is supported by four of the further submitters. The issue of protection of water ways is supported by Council through existing Plan provisions. Poorman's Stream has an existing Riparian Overlay in place which ensures that an esplanade reserve is vested in Council when subdivision occurs. This occurred through the subdivision of Ching's Flat (RM065553) and places all of Poorman's Stream in Council ownership above the Christian Academy (currently with the exception of the Solitaire Investments Ltd access bridge). The Freshwater Plan rules and provisions ensure that activities impacting on freshwater are managed.

Plan Change 13 proposes to add a Biodiversity Corridor to the Riparian Overlay position of Poorman's Stream. I consider that the combination of the existing provisions (which are not

proposed to be altered in the scope of this Plan Change) and the addition of the Biodiversity Corridor will ensure that the values of Poorman's Stream are protected.

RECOMMENDATION

Submission Point #1.1: Accept

- Further Submission Statement X1.11: Accept
- Further Submission Statement X3.1: Accept
- Further Submission Statement X4.1: Accept
- Further Submission Statement X5.1: Accept

AMENDMENT TO PLAN:

Nil

Submitter 7: Trevor and Myffie James

Support

Submission Point #7.1 b) We support biodiversity corridors, including along Poorman's tributary on the north side of the valley (at foot of hill).

Decision Sought: Not directly stated – I assume the retention of Biodiversity Corridors as shown.

Further Submitter X3: Irene Turner Statement X3.4

Oppose Submission Point #7.1

Mrs Turner supports ... the protection of ecologically valuable areas through the biodiversity corridors.

Note: statement of opposition in X3.4 relates to the full submission point #7.1. 'allowed in part' relates to biodiversity corridors.

Further Submitter X4: Nita Knight Statement X4.4

Support Submission Point #7.1 b)

Support Biodiversity Corridors

PLANNING OFFICER COMMENT #2 (TOPIC 1)

Trevor and Myffie James
Submission Point #7.1 b)

The submission is in support of biodiversity corridors, with the tributary of Poorman's Stream at the foot of the hill on the north side of the valley mentioned in particular. The support of the submitter and further submitters in relation to this issue is noted.

RECOMMENDATION

Submission Point #7.1 b): Accept

- Further Submission Statement X3.4: Accept
- Further Submission Statement X4.4: Accept

AMENDMENT TO PLAN:

Nil

Submitter 12: Department of Conservation

Support

Submission Point #12.1 The proposed biodiversity corridor would serve a number of valuable purposes, including protection of water quality, enhancement and protection of in-

stream habitat values, and opportunities to restore riparian vegetation in an area where there is little remaining natural vegetation. It will also provide opportunities to enhance recreation and amenity values and space for flood management purposes. The corridor will help implement the principles of the Nelson Biodiversity Strategy and of the terrestrial biodiversity action plan that includes “ecological corridors of vegetation linking the hills with the coast are restored and/or reinstated”. The proposed biodiversity corridor will also serve a valuable role in avoiding increased exposure to natural hazards and is consistent with the policy direction provided by Chapters 13 and 23 of the NCRMP, and Section 3.4 of the New Zealand Coastal Policy Statement.

Note: The inclusion of “Chapter 13 and 23 of the NCRMP” is in error the correct reference is “Nelson Resource Management Plan, Chapter 5 District Wide Objectives and Policies, DO2 ‘Natural Hazards’”. This was confirmed in telephone conversation with the submitter 5 May 2010.

Decision Sought: Retain the following provisions of Proposed Change 13:

- a) The proposed ‘Biodiversity Corridor’ definition in MW.17A Chapter 2 (Meaning of Words);
- b) Explanatory text in AD11.4A.v(c), DO5.1.2.ii-v;
- c) Policies DO5.1.2.x and DO5.1.2.xi;
- d) Rule RUr.25.1 Vegetation Clearance;
- e) Addition to Rule RUr.25.3 xvii Appendix 4;
- f) Addition to Rule RUr.25.5;
- g) The notation of biodiversity corridor on Map 3 Proposed Structure Plan;
The proposed biodiversity Replacement in 16.3.3A(a)(iii) “Reserves”.

Note: The final sentence of the decision sought including the reference to 16.3.3A(a)(iii) is in error. This should be disregarded. This was confirmed in telephone conversation with the submitter 5 May 2010.

Support in part

Submission Point #12.2. One of the principles of the Terrestrial Biodiversity Action Plan is that *‘the partners have agreed to develop the infrastructure and systems to enable reliable eco-sourcing of indigenous plants for restoration planting.’* In accordance with this principle the parts of the definition of “Biodiversity Corridor” in MW.17A that refers to native vegetation that has been planted should be amended to refer to “eco-sourced indigenous vegetation”.

Decision Sought: Amend MW.17A(b) and (c) by inserting the words “*eco-sourced*” before the words “*predominantly native vegetation.*” Add an explanation to the text following this definition of the term ‘eco-sourced’ stating that eco-sourced plants are plants that naturally occur within the same ecological district and are sourced from locally sourced genetic material (seeds or cuttings).

Support in part

Submission Point #12.3. The proposed plan change would also be improved by adding further explanation of the situations where non-native vegetation may be used within biodiversity corridors. These situations could include exotic species used as a native tree nursing crop (such as tree Lucerne).

Decision Sought: Add to the explanation section following the new definition of “biodiversity corridor” a specific explanation of circumstances when non-invasive vegetation is appropriate. This explanation should clarify that non-native vegetation such as Tree Lucerne is to be used only as a native tree nurse crop.

General further submissions on Submitter 12.

Further Submitter X1: Hendrik Heinekamp

Statement X1.6

Support Submission Points #12.1 – #12.3

DOC has the expertise when it comes to biodiversity. Their advice is valuable and should be listened to.

Further Submitter X4: Nita Knight

Statement X4.12

Support Submission Point #12.1 and #12.3

No specific reasons given.

PLANNING OFFICER COMMENT #3 (TOPIC 1)

Department of Conservation

Submission Point #12.1

The support of the Biodiversity Corridor concept by the submitter and further submitters is noted.

RECOMMENDATION

Submission Point #12.1: Accept

Further Submission Statement X1.6: Accept

Further Submission Statement X4.12: Accept

AMENDMENT TO PLAN:

Nil

Submission Point #12.2

The submitter is seeking amendments to the proposed provisions for Biodiversity Corridors to encourage the use of 'eco-sourced' native vegetation. The proposed provision MW.17A b) and c) states '*vegetation to be planted in predominantly native vegetation indigenous to the area and ecosystem type...*'. While it may be preferable to also have '*locally sourced genetic material (seeds or cuttings)*' included in the planting plan it is not considered justified to require this in the Plan. Native vegetation indigenous to the area and ecosystem type will require plants that were naturally found in the area to be used, but these might not necessarily be sourced from local genetic material.

Council encourages the use of locally sourced genetic material where appropriate through non-regulatory methods which provides for greater flexibility in suitable and available plant selection.

RECOMMENDATION

Submission Point #12.2: Reject

Further Submission Statement X1.6: Reject

AMENDMENT TO PLAN:

Nil

Submission Point #12.3

The submitter seeks to add situations where non-native species would be suitable for use in a Biodiversity Corridor. The proposed provision MW.17A a) allows for exotic vegetation in a Biodiversity Corridor that existed prior to notification of this Plan Change. In parts b) and c) it states that vegetation to be planted should be 'predominantly native'. This allows for some non-native planting but only if it is not dominant. It could therefore be argued that under the currently proposed provisions a nursery crop of non-native species would not be predominantly native and therefore not permitted as it does not fall into the definition of a Biodiversity Corridor. Nursery crops are often vital to establishing native plants and therefore should be provided for in the definition. The suggested addition to the explanation would not have the weight to alter the definition (MW.17A) which enforces the rule (Schedule 1). An amendment is therefore recommended to the definition MW.17A.

RECOMMENDATION

Submission Point #12.3: Accept in part

Further Submission Statement X1.6: Accept in part
Further Submission Statement X4.12: Accept in part

AMENDMENT TO PLAN:

Note: Further recommended amendments to the final structure and content of this provision are shown in Officer's Comment #6. For the purpose of understanding the recommendations arising from submission point #12.3 the following amendment applies.

MW.17A 'Biodiversity corridor' means a vegetated pathway of a minimum width of 20m that allows natural flows of organisms and biological resources along the corridor, and allows for biological processes within the corridor, and is either

- a) native and/or exotic vegetation that existed at 19 September 2009 within the biodiversity corridor, or
- b) vegetation to be planted in predominantly native vegetation indigenous to the area and ecosystem type as proposed in a planting and maintenance plan forming part of any application for subdivision consent, or
- c) predominantly native vegetation indigenous to the area and ecosystem type to be planted to replace any vegetation within the corridor

except that the maintenance of roads, and the construction and maintenance of utility corridors and their structures are permitted within the biodiversity corridor, and the formation of required property accesses where there is no practicable alternative may transect any biodiversity corridor and, in the case of b) and c), excepting that exotic vegetation may be used as a nursery crop for the purposes of establishing native vegetation.

Submitter 13: Marsden Park Limited

Oppose

Submission Point #13.19

REr.59.1 – new restrictions on clearance of indigenous vegetation: New control (g) amends no clearance of indigenous "forest" to indigenous "vegetation". It appears this may be a typographical error. If this amended is intended, it is non-sensical, as the effect of this one new control is to make the whole permitted activity status redundant. With the addition of this new change, any vegetation clearance becomes a restricted discretion activity, and is not permitted. This is unreasonable, not justified, and far too restrictive, and would impose unnecessary compliance costs.

An additional exception also needs to be provided for clearance to facilitate walkways and cycleways both within greenspace and biodiversity corridors.

Decision Sought:

- a) Replace new provision REr.59.1(g) with the existing provision (indigenous "forest").
- b) Add new exception as follows:

"iv) forming or maintaining walkways or cycleways"

Oppose

Submission Point #13.21. I.2 (d) Schedule I, protection of tree groupings.

- a) This rule is unclear what is being referred to. Reference is made to tree groups 3, 4 and 5 on the structure plan but these are not referred to. It appears this rule requires protection of tree groups which are not listed as protected trees. This should be amended to specifically refer to the groups to be protected to avoid uncertainty.
- b) Reference to 'as agreed by Council' is not necessary since Council will have the ability to consider the mechanism through the consent process. This also confers absolute discretion on Council which is inappropriate and may unreasonably disadvantage the landowner.

- c) There is an issue with timing. The current wording requires protection at or before subdivision by way of consent notice etc on the title. However new titles cannot be issued until after consent is granted and section 223 and 224 certificates have been issued. It will therefore not be possible to covenant titles for any new lots before titles are issued.
- d) The terminology 'tree groupings' and 'woodlands' is confusing and unclear. Woodlands is not referred to in the zone rules, but is included in the list of protected trees. Also woodlands appear on the overlay maps while tree groups appear on the structure plan map. This is confusing.
- e) The last sentence in rule d) is not a rule and should be a note.
- f) Finally, the reference to tree group 1 in the note needs renumbering.

Decision Sought:

- a) Amend this rule to read as follows: "The existing groups of trees ~~or woodlands~~ shown on Schedule I Structure Plan Figure 1 as tree groups TG4, TG5, TG6 and TG7 and not included in Appendix 2 of the plan shall be retained and protected ~~(at or before time of subdivision)~~ by way of consent notice, QEII covenant or other such mechanism ~~as agreed by Council~~ on the title of the land on which the trees are located."
- b) Relocate the last sentence to the note and renumber tree group 4 as tree group 6.
- c) Amend tree group 1 in the note to tree group 3.
- d) Make consequential amendments to the planning maps and Appendix 2 as per other submissions.

Further Submitter X2: Craig and Jane Gass	Statement X2.1
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Oppose Submission Point #13.21

Changing the wording by Submitter 13, if allowed, will a) change the meaning of the document, b) not allow council any discretion if issues arise with the subdivision.

Further Submitter X4: Nita Knight	Statement X4.19
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Oppose Submission Point #13.21

Present wording gives better recognition of significant vegetation. Alternative protection mechanisms should require Council approval.

Oppose

Submission Point #13.29 I.4 (viii) assessment matters, open space ownership. Provision also needs to be made for the prospect of Council ownership. Additional assessment matters should be also be included to specify which 'values' are being referred to.

Decision Sought:

Amend as follows: "The proposed ownership, maintenance and management regime for biodiversity corridors, "greenspace" areas and reserves, including opportunities for Council ownership, and the effect different alternatives have on subdivision layout and design, and on the longevity, functionality and intrinsic values of those spaces."

Further Submitter X2: Craig and Jane Gass	Statement X2.1
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Oppose Submission Point #13.29

Changing the wording by Submitter 13, if allowed, will a) change the meaning of the document, b) not allow council any discretion if issues arise with the subdivision.

Note: This submission point is repeated in Topic 3 as it is relevant to both topics.

Oppose

Submission Point #13.43

OSr.47.1(f) – new restrictions on clearance of indigenous vegetation. New control (f) amends no clearance of indigenous “forest” to indigenous “vegetation”. It appears this may be a typographical error. If this amendment is intended, it is non-sensical, as the effect of this one new control is to make the whole permitted activity status redundant. With the addition of this new change, any vegetation clearance becomes restricted discretion activity, and is not permitted. This is unreasonable, not justified, and far too restrictive, and would impose unnecessary compliance costs.

Decision Sought:

Replace new provision OSr.47.1(g) with the existing provision (indigenous “forest”).

Further Submitter X4: Nita Knight

Statement X4.28

Oppose Submission Point #13.43

Biodiversity is not just about trees.

Oppose

Submission Point #13.44 RUr.25.1 – new restrictions on clearance of indigenous vegetation.

New control g) amends no clearance of indeginous “forest” to indigenous “vegetation”. It appears this may be a typographical error. If this amendment is intended, it is non-sensical as the effect of this on new control is to make the whole permitted activity status redundant. With the addition of this new change any vegetation clearance becomes a restricted discretionary activity and is not permitted. This is unreasonable, not justified, and far too restrictive, and would impose unnecessary compliance costs. An additional exception also needs to be provided for clearance to facilitate walkways and cycleways both within greenspace and biodiversity corridors.

Decision Sought:

- a) Replace new provision RUr25.1(f) with the existing provision (indigenous “forest”).
- b) Add new exception as follows:
 - “iv) forming or maintaining walkways or cycleways”

Further Submitter X4: Nita Knight

Statement X4.29

Oppose Submission Point #13.44

Biodiversity is not just about trees.

Oppose

Submission Point #13.45. “Indigenous” needs to be inserted before “vegetation to ensure protection does not include all vegetation (including pest plants) in RUr.25.5.

Decision Sought: Insert “indigenous” before “vegetation”.

Oppose

Submission Point #13.46.

- a) “Woodland” is referred to in Appendix 2 but has no corresponding rule. Use “tree groups” for consistency, and to better describe the groupings of protected trees.
- b) “Woodland” needs removing from the latin column.
- c) Reference to woodland 2 implies that all trees within this group (excluding the conifers) are protected. Protection should be limit to native species and should exclude all introduced species or pest plants.
- d) The lime tree does not exist and needs deleting.
- e) The second Swamp Cyprus is not a “Dawn Redwood” and needs reinstating as lodged.

Decision Sought:

- a) Replace all references to “woodland” with “tree groups”.
- b) Move Woodland from the latin name column in row 1 and 3 to common tree name and replace with tree group “TG1” and “TG2 respectively.
- c) Replace the common name in row 3 with the following: “Tree Group (TG2). Protection is limited to mixed native species predominantly kanuka, and excludes all introduced species or pest plants.”
- d) Delete reference to the lime in row 4.
- e) Reinstate the struck out reference in the 14th column (Swamp Cyprus) and delete the new insertion.

Oppose

Submission Point #13.47 a)

Map 1, Overlays a) Reference to “woodlands” needs deleting and replacing with tree groups for clarity and consistency with the plan rules.

Decision Sought: a) Replace woodlands W1 and W2 overlays and notation with tree groups TG1 and TG2 respectively.

Oppose

Submission Point #13.49 b) and c)

- b) The tree groups require renumbering as a consequential amendment of changing “woodlands” to “tree groups”.
- c) The boundary of tree group 7 (old number 5) needs reviewing since this includes open pasture.

Decision Sought:

- b) Renumber tree groups 1 to 5 as follows – TG1 becomes TG3; TG2 becomes TG4; TG3 becomes TG5; TG4 becomes TG6; TG5 becomes TG7.
- c) Revise the boundary of new TG 7 to ensure it excludes any pasture.

Further Submitter X2: Craig and Jane Gass Statement X2.1

Oppose Submission Points #13.21 and #13.29.

Changing the wording by Submitter 13, if allowed, will a) change the meaning of the document, b) not allow council any discretion if issues arise with the subdivision.

General further submission on Submitter 13.

Further Submitter X1: Hendrik Heinekamp Statement X1.2

Oppose Submission Points #13.21, #13.29, #13.43 – 47a), #13.49 b) and c).

Not in the best interest of Marsden Valley environment and its inhabitants.

PLANNING OFFICER COMMENT #4 (TOPIC 1)

Marsden Park Limited

Submission Point #13.19, #13.43 and #13.44

The submitter points out that indigenous “forest” should not be changed to indigenous “vegetation” and notes that this appears to be a typographical error. This is correct, there was never any intention or identified need to change this provision within the scope of this Plan Change.

The submitter also notes that an exception should be made to allow for the forming or maintaining of walkways and cycleways in the Residential and Rural Zones. This suggestion is accepted as walkways or cycleways will generally not run through a Biodiversity Corridor but be adjacent to them or cross them directly therefore providing less potential for disturbance. If a

walkway or cycleway ran centrally along a Biodiversity Corridor it is expected the width of the corridor would be increased to compensate. The further submitters comment is noted.

RECOMMENDATION

Submission Point #13.19, #13.43 and #13.44: Accept

Further Submission Statement X4.28 and X4.29: Reject

AMENDMENT TO PLAN:

Amend proposed text of REr.59.1 g), OSr.47.1 f) and RUr.25.1 f) as follows:

...there is no clearance of indigenous ~~vegetation forest~~, and...

Add new exception to REr.59.1 h) iv) and RUr.25.1 g) iv) forming or maintaining of walkways or cycleways.

Submission Point #13.21

a) Submitter seeks clarification on which groups of trees receive protection under this rule. I agree clarity could be improved by amending the proposed Plan text. Proposed text amendments are noted below.

b) Submitter considers that the statement 'as agreed by Council' is not necessary. I consider the provision should remain as to simply state the tree groups shall be protected insofar as Council has no discretion either through the resource consent or not. Retaining it signals that the protection method should be discussed with Council, which can occur prior to or during any resource consent process. I do not consider this to be inappropriate or to unreasonably disadvantage the landowner. No changes are recommended.

c) Submitter raises the issue of timing of imposing any protection mechanism. I considered that the wording of this proposed text can be improved in this regard to ensure that the tree groups are retained and their ongoing protection (and inclusion on property titles) is established at, or before, the time of any subdivision. This allows for protection to occur before subdivision if desired or at the time of subdivision. Consent conditions would ensure that any new title would receive the required protection mechanism when they are issued. Proposed text amendments noted below.

d) Submitter notes confusion between 'tree groupings' and 'woodlands'.

Tree groups are identified on the structure plan for protection but are not listed in Appendix 2 of the Plan. These tree groups (with the exception of tree group 3 which was assessed as having the same values as the other groups previously but was not previously included in the Plan as it was to be located in a local purpose reserve) have been carried over from those which currently appear in, and receive protection under the Scheduled sites (I and T) for Marsden Valley in the operative Plan. This protection is considered suitable to continue under the proposed schedule due to their contribution to the character of the area as desired by this plan change. Tree groups only appear in Scheduled sites covering the Marsden Valley area and have not achieved a high enough ranking in a STEM assessment to be included as local, landscape or heritage woodlands.

'Woodlands' are an existing provision of the operative Plan and occur throughout the district. Woodlands have been assessed using the STEM assessment and have received local, landscape or heritage protection levels as appropriate. Future plan change work has identified that woodlands require separate provisions in the Plan, currently activities affecting woodlands are considered under the protected trees rules. Woodlands appear on the planning maps as they receive protection through rules which apply district wide. Tree groups only appear on the structure plan as they receive protection through provision relevant to that area only. No changes are recommended.

e) Submitter suggests the final sentence in I.2 d) should be a note. The intention of this sentence is to allow an exception to the rule for the identified tree group, inclusion as a note would not achieve this. A change to the wording is recommended to read more like a rule. Proposed text amendments noted below

f) Submitter requests renumbering of tree group 1. I consider that this tree group is correctly numbered and forms part of the protected tree groups 1-5. No changes are recommended.

The further submitters are concerned about the submitters suggested changes would reduce the protection of vegetation and change the meaning. The changes suggested below are considered to retain the protection levels as per the notified wording and to improve the clarity of the provision without affecting its meaning. Council discretion is also retained.

RECOMMENDATION

Submission Point #13.21: Accept in part

Further Submission Statement X4.19: Accept in part.

Further Submission Statement X2.1: Accept in part.

AMENDMENT TO PLAN:

I.2 d) The existing ~~groups of trees or woodlands~~ tree groups (1-5) shown on Schedule I Structure Plan Figure 1, and not included in Appendix 2 of the Plan, shall be retained, ~~and protected~~ Protection (at, or before, time of subdivision) of the tree groups by way of consent notice, QEII covenant, or other such mechanism as agreed by Council and which is registered on the title of the land on which the trees are located shall be established at, or before, time of subdivision. ~~A road route is shown through~~ Tree group 4 shall include allowance for a, ~~it is intended that allowance is made for the road formation to pass through this group~~ provided vegetation removal is kept to a minimum.

Note: Tree group 1 area also contains individual trees separately protected through other provisions of the Plan, the Tree grouping identifier protects other vegetation within this defined area. The location of tree groupings are exact, ie. not indicative.

Submission Point #13.29

The submitter is concerned that Council ownership is not stated as a prospect for biodiversity corridors and greenspace in assessment criteria I.4(vii). I consider that the current wording is suitable as it is neutral in regard to future ownership of these areas; this allows fair consideration of all possibilities. Council ownership is not excluded. The additional wording in relation to the 'values' being referred to do not add any more certainty to the assessment criteria. I consider that sufficient knowledge of the values of these areas can be gained from the proposed Plan text which describes the items and explains their purpose. These are contained in MW.17A, AD11.4A.i – viii, DO5.1.2, RE4.2, and I.6. Also the intrinsic values of ecosystems are to be considered under Part 2, Section 7 of the Resource Management Act. No changes are recommended.

RECOMMENDATION

Submission Point #13.29: Reject

Further Submission Statement X2.1: Accept.

AMENDMENT TO PLAN:

Nil

Submission Point #13.45

The submitter points out that "indigenous" should be inserted before "vegetation" in RUr.25.5. This change can be made in part. The term "indigenous vegetation" is defined in the Plan and would be inconsistent to use in the context proposed. I suggest the term 'native' is inserted instead as the intent of the rule is to protect native vegetation which exists, or is established in the Biodiversity Corridor, and to allow for the removal of exotic vegetation. A consequential change is also to be made to the equivalent provision in OSr.47.5.

RECOMMENDATION

Submission Point #13.45: Accept in part

AMENDMENT TO PLAN:

Amend proposed text of RUr.25.5 and OSr.47.5 as follows:

Add to OSr.47.5 Native vVegetation is specifically protected in biodiversity corridors to ensure their function as a corridor is not compromised through clearance.

Add to RUr.25.5 Native vVegetation is specifically protected in biodiversity corridors to ensure their function as a corridor is not compromised through clearance.

Submission Point #13.46

a) The submitter considers “woodlands” should be renamed as tree groups for consistency. The distinction between ‘tree groups’ and ‘woodlands’ is explained in the Officer’s Comment relating to submission point #13.21 d) above. No change is recommended.

b) Submitter seeks changes consequential to that requested under a) above. No change is recommended.

c) The submitter suggests protection of woodland 2 should relate to native species only. This suggestion is accepted. Wording changes are suggested below.

d) Submitter states the lime tree listed does not exist. The existence and location of this tree has been confirmed by Peter Bywater, Tree Services Manager, Nelmac in November 2008 who confirmed it was a Common Lime tree (*Tilia x europaea*). Mr Bywater is qualified to make these identifications having 32 years industry experience, a BSc (Hons) in Botany, and a City and Guilds Arboriculture and Royal Forestry Society Diploma in Arboriculture. No changes are recommended.

e) Submitter states the second ‘Swamp Cypress’ is not a ‘Dawn Redwood’ as proposed. This tree has been identified as a ‘Dawn Redwood’ by Peter Bywater of Nelmac in November 2008. Mr Bywater confirmed this identification on 3 June 2010 and found the Swamp Cypress ‘*..shows the clear presence of pneumatophores and it’s leaves are alternate*’, while the Dawn Redwood ‘*...has opposite leaves and exhibits a very distinctive cone and flower cluster*’. Mr Bywater states these features form a conclusive identification. No changes are recommended aside from spelling amendment, change “Cyprus” to “Cypress”.

RECOMMENDATION

Submission Point #13.46: Accept in part

AMENDMENT TO PLAN:

Appendix 2:

AP2.1.1.ii

“Tree name (common)” column:

Woodland

Mixed native species predominantly Kanuka – ~~excluding the conifer windbreak~~ non-native species are excluded from protection.

Amend Tree name (common) column, Swamp ~~Cyprus~~ Cypress

Submission Point #13.47 a)

Submitter wishes to replace Woodlands with tree groups. As discussed in the Officer’s Comment relating to submission point #13.21 d) above no change is recommended.

RECOMMENDATION

Submission Point #13.47a): Reject

AMENDMENT TO PLAN:

Nil

Submission Point #13.49 b) and c)

b) Submitter requests consequential amendments to tree group numbering. As discussed in

Officer's Comment relating to submission point #13.21 d) and #13.47 a) above no change is recommended.

c) Submitter states tree group 5 on map 3 includes areas of open pasture. It is not the intent of tree groups to include significant areas of open pasture. Changes to the outline of tree group 5 are recommended to exclude open pasture.

RECOMMENDATION

Submission Point #13.49 b) and c): Accepted in part.

AMENDMENT TO PLAN:

Amend proposed Structure Plan to exclude areas of open pasture from tree group 5.

GENERAL FURTHER SUBMISSION X1.2: Accept in part

This further submission states all changes suggested by Submitter 13 are not in the best interests of Marsden Valley environment and its inhabitants. I consider that the changes as accepted above are in the best interest of clarity, the environment, and achieve the purposes and principles of the Resource Management Act.

Submitter 14: Nelson Tasman branch Royal Forest & Bird Protection Society Inc

Support in Part

Submission Point #14.2

The new concepts of "Biodiversity Corridors" and "Greenspace" in the plan Change may have merit – the Council's intention in regard to management of these corridors and their status (legal protection) is however unclear.

Where they are planned to run alongside Poorman's Valley Stream a better and clearer designation would be local purpose esplanade reserves as is provided for in the Resource Management Act 1991 and the Nelson Resource Management Plan. Esplanade reserves, esplanade strips and access strips are statutory mechanisms to protect riparian margins (being strips of land identified along the edges of natural watercourses including streams, lakes and wetlands) as well as coastal margins. The protection of these margins helps to conserve environmental and natural values and provides opportunities for public access and recreational use, as provided for in s6(d) of the Resource Management Act 1991.

Decision Sought:

That esplanade reserves of at least 20 metres in width are established adjacent to Poorman's Valley Stream and that riparian vegetation is incorporated in any design/landscape briefs to protect the water quality and in-stream biota as well as providing habitat for riparian vegetation/animals including bird species. Riparian protection/enhancement to be the focus rather than access for walking/cycling.

Further Submitter X3: Irene Turner

Statement X3.20

Oppose Submission Point #14.2

Support the protection of Poorman's Valley Stream but opposes a focus on riparian protection rather than access for walking and cycling. Both the protection of the stream and walking/cycling can be provided.

Further Submitter X4: Nita Knight

Statement X4.33

Support Submission Point #14.2

If the opportunity to support and address the protection of The Poorman's Stream isn't taken now, it could well be too late further down the track. If the esplanade reserves are sorted out now then we will have these for the future, much harder to attempt to address it later.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.20

Oppose Submission #14.2

A 20m esplanade width along the full length is impractical because of physical and legal boundary constraints. This is also outside the scope of the plan change with esplanades being defined through subdivision consent. The existing esplanade reserve is already fixed. MPL supports the protection of Poorman's Valley Stream but opposes a focus on riparian protection rather than access for walking and cycling. MPL considers that both the protection of the stream and walking/cycling can be provided without compromising the quality of the stream.

Support in Part

Submission Point #14.3

As per submission point #14.2

Decision Sought:

That "green spaces" and other areas, including reserves/parks, that are intended to protect existing indigenous vegetation or biodiversity values are properly established under the relevant legislation.

Further Submitter X3: Irene Turner

Statement X3.21

Support Submission Point #14.3

Support formal reserve status and NCC ownership of public green spaces (other than within the Village Centre). Reserve status for open spaces or biodiversity corridors on private land would be unduly restrictive.

Further Submitter X4: Nita Knight

Statement X4.34

Support Submission Point #14.3

No specific reasons given.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.21

Support Submission Point #14.3

Support formal reserve status and NCC ownership of public green spaces (other than within the Village Centre). Reserve status for open spaces or biodiversity corridors on private land would be unduly restrictive.

Oppose

Submission Point #14.5

We believe the proposed intensive (ie high density allotment) residential and commercial development will detrimentally impact on the following:

- The existing and potential landscape and amenity values and
- The existing and potential wildlife values of Marsden Valley

Decision Sought:

A requirement for a property holders group/body corporate to be set up to ensure trapping of pest animals and removal of exotic weeds from the area and the adjacent native forest; and to ensure domestic pets of all kinds do not threaten the environmental values.

Further Submitter X3: Irene Turner

Statement X3.23

Oppose Submission Point #14.5

It is inappropriate for a body corporate to assume responsibility for pest control of animals and plants.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.23

Oppose Submission Point #14.5

It is inappropriate for a body corporate to assume responsibility for pest control of animals and plants. Pest control is a Council issue which could be complimented by informal volunteer groups. Body corporate provisions are also outside the scope of the plan change and limited to resource and subdivision consents.

General further submission on Submitter 14.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.18

Oppose Submission #14

This submission is generally misguided. Marsden Valley is not comparable to St Arnaud which does have important conservation estate (National Park) on the border. The submitter's distinction between "good" and "bad" development is highly subjective. In addition, many of the outcomes sought by the submitter (good urban design) are provided for by the plan change.

PLANNING OFFICER COMMENT #5 (TOPIC 1)

Nelson Tasman branch Royal Forest & Bird Protection Society Inc
Submission Point #14.2

The submitter seeks that esplanade reserves are used as the protection method along Poorman's Valley Stream and that riparian protection/enhancement is the focus of this area. As noted in Officer Comment #1 Poorman's Valley Stream is already protected by way of a Riparian Overlay in the operative Plan. The purpose of any esplanade reserve is determined by section 229 of the Resource Management Act and the values specified in Appendix 6 of the Plan; these are access and conservation. Council intends that these two values operate concurrently in this reserve area. In the case of the current subdivision under consent RM065553 the esplanade reserve has already been defined and is to be vested in Council.

RECOMMENDATION

Submission Point #14.2: Accept in part

Further Submission Statement X3.20: Accept
Further Submission Statement X4.33: Accept
Further Submission Statement X5.20: Accept in part.

AMENDMENT TO PLAN:

Nil

Submission Point #14.3

The submitter seeks that reserves, parks and 'greenspaces' are properly established under the relevant legislation. As stated in the Officer Comment for submission point #14.2 above the esplanade reserves have been correctly established. At the time of resource consent application (including subdivision) other reserves and greenspace areas will be correctly established based on their purpose and intended future ownership and management regimes.

Further submissions X3.21 and X5.21 support this in part but state that reserve status for open space and biodiversity corridors on private land would be unduly restrictive. This is likely to be the case but would be determined through any consent application when a proposal can be considered on its merits; therefore this statement cannot be fully accepted at this point.

RECOMMENDATION

Submission Point #14.3: Accept

Further Submission Statement X3.21: Accept in part
Further Submission Statement X4.33: Accept
Further Submission Statement X5.20: Accept in part

AMENDMENT TO PLAN:

Nil

Submission Point #14.5

The submitter requests that a body corporate or property owners group be responsible for pest (plant and animal) management. Pest control through this method is not considered to be within the scope of this plan change, nor appropriate as a plan provision. Property owners / groups or volunteer resident groups often control pests in various areas (as is currently the case in Marsden Valley) and operate in conjunction with Council controls. Consideration of requiring private methods of pest control may be appropriate, but would be more suitably considered through a resource consent (including subdivision) application.

RECOMMENDATION

Submission Point #14.5: Reject

Further Submission Statement X3.23: Accept in part

Further Submission Statement X5.23: Accept in part

AMENDMENT TO PLAN:

Nil

GENERAL FURTHER SUBMISSION X5.18: Accept in part

This further submission states all changes suggested by Submitter 14 are generally misguided. I consider that the changes as accepted above are in the best interest of clarity, the environment, and achieve the purposes and principles of the Resource Management Act.

Submitter 17: Carly and Christopher Feltham

Support in Part

Submission Point #17.1

While sad to lose the strictly rural nature of the valley we acknowledge that development is necessary and applaud the thoughtful and sensitive approach being undertaken by Council and its staff. We are particularly pleased with the introduction of concepts of biodiversity corridors and green space.

Decision Sought:

MW.17A "**Biodiversity Corridor**". We wish to see the minimum corridor width increased from 20m to 25m or even 30m where terrain permits. Could the wording be changed to make 30m the standard with a reduction to 20m possible at the discretion of Council? In the final paragraph of this section could the use of a biodiversity corridor for property access be made provisional on an equivalent increase in the width or area of an adjacent corridor?

Further Submitter X3: Irene Turner

Statement X3.27

Oppose Submission Point #17.1

Increasing the width of the biodiversity corridors is unnecessary as the existing corridors provide sufficient protection and a wider corridor would result in inefficient use of land.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.28

Oppose Submission Point #17.1

Oppose increasing the width of the biodiversity corridor. The existing corridors are more than adequate to provide for the biodiversity values and ecological linkages. A wider corridor would result in inefficient use of land.

Support in Part

Submission Point #17.3

Throughout the valley we believe the separation of walkways, cycleways and the road is imperative. We plead for an appropriately sized path following the banks of Poorman Valley Stream.

Decision Sought:

RE4.1 **Explanation and Reasons** RE4.32.i. "...20m esplanade reserves along each bank of the Poorman Valley Stream....". Why the deletion? A broad reserve will allow Council to provide for walkways and cycleways in keeping with the overall aim of the development.

Further Submitter X3: Irene Turner Statement X3.28

Oppose Submission Point #17.3

This deletion is inappropriate since the esplanade reserve along Poorman's Valley Stream has already been defined.

Further Submitter X4: Nita Knight Statement X4.37

Support Submission Point #17.3

If the opportunity to support and address the protection of The Poorman's Stream isn't taken now, it could well be too late further down the track. If the esplanade reserves are sorted out now then we will have these for the future, much harder to attempt to address it later.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.29

Oppose Submission Point #17.3

This deletion is inappropriate, since a 20m esplanade width for the full length of Poorman's Valley Stream cannot be practically achieved. This is also outside the scope of the plan change with esplanades being defined through subdivision consent. The existing esplanade reserve is already approved and fixed.

PLANNING OFFICER COMMENT #6 (TOPIC 1)

Carly and Christopher Feltham
Submission Point #17.1

The submitter seeks to increase the minimum width of a biodiversity corridor from 20m to 25m or 30m if possible, and increase the width where it is crossed by an access way to a property. A wider corridor would often better serve ecological function and the definition allows for this to occur where required or where offered by a landowner or developer. A wider minimum width was considered in developing the provision but it was considered at the time that this greater imposition on the landowner did not always balance out against the possible ecological gains to be made. I agree with the submitter that a corridor should be wider in any area transacted by an access way, this allows for a greater concentration of species on either side of the access way and therefore more likelihood of species being able to cross. The suggested amendments are provided below. The addition of the submitter's suggestion would make the definition operate more like a rule. I recommend that the parts of the current proposed definition that operate like a rule, and the submitters suggestion are placed into the general rule section of Schedule I. This allows a true definition to stand alone in Chapter 2 'Meaning of Words' while the rules which relate to it exist within the relevant Schedule. The meaning and affect remains the same as that proposed aside from the addition suggested here.

The further submissions state that a wider corridor would be inefficient use of land. While I consider that a wider corridor is not necessarily an inefficient use of land it depends on the circumstances of any proposal and the exact land area concerned. A minimum of 20m, with the ability to be wider if required ensures that land can be used efficiently as determined on a case by case basis.

RECOMMENDATION

Submission Point #17.1: Rejected

Further Submission Statement X3.27: Accepted in part

Further Submission Statement X5.28: Accepted in part

AMENDMENT TO PLAN:

Amend proposed MW.17A: 'Biodiversity corridor' means a vegetated pathway of a minimum width of 20m that allows natural flows of organisms and biological resources along the corridor, and allows for biological processes within the corridor, ~~and is either~~

- ~~a) native and/or exotic vegetation that existed at 19 September 2009 within the biodiversity corridor, or~~
- ~~b) vegetation to be planted in predominantly native vegetation indigenous to the area and ecosystem type as proposed in a planting and maintenance plan forming part of any application for subdivision consent, or~~
- ~~c) predominantly native vegetation indigenous to the area and ecosystem type to be planted to replace any vegetation within the corridor~~

~~except that the maintenance of roads, and the construction and maintenance of utility corridors and their structures are permitted within the biodiversity corridor, and the formation of required property accesses where there is no practicable alternative may transect any biodiversity corridor.~~

Amend Schedule I, I.2 c)

c) Biodiversity Corridor locations shall generally accord with that shown on the Structure Plan contained in Schedule I Figure 1. Biodiversity Corridors (see definition Chapter 2, Meaning of Words) shall consist of

- i) native and/or exotic vegetation that existed at 19 September 2009 within the biodiversity corridor, or
- ii) vegetation to be planted in predominantly native vegetation indigenous to the area and ecosystem type as proposed in a planting and maintenance plan forming part of any application for subdivision consent, or
- iii) predominantly native vegetation indigenous to the area and ecosystem type to be planted to replace any existing vegetation removed from within the corridor;

except that:

- iv) the maintenance of roads, and the construction and maintenance of utility corridors and their structures are permitted within the Biodiversity Corridor, and
- v) the formation of required property accesses where there is no practicable alternative may transect any Biodiversity Corridor provided the total width of the Biodiversity Corridor is increased by the width of the access for 10m back from each side of the access crossing point, and
- vi) and, in the case of ii) and iii), excepting that exotic vegetation may be used as a nursery crop for the purpose of establishing native vegetation.

Submission Point #17.3

The submitter seeks that the explanation to the policy on vegetation (RE4.2) does not have the 20m esplanade reserve (on each bank) statement deleted. The statement of a specific dimension should not be included in an explanation section. The specific dimensions of any esplanade strip or reserve are included in Appendix 6 of the Plan. Removal of the dimension from the explanatory section does not in any way affect the actual dimension required by the Plan. In this case the esplanade reserve has already been defined through the structure plan area by way of subdivision consents. An off road walkway / cycleway is planned to be incorporated into this reserve. The Plan provisions, and development proposed as a result of these, would appear to be meeting the submitters concerns.

RECOMMENDATION

Submission Point #17.3: Reject in part

- Further Submission Statement X3.28: Accept
- Further Submission Statement X4.37: Accept
- Further Submission Statement X5.29: Accept

AMENDMENT TO PLAN:

Nil

Submitter 18: Nita Knight

Support in Part

Submission Point #18.4 repeated in Topic 9: Landscape due to overlap.

Amendment to Policy RE4.3 Vegetation. In proposing this change, the Council recognises that a major part of the Marsden Valley character comes from the vegetation, and this should not be lost through residential development. It is agreed that the maintenance, enhancement and establishment of vegetation will soften the effects of residential development on the visual amenity and assist in retaining the landscape values of Marsden Valley. However landscape goes beyond vegetation – and the correct treatment of vegetation patterns and plantings will assist biodiversity and bird habitats, but the policy does not extend this far. The intrinsic values of the ecosystems should be recognised.

Decision Sought:

Amend Policy RE4.2 (note operative numbering in Plan is RE4.3, proposed numbering in Plan Change is RE4.2) to read “...soften the effects of residential and suburban commercial development on the visual amenity of Marsden Valley and help retain landscape values.”

Add new sentence at end: “New areas of vegetation should promote biodiversity and enhance habitat for native fauna.”

Further Submitter X3: Irene Turner

Statement X3.34

Oppose Submission Point #18.4

The first amendment “softening effects” is opposed. This wording is ambiguous, uncertain and unnecessary.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.35

Oppose Submission Point #18.4

The first amendment “softening effects” is opposed. This wording is ambiguous, uncertain and unnecessary.

The new sentence is supported.

Support

Submission Point #18.5

Amendment to Explanation and Reasons RE4.2.i. The use of vegetation to address the visual effects of development within Marsden Valley is supported. Establishment of biodiversity corridors, ‘greenspace’, and a landscape strip are encouraged as they retain and promote the rural and landscape character of the Valley, which will apart from this be heavily altered by residential development. The positive amenity effects of landscape and recreational facilities eg. walkway linkages, are significant in creating a community’s character.

Decision Sought:

Retain this Explanation and Reason.

Support in Part (Oppose in part re g); support h)).

Submission Point #18.6

Altering the rule from “no clearance of indigenous forest” to “no clearance of indigenous vegetation” in every residential area in Nelson City is a sweeping change, particularly where Plan Change 13 purports to be a rezoning of a part of Marsden Valley only. We note the change from ‘forest’ to ‘vegetation’ is not highlighted so it may be an unintended alteration.

Decision Sought:

Do not replace 'forest' with 'vegetation' in g).

Further Submitter X3: Irene Turner Statement X3.35

Support Submission Point #18.6

Support not replacing 'forest' with vegetation in REr.59.1 (g).

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.36

Support Submission Point #18.6

Support not replacing 'forest' with vegetation in REr.59.1 (g).

PLANNING OFFICER COMMENT #7 (TOPIC 1)

Nita Knight

Submission Point #18.4

The submitter suggests amendments to the wording of Policy 4.2 'Vegetation' as follows:

"Subdivision and development should maintain and enhance existing vegetation patterns (and establish new areas of vegetation) that soften the effects of residential and suburban commercial development on the visual amenity and landscape values of Marsden Valley and help retain landscape values. New and existing areas of vegetation should promote biodiversity and enhance habitat for native flora and fauna."

Response from Liz Kidson as per Topic 9 'Landscape': The inclusion of the words "residential and suburban commercial development" clarifies what the statement regarding "effects" relates to which will make implementing the Policy easier and therefore improves the wording of the policy. The proposed zoning patterns and subsequent development will change the existing character but by retaining and enhancing vegetation the affect of this will be softened. Also vegetation protection will retain some of the framework to the area. This is one of the reasons specified areas of vegetation are to be protected. Another reason is for the habitat that they provide. The suggested addition in relation to biodiversity and habitat is accepted as a positive inclusion while a modified version of the first suggested change is accepted. The modification is considered necessary as the suggestion specifies what is causing the effects in question (residential and suburban commercial development), but hinges this on retention of landscape values. This implies the existing landscape values. The existing values will not be retained due to the level of development that is proposed; but that is not to say there will be no landscape values to be considered. The use of the term 'soften' is not considered to be ambiguous, uncertain and unnecessary as suggested in the two further submissions. The recommended wording is outlined below.

RECOMMENDATION

Submission Point #18.4: Accept in part

Further Submission Statement X3.34: Reject

Further Submission Statement X5.35: Accept in part

AMENDMENT TO PLAN:

Amend RE4. 2 **Vegetation**

Subdivision and development should maintain and enhance existing vegetation patterns (and establish new areas of vegetation) that soften the effects of residential and suburban commercial development on the visual amenity and landscape values of Marsden Valley. New and existing areas of vegetation should promote biodiversity and enhance habitat for native flora and fauna.

Submission Point #18.5

The submitter supports the proposed amendments to the explanation and reasons RE4.2.i. This support is noted and is also discussed in Officer Comment #6 in response to submission point #17.3.

RECOMMENDATION

Submission Point #18.5: Accept

AMENDMENT TO PLAN:

Nil

Submission Point #18.6

This issue is discussed in Officer Comment #4 under submission points #13.19, #13.43 and #13.44. The change from 'forest' to 'vegetation' was a typographical error.

RECOMMENDATION

Submission Point #18.6: Accept

Further Submission Statement X3.35: Accept

Further Submission Statement X5.36: Accept

AMENDMENT TO PLAN:

As per Officer Comment #4, for submission points #13.43 and #13.44.

- 8.3. TOPIC 2: Transportation Networks (walking/cycling/vehicles)
- 8.4. This topic covers submission points in relation to connections shown for the purpose of transport. These are the placement of indicative roads and walkway/cycleways, and the effect of these on landowner's property. Also raised are the possible reverse sensitivity effects of more intensive development being located adjacent to existing roads.

Submitter 3: Eileen Bruce

Oppose

Submission Point #3.1

The one main objection I would raise is with respect to the further future plan changes planned for 2010 in Enner Glynn Valley. Particularly the decision to continue with a thoroughfare road from Marsden Road via Enner Glynn Road to the city.

- More traffic along the Enner Glynn Road will require road alterations – widening, drainage, sealing etc that the residents at present residing in the Enner Glynn Valley do not want. Disturbance of native birds and native vegetation will be compromised.
- There is already a bottleneck from Enner Glynn Valley Road out to the main road at Bishopdale. This is a particularly dangerous intersection requiring a roundabout. More traffic along Enner Glynn Valley Road out to this point is simply going to increase the present problem.
- Most Enner Glynn residents (and other residents from neighbouring areas) are happy with the present Enner Glynn Valley Road which is not a thoroughfare because: a) farm animals can be raised undisturbed, b) native flora and fauna are retained as much as possible, c) residents from neighbouring areas (eg Newman Drive, Panorama, Wakatu etc are able to walk/run/cycle up this road with or without dogs (which enjoy the freedom from traffic, people etc) in a peaceful and tranquil farm setting close to Nelson City.

Decision Sought:

A possible road linking Marsden Valley to the city should connect high up near the top end of Enner Glynn Road without any impact on the Enner Glynn Valley itself (ie. Traffic should not be able to spill out into Enner Glynn Valley at all).

I think Enner Glynn Valley, and possibly Marsden Valley could easily be retained as a 'dead-end valley' since there are numerous others which do not connect (eg. Brook Valley with Maitai Valley, others at Atawhai (Dodsons Valley?).

Further Submitter X1: Hendrik Heinekamp	Statement X1.9
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Support Submission Point #3.1

It will keep traffic in these valleys to a minimum and protect to a certain extent the privacy for its residents.

Further Submitter X4: Nita Knight	Statement X4.2
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Oppose / Support Submission Point #3.1

Oppose 1st part of 3.1 (Decision Sought): "possible road linking Marsden Valley to the city" – no road connection required. This would undermine the character and integral nature of the Valley.

Support 2nd part of 3.1 (Decision Sought): to retain integral nature of the Marsden Valley and defined physical characteristics – no road connection required as this would detract considerably from the special values of the Valley.

Submitter 5: Rosalie Higgins

Oppose

Submission Point #5.1

Opposition to the connection road proposed from Panorama Drive to the Enner Glynn / Marsden Saddle. The earthworks required are not likely to be feasible to create a through road and would be prohibitively expensive for a possible development.

Decision Sought:

Reject the proposal for a road through Higgins land linking to Panorama Drive.

Further Submitter X4: Nita Knight

Statement X4.3

Support Submission Point #5.1

Support rejection of proposal for a road through for same reasons as noted in further submission point X4.2 in response to submission 3.1.

PLANNING OFFICER COMMENT #8 (TOPIC 2)

Eileen Bruce (#3.1); Rosalie Higgins (#5.1)

Submission Point #3.1 and #5.1

The submitter suggests a possible road connection from Marsden Valley to the city should pass through the top end of Enner Glynn Valley and presumably then down the Brook or Bishopdale into the city. As a second point Enner Glynn and Marsden Valleys could be retained as 'dead-end' valleys. While most of the submitter's comments relate to effects on Enner Glynn Valley of a road connection this is as a direct result of a proposal contained in this plan change and therefore should be discussed here.

Council has a goal of increasing connectivity throughout a number of different networks within the City. These include transport networks such as roading, walkways and cycleways. By improving connectivity the efficiency and flow of the roading network is improved. Increased connections provide options for public transport routes, reduce fuel use, improve permeability between neighbourhoods and it more efficiently disperses traffic.

Community benefits include improved access to destinations within the immediate and wider neighbourhood, improved safety through increased movement and visibility on public streets, greater route choices and more efficient routes for service vehicles. Increased route options also encourage walking and cycling within and around neighbourhoods.

Marsden to Enner Glynn, Submission point #3.1: A connection in this location would provide increased connectivity between, and within communities. This route would also provide a future public transport alternative for a service such as 'The Bus'. The connection would be likely to form a popular recreational route for cycling and walking. The route would be attractive to commuter cyclists travelling to and from Nelson City as it would be more direct than travelling via Marsden Valley Road.

To achieve the connection Enner Glynn Valley Road and the intersection with The Ridgeway would need to be upgraded. Any connection would have little impact on The Ridgeway itself as traffic from increased development of the Valleys would need to use The Ridgeway with or without the connection.

I do acknowledge there will be effects on the current character of Enner Glynn Valley but I consider the wider community benefits of a future connection noted above outweigh the costs referred to by the submitter. Enner Glynn Valley itself is within the land area subject to a current draft Plan Change 17 which has been developed in conjunction with this Plan Change 13. The effect on the character of Enner Glynn Valley is also being considered in conjunction with zoning and connection patterns proposed under Plan Change 17.

Panorama Drive to Marsden / Enner Glynn Saddle, Submission point #5.1: A connection in this location would provide increased connectivity between, and within communities. It would provide direct access from Panorama Drive and Citrus Heights to the future 'village centre' that

is proposed through Plan Change 13 for Marsden Valley.

Establishment of this road as a through connection is reliant on development occurring on private land at the end of Panorama Drive and from Marsden Valley. It seems likely that the Marsden Valley development will take some time to reach the area required for the road route.

There would be little if any upgrades required to the existing road network through forming this road connection.

Other plan changes being formulated by Council (including the new Land Development Manual, former Engineering Standards), while still in draft form, will provide for increased flexibility in roading construction standards, and subdivision design. This flexibility will allow for options to establish the connection to be considered through a resource consent process. I acknowledge there will be an impact on the private land owners in relation to considering the provision of the desired road connection, however, the stated community benefits are considered to outweigh the costs. While it is recognised that the road will serve the development potential of the Higgins property, the extent of formation to provide for a connection is likely to exceed that required solely to serve any future lots. Any ability to share costs of this between land owners and Council to recognise the dual benefits could be considered at time of subdivision consent application or through the Long Term Council Community Plan (LTCCP) process. The subdivision consent process is also the time when the nature, extent, methods to provide for the connection in the future can be carefully considered based on the subdivision design and the more detailed investigations carried out in relation to this.

It should also be noted that proposed provision AD11.4A.vii states *'It is not intended that the positions (of the indicative roads) are exact or can be identified by scaling from the Structure Plan or Outline Development Plan, it is intended that connections between points are achieved or provided for and are not restricted.'* This does two things. Firstly it notes that it is the connection that is important, not necessarily exactly where the road is placed. This provides flexibility to the developer to work out a route that suits them and Council. Secondly it states that the connection does not necessarily have to be formed and established at time of development, but it must be provided for in the design i.e. the future connection cannot be prevented by way of subdivision layout, building placement or any other method. To further clarify that the exact route is not indicated by the line on the Structure Plan I recommend that the current solid line indicating the indicative roads is changed to a dashed line and the route (on the Higgins land) revised to not follow any particular contour or possible route.

It is recommended that the road connections remain for the reasons noted above.

RECOMMENDATION

Submission Point #3.1 and #5.1: Reject

Further Submission Statement X1.9:	Reject
Further Submission Statement X4.2:	Reject
Further Submission Statement X4.3:	Reject

AMENDMENT TO PLAN:

Amend Map 3 'Structure Plan' to show indicative roads as dashed lines with the route on the Higgins land revised to not follow any particular contour or possible route.

Submitter 6: Downer EDi – Kyle Paddon

Oppose

Submission Point #6.1

The submitter is concerned that although the Plan acknowledges the potential for reverse sensitivity effects, the effects identified relate primarily to on-site effects such as visibility. Marsden Valley Road is to date the only transportation route for trucks carrying the product from the quarry to various destinations. The Proposed NRMP Zoning Plan for the Marsden Valley Rezoning indicates that the Marsden Valley Road bisects the residential areas and travels through the Suburban Commercial Zone.

Decision Sought:

The Section 32 analysis does not appear to consider the potential reverse sensitivity effects of heavy vehicles using the road that is to become one of the main roads in the new subdivisions.

The submitter requests that greater recognition of the existing quarry and its operations and resultant effects on the surrounding environment are addressed in the Plan Change in order to ensure that all future users of the Plan, and those who undertake development in accordance with the new Zone provisions, are aware of the existing environment and take it into account when undertaking structure plans for the Zone.

Further Submitter X3: Irene Turner Statement X3.3

Oppose Submission Point #6.1

The quarry is already recognised as a scheduled site in the plan and no further recognition is necessary.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.4

Oppose Submission Point #6.1

The quarry is already recognised as a scheduled site in the plan and no further recognition is necessary.

PLANNING OFFICER COMMENT #9 (TOPIC 2)

Downer EDi – Kyle Paddon
Submission Point #6.1

The submitter seeks to have a greater recognition of the existence of the Marsden Valley Quarry noted in the Plan Change. Particularly in regard to possible reverse sensitivity effects of heavy vehicles using the road through the proposed Suburban Commercial and Residential areas. The quarry is an existing use and is permitted to continue in terms of the scheduled site they are located in, and any resource consents they operate under. Amendments can be made to proposed section SC3.i (Section SC3.i are the reasons to Objective SC3 Marsden Valley Suburban Commercial Zone) to bring the operation of the existing quarry to the attention of plan readers.

RECOMMENDATION

Submission Point #6.1: Accept

Further Submission Statement X3.3: Reject
Further Submission Statement X5.4: Reject

AMENDMENT TO PLAN:

Reasons:

SC3.i The Marsden Valley Suburban Commercial Zone will form the centre of a new residential community in the valley. It will support the surrounding community and provide opportunities for meeting commercial and social needs. This area is different to many existing suburban commercial zones in that it is central to the creation of a new community and as such can be designed in an integrated manner with this community to achieve the best result from an urban design perspective. Any development in this area should be aware of the existence of the Marsden Quarry and the traffic associated with this activity. The quarry operates under the provisions of Schedule S in the Rural Zone.

Submitter 13: Marsden Park Limited

Oppose

Submission Point #13.11

The original plan change adopted by Council incorporated a “second tier” of roading standards. These were based on the plan in Schedule U (Marsden Plateau Roding Standards). These standards provide considerable design flexibility over the existing NRMP

road standards, which are inflexible and usually require wider road carriageways than are needed. The Schedule U road standards not only provide design flexibility, but will result in more efficient use of land, reduced requirements for stormwater infrastructure, slower and safer roads, better connections and improved urban design.

Decision Sought:

As per the plan change originally adopted by Council, apply the schedule U.11 and table U.11.i roading standards as currently set out in the NRMP to Marsden Valley (schedule I). These roading standards allow for more flexibility in roading design than that provided in the current NRMP, thereby giving better outcomes.

Oppose

General further submission on Submitter 13.

Further Submitter X1: Hendrik Heinekamp	Statement X1.2
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Oppose Submission Point #13.11

Not in the best interest of Marsden Valley environment and its inhabitants.

PLANNING OFFICER COMMENT #10 (TOPIC 2)

Marsden Park Limited
Submission Point #13.11

The submitter seeks the insertion of a set of alternative roading standards originally included in the private plan change application. The draft Land Development Manual 2010 includes roading standards which have been significantly revised from that in the operative Nelson Resource Management Plan. These draft roading standards are comparable to those in the original private plan change application. This is complimented by draft Plan Change 14 which provides for increased flexibility in subdivision design to allow developments to be designed in accordance with the context, topography and constraints of any site or situation. I consider it more efficient to have one set of roading standards which apply district wide than to have different provisions applying to different areas.

RECOMMENDATION

Submission Point #13.11: Reject

Further Submission Statement X1.2: Accept

AMENDMENT TO PLAN:

Nil

Submitter 17: Carly and Christopher Feltham

Oppose

Submission Point #17.2 and Decision Sought

Amendment of AD11.3.10 **Road Overlays**. "...Road Alignments shown in the Proposed Road Overlay are ~~indicative~~ not intended to show the exact location of the proposed road boundaries only." Why has the original wording been changed? It is shorter, precise and clear. "Indicative" is used widely and correctly elsewhere in the document, why not here?

Oppose

Submission Point #17.6 a) and b) and Decision Sought

a) Throughout the valley we believe the separation of walkways, cycle ways and the road is imperative. We plead for an appropriately sized path following the banks of Poorman Valley Stream, if only to help accommodate the expected increase in mountain bikers using the new purpose built track at the head of the valley.

b) For Marsden Valley Village to be people friendly it is vital that the roadway – and the quarry trucks on it – go round it and not through it as indicated on the present map.

Further Submitter X3: Irene Turner Statement X3.31

Oppose Submission Point #17.6 b)

A heavy vehicle bypass for the Village is opposed as it would result in inefficient roading duplication and compromise the amenity of the Valley.

Further Submitter X4: Nita Knight Statement X4.40

Support Submission Point #17.6 a)

Support a track following the banks of the Poorman's Stream. Suggest walkers track to be closest to the river.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.32

Oppose Submission Point #17.6 a) and b)

a) Oppose the separation of walkways and cycle ways. Shared paths can be designed to accommodate both uses. This is also a detailed design issue outside the scope of the plan change.

Strongly oppose a heavy vehicle bypass for the Village. This is unreasonable, and would result in inefficient roading duplication, severely compromising the amenity of the Valley.

PLANNING OFFICER COMMENT #11 (TOPIC 2)

Carly and Christopher Feltham
Submission Point #17.2

The submitter requests the wording remains the same as is currently in the operative Nelson Resource Management Plan. This request is accepted, the change was originally made to avoid confusion between the 'Proposed Road Overlay' and 'Indicative Roads' on Structure Plans. To make this change here also requires consequential amendments to other parts of the proposed text which refer to 'Indicative Roads' as 'Roads'.

RECOMMENDATION

Submission Point #17.2: Accept

AMENDMENT TO PLAN:

Amend-No change to operative AD11.3.10 Road Overlays

...Road Alignments shown in the Proposed Road Overlay are indicative only.

AD11.4A.v

a) Indicative Roads: The purpose of indicative roads on Structure or Outline Development Plans is to achieve good integration between land use and transport outcomes, having regard to the intensity of development and providing a choice in transport routes where appropriate. They are also used to ensure road linkage between different physical areas or catchments (ie valleys) which will enhance transportation outcomes, contact between communities, access to key commercial services, amenities and community facilities, and the quality of the urban environment. They do not show the full roading network required to service any future development of the area. The indicative roads (~~shown indicatively~~) may potentially arise in a wider context than merely the Structure Plan or Outline Development Plan area.

AD11.4A.viii: The primary objective of indicative roads, walkways/cycleways or biodiversity corridors is connectivity.

Change legend of Map 3 – Proposed Structure Plan ‘Roads’ to state ‘Indicative Roads’.

Submission Point #17.6 a) and b)

a) The submitter seeks separation of walkways and cycleways from roads. This item is similar to that discussed in Officer Comment #6 for submission point #17.3. An esplanade reserve is provided, and there are plans to establish an off road walkway / cycleway along Poorman’s Valley Stream.

b) The submitter requests that quarry trucks be able to go around, and not through the proposed Marsden Valley Village. A bypass road for the quarry trucks to use to avoid the Suburban Commercial Zone, or as an alternative moving this Zone away from the existing road used by the trucks would be an inefficient use of the land area and would result in a lower quality outcome in all respects. The existing road is currently the only road in Marsden Valley, even when fully developed in accordance with the zoning proposed it would logically appear that this road will remain the main road. It is therefore likely that this will continue to be used as the main focus for development and also for quarry traffic. Duplication of the roading network, as stated by the further submitters would be inefficient. As stated, and recommended, in Officer Comment #9 there should be an increased recognition of the quarry to ensure this is taken into account in any development. I agree there is potential for conflict between the two uses but through design of the development and roading design and management I consider the two can co-exist.

RECOMMENDATION

Submission Point #17.6 a) and b): Accept in part

- Further Submission Statement X3.31: Accept
- Further Submission Statement X4.40: Accept in part
- Further Submission Statement X5.32: Accept

AMENDMENT TO PLAN:

Nil

- 8.5. TOPIC 3: Parks and Open Space
- 8.6. This topic includes submission points in relation to the provision of open space and reserves in the Structure Plan area. This includes issues of ownership, management and appropriate use.

Submitter 4: Jude Tarr

Oppose

Submission Point #4.1

I think it is essential that large open green space suitable for community recreation be provided for in the early stages of development. Preferably this will be on flat open green space. People need space to play, relax and recreate close to their homes. The Marsden Valley is well used by people for relaxation.

Decision Sought:

I would like to see Council include big green spaces at the planning stage.

Further Submitter X1: Hendrik Heinekamp Statement X1.10

Support Submission Points #4.1

It would be in the interest of Marsden Valley environment and its inhabitants.

Further Submitter X3: Irene Turner Statement X3.2

Oppose (disallowed) Submission Points #4.1

Support for areas of open space but believe that adequate space is already to be provided and no further areas are necessary.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.3

Oppose (disallowed) Submission Point #4.1

Support the need for recreational areas, and parks are to be provided in the new subdivision. However, MPL opposes new large open green spaces as sufficient open space has been provided.

PLANNING OFFICER COMMENT #12 (TOPIC 3)

Jude Tarr

Submission Point #4.1

The submitter wants large open green spaces to be included in the area at the planning stage. The structure plan currently shows areas of 'greenspace' which will be retained in the course of any development of this area. In addition to this (and possibly in conjunction) when subdivisions are being designed and applied for Council will be seeking neighbourhood park space to meet the needs of the residents of the area. I consider this provides for suitable open space in the area. It is not possible to identify the location or extent of the neighbourhood parks required until subdivision design is carried out and the population numbers and distribution can be determined. The submission therefore is rejected at this stage but I believe the desire of the submitter will be achieved during the consenting process.

RECOMMENDATION

Submission Point #4.1: Reject in part

Further Submission Statement X1.10:	Reject in part
Further Submission Statement X3.2:	Accept
Further Submission Statement X5.3:	Accept

AMENDMENT TO PLAN:

Nil

Oppose

Submission Point #13.14

AD11.4A.v.(d) greenspace. Greenspace is described as the default ownership being private. However, Council ownership is also contemplated. It is prejudicial and could lead to inferior outcomes to have private ownership as the default. It is also prejudicial and self-limiting to indicate Council's decision to purchase is based only on the scheme plan. There will be other considerations in making this discussion.

Decision Sought:

- a) Delete the sentence reading: "The ownership of this land is by default private".
- b) Amend the last sentence to delete everything after "reserves purposes".

Oppose

Submission Point #13.15

AD11.4A.v. Reserves should form part of the structure plan since they help define the underlying land use pattern, and structure, and provision for services, and since they are an important part of the physical structure for subdivision and development.

Decision Sought:

- a) Add new paragraph (e) – "reserves" – to describe the purpose of reserves to be vested in Council which are identified on structure plans.
- b) Show the reserves on the structure plan.

Further Submitter X4: Nita Knight

Statement X4.15

Support Submission Point #13.15

No specific reasons given.

Oppose

Submission Point #13.29 I.4 (viii) assessment matters, open space ownership. Provision also needs to be made for the prospect of Council ownership. Additional assessment matters should also be included to specify which 'values' are being referred to.

Decision Sought:

Amend as follows: "The proposed ownership, maintenance and management regime for biodiversity corridors, "greenspace" areas and reserves, including opportunities for Council ownership, and the effect different alternatives have on subdivision layout and design, and on the longevity, functionality and intrinsic values of those spaces."

Note: This submission point is repeated from Topic 1 as it is relevant to both topics.

Oppose

Submission Point #13.49 a)

- a) The esplanade and recreation reserves are required under a consented subdivision. Since these are certain, and will be vested in the council, and since they will form part of the underlying structure for the development, they should be identified on the structure plan.

Decision Sought:

- a) Show the esplanade and recreation reserves which are required to be vested under consented subdivision (RM065553 and subsequent variations – Appendix C of the submission).

Further Submitter X2: Craig and Jane Gass Statement X2.1

Oppose Submission Points #13.15, and #13.29

Changing the wording by Submitter 13, if allowed, will a) change the meaning of the document, b) not allow council any discretion if issues arise with the subdivision.

General further submission on Submitter 13.

Further Submitter X1: Hendrik Heinekamp Statement X1.2

Oppose Submission Points #13.14, #13.15, #13.29 and #13.49a)

Not in the best interest of Marsden Valley environment and its inhabitants.

PLANNING OFFICER COMMENT #13 (TOPIC 3)

Marsden Park Limited
Submission Point #13.14

The submitter requests that private ownership of greenspace is not stated as the default position. Also that a decision on ownership will not solely be based on a scheme plan. The question of Council ownership of greenspace will not be determined until the development pattern is known. If it is desirable for Council to own some, or all of this land then this will be considered at that time. Until then it will be assumed that this space will be in private ownership. No amendments are recommended.

RECOMMENDATION

Submission Point #13.14: Reject

Further Submission Statement X2.1: Accept
Further Submission Statement X1.2: Accept

AMENDMENT TO PLAN:

Nil

Submission Point #13.15

The submitter seeks that reserves are shown in the structure plan as they form part of the underlying land use pattern. While reserves are undoubtedly an important part of the final pattern of development and open space they cannot be shown on the structure plan at this point. The location of the reserves can generally only be known once a pattern of development is proposed. This usually occurs when a subdivision is being designed. When this occurs the Council will work with the developer to ensure that reserves are created that meet identified demand of the existing and future residents. Also considered is the suitability of proposed locations for the reserves.

Also see further discussion for reserves as specifically relevant to the subdivision currently consented in Marsden Valley (Ching's Flat) under submission point #13.49 a) below.

RECOMMENDATION

Submission Point #13.15: Reject

Further Submission Statement X4.15: Reject

AMENDMENT TO PLAN:

Nil

Submission Point #13.29 (repeated from Topic 1, Officer's Comment #4).

The submitter is concerned that Council ownership is not stated as a prospect for biodiversity corridors and greenspace in assessment criteria I.4(vii). I consider that the current wording is suitable as it is neutral in regard to future ownership of these areas; this allows fair consideration

of all possibilities. Council ownership is not excluded. The additional wording in relation to the 'values' being referred to do not add any more certainty to the assessment criteria. I consider that sufficient knowledge of the values of these areas can be gained from the proposed Plan text which describes the items and explains their purpose. These are contained in MW.17A, AD11.4A.i – viii, DO5.1.2, RE4.2, and I.6. Also the intrinsic values of ecosystems are to be considered under Part 2, Section 7 of the Resource Management Act. No changes are recommended.

RECOMMENDATION

Submission Point #13.29: Reject

Further Submission Statement X2.1: Accept.

AMENDMENT TO PLAN:

Nil

Submission Point #13.49 a)

The submitter requests that the esplanade and recreation reserves established through subdivision consent RM065553 be shown on the structure plan. It is recommended that these are not shown on the Structure Plan, or the planning maps at this point for two reasons.

- The subdivision does not currently have Section 223 certification and therefore the boundaries of the reserves are not fixed.
- The majority of reserves have not been rezoned or shown on Planning Maps for a number of years. It is intended that a plan change is carried out in conjunction with other Plan Change work to consider the options for zoning and showing reserves across the whole district. By leaving the reserves in question off the planning maps and structure plan allows for these to be dealt with consistently with any decisions made on reserves district wide.

I cannot identify any disadvantage or inaccuracy that would arise from leaving the reserves off the maps for the time being.

Also see further discussion for reserves generally in submission point #13.15 above.

RECOMMENDATION

Submission Point #13.49 a): Reject

Further Submission Statement X2.1: Accept.

AMENDMENT TO PLAN:

Nil

GENERAL FURTHER SUBMISSION X1.2: Accept

This further submission states all changes suggested by Submitter 13 are not in the best interest of Marsden Valley environment and its inhabitants.

GENERAL FURTHER SUBMISSION X2.1: Accept (related to point #13.15 and #13.29.

This further submission states all changes suggested by Submitter 13 will change the meaning of the document and remove Council discretion.

Submitter 15: Tim Percival – Tasman Hang Gliding and Paragliding Club

Support in Part

Submission Point #15.1

We would like paragliding and hang gliding to be recognised as valid activities in this Plan Change and a space set aside to protect its continuation and added value to this area.

Decision Sought:

Recognition of paragliding and hang gliding be made by the specific mention and zoning of an open space area to accommodate a good landing site that can be safely used for all paraglider and hang glider landings, including commercial tandem landings; or, at a minimum, the provision of one or two emergency, recreational (i.e. non-commercial) paraglider and/or hang glider landing sites.

Support in Part**Submission Point #15.2**

As per Submission Point #15.1

Decision Sought:

We would like the Council to specifically include mention of the existence of paragliding and hang gliding as valued activities in the Marsden Valley Development policies and objectives, plus include an area of open space/green space, which is specifically recognised as a place where paragliders and hang gliders are permitted and encouraged to land, in the plan maps and schedules, and appropriate plantings and development policies indicated for that open space area identified. (Refer to the full submission for map.)

Further Submitter X1: Hendrik Heinekamp Statement X1.3

Support Submission Points #15.1 and #15.2

Since the NCC is sport orientated, and support it generously as making a contribution to Nelson. (Not only rugby and several other sports should be recognised). This sport should have your endorsement.

Further Submitter X3: Irene Turner Statement X3.25

Oppose Submission Point #15.1 and #15.2

The indicative site for hang glider and para glider landings is located on Mrs Turner's property and is opposed. This dedicated area is not necessary as alternative landing sites outside the valley are available. This has never been a landing site, permission has never been asked for or granted.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.26

Oppose Submission Point #15.1 and #15.2

Oppose the inclusion of a dedicated open space area for the landing of hang gliders and paragliders. This is unnecessary as alternative landing sites outside the valley are available. The proposed open space areas will provide for genuine emergency landings. In addition, ridge tops are normally the preferred landing areas over valleys, as valleys can generate dangerous turbulence and wind rotor conditions.

PLANNING OFFICER COMMENT #14 (TOPIC 3)

Tim Percival – Tasman Hang Gliding and Paragliding Club
Submission Point #15.1 and #15.2

The submitter seeks to have specific mention of paragliding and hang gliding in the Plan Change and the provision of an open space area for all landing requirements, or alternatively one designed to accommodate emergency landings. The provision of an area of open space as a landing area specifically suitable for all landings including commercial is considered to be beyond the scope of this plan change. It is likely that landings are a suitable use for open space in Marsden Valley however this should be determined through the subdivision stage when open space requirements and design are being considered. The alternative is private purchase or lease arrangements of land for this purpose, or submissions through the LTCCP and annual plan process for Council funding to carry this out.

Areas which can cater for emergency landings can be provided for in the design and layout of

open space areas in the valley. Recognition of this is not considered suitable to be provided through the Plan Change process but is more appropriately dealt with by Nelson City Council's Community Services Division when designing open space. Hang gliding and para gliding are recognised and legitimate activities in the area and Mr Paul McArthur, Manager Parks and Facilities, considers Council would look to provide for the continuation and safety of this sport in the area. Tasman Hang Gliding and Paragliding Club are currently licensed for landings at Saxton Field and the Ngawhatu Reserve, while the cemetery grounds could be used for emergency landing if necessary.

RECOMMENDATION

Submission Point #15.1 and #15.2: Reject

Further Submission Statement X1.3: Accept in part

Further Submission Statement X3.25: Accept in part

Further Submission Statement X5.26: Accept in part

AMENDMENT TO PLAN:

Nil

Submitter 16: Robert Bryant – Tasman Hang Gliding and Paragliding Club

Support in Part

Submission Point #16.1

The Hang gliding – Paragliding Club has been a part of the Marsden – Ngawhatu community for approximately 25 years and has relied on the goodwill of landowners – farmers to land on their properties in various locations over this length of time. Obviously this land use is changing and opportunities for safe landing areas are under threat. But with change comes opportunity and it is possible to meet the challenge with a little thought to our needs if hang gliding – paragliding is to continue in safety in the skies above Marsden Valley. This area is a key part to landing safely if a pilot cannot get back to land at Saxton Field or Octopus Gardens.

Decision Sought:

I would like the Council to make an amendment to the plan to slightly enlarge the green space area 150 metres south of the proposed Panorama, Enner Glynn, Marsden Valley road junction and keep it clear of high obstacles so it is suitable to land a hang glider safely into a seabreeze. Ideally an area to the south below the leased takeoff area in the Ngawhatu Valley close to future roading so that landing at Saxon Field was not necessary, but it is hard to predict future land use and possibilities.

Further Submitter X1: Hendrik Heinekamp Statement X1.4

Support Submission Point #16.1

Since the NCC is sport orientated, and support it generously not only rugby and several other sports should be recognised as making a contribution to Nelson.

Further Submitter X3: Irene Turner Statement X3.26

Oppose Submission Point #16.1

Opposition to increasing the open space zone 150m south of the proposed Panorama, Enner Glynn, Marsden Valley Road junction to accommodate a landing site. This is unnecessary as alternative landing sites outside the valley are available. The proposed open space areas will provide for genuine emergency landings.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.27

Oppose Submission Point #16.1

Oppose increasing the open space zone 150m south of the proposed Panorama, Enner Glynn, Marsden Valley road junction. This is unnecessary as alternative landing sites outside the valley are available. The proposed open space areas will provide for genuine emergency landings. In addition, ridge tops are normally the preferred landing areas over valleys, as valleys can generate dangerous turbulence and wind rotor conditions.

PLANNING OFFICER COMMENT #15 (TOPIC 3)

Robert Bryant – Tasman Hang Gliding and Paragliding Club
Submission Point #16.1

The submitter seeks to enlarge the green space area to the south of the future road intersection with Panorama, Enner Glynn and Marsden Valley roads. For the reasons stated under submission point #15.1 and #15.2, Officer Comment #14, it is considered more suitable to make provision for the needs of hang gliding and paragliding at the time of subdivision design than at the plan change stage.

RECOMMENDATION

Submission Point #16.1: Reject

Further Submission Statement X1.4:	Accept in part
Further Submission Statement X3.26	Accept in part
Further Submission Statement X5.27	Accept in part

AMENDMENT TO PLAN:

Nil

- 8.7. TOPIC 4: Urban Design (Residential and Commercial)
- 8.8. This topic includes general submissions relating to the density and design of future residential development. It also includes the proposed commercial area and how this relates to the intended community in Marsden Valley.

Submitter 7: Trevor and Myffie James

Oppose

Submission Point #7.1 a)

We are opposed to the plan if residential buildings are single-storey, singular-unit houses packed in to small sections with relatively low provision for public space and parkland. Well planned European apartment-style development is better. The prevailing low to medium density residential development is unsustainable with big ecological footprints and is a very inefficient use of land. We support the provision of a 'cute' village centre approach.

Decision Sought:

Only allow this plan change if it takes these concerns into account. Make this a flagship development that we should follow in the future.

Further Submitter X1: Hendrik Heinekamp Statement X1.7

Support Submission Point #7.1 a)

It is high time to stop allowing single story dwellings in large scale housing developments, using up valuable land with a high use for enhancing the environment and recreational use for its inhabitants.

Further Submitter X3: Irene Turner Statement X3.4

Oppose Submission Point #7.1 a)

Further submitter supports a mix of housing types including apartment style developments as well as the protection of ecologically valuable areas through the biodiversity corridors.

Further Submitter X4: Nita Knight Statement X4.4

Oppose Submission Point #7.1a)

Opposed to intense development – The Marsden Valley would not suit this intensity of development.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.5

Oppose Submission Point #7.1 a)

Support multi-storey residential buildings and these are to be included in the residential high density zone.

Oppose that all residential development should be in this style as this restricts choice and a mix and range of residences.

PLANNING OFFICER COMMENT #16 (TOPIC 4)

Trevor and Myffie James
Submission Point #7.1 a)

The submitter seeks to have European apartment style development rather than single storey, singular unit housing. The style of development supported by the submitter is desirable on a small scale and located near to the proposed suburban commercial area. This would provide for an increased density of residents close to their local services and the centre of the community. Also desirable would be alternative housing styles to be provided within Marsden Valley to support a variety of living styles. The suggestion of apartment style living would not be suitable for all of the valley, or in a larger scale which is not in keeping with the valley context. Directly

requiring apartment style living does not provide for a diversity of housing typology and in any case I understand would not be feasible in the New Zealand housing market. Nelson City Council is currently carrying out other plan changes which improve the attractiveness of undertaking Comprehensive Housing Developments (for the developer) and the attractiveness and liveability of these developments for the residents and the public. These other plan changes also encourage subdivision design to respond to the context in which it is situated. While this work does not exclude the possibility of single storey, singular unit housing from occurring it does send the message, and encourage, a different line of thinking. It is well recognised that it is difficult, if not impossible to legislate for good design, so it is considered better to provide the framework which allows for a more thoughtful approach and to encourage this approach to be undertaken. This will allow for a variety of housing styles, choice and design to be developed. I consider the full package of plan changes to improve urban design will, over time, achieve a better result than requiring, or restricting, a certain type of housing.

RECOMMENDATION

Submission Point #7.1 a): Reject

Further Submission Statement X1.7:	Reject
Further Submission Statement X3.4:	Accept
Further Submission Statement X4.4:	Accept in part
Further Submission Statement X5.5:	Accept

AMENDMENT TO PLAN:

Nil

Submitter 10: Craig and Jane Gass

Oppose

Submission Point #10.1

We are opposed to the continued proliferation of residential developments that are single-storied, singular-unit houses packed into small sections with relatively low provision for public space and parkland. We must change this current model of residential development. Marsden Valley is a real opportunity to do things differently.

Decision Sought

Make changes to the plan to allow for the complete incorporation of the Intensification Study and concepts – commissioned by NCC and Tasman District Council as stated in submission.

Further Submitter X3: Irene Turner Statement X3.5

Oppose Submission Point #10.1

Support for intensification in the appropriate zones but opposes high density development within the whole valley as this would be inappropriate.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.7

Oppose Submission Point #10.1

Intensification in the high density residential and commercial zones is appropriate. The plan change is aligned with the NCC intensification studies. Carte blanche intensification (high density) within the whole valley is not appropriate and would not result in the best environmental or design outcome.

Oppose

Submission Point #10.2

As for submission point #10.1

Decision Sought:

Reject completely the traditional housing concept that has been the norm in New Zealand.

Further Submitter X3: Irene Turner

Statement X3.6

Oppose Submission Points #10.2

Opposes rejecting the 'traditional housing concept'. Although not defined, 'traditional' housing provides a mix of housing types and is appropriate for Marsden Valley.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.8

Oppose Submission Point #10.2

"Traditional housing" has not been defined. However "traditional housing" (in any form) is appropriate as providing choice and mix of housing styles and opportunities.

Oppose

Submission Point #10.3

A Village Centre in Marsden Valley and a Suburban Commercial Centre in Marsden Valley. These 2 wordings of what is proposed lead to 2 varying understandings of what exactly is intended. Village Centre suggests a smaller essential services centre focused on the community needs while Suburban Commercial Centre invites a picture of a far larger, grander business centre that is fully integrated with the total outside commercial world. We favour the Village concept as already exists in Europe eg villages in Germany, where the services provided cater for the needs of the community, tourism and the uniqueness that each village provides.

Decision Sought:

Reject the Suburban Commercial Centre proposal in favour of a Village Centre – including changing rules governing alcohol establishments & license conditions.

Note: Discussion on alcohol and license conditions is carried out under TOPIC 7: Zoning Pattern and Rules, submission point 10.10.

Further Submitter X3: Irene Turner

Statement X3.7

Oppose Submission Point #10.3

Rejecting the Suburban Commercial centre (zoning) would restrict the type of activities possible in this zone. It would reduce the vibrancy of the community, limiting the types of services that could be provided for residents of Marsden Valley.

Further Submitter X4: Nita Knight

Statement X4.5

Support Submission Point #10.3

No specific reasons given.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.9

Oppose Submission Point #10.3

Rejecting the Suburban Commercial centre (zoning) would limit the type of activities possible in this zone. Other effects would be lessening the reduction on travel dependence and reducing public surveillance affecting the security of the area. The plan change provides for establishment of a Village Centre (as sought) within the Suburban Commercial Zoning.

Oppose

Submission Point #10.7

As for submission point #10.1

Decision Sought:

We see Marsden Valley as a real opportunity to do things differently. With appropriate medium-density housing development around nodes with 30-40% open space around, the values such as the beautiful forest backdrop and the meandering stream can be maintained. Architectural peer review (of medium density housing) to maintain values in the Valley, as well as social 'liveability' should be required to encourage future developments of this nature.

Further Submitter X3: Irene Turner

Statement X3.10

Oppose Submission Point #10.7

Support for medium density housing development however, opposition to having 30-40% open space as this is inefficient use of a scarce land resource. Sufficient open space is provided.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.12

Oppose Submission Point #10.7

Support medium density housing development and this is to be incorporated into higher density zones. MPL opposes having 30-40% open space as this an inefficient use of a scarce land resource. Sufficient open space is provided. Architectural peer reviews of buildings are unnecessary and too prescriptive.

Oppose

Submission Point #10.8

As for submission point #10.1

Decision Sought:

Instead of "cluster" housing there should be a building pattern sinuous with the Poorman Valley Stream and tributary.

Further Submitter X3: Irene Turner

Statement X3.11

Support in Part Submission Point #10.8

Support the way in which the plan has been designed around the natural landscape features including Poorman's Valley Stream and the unnamed tributary.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.13

Support in part Submission Point #10.8

The proposal has been designed around the natural landscape features include Poorman's Valley Stream and the unnamed tributary which are retained as esplanade reserves. The proposed housing pattern is an efficient use of land.

Oppose

Submission Point #10.9

As for submission point #10.1

Decision Sought:

If "high density" has to be part of the plan change then it should be multi storied apartments with common green space and lane way access to the housing behind the buildings. Garaging should be provided. There should be a gap between development and housing

(and natural and open areas) to preserve the character and ecological quality of the waterways and environs that exist.

Further Submitter X3: Irene Turner

Statement X3.12

Support Submission Point #10.9

Support for multi level housing in high density areas with appropriate design. Retaining 'gaps' between housing and development is already provided in boundary setbacks. Any additional 'gaps' are inefficient use of land.

Further Submitter X4: Nita Knight

Statement X4.8

Oppose in part Submission Point #10.9

Oppose in part: High density multi-storied apartments. Support: to preserve the character and ecological quality of the waterways and environs that exist.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.14

Support Submission Point #10.9

Support multi level housing in high density areas with appropriate design. Retaining "gaps" between housing and development (presumably commercial) is already provided by boundary setbacks. Any additional "gaps" are opposed is inefficient use of land and does not promote integrated design or mixed land use activities.

General further submission on Submitter 10

Further Submitter X1: Hendrik Heinekamp

Statement X1.8

Support Submission Points #10.1 – 10.3, and #10.7 -10.9

The Council has a chance to get away from the old colonial concept of single dwellings on small sections. Land is a valuable resource for recreation and the health and well-being of its citizens. Change your thinking and be innovative.

PLANNING OFFICER COMMENT #17 (TOPIC 4)

Craig and Jane Gass

Submission Point #10.1 and #10.2

Similar to submission point #7.1a), (see Officer Comment #16), submitter #10 is opposed to single storied, singular unit housing on small sections. For the reasons stated in Officer Comment #16 it is not considered suitable to restrict a particular type of housing as this limits housing choice. See Officer Comment #16 for further discussion.

Submitter #10 also raises the inclusion of the Nelson Richmond Intensification Study, Stage 1, Sept 2007. This study referred to has been behind some of the thinking for this plan change (such as higher density residential around the suburban commercial area) but it is intended that the goals of the study are implemented through a stand alone plan change that applies across all relevant zones of the region.

RECOMMENDATION

Submission Point #10.1 and #10.2: Reject

Further Submission Statement X3.5 and 3.6: Accept

Further Submission Statement X5.7 and 5.8: Accept

AMENDMENT TO PLAN:

Nil

Submission Point #10.3

The submitter seeks to focus on a 'village centre' rather than a 'suburban commercial centre'. The intent of the area of Suburban Commercial Zone proposed for Marsden Valley is to provide more of a 'village centre' environment, however this is not with the exclusion of attracting people and activities to the centre from outside of Marsden Valley. There are a number of proposed plan provisions (policies, rules, assessment criteria and explanation) specific to this plan change which have the purpose of guiding the creation of a village centre environment. It is not envisaged, or expected that it becomes a *'...business centre that is integrated with the total outside commercial world'*. The provisions stated are:

- Schedule I, I.2 g), h) and i) which restrict liquor sale hours (Topic 7, Submission point 10.10), control the type of activities that can occur and provide specific management of taller buildings.
- Schedule I, I.4 Assessment Criteria xi) which ensures relevant resource consents are assessed against the Marsden Valley Suburban Commercial Zone Overall Design Principles.
- Schedule I, I.5 Marsden Valley Suburban Commercial Zone Overall Design Principles, guide the development of the village centre to *'create an urban village environment which supports the surrounding community and provides opportunities for meeting commercial and social needs...'*.
- Schedule I, I.6 Explanation, paragraph 3, 4 and 5 which states the zone *'...is intended to provide the commercial and social hub for residents in the valley and surrounding area'*.
- Chapter 9 'Suburban Commercial', SCd.7, explains the intent of the zone and provisions to create a urban village environment.
- Objective SC3 'Marsden Valley Suburban Commercial Zone', states *To recognise and provide for a vibrant Marsden Valley Suburban Commercial centre, which through its central location, mix of suitable activities, and high quality building design, allows for the creation of a quality urban environment serving residents and visitors.*

Reasons:

SC3.i The Marsden Valley Suburban Commercial Zone will form the centre of a new residential community in the valley. It will support the surrounding community and provide opportunities for meeting commercial and social needs. This area is different to many existing suburban commercial zones in that it is central to the creation of a new community and as such can be designed in an integrated manner with this community to achieve the best result from an urban design perspective.

This Objective is supported by Policies SC3.1 'Building and Outdoor Space Design', and SC3.2 'Mixed Use'. SC3.2 in particular supports the creation of a successful urban village area.

I consider it is clear from the provisions stated that the intent of this area of Suburban Commercial Zone is to create an urban village rather than a business park style commercial area. I also consider that the geographical separation of this area of zoning from the main areas of commercial zoning and residential populations of Stoke and Nelson will not encourage a business park style commercial area. In addition, requiring consent for uses stated under Schedule I, I.2 h) will ensure that activities which are considered to be potentially detrimental to the creation of an urban village environment can be managed or declined.

Some of the submitters' concern may be as a result of the zone name being Suburban Commercial rather than 'Village Centre Zone' for example. The inconsistency of permitted uses under the standard Suburban Commercial Zone with the goals for the Marsden Valley area were considered when drafting this plan change. The approach proposed was considered the best way to manage this potential incompatibility. A full review of the existing Suburban Commercial Zone, with a view to consider a different commercial zoning for 'Village Centres' is likely to be carried out in conjunction with the future intensification plan change work and would probably apply district wide.

One change is recommended to the wording of Objective SC3 to substitute 'Marsden Valley Suburban Commercial Centre' with 'Marsden Valley Village Centre'.

RECOMMENDATION

Submission Point #10.3: Accept in part

Further Submission Statement X3.7: Accept
Further Submission Statement X4.5: Accept in part
Further Submission Statement X5.9: Accept

AMENDMENT TO PLAN:

Objective SC3 'Marsden Valley Suburban Commercial Zone', states *To recognise and provide for a vibrant Marsden Valley ~~Suburban Commercial~~ Village Centre, which through its central location, mix of suitable activities, and high quality building design, allows for the creation of a quality urban environment serving residents and visitors.*

Reasons:

SC3.i The Marsden Valley ~~Suburban Commercial Zone~~ Village Centre will form the centre of a new residential community in the valley. It will support the surrounding community and provide opportunities for meeting commercial and social needs. This area is different to many existing suburban commercial zones in that it is central to the creation of a new community and as such can be designed in an integrated manner with this community to achieve the best result from an urban design perspective.

Submission Point #10.7

Similar to submission point #7.1a), (see Officer Comment #16), submitter #10 suggests that development should be carried out in a different style, with medium density housing around nodes with 30-40% open space provided. Also with architectural peer review of buildings to maintain values of the Valley and improve social 'liveability'. For the reasons stated in Officer Comment #16 it is not considered suitable to require only one type of housing (medium density) as this limits housing choice. The philosophy behind the submitter's comments is sound and developments under the Plan's Comprehensive Housing provisions would receive the architectural or urban design review necessary to ensure that a liveable environment is created which has sufficient open space incorporated within it, or has easy access to open space. To require 30-40% open space and design review of every building constructed by an individual as opposed to as part of a development is seen to be too draconian and would not necessarily lead to a better outcome. I considered the approach outlined in Officer's Comment #16 to be a more suitable way of achieving a variety of housing styles and designs, with sufficient open space, than having to legislate for the design and quality of every individual building.

Medium density housing is an accepted and expected outcome (particularly in the Residential Zone, Higher Density Area) and its design will be considered through the resource consent process if it is part of a Comprehensive Housing Development.

RECOMMENDATION

Submission Point #10.7: Accept in part

Further Submission Statement X3.10: Accept
Further Submission Statement X5.12: Accept

AMENDMENT TO PLAN:

Nil

Submission Point #10.8

The submitter seeks a housing pattern which is sinuous with Poorman's Valley Stream and tributary rather than a 'cluster' of housing. The clustering statement in the Plan Change only applies to the Rural Zone – Higher Density Small Holdings Area which does not border Poorman's Valley Stream or tributary. There is nothing in the Plan Change to prevent development that is sinuous with the stream. The design principles xi), in schedule I. 1.5 state that '*Building and open space design, layout and orientation which builds on the site's relationship with Poorman Valley Stream and the protected woodland to the north*'. The other significant area adjacent to the stream is already under development as part of an approved resource consent. I do not consider it necessary to provide further requirements for

development to be sinuous with the stream or its tributary. I also consider it likely that development will naturally make use of the commercial and liveability advantages to be gained from positively addressing an attractive public space such as the stream.

In relation to the further submission X5.13, I note that the tributary is not part of an esplanade reserve but is proposed to have the biodiversity corridor along its length and be the edge of the green space area.

RECOMMENDATION

Submission Point #10.8: Reject

Further Submission Statement X3.11: Accept

Further Submission Statement X5.13: Accept

AMENDMENT TO PLAN:

Nil

Submission Point #10.9

The submitter seeks that if there is 'high density' housing it should be multi storey apartments with common green space, lane way access behind the buildings and a gap between development and natural areas. The philosophy behind the submission is sound and this style of development would be suitable in the Higher Density Area and the principles stated would be expected within any Comprehensive Housing Development. For the reasons given in Officer Comment #16 and under submission point #10.7 above, this has not been required to apply to every building but techniques such as these are required to be considered for Comprehensive Housing Developments.

RECOMMENDATION

Submission Point #10.9: Reject

Further Submission Statement X3.12: Accept

Further Submission Statement X4.8: Reject (in relation to opposition to high density)

Further Submission Statement X5.14: Accept

AMENDMENT TO PLAN:

Nil

GENERAL FURTHER SUBMISSION X1.8: Accept in part

This further submission states all changes suggested by Submitter 10 are to be accepted. I consider that the changes as accepted above are in the best interest of clarity, the environment, and achieve the purposes and principles of the Resource Management Act.

Submitter 13: Marsden Park Limited

Oppose

Submission Point #13.40

1.6 explanation, third paragraph. Mention needs to be made that the suburban commercial zone will also serve visitors to the Valley and recreational users.

Decision Sought:

Add the following sentence: "*In addition, the Village Centre will provide an important destination and meeting point for visitors to the Valley as well as recreational users who use Marsden Valley to access important recreational areas.*"

Further Submitter X3: Irene Turner

Statement X3.18

Support Submission Point #13.40

Support including visitors and recreational users with those who will utilize the Village Centre.

Further Submitter X4: Nita Knight

Statement X4.27

Support in Part Submission Point #13.40

An urban village concept is supported for the reasons given in my original submission (Submitter 18).

Oppose

Submission Point #13.42

Objective SC3 suburban commercial zone. A reference to "Marsden Village" would help express the concept which is sought to be achieved.

Decision Sought:

Amend to read: "*To recognize and provide for...Commercial centre (Marsden Village), which through its...*" Amend the reasons to read: "*The Marsden Valley Suburban Commercial Zone (Marsden Village) will form...*"

Oppose

Submission Point #13.50 and Decision Sought

Add requested new text relating to policies for urban design and comprehensive housing and new text for Appendix 22 'Guidelines for Comprehensive Housing Development'. Refer to the Appendix D of full submission for detail.

Further Submitter X4: Nita Knight

Statement X4.31

Support / Oppose Submission Point #13.50

Support: Urban Design.

Oppose: Comprehensive Housing, concentrated buildings and coverage is inappropriate for the Marsden Valley.

General further submissions on submitter 13.

Further Submitter X1: Hendrik Heinekamp

Statement X1.2

Oppose Submission Points #13.40, #13.42 and #13.50.

Not in the best interest of Marsden Valley environment and its inhabitants.

Further Submitter X2: Craig and Jane Gass

Statement X2.1

Oppose Submission Points #13.40, #13.42 and #13.50

Changing the wording by Submitter 13, if allowed, will a) change the meaning of the document, b) not allow council any discretion if issues arise with the subdivision.

PLANNING OFFICER COMMENT #18 (TOPIC 4)

Marsden Park Limited

Submission Point #13.40

The submitter seeks further mention of the use of the Suburban Commercial Zone by visitors and recreational users. The addition suggested is suitable for inclusion in Schedule I, Section I.6, Explanation.

RECOMMENDATION

Submission Point #13.40: Accept

Further Submission Statement X3.18: Accept

Further Submission Statement X4.27: Accept

AMENDMENT TO PLAN:

I.6 Explanation: The Marsden Valley community will be strengthened by an area of Suburban Commercial zoning. This is intended to provide the commercial and social hub for residents in the valley and surrounding area. Higher Density Residential Zoning is provided in support of the commercial zoning. This provides a housing choice within the valley (and the wider Nelson area) allowing for increased flexibility in living styles and the opportunity to live and work in the same area. In addition, the Village Centre will provide an important destination and meeting point for visitors to the Valley as well as recreational users who use Marsden Valley to access important recreational areas.

Submission Point #13.42

The submitter seeks a change in reference to the Marsden Village rather than Marsden Valley Suburban Commercial Centre. This change has been made as recommended in Officer Comment #17, submission point #10.3.

RECOMMENDATION

Submission Point #13.42: Accept.

AMENDMENT TO PLAN:

As noted in Officer Comment #17, submission point #10.3.

Submission Point #13.50

The submitter seeks to include policies for urban design and comprehensive housing, plus revised text for Appendix 22, Comprehensive Housing as part of this Plan Change. This is not suitable for inclusion in this Plan Change as the provisions would apply district wide. For this reason the Comprehensive Housing provisions are being considered in the current draft Plan Change 14 which is being developed and will have effect district wide, including in Marsden Valley. In relation to further submission X4.31 the support for good urban design is noted but the opposition to higher density development in Marsden Valley is not accepted for reasons noted in Officer Comment #16 and #17 as this provides a variety of housing typology and supports establishment of a vibrant community.

RECOMMENDATION

Submission Point #13.50: Reject

Further Submission Statement X4.31: Accept in part

AMENDMENT TO PLAN:

Nil

GENERAL FURTHER SUBMISSION X1.2: Accept in part

This further submission states all changes suggested by Submitter 13 are not in the best interest of Marsden Valley environment and its inhabitants. I consider that the changes as accepted above are in the best interest of clarity, the environment, and achieve the purposes and principles of the Resource Management Act.

GENERAL FURTHER SUBMISSION X2.1: Accept in part

This further submission states all changes suggested by Submitter 13 will change the meaning of the document and remove Council discretion. I consider that the changes as accepted above are in the best interest of clarity, the environment, and achieve the purposes and principles of the Resource Management Act.

Submitter 14: Nelson Tasman branch Royal Forest & Bird Protection Society Inc

Support in Part

Submission Point #14.6

We believe that for a "greenfields" development such as this more attention should have been given to the efficient use of the land. Design parameters should include issues such as sensitively designed apartment blocks with many small and large reserve, communal and

greenspace areas – these can be based on good social research parameters and while being ideally “affordable” can also be “desirable” if the right criteria are followed. There have been developments both overseas and in Auckland that meet high desirability standards – why not here in Nelson?

Decision Sought:

That subdivision consent application must incorporate good urban design principles.

Further Submitter X3: Irene Turner

Statement X3.24

Support Submission Point #14.6

The Plan Change provides for good urban design principles.

Further Submitter X4: Nita Knight

Statement X4.36

Support Submission Point #14.6

No specific reasons given.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.24

Support Submission Point #14.6

The plan change provides for good urban design principles.

PLANNING OFFICER COMMENT #19 (TOPIC 4)

Nelson Tasman branch Royal Forest & Bird Protection Society Inc
Submission Point #14.6

The submitter seeks that subdivision consents incorporate good urban design principles. The structure plan sets the framework for good urban design and is a recognised method of achieving this. When combined with other work being carried out by Council (draft Plan Change 14, Subdivision, Comprehensive Housing and Land Development Manual; the Urban Design Action Plan; Major Projects Team; Urban Design Panel and increased training) it is expected that future subdivisions will incorporate best practice urban design principles.

RECOMMENDATION

Submission Point #14.6: Accept

Further Submission Statement X3.24: Accept

Further Submission Statement X4.36: Accept

Further Submission Statement X5.24: Accept

AMENDMENT TO PLAN:

Nil

Submitter 18: Nita Knight

Support in Part

Submission Point #18.3

The normal suburban commercial zoning is not in keeping with either the existing or proposed character of Marsden Valley. The objectives, policies and rules of the suburban commercial zone will need to be tightened if Council does seek (as indicated in the Proposed Change) to create an ‘urban village’ (term used in proposed amendment to Chapter 9 (Suburban Commercial)), but overall the preference is to delete this zoning entirely.

Decision Sought:

Delete suburban commercial zoning; or in the alternative:

1. Delete “suburban commercial area” and replace with “urban village concept”; insert appropriate definition of “urban village” into the Plan: add further objectives, policies and rules

into the suburban commercial zone chapter to develop and refine the concept of 'urban village'; and
2. Add the urban village into the proposed structure plan, including its linkages to the school and the wider community.

Further Submitter X3: Irene Turner

Statement X3.32

Oppose Submission Point #18.3

Oppose the deletion of the Suburban Commercial Zoning. This zoning is the most appropriate zoning to promote mixed land uses and also promote a sense of community, reduced vehicle kilometres and some self sufficiency for Valley residents.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.34

Oppose Submission Point #18.3

Support the clarification of urban village, which is in line with the development concept. MPL opposes the deletion of the Suburban Commercial Zoning. This zoning is the most appropriate zoning on which to base an urban village while also promoting mixed land uses.

PLANNING OFFICER COMMENT #20 (TOPIC 4)

Nita Knight

Submission Point #18.3

The submitter seeks the use of an 'urban village' zoning rather than the Suburban Commercial Zoning proposed. For the reasons outlined in Officer's Comment #17, Submission point #10.3 this option has not been undertaken in this Plan Change.

The submitter also seeks to include linkages of the 'urban village' to the school and wider community. I consider that the walkway/cycleway routes achieve the linkages desired as does the proposed assessment criteria 1.4 iv) '*Integration and compatibility with adjoining activities*', and design principle 1.5 x) '*Building and open space design, layout and orientation which responds well to, and integrates with, adjacent zones and uses*'. Note both versions quoted are as per the recommended revisions to plan text contained in Part C of this report. Also note the discussion and recommendation in relation to the school are contained in Part B, Topic 8 of this report.

RECOMMENDATION

Submission Point #18.3: Reject

Further Submission Statement X3.32: Accept

Further Submission Statement X5.34: Accept

AMENDMENT TO PLAN:

Nil

- 8.9. TOPIC 5: Cats and domestic pets.
- 8.10. This topic covers the submission points relating to prohibiting cats being kept within Marsden Valley. Primarily this is with the intent of protecting native fauna.

Submitter 7: Trevor and Myffie James

Oppose

Submission Point #7.1 c) and Decision Sought:

We support a no cat zone to support biodiversity enhancement efforts.

Further Submitter X1: Hendrik Heinekamp Statement X1.7

Support Submission Point #7.1 c)

I endorse a no cat rule.

Further Submitter X3: Irene Turner Statement X3.4

Oppose Submission Point #7.1 c)

Oppose the ban on cats. Cats have not been banned in the consented Marsden Park subdivision, and a ban on cats would be unnecessarily restrictive and unenforceable.

Further Submitter X4: Nita Knight Statement X4.4

Support Submission Point #7.1 c)

Support no cat zone.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.5

Oppose Submission Point #7.1 c)

Oppose ban on cats. Consent has already been granted for 130 residential lots. This consent followed a public process including submissions opposing cats. The Council has not imposed any cat bans on the existing consent. A ban on cats would be inconsistent with consent already granted, is unnecessarily restrictive, and unenforceable.

Submitter 10: Craig and Jane Gass

Oppose

Submission Point #10.4

Part of what is unique about Marsden Valley are the efforts that have gone into the valley over a long time to preserve its native flora and fauna. Trapping of rats and rodents is ever present and a lot of very good work has already been done and continues to be done. We have seen over the last 10 years we have lived in the valley the establishment and re-emergence of native species especially birds and it would be simply criminal to lose this again by allowing cats to be part of the development concept.

Decision Sought:

Include a no cat rule in the plan change. The no cat zone should be extended through the total subdivision (NCC 2010) to Enner Glynn and the Brook Sanctuary.

Further Submitter X1: Hendrik Heinekamp Statement X1.8

Support Submission Point #10.4

Support the no cat rule.

Further Submitter X3: Irene Turner Statement X3.8

Oppose Submission Point #10.4

Opposition to the ban on cats. Cats have not been banned in the consented Marsden Park subdivision, and a ban on cats would be unnecessarily restrictive and unenforceable.

Further Submitter X4: Nita Knight

Statement X4.6

Support Submission Point #10.4

No specific reasons given.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.10

Oppose Submission Point #10.4

Oppose ban on cats. Consent has already been granted for 130 residential lots. This consent followed a public process including submissions opposing cats. The Council has not imposed any cat bans on the existing consent. A ban on cats would be inconsistent with consent already granted, is unnecessarily restrictive, and unenforceable.

Submitter 14: Nelson Tasman branch Royal Forest & Bird Protection Society Inc

Oppose

Submission Point #14.4

Once this land has been subdivided to the density proposed many of these values (existing and potential landscape and amenity values, and existing and potential wildlife values) will be irrevocably lost. The impacts of "civilisation" – household pets, predators (mustelids, rats, hedgehogs) will inevitably increase exponentially as the population grows, with added easier access from the Enner Glynn and Brook Valleys as well as from the main Stoke urban area. Already the local volunteer trapping group has been under considerable pressure to try and keep animal pests under control.

Decision Sought:

Banning of domestic cats as a condition of consents for subdivision. Neutering of domestic pets.

Further Submitter X3: Irene Turner

Statement X3.22

Oppose Submission Point #14.4

Oppose ban on cats as it is unnecessarily restrictive and unenforceable.

Further Submitter X4: Nita Knight

Statement X4.35

Support in part: Submission Point #14.4

Domestic cats.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.22

Oppose Submission Point #14.4

Oppose ban on cats. Consent has already been granted for 130 residential lots. This consent followed a public process including submissions opposing cats. The Council has not imposed any cat bans on the existing consent. A ban on cats would be inconsistent with consent already granted, is unnecessarily restrictive, and unenforceable.

General further submission on Submitter 14.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.18

Oppose Submission #14

This submission is generally misguided. Marsden Valley is not comparable to St Arnaud which does have important conservation estate (National Park) on the border. The submitter's distinction between "good" and "bad" development is highly subjective. In addition, many of the outcomes sought by the submitter (good urban design) are provided for by the plan change.

Submitter 18: Nita Knight

Support in part

Submission Point #18.11 a)

New assessment criteria I.4. The Council should promote a restriction on the keeping of cats within the proposed residential area. The valley contains a considerable area of established reserves and is an important part of the wildlife corridor from the ranges to the City. This is acknowledged by the proposal to make provision for a reserve corridor through the residential area. It is generally accepted that the domestic cat is a major predator of native birds and other fauna and it seems counter productive to encourage conservation in the valley while allowing the unrestricted keeping of cats on residential properties.

Decision Sought:

Add new criteria after I.4 assessment criteria v), as follows: "The method/s of promoting and protecting birdlife within the scheduled area, including the prohibition of cats".

Further Submitter X3: Irene Turner

Statement X3.40

Oppose Submission Point #18.11 a)

Oppose the ban on cats, it is too restrictive and unenforceable.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.41

Oppose Submission Point #18.11 a)

Oppose ban on cats. Consent has already been granted for 130 residential lots. This consent followed a public process including submissions opposing cats. The Council has not imposed any cat bans on the existing consent. A ban on cats would be inconsistent with consent already granted, is unnecessarily restrictive, and unenforceable.

PLANNING OFFICER COMMENT #21 (TOPIC 5)

Trevor and Myffie James
Submission Point #7.1 c)

Craig and Jane Gass
Submission Point #10.4

Nelson Tasman branch Royal Forest & Bird Protection Society Inc
Submission Point #14.4

Nita Knight
Submission Point #18.11a)

The submitters all seek provisions within the Plan which would ban cats within the Plan Change area. Also suggested is neutering of domestic pets, and an assessment criteria for resource consent within Schedule I stating '*The methods of promoting and protecting birdlife within the scheduled area, including prohibition of cats*'. There has been a volunteer pest control group, and actions of landowners themselves, operating over a number of years in Marsden Valley. They have reduced the pest population in the Valley and residents are reporting an increased number and variety of birds in the area. Council supports the preservation and improvement of biodiversity in all areas. This is evident through the Biodiversity Strategy 2007 and the Biodiversity Corridors proposed in this Plan Change.

Introducing rules (or consent conditions) preventing ownership of cats, or potentially other domestic pets, as a permitted activity has not been pursued by Council to date. Some subdivisions in other regions have had 'no cats' conditions placed on them but to my knowledge these have been required due to proximity to nationally recognised areas of native fauna habitat (usually birds). If land surrounding or within Marsden Valley contained habitat that was recognised through Section 6 (c) of the RMA as an area of significant habitat for indigenous fauna then a rule within the Plan would be more appropriate. One site was assessed in the 2006/07 survey of areas of significant indigenous vegetation and significant habitats of indigenous fauna by Michael North on behalf of Nelson City Council. The site (number 127) was found to have a low ecological district rating for five of the seven categories and medium-low for the other two. It was not noted as an area of significant habitat for indigenous fauna. The areas of habitat in Marsden Valley are not nationally important therefore it is considered inappropriate to ban cats through a Plan rule in this Plan Change.

There are other methods of improving habitat and protecting biodiversity which would be more appropriate in this situation. These could include continuation of volunteer pest control groups, conditions of consent or a consent notice volunteered by any landowner or developer, improved areas of habitat being provided through considered design, planting appropriate species, protection methods of existing habitat, and education of landowners and residents on the issue. These types of options could be considered through a subdivision consent and as such the suggestion of an assessment criteria by submitter 18 has merit. This has been amended to take the focus off prohibiting cats and to widen it to include all native fauna, e.g. insects, reptiles. A recommended wording change is shown below.

RECOMMENDATION

Submission Point #7.1 c), #10.4, #14.4: Rejected

Submission Point #18.11 a): Accept in part

Further Submission Statement X1.8:	Reject
Further Submission Statement X3.8:	Accept
Further Submission Statement X4.6:	Reject
Further Submission Statement X5.10:	Accept
Further Submission Statement X3.22:	Accept
Further Submission Statement X4.35:	Reject
Further Submission Statement X5.22:	Accept
Further Submission Statement X5.18:	Accept
Further Submission Statement X3.40:	Accept
Further Submission Statement X5.41:	Accept

AMENDMENT TO PLAN:

Schedule I, I.4 Assessment Criteria: new assessment criteria inserted after v):

vi) The use of methods to promote and protect native fauna within the scheduled area.

Other consequential amendments to numbering as required.

- 8.11. TOPIC 6: Miscellaneous
- 8.12. This topic includes submission points on a variety of issues which were not covered by other topics.

Submitter 2: George Dunning

Oppose

Submission Point #2.1 and Decision Sought:

My main reason for concern, apart from poor amounts of sunshine and warmth in winter, is to do with the health of people who are, without doubt, being subjected to very concentrated clouds of pollen from the dense pine plantations prevalent in these valleys.

This issue needs to be considered just as much as the issue of wood smoke from open fires. It is simply a question of people living in healthy environments and Council may need to be cautious with respect to compressing its residents into unhealthy valley environments where coldness combined with pollen pollution are serious issues.

Further Submitter X1: Hendrik Heinekamp Statement X1.12

Support Submission Point #2.1

It is in the interest of the health of residents and its environment.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.2

Oppose Submission Point #2.1

Any potential health effect on potential residents from pine pollen is irrelevant to the plan change. This submission is outside the scope of the plan change.

PLANNING OFFICER COMMENT #22 (TOPIC 6)

George Dunning

Submission Point #2.1

The submitter notes the adverse health effects of pine pollen on future residents of Marsden Valley and cautions Council to consider this. It is acknowledged that pollens of all types can cause respiratory problems and allergies in people. It does not affect everybody in the same way. I also observe that the concentration of pine forest near to Marsden Valley is no greater than in many other areas of Nelson. As most future residents will be making a choice to move into Marsden Valley they have the individual freedom to decide whether this is suitable for them and their health. No changes are recommended to be made to the proposed Plan Change in relation to this issue.

RECOMMENDATION

Submission Point #2.1: Reject

Further Submission Statement X1.12: Reject

Further Submission Statement X5.2: Accept

AMENDMENT TO PLAN:

Nil

Submitter 10: Craig and Jane Gass

Oppose

Submission Point #10.5 and Decision Sought:

We seek to preserve the unique character that attracts so many people to the valley for recreational and "quiet time" pursuits and therefore the Council needs to consider carefully the impact of this Plan Change.

Further Submitter X3: Irene Turner Statement X3.9

Oppose Submission Points #10.5

Marsden Valley is well suited to residential development as it is in close proximity to public facilities and the City Centre. Due to the continuing growth of the area it cannot be expected that land in this area will be preserved for semi-rural use.

Further Submitter X4: Nita Knight Statement X4.7

Support Submission Point #10.5

Seek to preserve the unique character that attracts so many people to the valley for recreational and 'quiet time' pursuits.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.11

Oppose Submission Point #10.5

NCC has identified Marsden Valley as suitable for residential development (through NUGS). Consent has been granted for 130 lots along with zoning of Solitaire land. Some residential zoning already exists in the Valley. Preserving the unique character (i.e. existing rural character) is an outcome that is neither identified nor anticipated, and is not justified.

Oppose

Submission Point #10.6 and Decision Sought:

The Council has a vested interest in more housing under the NUGS study 2006 but must be careful that its financial considerations (eventually more rates etc) are not compromised by a desire to just get more urban development.

General further submission on Submitter 10.

Further Submitter X1: Hendrik Heinekamp Statement X1.8

Support Submission Points #10.5 and #10.6

The Council has a chance to get away from the old colonial concept of single dwellings on small sections. Land is a valuable resource for recreation and the health and well-being of its citizens. Change your thinking and be innovative.

PLANNING OFFICER COMMENT #23 (TOPIC 6)

Craig and Jane Gass
Submission Point #10.5

The submitter seeks to preserve the unique character of the valley and for Council to carefully consider the impact of this Plan Change. This Plan Change will change the current character of Marsden Valley. The character will change from one that is predominantly rural in appearance to one which is predominantly residential. This change has been considered through the Nelson Urban Growth Strategy 2006 (NUGS) and previous Plan Changes to establish the operative zoning pattern in Marsden Valley which allows for a greater level of development than is currently seen. The granted subdivision of Chings Flat is also altering the character of the valley. The Structure Plan process was used for this Plan Change to allow zoning and connection patterns, plus specific rules for the area, which would provide for a liveable and successful community to develop. This community would have its own character and be one that was designed with the landscape of the valley in mind. The structure plan ensures that connections are provided to allow people to access areas for continued recreational use. The submission is accepted in part as the impacts of the Plan Change on the character of Marsden Valley have been carefully considered, but the proposal is that this current character is changed in a managed way.

RECOMMENDATION

Submission Point #10.5: Accept in part

- Further Submission Statement X3.9: Accept in part
- Further Submission Statement X4.7: Reject
- Further Submission Statement X5.11: Accept in part

AMENDMENT TO PLAN:

Nil

Submission Point #10.6

The submitter states that Council has a vested interest in more development and must be careful that its financial considerations (more rates) do not compromise it. The financial return to Council of increased rates due to new residential and commercial lots being created in the future plays no role in the consideration of this Plan Change.

RECOMMENDATION

Submission Point #10.6: Reject

AMENDMENT TO PLAN:

Nil

GENERAL FURTHER SUBMISSION X1.8: N/A

The general further submission encouraging Council to get away from the concept of single dwellings on small sections is not relevant to submission point #10.5 and #10.6.

Submitter 11: New Zealand Fire Service Commission – Paul McGimpsey (Beca Carter Hollings & Ferner Ltd)

Support in Part

Submission Point #11.1

The Commission generally supports Plan Change 13, however would like to see the incorporation of the New Zealand Fire Service Code of Practice for Fire Fighting Water Supplies NZS PAS 4509:2008 ('the Code').

Decision Sought:

The Commission supports the new provisions and recommend that a new bullet point be inserted under I.2 General Rules as follows: *"In all areas, an adequate and suitable water supply should be provided for fire fighting provisions in accordance with SNZ PAS 4509:2008 or any subsequent amendments."*

Support in Part

Submission Point #11.2

The Commission recommends the installation of domestic sprinklers in all new dwellings, as a management tool to reduce per capita water use, and also to ensure fast effective protection against fires. Domestic sprinklers should be installed in accordance with Fire Systems for Houses NZS 4517:2002.

Decision Sought:

An advice note should also be added into the Plan Change stating: The New Zealand Fire Service Commission encourages the installation of a domestic water sprinkler system in any new dwelling which complies with NZS4517:2002 fire sprinkler systems for houses.

Support in Part

Submission Point #11.3 and Decision Sought:

That Plan Change 13 be approved with the inclusion of the recommended bullet point and advice note of the Commission.

Note: The decision sought relates to submission points #11.1 and #11.2.

General further submission of Submitter 11.

Further Submitter X1: Hendrik Heinekamp Statement X1.5

Support Submission Points #11.1 – 11.3.

If a fire occurred during a south east gale there are a number of scenarios such as drought that would make fires difficult to control, and the Marsden Stream is not a source for adequate water supply.

Further Submitter X4: Nita Knight Statement X4.11

Support Submission Point #11.1 – 11.3

No specific reasons given.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.17

Support Submission Point #11.1 – 11.3

The changes sought are appropriate.

PLANNING OFFICER COMMENT #24 (TOPIC 6)

New Zealand Fire Service Commission – Paul McGimpsey (Beca Carter Hollings & Ferner Ltd)
Submission Point #11.1 - #11.3

The submitter seeks a rule requiring compliance with SNZ PAS 4509:2008 for fire fighting water supply and an advice note encouraging the installation of domestic water sprinkler systems. The general support for the Plan Change is also noted. The issue of fire fighting requirements in line with the standard noted is being considered through a current draft Plan Change being prepared by Nelson City Council. This Plan Change will apply district wide so it is not considered efficient to have a second set of standards which only apply to Marsden Valley area. Also of consideration is the fact that most of Marsden Valley will ultimately be on reticulated water supply which usually meets fire fighting requirements provided they are within 135m of an approved fire hydrant. No changes are recommended to the plan change as notified.

RECOMMENDATION

Submission Point #11.1 - #11.3: Reject

Further Submission Statement X1.5:	Reject
Further Submission Statement X4.11:	Reject
Further Submission Statement X5.17:	Reject

AMENDMENT TO PLAN:

Nil

Submitter 13: Marsden Park Limited

Support in Part

Submission Point #13.1

Rezoning and overall plan change: The rezoning and the intention to provide for development in the valley is supported. This reflects the original intention of the submitter, and also gives effect to Council's own strategic planning. Development of Marsden Valley is not unexpected, and has been flagged for some time through several planning processes.

In particular the submitter supports the rezoning of their land as well as adjacent properties identified in the plan change. This will lead to integrated planning and will allow development of the valley to be better coordinated rather than undertaken ad-hoc and sporadically.

Decision Sought:

Retain the plan change and rezoning, except as requested to be modified in this submission.

Further Submitter X3: Irene Turner Statement X3.15

Support Submission Points #13.1

Supports the changes proposed in the submission.

Oppose

Submission Point #13.3

Background, explanations and evaluations: Many parts of the plan change (explanations, reasons, background and analysis) refer to the process to get to this stage, and refer to adjacent valleys. Parts of the plan change read as if the plan change is still being assessed as a private proposal, and the Council has a neutral assessment role. This is misleading and inaccurate. The plan change has been adopted by council as Council's own. While Marsden Park Ltd still retain a keen interest in the outcome, this is now Council's plan change.

Further to this, some of the section 32 evaluation is biased towards Council processes, and does not reflect the extensive process and technical assessment prior to adoption by Council. It also does not reflect the considerable investment by the submitter to work in collaboration with Council to develop the private plan change. One example is reference to the now obsolete Tasman Carter Landscape Report. This report was superseded by landscape reports commissioned by the submitter, by 2 subsequent reports by Boffa Miskell and by one specific landscape assessment also commissioned by Council. None of these reports are referred to, with the consequence that the evaluation comes to wrong conclusions based on an obsolete report.

The section 32 report in particular needs amending to reflect that this is Council's plan change, rather than some wording which suggests it is still a private change which is being assessed by Council.

Decision Sought:

Make the amendments as requested in these submissions, along with any other consequential amendments to give effect to these submissions.

Oppose - Relevant to Section 2 of the Section 32 report

Submission Point #13.4

Issue Identification: The RM issue has not been fully or correctly identified. The issues identified are the effects which may (or may not) arise from the rezoning. This is different from the issue which triggered the rezoning.

Rather than a list of effects, the key RM issue is to provide for future residential growth for Nelson City in the Stoke foothills in a sustainable way. This issue statement meets all of Council's strategic planning objectives.

Decision Sought:

Insert the following RM issue: "To provide for future residential growth for Nelson City in the Stoke foothills in a sustainable way" and make other consequential changes as necessary.

Further Submitter X3: Irene Turner Statement X3.17

Support Submission Point #13.4

Support the inclusion of the stated issue.

Oppose - Relevant to Section 2 of the Section 32 report

Submission Point #13.7

Efficient use of land resources, (pg 7, Section 32 report): Reference to “internal Council investigations” having identified finite land supply is inaccurate. The finite land supply was not identified solely as a result of internal council investigation, and was identified through NUGS submissions, by developers, and by landowners, as well as by Council processes.

Decision Sought:

Delete this reference.

Oppose - Relevant to Section 3 of the Section 32 report

Submission Point #13.8

Paragraph 3.1, Section 32 report ‘reasons for this approach’. There is reference to the expanded zoning area, and reference to changing the extent of zoning from Council’s original intention. Council’s original intention is irrelevant for the purposes of plan change 13. The general public were not privy to the wider area, and will be confused by this reference.

Decision Sought:

Delete

Oppose - Relevant to Section 4 of the Section 32 report

Submission Point #13.9

Section 32 report, Section 4, consultation – last paragraph: This paragraph will be meaningless for the general public, since they will be unaware the Enner Glynn area was combined in the first place. Delete this paragraph and refer instead to the area for rezoning being extended beyond that lodged as a private change to include a small area of additional flat land (Turner) in the valley, with the reason being to achieve better integration.

Decision Sought:

Delete and refer to the “Turner” expansion.

Further Submitter X4: Nita Knight

Statement X4.14

Support in part, Submission Point #13.9

My original submission sought that my land be included in the Plan Change. Expansion beyond the original private plan change are to include the Turners land and my own land would enable better integration.

Oppose - Relevant to Section 5 of the Section 32 report

Submission Point #13.10

Section 32 report, Table 8: There is incorrect reference to York Quarry and York Valley landfill. The analysis suggests zoning has been used as a way of buffering effects from these quarries, which are outside the rezoned area.

Decision Sought:

Delete.

Oppose

Submission Point #13.12

Definition, “structure plan or outline development plan”: Reference to two different terms meaning the same thing is confusing.

Decision Sought:

To avoid confusion, delete reference to ODP in the definition for “structure plan”.

Oppose

Submission Point #13.13

AD11.4A: Reference to two different terms meaning the same thing is confusing.

Decision Sought:

To avoid confusion and ensure consistency, refer only to “structure plan” and delete references to outline development plan. Make consequential amendments to delete references to outline development plan throughout the plan change as needed.

Oppose

Submission Point #13.49 e)

Map 3, structure plan. Notational change required to the legend.

Decision Sought:

Amend “study area” to read “structure plan boundary”

General further submissions on Submitter 13.

Further Submitter X1: Hendrik Heinekamp Statement X1.2

Oppose Submission Points #13.1, #13.3, #13.4, #13.7-10, #13.12, #13.13, #13.19, and #13.49 e).

Not in the best interest of Marsden Valley environment and its inhabitants.

Further Submitter X2: Craig and Jane Gass Statement X2.1

Oppose Submission Points #13.1, #13.3, #13.4, #13.8, #13.9 and #13.19

Changing the wording by Submitter 13, if allowed, will a) change the meaning of the document, b) not allow council any discretion if issues arise with the subdivision.

PLANNING OFFICER COMMENT #25 (TOPIC 6)

Marsden Park Limited
Submission Point #13.1

The submitter notes their support of the Plan Change and requests that it be retained but with modifications in accordance with the remainder of the submission. This support is noted and it is intended that the Plan Change is retained with recommended changes to be considered by the hearing panel.

RECOMMENDATION

Submission Point #13.1: Accept

Further Submission Statement X3.15: Accept

AMENDMENT TO PLAN:

Nil

Submission Point #13.3

The submitter is concerned that parts of the Plan Change (Section 32 report) read as if it is still being assessed as a private proposal and the Council has a neutral assessment role. As per the decision sought requested amendments will be considered under the relevant submission point.

The reasons section of this submission point includes discussion on the landscape reports carried out for Marsden Valley. While this does not directly form part of the decision sought section of the submission point it does require a response as it challenges the conclusions of the section 32 report. The submitter points out that there have been a number of Landscape reports

carried out which either include Marsden Valley or specifically focus on it.

This item will be discussed in full in Topic 9 under Submission Point #13.5, Officer's Comment #36.

RECOMMENDATION

Submission Point #13.3: As per the decision sought requested amendments will be considered under the relevant submission point. Specifically see #13.5, under Topic 9, Officer's Comment #36.

AMENDMENT TO PLAN:

Nil

Submission Point #13.4

The submitter is concerned that the resource management issue has not been correctly defined and that a list of effects have been discussed. This is in some respects correct; the issues listed are recognised resource management issues and relate to the primary issue which is the capability of the Stoke Foothills to provide for a portion of Nelson's population growth in a sustainable way which meets the purpose and principles of the Act. Recommended changes to the Section 32 are outlined below.

RECOMMENDATION

Submission Point #13.4: Accept

Further Submission Statement X3.17: Accept

AMENDMENT TO SECTION 32 REPORT:

2.2 Identification of Issue(s)

The primary issue this Plan Change seeks to address is: "To provide for future residential growth for Nelson City in the Stoke foothills in a sustainable way". This is proposed to be addressed through rezoning of land within Marsden Valley for an increased level of development which raises issues relating to:

- Servicing (roading, stormwater, waste water, water supply)
- Landscape protection
- Natural Hazards
- Connections (Walkways/Cycleways, Roding, Biodiversity, Greenspace)
- Urban design relating to creation of a new community
- Efficient use of the land resource
- Cross-boundary effects

Submission Point #13.7

The submitter is concerned that the finite supply of residential land is stated to have been determined by NUGS and internal Council investigations and that there is no mention of developers and landowners. I agree that other parties are likely to have arrived at this same conclusion independent of Council or NUGS. I do not agree that this means the section should be deleted therefore a recommended change is noted below.

RECOMMENDATION

Submission Point #13.7: Accept

AMENDMENT TO SECTION 32 REPORT:

2.2 Identification of Issue(s)

Efficient use of the land resource.

NUGS, independent analysis by landowners, developers and others, and internal Council investigation, confirms that the residential land supply in Nelson district is a finite resource.

Submission Point #13.8

The submitter is concerned that the section describing the expanded zoning area of the Plan Change carried out by Council once it adopted the Plan Change is irrelevant. I consider it is relevant as it explains the methodology which Council used to develop the zoning, overlay and connection patterns proposed in the Plan Change and associated structure plan. Awareness of the wider area that was considered helps in then understanding the reasons for the approach undertaken. A good example are the roading connections shown to Enner Glynn Valley and to Panorama Drive, these areas are both outside of the area of this plan change and would not make sense without knowing that patterns in the wider area have been considered.

RECOMMENDATION

Submission Point #13.8: Reject

AMENDMENT TO SECTION 32 REPORT:

Nil

Submission Point #13.9

The submitter is concerned that the paragraph noted is meaningless to the general public as they were not aware that a wider area of the plan change was being considered. I agree that this paragraph is not necessary in the context of the Section 32, readers of the document are aware of the wider structure plan approach to encompass Enner Glynn and Upper Brook Valleys due to the statements in section 3.1 of the Section 32 report. Knowledge of the wider environs have been considered when developing the zoning and overlay patterns and the structure plan is of importance, not whether this forms part of this notified plan change. The submitter suggests this paragraph is revised to cover the inclusion of the Turners land in the scope of the Plan Change, while further submitter X4 requests that their land is included as well, as per their original submission point #18.1 which is discussed under Topic 7 'Zoning Pattern and Rules'. Amendments to this affect are noted below.

RECOMMENDATION

Submission Point #13.9: Accept

Further Submission Statement X4.14: Accept

AMENDMENT TO SECTION 32 REPORT:

~~The most significant change relates to splitting of the land area subject to the original private plan change application from the wider structure plan. This was carried out in consultation with, and at the request of, the original applicant.~~

In carrying out the development of this Plan Change it was determined that for the sake of improved integration of land areas and zoning patterns it would be sensible to include the properties owned by Irene Turner (195 and 217 Marsden Valley Road) in the Plan Change area. This inclusion was carried out in consultation with the original private plan change proponent and with Irene Turner. A neighbouring property (201 Marsden Valley Road) has also requested through submissions to be included in the Plan Change area. This is accepted for the same reason of improving the integration of land areas and zoning patterns.

Note (this is not part of the revised section 32): The recommendation to include 201 Marsden Valley Road in the Plan Change area is discussed under submission point #18.1, Topic 7 'Zoning Pattern and Rules'.

Submission Point #13.10

The submitter is concerned Table 8 of the Section 32 report includes reference to York Valley Quarry and York Valley Landfill which are outside of the Structure plan area. These references to York Valley Quarry and York Valley Landfill are in error and the amendments noted below are recommended. It is not accepted that this table should be deleted as it provides an assessment

of Options for managing cross-boundary effects which is relevant for the Marsden Cemetery and Marsden Valley Quarry.

RECOMMENDATION

Submission Point #13.10: Accept

AMENDMENT TO SECTION 32 REPORT:

Amend Table 8 of Section 32 report as follows:

Footnote 18: Cross Boundary Effects: Given existing and potential land use activities within and adjoining the study area, the Cemetery, ~~the York Quarry, York Valley Landfill~~ and Marsden Quarry are considered most significant and are of regional importance to the Nelson-Tasman area.

Footnote 19: Zoning as a Buffering Tool: This has been provided for in the zoning of land (ie ~~rural overlooking the York Quarry, or Open Space Recreation~~ nearest the Marsden Quarry) and the location of zone boundaries (ie ~~below the ridgeline adjoining the landfill site~~).

Table, Column 'Option 1', Row 'Overall Efficiency and Effectiveness': This option would be both inefficient and ineffective in achieving sustainable urban growth and avoiding the effects of incompatible land development. It has a higher risk of cross boundary or reverse sensitivity effects than Option 2, and fails to recognise the existing use, resource consents, and NRMP provisions (ie ~~designations for the landfill~~, and scheduled site for ~~York~~ Marsden Quarry) allowing for not only continued operation but potential expansion of these activities.

Submission Point #13.12 and #13.13

The submitter suggests that the reference to both 'structure plan and outline development plan' is confusing when they both mean the same thing. The reference to both has been retained as previous plan changes of this nature have used the term 'outline development plan' (i.e. Ngawhātu) while the current plan change uses 'structure plan' and this is the preferred term to be used in the future. It is the term more commonly used to describe this type of planning for an area's development. The meaning of words section clearly describes that the two terms mean the same thing and it is considered there is no confusion generated.

RECOMMENDATION

Submission Point #13.12 and #13.13: Reject

AMENDMENT TO PLAN:

Nil

Submission Point #13.49 e)

The submitter suggests a notational change to the legend of Map 3. 'Study Area' to be changed to 'Structure Plan Boundary'. This change is accepted and the change is to be made on Maps 1, 2 and 3 as the same item appears on all.

RECOMMENDATION

Submission Point #13.49 e): Accept

AMENDMENT TO PLAN:

Change Maps 1, 2 and 3 'Study Area' to be changed to 'Structure Plan Boundary'.

GENERAL FURTHER SUBMISSION X1.2: Accept in part

This further submission states all changes suggested by Submitter 13 are not in the best interest of Marsden Valley environment and its inhabitants. I consider that the changes as accepted above are in the best interest of clarity, the environment, and achieve the purposes and principles of the Resource Management Act.

GENERAL FURTHER SUBMISSION X2.1: Accept in part

This further submission states all changes suggested by Submitter 13 will change the meaning of the document and remove Council discretion. I consider that the changes as accepted above are in the best interest of clarity, the environment, and achieve the purposes and principles of

the Resource Management Act.

Submitter 19: Irene Turner

Support

Submission Point #19.1

We feel the area is suitable for subdivision because it is flat land within easy walking distance of Isele Park and the Stoke shopping centre and only minutes from the hospital and city centre. We are familiar with the McLaughlin development and wish to add our support we are very impressed with the attention to detail and the eco-friendly design. Mixed housing along with the retention of trees and walkways will lead to a vibrant community of mixed ages and backgrounds and will be a wonderful environment in which to raise families, close to town and within walking distance of the many walkways, parks and reserves in the area.

Decision Sought:

Support for Plan Change 13 in general, and in particular as it relates to our property at 195 and 217 Marsden Valley Road.

Further Submitter X1: Hendrik Heinekamp Statement X1.13

Oppose Submission Point #19.1

Not in the best interest of the Marsden Valley environment and its inhabitants.

PLANNING OFFICER COMMENT #26 (TOPIC 6)

Irene Turner

Submission Point #19.1

The submitter notes their support for Plan Change 13 in general. The further submission states this is not in the best interests of the Marsden Valley environment and its inhabitants. The supporting submission is noted, while that in opposition is rejected. Discussion, particularly under Topic 4, covers why this plan change and its approach is being retained.

RECOMMENDATION

Submission Point #19.1: Accept.

Further Submission Statement X1.13: Reject

AMENDMENT TO PLAN:

Nil

8.13. TOPIC 7: Zoning Pattern and Rules.

8.14. This topic includes submission points which relate to items of the proposed Plan Change involving the Zoning pattern or the rules and other Plan provisions which implement the Structure Plan.

Submitter 8: Echo Holdings Ltd

Oppose

Submission Point #8.1

The upper level of this property fronts Panorama Drive and is currently zoned Residential. There is no reason why that zone should be deleted. The only reason it has not been developed to date (as part of Panorama Heights) is because of the title boundaries. That is not a planning management control – merely a legal issue. If it was considered appropriate for full residential development in the past, then there is nothing to suggest that appropriateness has diminished. In reality, the constraints of servicing, the transmission lines and the topography, have a control on the number of residential zone lots that could be developed.

Decision Sought:

Reconfirm/reinstate the existing area of Residential Zoning over the upper level of Echo Holding Ltd property.

Oppose

Submission Point #8.2

The requirement to have an average area of one hectare is working against the intent of the zone in that it is forcing lots to be larger in general. This is particularly so, due to the type of terrain – steep and a series of “gullies and ridges”. The Plan is encouraging “cluster” type of housing. That is feasible with 2000m² minimum but not with one hectare average as that will severely restrict use of natural building sites.

The combination of the one-hectare averaging and the Green Space requirements along with provision of services (sewerage disposal, stormwater disposal, and water reticulation) makes development of this property uneconomic. There are only a certain number of sites that can be developed due to the one-hectare average. If the total property (and new titles) is to be serviced, then the one-hectare average needs to be deleted to make the development economic.

Decision Sought:

Delete the requirement for a “one hectare average size” from RUr.78.2(e)(iii) as a Controlled Activity – leaving the minimum size for serviced allotments at 2000m².

Oppose

Submission Point #8.3

There is the potential to allow this property to develop without the need for full servicing. Disposal of sewerage on-site would be the greatest issue but that can be mitigated by control of design of the on-site system plus ensuring that there is sufficient area of land (plus back up reserve area) available within each lot for on-site disposal. Provision of water can be by high pressure or by low pressure system of units/per day. Stormwater run off can be captured for garden irrigation and/or dual plumbing in the houses. In this case it is considered that a 4000m² minimum area (no averaging) would be appropriate for no servicing.

Decision Sought:

c) Add another option to the zone subdivision rules (RUr.78) as follows:

“or RUr.78.2 (e) (v): 4000m² minimum lot size in the Marsden Hills Higher Density Small Holdings Rural for property CT.237412 (Lot 2 DP358276 – 12.87ha) without full reticulated servicing”.

PLANNING OFFICER COMMENT #27 (TOPIC 7)

Echo Holdings Ltd

Submission Point #8.1

The submitter requests that the upper portion of their land adjacent to Panorama Drive has the current Residential Zoning reinstated. The existing zoning is shown in Volume 4, Planning Maps, page 28 of the operative Nelson Resource Management Plan. The zoning (as notified) had been changed from Residential Zone to Rural Zone – Higher Density Small Holdings Area in this area. The reason was the low absorption capacity (Kidson Landscape report, 2009) of this land area from a landscape point of view, including buildings breaking the skyline on the upper slopes when viewed from Marsden Valley. The bulk of the submitter's site is retained as Rural Zone – Higher Density Small Holdings area for this reason but it is considered the area the submitter is concerned with can be retained as Residential Zone. This is because it fits with the existing pattern of zoning and development that exists along Panorama Drive and this development is already visible from Marsden Valley Road. It is considered that further development along this side of Panorama Drive would be likely to result in the same number of houses regardless of which of the two zonings are in place due to the topography, stability, constraints from the transmission lines and the minimum site size allowed under the Higher Density Small Holdings area (2000m²).

RECOMMENDATION

Submission Point #8.1: Accept

AMENDMENT TO PLAN:

Amend Map 2 to show upper portion of submitter's property retained as Residential Zone. Services Overlay to remain.

Submission Point #8.2

The submitter states that the average lot size of 1 hectare, RUr.78.c (e), (iii), in combination with Greenspace requirements and servicing makes the development of this property uneconomic. The intent of the use of the Higher Density Small Holdings Area was to protect some of the open nature of this area which is highly visible from within Marsden Valley and to recognise the low absorption capacity this area has. The topography, aspect (south), and stability of the land also played a part as did consistency with existing zones used through out other similar areas of Nelson (Ngawhatu Valley and proposed for areas of Enner Glynn Valley). By retaining the 1 hectare average ensures that a level of openness is retained but the lower minimum allows for development to occur in areas where it is possible. It is expected that the constraints of this land will result in 'clusters' of development being possible while other areas would not be able to be developed. A minimum 2000 m² as proposed would not result in a rural zoning of any nature and is more aligned to a Lower Density Residential Zoning.

The proposed greenspace area shown should be removed as this is a provision which relates to the Residential Zone. It is not required as the averaging requirement proposed ensures that a level of open space is retained.

RECOMMENDATION

Submission Point #8.2: Accept in part

AMENDMENT TO PLAN:

Map 3. Remove Greenspace from submitter's property.

Submission Point #8.3

The submitter states that the property could be developed without the need for full servicing if there was a 4000m² minimum site size. This may be possible however would be best dealt with under resource consent as the south facing nature of the site (plus topography (steep) and stability (High Risk Area)) make it difficult to deal with on site sewerage disposal or stormwater disposal. The resource consent process allows for the flexibility and opportunity to assess individual proposals on their own merits.

RECOMMENDATION

Submission Point #8.3: Reject

AMENDMENT TO PLAN:

Nil

Submitter 10: Craig and Jane Gass

Oppose

Submission Point #10.10

The Plan Change to allow for alcohol trading hours from 7am to 1am the following day, Monday to Saturday and 7am to 11pm Sundays is excessive. We oppose this inclusion in the Plan Change.

Decision Sought:

This should be altered for any business serving and selling alcohol and restricted to trading hours 10am to 10pm daily.

Further Submitter X3: Irene Turner

Statement X3.13

Oppose Submission Point #10.10

The proposed alcohol trading hours are appropriate and reducing them would be unjustified.

Further Submitter X4: Nita Knight

Statement X4.9

Support Submission Point #10.10

My original submission opposes alcohol but if allowed would support this submission; that proposed alcohol trading hours are excessive and should be restricted.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.15

Oppose Submission Point #10.10

There are already restrictions on sale of alcohol. The proposed hours are appropriate for a Marsden Valley Suburban Commercial Zone.

Oppose

Submission Point #10.11 and Decision Sought:

Under Exclusion for certain activities (1.2GR – Commercial Activities Not Permitted) there needs to be added – “any business operating as a “pub” or alcohol establishment for the purpose of selling alcohol for consumption as a primary business activity and which would create noise”. Places like a Sprig and Fern type establishment, hotel or tavern, boutique brewery etc. ie a larger business solely centred around serving and consuming alcohol. This type of commercial activity needs to be an excluded activity so as to preserve and maintain the values of Marsden Valley and what it is recognized for at present.

Further Submitter X3: Irene Turner

Statement X3.14

Oppose Submission Point #10.11

Opposition to prohibiting the sale of alcohol in the Suburban Commercial Zone as this is unjustified. Sale of alcohol is appropriate in this zone.

Further Submitter X4: Nita Knight

Statement X4.10

Support Submission Point #10.11 (confirmed (18/5/10 phone) with Nita Knight that the reference to #10.1 was a typo).

No specific reasons given.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.16

Oppose Submission Point #10.11

The Marsden Valley Suburban Commercial Zone is entirely appropriate for an establishment selling alcohol. A prohibition on selling alcohol is unjustified. Any adverse effects will be controlled through plan rules and monitoring.

General further submission on Submitter 10.

Further Submitter X1: Hendrik Heinekamp Statement X1.8

Support Submission Points #10.10 and #10.11

The Council has a chance to get away from the old colonial concept of single dwellings on small sections. Land is a valuable resource for recreation and the health and well-being of its citizens. Change your thinking and be innovative.

PLANNING OFFICER COMMENT #28 (TOPIC 7)

Craig and Jane Gass
Submission Point #10.10

The submitter considers the proposed closing times for selling liquor for consumption on the premises are excessive. Currently the operative Plan allows for the sale of liquor for consumption on the premises between the hours of 7am - 3am the following day on any day in the Suburban Commercial Zone. The hours have been reduced from this under the proposed Plan Change for the purpose of helping to create a 'village centre' environment as has been discussed under Topic 4, Officer Comment #17. It is my opinion that the submitter is correct and that the hours for sale of liquor on the premises should be further reduced to compliment the desired character of the village centre area. Part of this character would be derived from the close links to residential activities including these being located within the area of suburban commercial zoning. The potential for conflict between bars open later in the night and residential living increases along with the hours the bar is open. Therefore the recommended closing time is daily 7am – 11pm. The 7am time is retained as this is consistent with open times in the rest of the operative Plan and I do not consider it is likely to cause conflict in the area. The 10pm closing time suggested by the submitter is not accepted as it is my experience restaurants and bars often have people finishing meals and drinks around this time, 11pm is considered to provide some flexibility to reasonably provide for an evening out but not to impact significantly on the surrounding commercial and residential environments.

Due to this recommended change the provision should apply anywhere within the Schedule I, Marsden Valley Suburban Commercial regardless of how far it is from the Residential Zone boundary. Without doing this the situation would arise where a premises selling liquor for consumption on the premises which is within 50m of the Residential Zone boundary could be open later than one more than 50m away.

RECOMMENDATION

Submission Point #10.10: Accept in part

Further Submission Statement X3.13: Reject
Further Submission Statement X4.9: Accept
Further Submission Statement X5.15: Reject

AMENDMENT TO PLAN:

Schedule I, 1.2 g) For the Marsden Valley Suburban Commercial Zone SCr.39.1 b) shall be replaced by 'Any activity ~~located more than 50m from the Residential Zone boundary~~, which involves the sale of liquor for consumption on the premises may be open for the sale of liquor only during the following hours: daily 7am to 11pm. ~~4am the following day, Monday to Saturday, and 7am to 11pm on Sundays.~~'

Submission Point #10.11

The submitter seeks to exclude premises which are solely centred around serving and consuming alcohol to ‘...preserve and maintain the values of Marsden Valley and what it is recognised for at present’. I consider that with the reduction in hours recommended above (submission point #10.10), and existing noise controls which will apply to the area, any premises selling alcohol will not determinately affect the proposed Village Centre environment. It is recommended that no additional controls are placed on the operation of premises serving or selling alcohol.

RECOMMENDATION

Submission Point #10.11: Reject

- Further Submission Statement X3.14: Accept
- Further Submission Statement X4.10: Reject
- Further Submission Statement X5.16: Accept

AMENDMENT TO PLAN:

Nil

GENERAL FURTHER SUBMISSION X1.8: Accept in part

This further submission states all changes suggested by Submitter 10 are a chance to change our thinking and be innovative. I consider that the changes as accepted above are in the best interest of clarity, the environment, and achieve the purposes and principles of the Resource Management Act.

Submitter 13: Marsden Park Limited

Submission Point #13.22

1.2(e) walking and cycle links. This rule is uncertain and could lead to interpretive issues. It would be better as an assessment matter for subdivisions.

Decision Sought:

As the rule is uncertain it could lead to interpretive issues. Delete rule 1.2(e) and include as a new assessment matter for subdivision applications under 1.4.

Further Submitter X4: Nita Knight

Statement X4.20

Oppose Submission Point #13.22

Walking and cycling links are important and should require a rule status.

Oppose

Submission Point #13.23

1.2(f), building setback. This rule refers to the road boundary as it exists at the date of notification. However, following subdivision on the north side of the road, Council staff have indicated the landscape strip will be incorporated within the road reserve. The new road boundary will therefore be the existing building restriction line, 5m in from the existing road boundary.

The effect of this will be to make buildings set back a further 5m inside the line of the building setback. This is not the intention, and will be unnecessary.

Reference to the legal road boundary needs amending to avoid unintended consequences of an additional building restriction, and to allow buildings to be built up to the existing building restriction line.

The wording also needs to specifically allow buildings up to the building line, otherwise the zone rules will require an additional 4m setback from the building line boundary when this becomes the legal road boundary. A second building setback is not intended under this rule.

Decision Sought:

Amend to read: *“No buildings are permitted up to but not within the 5m building setback (within 5m of the Marsden Valley Road Reserve legal boundary (north east side) as at 1 October 2009), for the frontage length as shown in Schedule 1 Structure Plan Figure 1. Vehicle crossings in this setback are to have...”*

Oppose

Submission Point #13.24

1.2(i).ii), heights. It is too restrictive to include proximity to and effect on adjacent zones as a matter of discretion. “Effect” includes all effects, not just the visual effects arising from a higher building. This is unreasonable. In addition, this restriction confers such wide discretion on Council as to make any restriction on discretion meaningless. In effect, discretion is not restricted by this rule. Sufficient controls exist through the assessment matters and design principles.

Decision Sought:

Delete matter of discretion ii.

Further Submitter X4: Nita Knight	Statement X4.21
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Oppose Submission Point #13.24

Cross boundary effects need to be recognised and addressed. Relationship between suburban commercial zone and residential zones is fundamental both to the character and amenity of the valley and of the residential zone. Building height can have a significant adverse impact on neighbouring zones. Noise effects is an issue.

Oppose

Submission Point #13.25

1.2(i), iii) heights: There will be no public space within the suburban commercial zone since this will all be held privately. “Effect” also includes all effects, not just the visual effects arising from a higher building which would trigger this rule. This is unreasonable. This restriction confers such wide discretion on Council that it makes any restriction on discretion meaningless. In effect, discretion is not restricted by this rule. Sufficient controls exist through the assessment matters and design principles.

Decision Sought:

Delete matter of discretion iii.

Support

Submission Point #13.26

1.2(i), notification and affected parties. It is appropriate and provides greater certainty to consider these applications without notification or the need to obtain written approvals.

Decision Sought:

Retain the provision for applications not to be notified and for affected party approvals to not be required.

Further Submitter X4: Nita Knight	Statement X4.22
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Oppose (conditionally) Submission Point #13.26

This is a significant power if submission #13.24 and #13.25 are accepted and the matters of discretion are severely restricted, then there is little assessment power left to Council and leaves affected parties with no rights for consultation or avenues of redress. Non notification with appropriate restricted discretion matters, allows Council to properly assess a project.

Oppose

Submission Point #13.27

I.3.1 – subdivision explanation. A new provision needs to be added to deal with any conflict in activity status between the schedule rules and general rules.

Decision Sought:

Add the following at the end of I.3.1: *“Where there is conflict between the activity status under Schedule I and the general rules, Schedule I shall prevail”.*

Oppose

Submission Point #13.28

I.4(iii) – assessment matters, future activities. It is impossible to foresee what future activities may occur when assessing resource consents, whether these are permitted or otherwise. Including this is unreasonable and will lead to assessments based on speculation.

Decision Sought:

Delete the second part of assessment matter (iii) referring to future activities.

Oppose

Submission Point#13.30

I.5(ii) design principles, public spaces. There will be no public spaces within the Suburban Commercial Zone which will be retained within private ownership. The word “quality” also introduces subjectiveness and great uncertainty in interpretation.

Decision Sought:

Amend to read: *“~~Quality public~~ Open spaces that are active...”*

Oppose

Submission Point #13.31

I.5(iii) design principles, building quality. “Quality” is subjective and will lead to high uncertainty in interpretation. In addition, this principle introduces new design elements which are unique to this zone and do not apply to other zones (e.g. colour, roof forms and materials). Controlling these is not justified in terms of section 32 and Part 2 of the RMA. These controls could be unreasonably restrictive as well as being highly subjective. As an example, corrugated iron could be assessed as low quality and inappropriate colour and material, despite zinc-alum cladding (corrugated iron) being frequently incorporated in high quality building designs.

Decision Sought:

Amend to read: *“~~High quality of Design and finish of buildings and structures that create with a sense of distinctiveness through the use of colour, height, roof forms, materials, layout and circulation”.~~*

Further Submitter X4: Nita Knight

Statement X4.23

Oppose Submission Point #13.31

“High quality” should be a requirement and the matters sought to be removed can have a large impact on the environment created by a suburban commercial zone.

Oppose

Submission Point #13.32

I.5(vi) design principles, adaptable buildings. “Adaptability” needs to be better defined to provide greater guidance in assessing proposals.

Decision Sought:

Amend to read: "Adaptable and flexible buildings configuration, layout and dimensions, to enable use and reuse able to be used and reused for a variety of different activities."

Further Submitter X4: Nita Knight

Statement X4.24

Support Submission Point #13.32

No specific reasons given.

Oppose

Submission Point #13.33

I.5(vii), design principles, living environments. "Well designed" is highly subjective and "efficient" has multiple meanings. These terms are ambiguous and will lead to uncertainty over interpretation.

Decision Sought:

Delete "well designed and efficient".

Oppose

Submission Point #13.34

I.5(viii) design principles, working environments. "Good" quality adds subjectiveness, and "working environments" and "efficient" are not defined. There is also uncertainty over "recreational facilities" i.e. is a café a recreational facility? As written, this principle will lead to interpretive difficulties and uncertainty.

Decision Sought:

Delete and replace as follows: "*Mixed use commercial and living environments which have easily accessed facilities*"

Oppose

Submission Point #13.35

I.5(ix) design principles, activities. This principle appears to be about a range of activities and mixed use activities within Marsden Valley providing for a range of users. This needs to be re-worded to better reflect this intention.

It is also unreasonable to require commercial activities to meet social needs (which could imply, for example, village hall and mental health facilities), and for commercial activities to be limited to "some" appropriate commercial activities.

Decision Sought:

Amend to read: "A range and mix of different living, commercial and employment activities which promote an quality urban environment with a focus on meeting basic commercial and social needs of the nearby residents but also allowing for some appropriate commercial and employment uses which meet the basic needs of nearby residents, visitors and serving people from wider catchments."

Oppose

Submission Point #13.36

I.5(xi) design principles, relationship with neighbouring sites. "Builds on" is uncertain and ambiguous.

Decision Sought:

Amend to read: "Building and open space design, layout and orientation which relates to and integrates builds on the site's relationship with Poorman Valley Stream and the protected woodland tree group TG3 to the north."

Oppose

Submission Point #13.37

I.5(xii) design principles, compatibility. The whole purpose of zoning this area for Suburban Commercial is to permit appropriate commercial activities. Those which are inappropriate have been excluded in the schedule. This principle raises the prospect of additional restrictions being imposed on legitimate and appropriate commercial activities which would otherwise be permitted by the zoning.

Decision Sought:

Delete.

Oppose

Submission Point #13.47 c)

Map 1, overlays. The Services Overlay is not necessary on Marsden Park Terrace (the area south west of Marsden Valley Road) since subdivision on this entire area has been consented. The Services Overlay is also an inappropriate method in terms of section 32 to use for the north side. Water and sewer services are anticipated in the LTCCP, and the main purpose of the Services Overlay is to manage stormwater, which will be managed through the engineering standards. Applying a Services Overlay to manage stormwater is not the most effective, efficient or appropriate method in terms of section 32, and is unnecessarily restrictive.

Decision Sought:

Delete the Services Overlay entirely, and as a consequential amendment delete references to the Services Overlay in the plan change.

Oppose

Submission Point #13.51 and Decision Sought.

Zoning of a specific area. Requested zoning change from that proposed (Rural Higher Density Small Holdings) to Residential Zone for a specific area, contained in Appendix E of the submission. (Refer to the full submission for detail.)

Further Submitter X4: Nita Knight

Statement X4.32

Support Submission Point #13.51

No specific reasons given.

General further submission on Submitter 13.

Further Submitter X2: Craig and Jane Gass Statement X2.1

Oppose Submission Points #13.22 – 25 and #13.30 – 37.

Changing the wording by Submitter 13, if allowed, will a) change the meaning of the document, b) not allow council any discretion if issues arise with the subdivision.

Further Submitter X1: Hendrik Heinekamp Statement X1.2

Oppose Submission Points #13.22-28, #13.30-37, #13.47c) and #13.51

Not in the best interest of Marsden Valley environment and its inhabitants.

PLANNING OFFICER COMMENT #29 (TOPIC 7)

Marsden Park Limited
Submission Point #13.22

The submitter considers Schedule I.2 e) dealing with walking and cycling trails in addition to the linkages shown on the structure plan is uncertain and could lead to interpretive issues. The

submitter is correct and this item should be relocated to the assessment criteria section, I.4. The further submitter notes the importance of walking and cycle links and considers it should retain rule status. This is not required as the critical linkages are shown and required by rule on the structure plan while this provision relates to possible linkages in addition to these.

RECOMMENDATION

Submission Point #13.22: Accept

Further Submission Statement X4.20: Reject

AMENDMENT TO PLAN:

Delete I.2 e), renumber accordingly:

Add to assessment criteria I.4:

ii) The ability of the subdivision design to incorporate a network of walking and cycle links between roads, and from roads to open spaces (reserves, 'greenspace' or biodiversity corridors).

Submission Point #13.23

The submitter is concerned the building setback provision (I.2 f) could result in a double up of setback requirements. The change requested is accepted in part. There is an expectation that buildings will not be built within 5m of the existing road boundary. Should this road boundary be moved outward then the standard front yard rules for the zone should then apply. This avoids the possibility of a conflict between zone and schedule rules implying that buildings can be built against the new road boundary. Therefore the recommended wording change is as follows.

RECOMMENDATION

Submission Point #13.23: Accept in part

AMENDMENT TO PLAN:

Amend Schedule I, I.2 f) to read: "~~No~~ buildings are permitted up to but not within the 5m building setback (setback is the area within 5m of the Marsden Valley Road Reserve legal boundary (north east side) as at 1 October 2009) until such a time as this road reserve boundary is moved north eastward. After this movement occurs rule REr.25 'Front Yards' shall apply. In both cases this applies for the frontage length as shown in Schedule I, Structure Plan Figure 1. Vehicle crossings in this setback are to have..."

Submission Point #13.24 and #13.25

Schedule I, I.2 i), ii and iii). The submitter is concerned the restricted discretion matter in relation to the effect an increased building height may have on neighbouring zones is too wide and is unreasonable. There are also concerns raised about the consideration of the effects on public space. I consider that these matters are clear as they are restricted discretion matters directly, and only, applicable to building height. Therefore the effects which the rule restricts consideration to are in relation to the proposed building height in relation to a neighbouring zone, or to public space. For example a 12m height building might not be appropriate, or will require mitigation, if it is adjacent to the Residential Zone or an area of public space.

The submitter also states that restricted discretion matter iii) is not relevant as there will be no areas of public space within the suburban commercial zone area. The zoning established as proposed in the Plan Change intends to create a desirable village centre which makes use of best practice urban design principles, as such I expect that there will be areas of public space created. They may or may not remain in private ownership, but the principle behind the rule requirement remains. The provision also applies to areas of public space outside of the Suburban Commercial Zone for example the road, walkways or the Poorman's Valley Stream esplanade reserve.

RECOMMENDATION

Submission Point #13.24 and #13.25: Reject

Further Submission Statement X4.21: Accept

AMENDMENT TO PLAN:

Nil

Submission Point #13.26

The submitter notes their support for the non-notification provision of I.2 i). The further submission states their opposition to this provision if the submitters points #13.24 and 13.25 are accepted as there would be '*...little assessment power left to Council and leaves affected parties with no right, consultation or avenues of redress*', the further submitter also notes that non-notification with appropriate restricted discretion matters allows Council to properly assess a project. These comments by the further submitter are correct. No change is required; Council retains matters of discretion through the rejection of submission points #13.24 and 13.25, therefore the non-notification provision is recommended to remain.

RECOMMENDATION

Submission Point #13.26: Accept

Further Submission Statement X4.22: Accept in part

AMENDMENT TO PLAN:

Nil

Submission Point #13.27

The submitter identifies a change to be made to improve Plan interpretation in section I.3.1. This change is not accepted as its effect would be to add confusion and inconsistency. The change requested states "*Where there is conflict between the activity status under Schedule I and the general rules, Schedule I shall prevail*". The sentence in the notified Plan Change states "*A subdivision application will take on a consent status as determined by the relevant rules triggered, be they from this Schedule or the relevant zone rule table.*" The Schedule is treated like any other rule; a resource consent will take on the highest activity status of the rules it triggers. It is recommended the existing wording remains.

RECOMMENDATION

Submission Point #13.27: Reject

AMENDMENT TO PLAN:

Nil

Submission Point #13.28

The submitter seeks to delete the section of the assessment criteria dealing with compatibility with future adjoining activities. This change is accepted due to the uncertainty this provision adds to assessment. Existing plan provisions (for example setbacks, daylight, height, and noise) enable some control over the interface between two different zones and between individual properties.

RECOMMENDATION

Submission Point #13.28: Accept

AMENDMENT TO PLAN:

Amend Schedule I, I.4 iii) Integration and compatibility with adjoining activities. ~~including future activities permitted due to the zoning of land.~~

Submission Point #13.30

Design Outcome ii). The submitter seeks the removal of the term 'quality' as it is subjective and states that there will be no public spaces in the Suburban Commercial Zone as these will be retained in private ownership. The term 'Quality' is subjective, as is any assessment of a design matter, this is recommended to remain as the full design principle provides the description of what items should be considered in the context of 'quality'. Public space is not just that in Council, public ownership, but can incorporate any areas which are generally publicly accessible

and are not used exclusively by one tenancy. An example of this occurring in Nelson is at Fashion Island. It is important that these public places are pedestrian friendly in scale and amenity, and easy to get around and through. This provision is recommended to remain.

RECOMMENDATION

Submission Point #13.30: Reject

AMENDMENT TO PLAN:

Nil

Submission Point #13.31

Design Outcome i.5 iii). The submitter notes their opposition to the use of the word 'quality' due to it being subjective and the focus on new design elements such as colour, roof forms and materials. The term 'Quality' is subjective, as is any assessment of a design matter, this is recommended to remain. The wording relating to colour, roof forms and materials is recommended to remain as these can have a strong influence on the 'quality' of the final outcome, and this describes the items that should be considered for their quality. In particular flexibility for a variety of roof forms were one of the reasons an allowance was made in the proposed Plan text for buildings to be between 8 and 12m as a restricted discretionary activity.

RECOMMENDATION

Submission Point #13.31: Reject

Further Submission Statement X4.23: Accept

AMENDMENT TO PLAN:

Nil

Submission Point #13.32

The submitter seeks an amendment to design outcome vi) to better define what adaptability means and to provide guidance. This change is recommended to be accepted as it improves the clarity of the provision and therefore Plan interpretation and ultimately the outcome.

RECOMMENDATION

Submission Point #13.32: Accept

Further Submission Statement X4.24: Accept

AMENDMENT TO PLAN:

Amend Schedule I, 1.5 vi) Adaptable and flexible building configuration, layout and dimensions to enable use and reuse ~~able to be used and reused~~ for a variety of different activities.

Submission Point #13.33

The submitter seeks an amendment to design outcome vii) as they state the words 'well designed' is subjective and 'efficient' has multiple meanings. In a similar manner to the discussion on the term 'quality' the wording stated is subjective, as is any assessment of a design matter. It is recommended that this term remains as the full design principle provides the description of what items should be considered in the context of 'well designed'. The term 'efficient' adds little in this context and it is recommended that this is removed.

RECOMMENDATION

Submission Point #13.33: Accept in part

AMENDMENT TO PLAN:

Amend Schedule I, 1.5 vii) Well designed and efficient ~~and efficient~~ living environments which have good access to sun, pleasant outlooks, and are appropriate to the location.

Submission Point #13.34

The submitter seeks an amendment to design outcome viii) as they state the words 'good

quality' adds subjectiveness and 'working environments' and 'efficient' are not defined. The term 'Quality' is subjective, as is any assessment of a design matter, this is recommended to remain as the full design principle provides the description of what items should be considered in the context of 'quality'. The term 'working environments' is not defined in the plan and as such the dictionary definition of the words is used. In this context the common understanding of this meaning is the area in which people work. However overall the submitter has raised a valid point over the ability of this provision to add anything to a resource consent assessment or a design. A recommended revision, based on that suggested by the submitter is as follows.

RECOMMENDATION

Submission Point #13.34: Accept in part

AMENDMENT TO PLAN:

Delete Schedule I, I.5 viii)

Add new Schedule I, I.5 viii) Good quality mixed use commercial, employment and living environments which have easily accessed facilities.

Submission Point #13.35

The submitter seeks an amendment to design outcome ix) as they see it does not reflect the perceived intention and the use of the term 'some' is unreasonably limiting. The wording of the design principle is considered to be reasonable and clear with no unfairness stated. One change recommended to be accepted is removal of the word 'some'.

RECOMMENDATION

Submission Point #13.35: Accept in part

AMENDMENT TO PLAN:

Amend Schedule I, I.5 ix) Activities which promote a quality urban environment with a focus on meeting basic commercial and social needs of the nearby residents but also allowing for ~~some~~ appropriate commercial and employment uses serving people from a wider catchment.

Submission Point #13.36

The submitter seeks an amendment to design outcome xi) as they see the statement 'builds on' as uncertain and ambiguous. The suggested change is recommended to be accepted. The tree group suggestion is not accepted as this is a protected Woodland listed in the Plan as has been discussed under Topic 1.

RECOMMENDATION

Submission Point #13.36: Accept in part

AMENDMENT TO PLAN:

Amend Schedule I, I.5 xi) Building and open space design, layout and orientation which relates to and integrates ~~builds on the site's relationship~~ with Poorman Valley Stream and the protected woodland (W2) to the north.

Submission Point #13.37

The submitter seeks a deletion of design outcome xii) as it is seen to be placing additional controls over otherwise permitted uses. The design principles are only formally considered through resource consents and do not directly affect permitted activities. However the issue raised does have some merit and this design outcome is recommended to be deleted as it is not about design but about use. The design related responses to any use are sufficiently covered by the remaining principles stated.

RECOMMENDATION

Submission Point #13.37: Accept

AMENDMENT TO PLAN:

Delete Schedule I, I.5 xii)

Submission Point #13.47 c)

The submitter requests the Services Overlay is removed from land subject to the current subdivision consent (known as Chings Flat or more recently Marsden Park Terrace) and from all land on the northern side of Marsden Valley Road. The Services Overlay can be deleted from Marsden Park Terrace land as relevant servicing issues have been resolved through the subdivision consent.

The Services Overlay is recommended to remain in the remainder of the Marsden Valley land area subject to this Plan Change for the following reasons:

- Existing sewer and water systems do not have sufficient capacity.
- Marsden Valley Road will require upgrading and road connections to serve the development potential of adjoining land in the Services Overlay are likely to be required.
- Downstream stormwater has insufficient capacity and measures may need to be undertaken by landowners to mitigate any increased peak flows.

The submitter notes the water and sewer services are anticipated in the LTCCP, however programming of any of these items into the LTCCP is no guarantee that the work will go ahead at that time. The submitter also states that stormwater will be managed through the Engineering Standards. The Engineering Standards have no relevance to whether land is in or out of the Services Overlay. It merely provides guidance to ensure that any proposal to manage stormwater is acceptable for its purpose. Until all items are resolved the Services Overlay remains an appropriate planning tool to use in terms of Section 32.

RECOMMENDATION

Submission Point #13.47 c): Accept in part

AMENDMENT TO PLAN:

Remove Services Overlay from land subject to the current subdivision consent (known as Chings' Flat or more recently Marsden Park Terrace) shown on Map 1.

Submission Point #13.51

The submitter seeks a specified area to be rezoned from the currently proposed Rural Zone – Higher Density Small Holdings Area to Residential Zone. The zoning decision was made based on the combination of the geotechnical (very high risk) and landscape classifications and how the landscape classification of 'prominent slope' was over and above that covered by the Landscape Overlay. These factors supported the view that the absorption capacity for this land was low for both reasons and the more suitable zoning was Rural Higher Density Small Holdings Area. This allows for clustering of housing in suitable areas to deal with the constraints noted. The proposed zone boundary is also consistent with that shown along the rest of this slope running to the north. It is recommended that the zoning proposed remains as shown.

RECOMMENDATION

Submission Point #13.51: Reject

Further Submission Statement X4.32: Reject

AMENDMENT TO PLAN:

Nil

GENERAL FURTHER SUBMISSION X1.2: Accept in part

This further submission states all changes suggested by Submitter 13 are not in the best interest of Marsden Valley environment and its inhabitants. I consider that the changes as accepted above are in the best interest of clarity, the environment, and achieve the purposes and principles of the Resource Management Act.

GENERAL FURTHER SUBMISSION X2.1: Accept in part

This further submission states all changes suggested by Submitter 13 will change the meaning of the document and remove Council discretion. I consider that the changes as accepted above are in the best interest of clarity, the environment, and achieve the purposes and principles of

the Resource Management Act.

Submitter 14: Nelson Tasman branch Royal Forest & Bird Protection Society Inc

Oppose

Submission Point #14.1

We believe the proposed intensive (ie high density allotment) residential and commercial development will detrimentally impact on the following:

The existing and potential landscape and amenity values, and

The existing and potential wildlife values of Marsden Valley.

Once this land has been subdivided to the density proposed many of these values will be irrevocably lost.

Decision Sought:

Larger allotment size OR more efficient use of the land.

Further Submitter X3: Irene Turner

Statement X3.19

Oppose Submission Point #14.1

Larger allotments would not be an efficient use of land and would result in less diversity of living choice.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.19

Oppose Submission Point #14.1

Larger allotments would not be an efficient use of land and would result in fewer residential allotments and less diversity in living choice. The green space zones and allotment sizes will adequately protect the landscape values of the valley and follow good urban design principles.

General further submission on Submitter 14.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.18

Oppose Submission #14

This submission is generally misguided. Marsden Valley is not comparable to St Arnaud which does have important conservation estate (National Park) on the border. The submitter's distinction between "good" and "bad" development is highly subjective. In addition, many of the outcomes sought by the submitter (good urban design) are provided for by the plan change.

PLANNING OFFICER COMMENT #30 (TOPIC 7)

Nelson Tasman branch Royal Forest & Bird Protection Society Inc

Submission Point #14.1

The submitter states that the proposed intensive residential and commercial development proposed through the zoning pattern will detrimentally affect landscape and wildlife values of Marsden Valley. They seek larger allotments or more efficient use of the land. The proposed approach of providing a village environment within the valley (commercial, surrounded by higher density residential, moving through to standard density residential, rural small holdings out to rural) has been discussed in Topic 4. In relation to this request it is acknowledged that the zoning proposed will result in changes to the existing landscape and wildlife values of Marsden Valley. Through allowing for more development but also including proposed provisions of the Plan Change, such as biodiversity corridors, greenspace, vegetation protection, and Riparian Overlays it is intended that landscape, habitat and wildlife values are incorporated into the newly created environment. No changes are recommended as a result of this submission or further submission.

RECOMMENDATION

Submission Point #14.1: Reject

Further Submission Statement X3.19: Accept
Further Submission Statement X5.18 and X5.19: Accept

AMENDMENT TO PLAN:
Nil

Submitter 17: Carly and Christopher Feltham

Support in Part

Submission Point #17.4

Schedule I, Marsden Valley I.2 General Rules section h). Additions to the list of activities not permitted in Schedule I.

Decision Sought:

Section h) to include: "...the sale of any liquor not for consumption on the premises, any fast food or take away facility not owner operated."

Further Submitter X3: Irene Turner Statement X3.29

Oppose Submission Point #17.4

Excluding businesses that sell liquor or that are fast food or takeaway businesses that are not owner operated is unjustified. These activities are appropriate within the Suburban Commercial Zone.

Further Submitter X4: Nita Knight Statement X4.38

Support in part Submission Point #17.4

Support decision sought. Sale of liquor not for consumption on the premises.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.30

Oppose Submission Point #17.4

Oppose excluding businesses that sell liquor or that are fast food or takeaway businesses that are not owner operated. These activities are appropriate within the Suburban Commercial Zone, and there is no justification for limiting fast food only to owner-operators.

Support in Part

Submission Point #17.5

I.5 Marsden Valley Suburban Commercial Zone Overall Design Principles addition required.

Decision Sought:

Add: "(xiii) Tasteful Council approved signage of context sensitive construction, avoiding needlessly large, high, illuminated, flashing or other garish designs. Signs should identify only the business and its commercial activity. Offsite advertising is not permitted."

Further Submitter X3: Irene Turner Statement X3.30

Oppose Submission Point #17.5

MPL opposes the addition of a rule regarding signage in the Suburban Commercial Zone as this is unnecessary. The issues raised are covered under Appendix 20 of the Nelson Resource Management Plan.

Further Submitter X4: Nita Knight Statement X4.39

Support Submission Point #17.5

My original submission opposes a suburban commercial zone but if zoning is allowed, I support this submission.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.31

Oppose Submission Point #17.5

Oppose the addition of a rule regarding signage in the Suburban Commercial zone as this is unnecessary. The issues raised are covered under Appendix 20 of the Nelson Resource Management Plan.

PLANNING OFFICER COMMENT #31 (TOPIC 7)

Carly and Christopher Feltham
Submission Point #17.4

Schedule I, I.2 h). The submitter seeks to exclude the sale of liquor other than for consumption on the premises and any fast food or take away facility that is not owner operated from the Suburban Commercial Zone. A similar issue has also been discussed in Officer Comment #28. In relation to this submission I consider that off licence sales of alcohol are not an activity that should be excluded from this area. The sale of alcohol is not necessarily in conflict with the village environment desired. There may be wider health and societal concerns around the sale of alcohol but these considerations are outside of the scope of this plan change; if they are to be considered it should be part of a wider district wide review on the availability of alcohol. I also recommend that fast food or takeaways not owner occupied should also not be excluded from this area. I understand the submitter is approaching this from the standpoint of preventing larger national or international chains from establishing as a permitted activity. There is however the likelihood of businesses selling fast food which are not owner/operated being acceptable in the village environment desired. Based on my understanding of the operating requirements of the larger chains they are not likely to seek to establish in this area of commercial zoning as it will not have the catchment that they require.

RECOMMENDATION

Submission Point #17.4:

Further Submission Statement X3.29:	Accept
Further Submission Statement X4.38:	Reject
Further Submission Statement X5.30:	Accept

AMENDMENT TO PLAN:

Nil

Submission Point #17.5

The submitter seeks that signage is included as a design principle in Schedule I, I.5. The Nelson Resource Management Plan already includes provisions which prevent off-site advertising and control all of the items (and more) that have been mentioned by the submitter. These controls are within Appendix 20 'Signs and Outdoor Advertising' of the Plan. No additional controls are considered necessary, and this area is not considered to have any specific characteristics which require different signage rules to be implemented.

RECOMMENDATION

Submission Point #17.5: Reject

Further Submission Statement X3.30:	Accept
Further Submission Statement X4.39:	Reject
Further Submission Statement X5.31:	Accept

AMENDMENT TO PLAN:

Nil

Submitter 18: Nita Knight

Not Applicable (as stated in submission)

Submission Point #18.1 a)

Lot 1 and Lot 3, DP 321042 ('subject site') (certificate of title NL83544) be included in the Proposed Plan Change. The subject site shall be shown on maps 1, 2 and 3 as (preferably) Residential lower density area; or in the alternative residential or (in part) residential higher density.

Decision Sought:

Maps 1, 2 and 3 shall include the subject site as (if adopted) residential and residential higher density in accordance with the adjoining land zoning; or if submission 2 is adopted (the submitters preference) the land shall be zoned Residential Lower Density Area, ie 600m², with an average lot size of 1200m². Refer to Attachment 'A' to this submission, which shows the proposed zoning.

Further Submitter X4: Nita Knight

Statement X4.0

Support Submission Point #18.1a)

I support Plan Change 13 (Marsden Valley) in general and ask that my property be included in this Plan Change as stated in my original submission.

Oppose

Submission Point #18.2

Residential and Residential Higher Density zoning. A more appropriate lot size for Marsden Valley residential development is Residential Lower Density Area, which has a minimum lot size of 600m², as opposed to standard Residential (400m²) and Residential Higher Density (300m²). An average lot size value of 1200m² is also sought. This fits with the format of the controlled activity subdivision rule (REr.107.2f), but more importantly delivers an integrated Marsden Valley concept. Subdivision in Marsden Valley is not just about adding biodiversity corridors. It is about the overall amenity values of the valley, and maximising the opportunities presented by an appropriately designed Greenfield subdivision to preserve those values as far as possible whilst creating a high quality, ecologically sustainable, environment.

Decision Sought:

Land shown as Residential or as Residential Higher Density shall be shown as (in both cases) Residential Lower Density.

Further Submitter X3: Irene Turner

Statement X3.32

Oppose Submission Point #18.2

If this applies to the entire plan change area it is unnecessarily restrictive. The proposed zoning densities are appropriate and provide for a range and mix of housing styles in accordance with good urban design.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.33

Oppose Submission Point #18.2

If this applies to the entire plan change area, it is unnecessarily restrictive. The proposed zoning densities are appropriate, and provide for a range and mix of housing styles in accordance with good urban design. These are in-line with NUGS which advocated densities averaging 600m² across the entire area (including hillsides).

Oppose

Submission Point #18.8

I.2 General Rules g), controls on liquor sales. Until such time as the residential development within the area proposed to be rezoned can be said to have its own suburban identity there is the danger that the commercial area will be an attractive location for a tavern which draws clientele from the wider Nelson area. People who use such a facility but do not live nearby will potentially create considerable nuisance for the existing residents. When a demand is proven through the residential development of the area the location of a Tavern or similar establishment can be tested through a change to the Plan.

There are legitimate and well known concerns regarding the adverse effects that would arise from the presence of premises for onsite or offsite liquor consumption and/or sales. These include noise related issues, parking space availability and conduct of patrons.

Decision Sought:

Delete the proposed amendment and replace with:

For Marsden Valley Suburban Commercial Zone SCr.39.1b) no activity involving the sale of alcohol for consumption shall be established.

Further Submitter X3: Irene Turner

Statement X3.37

Oppose Submission Point #18.8

Prohibiting activities which sell alcohol within the Suburban Commercial Zone would exclude suitable activities such as restaurants and cafes.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.38

Oppose Submission Point #18.8

It is appropriate to allow activities which sell alcohol within the Suburban Commercial Zone. Including this rule would unnecessarily restrict a range of suitable and expected permitted activities such as restaurants, cafes, a boutique brewery, or cellar door.

Support in Part

Submission Point #18.9

Premises for the sale of alcohol for consumption onsite and off the premises should be included in the list of activities not permitted in the Marsden Valley Suburban Commercial Zone, for the reasons set out in Submission 18.8.

Supermarkets are large format retailers attracting high traffic numbers, which are better located in existing shopping nodes e.g. Stoke.

Decision Sought:

Amend I.2 General Rules to include (h) to read as follows:

"The following activities are not permitted activities in the Marsden Valley Suburban Commercial Zone: the sale of alcohol for consumption, motor vehicle sales, service, and storage; industrial activities; supermarkets; warehouses; and building and landscape supply activities (including outdoor storage)."

Further Submitter X3: Irene Turner

Statement X3.38

Oppose Submission Point #18.9

Support the exclusion of large format supermarkets, but it would be unreasonable for any exclusion to extend to 'superettes' of dairys. Oppose the exclusion of the sale of liquor for consumption for the reasons already stated.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.39

Oppose Submission Point #18.9

MPL is supportive of excluding large format supermarkets, but has concerns over definitions. New provisions are not required since large format supermarkets are already controlled through existing suburban commercial

rules. It would be unreasonable for any exclusion to extend to “superettes” or dairys offering a wide range of neighbourhood food supplies within a small building footprint. For this reason, MPL opposes any new controls on “supermarkets”.

MPL opposes excluding the sale of liquor for consumption for the reasons already stated (further submission X5.38).

Support in Part

Submission Point #18.10

Explanation I.6 is generally supported, however for the reasons outlined in submission 18.8 and 18.9, reference to hours of operation for activities selling liquor for onsite consumption is opposed. The Suburban Commercial zoning is opposed as being unnecessary for the Marsden Valley, as such services are already available in close proximity. Further, the identified need for higher density residential zoning to support such an area is inappropriate: the character of the valley does not require high density housing and should be preserved as far as possible.

Decision Sought:

Delete the following paragraphs from I.6 Explanation:

~~The Marsden Valley community will be strengthened by an area of Suburban Commercial zoning. This is intended to provide the commercial and social hub for residents in the valley and surrounding area. Higher Density Residential Zoning is provided in support of the commercial zoning. This provides a housing choice within the valley (and the wider Nelson area) allowing for increased flexibility in living styles and the opportunity to live and work in the same area.~~

~~In order to avoid activities which are incompatible with the Marsden Valley Suburban Commercial Zone, certain inappropriate activities are not permitted, along with earlier closing times for activities selling liquor for on-site consumption. These controls will ensure the activities within the zone are compatible with the vision for an urban village.~~

~~The particular allowance for building up to 12m in height in Marsden Valley Suburban Commercial Zone provides greater flexibility in design and roof forms. It also promotes building adaptability and future re-use by allowing higher ceilings for a wider range of uses over time (residential and commercial). Control over the appearance, location, impact on neighbouring zones and effect on the village environment is retained by Council through the requirement for a resource consent for buildings between 8 and 12m in height.~~

Further Submitter X3: Irene Turner

Statement X3.39

Oppose Submission Point #18.10

Removing explanation I.6 would result in a loss of important context as the Suburban Commercial Zone is necessary to provide a mix of activities to benefit the local community, creating vibrancy, reducing travel dependence and to allow for a range of building designs.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.40

Oppose Submission Point #18.10

The submitter opposes removing explanation I.6. This explanation provides important context, as the Suburban Commercial zone is necessary to provide a mix of activities with benefits of reduced travel dependence, reduced carbon emissions, a stronger sense of community, and to allow for a range of building designs.

Support in Part

Submission Point #18.11 b)

I.4 Assessment Criteria: Council should further promote the use of technology that reduces adverse effects on amenity, including the use of low emission street lighting.

Decision Sought:

Add new criterion after xii) as follows:

Use of technology that reduces adverse effects on amenity including low emission street lighting.

Further Submitter X3: Irene Turner Statement X3.40

Support Submission Point #18.11 b)

Low emission (low light-spill) street lighting is supported.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.41

Support Submission Point #18.11 b)

Low emission (presumably referring to low light-spill) street lighting is supported.

PLANNING OFFICER COMMENT #32 (TOPIC 7)

Nita Knight

Submission Point #18.1 a)

The submitter requests that their property is included in the scope of proposed Plan Change 13. Their preference for zoning is Residential Zone - Lower Density Area (600m² minimum and 1200m² average lot sizes), alternatively is part Residential Zone and part Residential Zone – Higher Density Area. It is recommended that the area of land (Lot 1 and Lot 3 DP 321042, Certificate of title NL83544) be included within the scope of proposed Plan Change 13. This is considered desirable because:

- The area of land is almost surrounded by land subject to Plan Change 13 and logically forms part of the proposed zoning pattern.
- Including this property allows for better integration of the zones and overlays proposed.
- The property is setback from the road or any other reasonably accessible public space, and is almost completely surrounded by other properties which are subject to the plan change; therefore it is considered that no additional parties would wish to submit or be disadvantaged by this property’s inclusion. Existing submitters had the opportunity to oppose the inclusion through the further submission period and have not done so. There are no private parties, not subject to this plan change, who own any adjoining properties.

The proposed zoning for this property is recommended to be part Residential Zone and part Residential Zone – Higher Density Area as this complements the zoning pattern proposed for this area of the valley. The overlays are recommended to be Landscape Overlay, Land Management Overlay and Fault Hazard Overlay and included within Schedule I ‘Marsden Valley’.

The use of Residential Zone - Lower Density Area (600m² minimum and 1200m² average lot sizes) is not accepted and is discussed under submission point #18.2 below.

RECOMMENDATION

Submission Point #18.1 a): Accept in part

AMENDMENT TO PLAN:

Include Lot 1 and Lot 3 DP 321042, Certificate of title NL83544 in the scope of Plan Change 13. Proposed Zoning and overlays are shown on the proposed Maps 1, 2 and 3.

Submission Point #18.2

The submitter seeks that all Residential Zone and Residential Zone – Higher Density Areas are shown as Residential Zone – Lower Density Area with a 1200m² average lot size. Use of the

Residential Zone – Lower Density Area, particularly with the 1200m² average lot size, would result in inefficient use of the land resource. The Nelson Urban Growth Strategy (NUGS) identified Marsden Valley as an area to cater for the expected residential growth of Nelson. Established urban design best practice shows that when creating a new community it should be focussed around a commercial centre with densities generally reducing as you move outward. A lower density of residential development would not support a sustainable community structure. In the NUGS work and in proposing this Plan Change the Council is acknowledging that the current characteristics and values of the Valley will change. Through allowing for more development but also including proposed provisions of the Plan Change, such as biodiversity corridors, greenspace, vegetation protection, and Riparian Overlays it is intended that landscape, habitat and wildlife values are incorporated into the newly created environment. It is recommended that the proposed zoning pattern for Marsden Valley remains unaltered.

RECOMMENDATION

Submission Point #18.2: Reject

Further Submission Statement X3.32: Accept

Further Submission Statement X5.33: Accept

AMENDMENT TO PLAN:

Nil

Submission Point #18.8

Schedule I, I.2 g). The submitter seeks the exclusion of premises which sell alcohol for consumption from the proposed Suburban Commercial Zone by inserting varying SCr.39 b), under I.2 g) to state no activity involving the sale of alcohol for consumption shall be established. As discussed for submission points 10.10 and 10.11 (Officer's Comment #28) and 17.4 (Officer's Comment #31) it is considered that premises which sell alcohol are a suitable use for this area of Suburban Commercial Zoning. The proposed restrictions on operating hours, with existing controls within the Plan for noise, and access and parking, will manage the adverse effects of the operation of premises selling alcohol.

RECOMMENDATION

Submission Point #18.8: Reject

Further Submission Statement X3.37: Accept

Further Submission Statement X5.38: Accept

AMENDMENT TO PLAN:

Nil

Submission Point #18.9

Schedule I, I.2 h). The submitter seeks to include premises which sell alcohol for consumption in the list of activities not permitted in the Marsden Valley Suburban Commercial Zone. This issue has been discussed for submission point #18.8. The discussion and recommendation remain the same.

The submitter also seeks to exclude supermarkets from the Marsden Valley Suburban Commercial Zone. The further submissions also support the exclusion of supermarkets which are large format retailers but raise concerns over this extending to dairy's or 'superettes'. I agree that large format style supermarkets would not be compatible with the desired outcomes in this area of commercial zoning, but that dairy's and 'superettes' should not be restricted as they would be desirable commercial uses. I note that the standard Suburban Commercial Zone rules require resource consent for buildings of over 800m² in the Suburban Commercial Zone. This allows for the management of the effects of other types of large format retail. Supermarkets are a type of large format retail known as 'fast trade' and have more traffic movements than a slow trade large format retail outlet. The Plan currently includes a definition of 'supermarkets' in Schedule N 'Quarantine Road Large Format Retail' which has a 500m² floor area limit. I recommend that this definition is included within Schedule I, and that I.2 h) includes supermarkets as an activity that is not permitted. This will require resource consent for

supermarkets over 500m² but still allow for smaller premises which would be more compatible with the desired outcome for the area.

RECOMMENDATION

Submission Point #18.9: Accept in part

Further Submission Statement X3.38: Accept
Further Submission Statement X5.39: Oppose

AMENDMENT TO PLAN:

Amend Schedule I, I.2 h). The following activities are not permitted activities in the Marsden Valley Suburban Commercial Zone: motor vehicle sales, service, and storage; industrial activities; supermarkets (see definition in I.2); warehouses; and building and landscape supply activities (including outdoor storage).

Add at end of I.2 and before I.3:
Definitions relevant to this Schedule:

Supermarket:

Means an individual retail outlet with a gross floor area of not less than 500m² (or an equivalent area, including relating back of house unloading, storage, preparation, staff and equipment space, within a larger store) and selling a comprehensive range of;

a) fresh meat and produce; and

b) of chilled, frozen, packaged, canned and bottled foods and beverages; and

c) of general housekeeping and personal goods, including (but not limited to) cooking, cleaning and washing products; kitchenwares; toilet paper, diapers, and other paper tissue products; magazines and newspapers; greeting cards and stationary; cigarettes and related product; barbeque and heating fuels; batteries, flashlights and light bulbs; films; pharmaceutical, health and personal hygiene products and other toiletries.

Submission Point #18.10

Schedule I, I.6 Explanation. The submitter generally supports the explanation but opposes liquor sales and opposes the Suburban Commercial Zone itself. While the decision sought does not seek to remove the Suburban Commercial Zone itself the intent of the submission point appears to be to remove the Suburban Commercial Zone. For the reasons covered in Topic 4 and Officer's Comment 30 I consider the Suburban Commercial Zone is vital for the establishment of a sustainable community in Marsden Valley. The zoning will allow future residents in particular to access services in close proximity to their homes. While the Stoke shopping area is near it is not within convenient walking distance (as a rule of thumb this is 400m). Providing for the opportunity to access commercial services provides for a stronger community containing a mixture of uses. The explanation contained in I.6 that the submitter requests is deleted provides important context and explanation to help readers of the Plan gain a full understanding of the intent of the rule provision.

It is recommended that the Suburban Commercial Zone and the explanation paragraphs contained in I.6 are retained.

RECOMMENDATION

Submission Point #18.10: Reject

Further Submission Statement X3.39: Accept
Further Submission Statement X5.40: Accept

AMENDMENT TO PLAN:

Nil

Submission Point #18.11 b)

Schedule I, I.4 Assessment Criteria. The submitter requests that low emission street lighting is used in any development. This request is addressed through the draft Land Development Manual being developed by Council. The requirement of this will be the use of a white light

(creates a better pedestrian environment than current yellow lighting), the light design and housing is full cut off (this allows no up lighting ensuring light is directed downward where it is needed).

RECOMMENDATION

Submission Point #18.11 b): Reject (accepted in terms of being included in the draft Land Development Manual 2010).

Further Submission Statement X3.40: Accept

Further Submission Statement X5.41: Accept

AMENDMENT TO PLAN:

Nil

Submitter 19: Irene Turner

Support in Part

Submission Point #19.2 and Decision Sought:

We would like to propose amendment to add the Suburban Commercial Zone to 217 Marsden Valley Road so it extends to the area around the pump house meaning there is suburban commercial land on both sides of the road. Also the pump station puts out a steady hum making the immediate vicinity much more suitable for commercial use than residential. (Refer to the full submission for map.)

Further Submitter X1: Hendrik Heinekamp Statement X1.13

Oppose Submission Points #19.2

Not in the best interest of the Marsden Valley environment and its inhabitants.

Further Submitter X4: Nita Knight Statement X4.41

Oppose Submission Point #19.2

For the reasons given in my original submission and because this would directly affect my property and the access to it. Close proximity to non-residential activities and different effects than residential zoning e.g. lighting, noise, traffic safety, increased and concentrated activity. My property is directly above the site proposed which appears to come back in line with the McLaughlin's proposed suburban commercial zone area. A significantly different amenity from that of the zoning proposed in the Plan Change with significantly different effects. Sufficient land already proposed to be zoned suburban commercial.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.42

Oppose Submission Point #19.1

Note: the submission point referred to is incorrectly stated in further submission, correct reference is #19.2.

Oppose the extension of the Suburban Commercial Zone as there is already sufficient land zoned for this purpose.

PLANNING OFFICER COMMENT #33 (TOPIC 7)

Irene Turner

Submission Point #19.2

The submitter requests the Suburban Commercial Zone is extended across the Indicative Road intersection with Marsden Valley Road meaning there is Suburban Commercial Zoned land on

both sides of the road. They also note the noise of the pump station is more suited to being in a commercial area than residential. I consider that the suggestion has merit as it is desirable to have the same zone on either side of a road as this avoids different land uses (and therefore development styles and activities) occurring on one side than the other. Corner sites are also often the most successful areas for developing commercial uses as they are the natural meeting point for people in the community as they move about.

Further Submitter X4 and X5, in opposition, states there is already sufficient land proposed to be zoned suburban commercial. I agree, and suggest that an equivalent area be removed from the north western end of the proposed Suburban Commercial Zone. This retains the same amount of commercial zoning as currently proposed and also ensures that the zoned area forms a more logical shape than is currently proposed.

In relation to noise from the pump station, this would be marginally more suitable for a commercial environment than a residential one. However the Suburban Commercial Zone allows for mixed uses and could contain residential as a permitted activity. Ultimately, and regardless of which zoning is on this area of land, the pump station could feasibly be moved to a site which is less likely to cause future conflict or be detrimental to the design and layout of what would be a central area for the future Marsden Valley community. There would be a financial cost to this but Nelson City Council's Utilities Manager considers this would not be prohibitive and that a suitable site could be found which still achieves the pumping head required but avoids, as much as possible, conflict with future residents and activities.

A further submitter has raised the issue of the requested change to the location of the Suburban Commercial zoning bringing it and the associated effects, closer to their property. While this is true the planning rules in relation to effects of the Suburban Commercial Zone provide a limit to what is permitted. When this level is reached a rule is triggered, meaning a resource consent is required to determine the suitability of the effect and possible ways to mitigate it. I consider that the wider benefits of the revision of the Suburban Commercial Zone boundaries outweigh the potential costs.

RECOMMENDATION

Submission Point #19.2: Accept

Further Submission Statement X1.13: Reject

Further Submission Statement X4.41: Reject

AMENDMENT TO PLAN:

Amend Map 2 showing Zones to include revised location of Suburban Commercial Zone.

8.15. TOPIC 8: School

8.16. This topic includes submission points in relation to the School Site shown on the proposed Structure Plan.

Submitter 9: Hendrik Heinekamp

Oppose

Submission Point #9.1

The school site is located in one of the coldest parts of Marsden Valley. The cold air, especially in the wintertime sits on the valley floor and due to the narrow corridor towards Stoke cannot flow towards Stoke. It is not unusual to experience white frosty areas not to thaw out during the day on some heavy frosty days. My residence is at 275 meters, even when there is no frost visible the change in temperature when I walk from my place to the lower area is very noticeable. If the Council has any regard for the health of school children and is concerned about the cost of heating an alternative, more suitable site should be considered.

Decision Sought:

Seek a more suitable site for the school.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.6

Oppose Submission Point #9.1

The site as proposed is considered suitable.

Submitter 13: Marsden Park Limited

Oppose

Submission Point #13.20

The proposed plan change shows a school site on the planning maps, but there are no policy or rule links to this.

The private plan change sought to schedule this school site for a school. The intention was to provide a site which could be used as a public school or private school. However, the location and nature of the valley lends itself to a range of educational opportunities, including tertiary education or outdoor education facilities.

The provision of a sports field within this site was also supported by the Council parks department as part of the subdivision of Marsden Park Terrace, since this was seen as providing an open space which would function as a local area for organized or casual team sports. Removing the scheduling of this site denies this opportunity to provide a sports field for the local (Marsden Valley) catchment.

The original scheduling should be reinstated to provide for educational facilities as a controlled activity, to add to the vibrancy and mix of activities in the valley. A sunset clause is suggested to avoid indefinite uncertainty over future use of the site.

Decision Sought:

- a) Identify the boundaries of the educational site on the planning maps, as per the adopted plan change and as shown in **appendix B** to this submission.
- b) Rename this site “educational facility”
- c) Add the following new rule in Schedule I and make such other consequential amendments (reasons, explanations, objectives and policies) as are necessary to support this rule

1.2(j) The following activities within the “educational facility” overlay identified on Schedule I Figure 1 are controlled activities.

- Any structures, works or activities associated with an educational facility including but not limited to classrooms, a staff room and administration block, a hall, ablution blocks, caretakers room, a boiler room, storage sheds and other ancillary buildings, recreation facilities such as playing grounds and fields, a swimming pool, and vehicle parking

These activities are controlled subject to meeting the following standards:

- i) Either a contractual commitment to undertake these activities or commencement of works by 1 October 2015. After this date, the rules of the Residential Zone apply as set out in this schedule unless a contractual commitment is in place or works have commenced.
- ii) Compliance with access and parking standards as they apply to educational facilities.
- iii) Compliance with residential daylight over, daylight around and setback standards.

Control is reserved over the following matters:

- Provision for car parking, taking into account walking and cycling as a means of transport.
- Vehicle access location and design.
- Building height.
- Building location in respect of shading effects beyond boundaries.
- Building design, limited to modulation and visual dominance of walls facing any of the site boundaries.

Oppose

Submission Point #13.41

I.6 explanation, paragraph 6. Sixth paragraph, school site. Provision also needs to be made for a range of educational facilities to occupy this site. Examples could include private schools, NMIT campus or an outdoor education centre.

Decision Sought:

Delete the paragraph and replace with the following: “A scheduled site for educational facilities is included within this schedule to signal that an educational facility is considered to be an activity which could help create a vibrant and diverse community in Marsden Valley with enhanced employment opportunities. Although underlying zoning is residential, the scheduling provides for a range of facilities, from private and public schools through to a tertiary education campus or outdoor education facility. The setting of this site, close to outdoor recreational areas and reserves while still being close to city facilities and services, means it is suitable for a range, or a combination of compatible facilities. Any such facility would require resource consent as a controlled activity, subject to meeting specific site standards. A sunset clause is included on the scheduling, whereby the scheduling expires in 2015. This is considered to provide sufficient time to allow educational organisations to assess the benefits and feasibility of this site, while avoiding indefinite uncertainty over the future use of the site.”

Oppose

Submission Point #13.48 b)

Map 2, Zoning. b) The education facility site needs to be reinstated as originally adopted by Council to provide for educational opportunities. Indicating the boundaries rather than the site generally is more precise and reduces uncertainty.

Decision Sought:

b) Show the boundary of the educational facilities site separately, as per the plan change originally adopted by Council (**Appendix B** of this submission).

Further Submitter X2: Craig and Jane Gass Statement X2.1

Oppose Submission Points #13.48 b)

Changing the wording by Submitter 13, if allowed, will a) change the meaning of the document, b) not allow council any discretion if issues arise with the subdivision.

Oppose

Submission Point #13.49 d)

Map 3, Structure Plan. d) Two notational changes are required to the legend.

Decision Sought:

d) Change “school site” notation to “educational facility”

General further submission on Submitter 13.

Further Submitter X1: Hendrik Heinekamp Statement X1.2

Oppose Submission Points #13.20, #13.41, #13.48 and #13.49 d)

Not in the best interest of Marsden Valley environment and its inhabitants. The further submitter provides a letter from the Honorable Anne Tolley stating ‘...the Ministry does not require land for a school in the Marsden Valley development’ and ‘Thank you again for bringing this to my attention as it would be of concern if we were to plan to build a new school on what appears to be an unsuitable site’.

Submitter 17: Carly and Christopher Feltham

Oppose

Submission Point #17.6 c) and Decision Sought:

The proposed new school site seems to us to be cold, wet and unappealing in winter. Furthermore, why does the provision for a school lapse in five years? If settlement occurs slowly the need for a school may not be apparent for a decade at least.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.32

Oppose Submission Point #17.6 c)

Oppose relocating the education site. The proposed site is considered suitable.

PLANNING OFFICER COMMENT #35 (TOPIC 8)

Hendrik Heinekamp
Submission Point #9.1

Marsden Park Limited
Submission Point #13.20, #13.41, #13.48 b), and #13.49 d)

Carly and Christopher Feltham
Submission Point #17.6 c)

Submitter #9 is concerned that the indicated school location is cold and unsuitable for school use due to possible adverse effects on the health of school children. In the further submission round this submitter presents a letter from the Honorable Anne Tolley, Minister of Education, stating ‘...the Ministry does not require land for a school in the Marsden Valley development’ and ‘Thank you again for bringing this to my attention as it would be of concern if we were to plan to build a new school on what appears to be an unsuitable site’. These statements apply to schools operated by the Ministry. In my visits to Marsden Valley over the years I have also noted the frost and cold air that falls in this area and consider that the site does not appear to be the logical place to locate a school in the valley. Alternative sites for a school from a health point of view would suggest it being further up the valley towards the commercial centre which is more open with better exposure to the sun.

Submitter #13 seeks a change to the school site scope to include any educational use. To show the boundaries of the site for this use and name it an ‘educational facility’ rather than ‘school site’. Also to add a new Controlled Activity rule with associated objectives, policies, reasons, and explanations to support the rule to provide for the educational facility. The current proposed Plan Change shows the school site (indicatively) on the structure plan but provides no rules giving this site any greater weighting or advantage over any other site, a resource consent would be required to establish a non-residential activity. I consider the widening of scope of the

'school site' to 'educational facility' provides for such a potential range of activities that it is not appropriate to provide for this as either a controlled or restricted discretionary (with non-notification) activity. In my view the alternative is to provide for a 'school' as it is traditionally seen as a controlled or restricted discretionary (with non-notification) activity. However as Submitter #9 and the Minister of Education states this appears to be an unsuitable site for a school.

Submitter #17 also questions the suitability of the proposed site and notes it is 'cold, wet and unappealing in winter'. They also question the stated 5 year expiry (from operative date of the Plan Change) as they consider that '*..if settlement occurs slowly the need for a school may not be apparent for a decade at least*'. I agree with the comments from the submitter.

I recommend that no specific provision or mention of a school or educational facility is made on the Planning Maps, in the Structure Plan or as part of the proposed Plan Change text. This allows for any educational facility to select a site that is suitable for their needs and to apply for a resource consent as a non-residential activity in the Residential Zone. The resource consent process most appropriately allows for full consideration of the effects of any particular proposal and for public involvement if this is considered to be required under the Resource Management Act.

Amendments to the proposed Plan Change are required to reflect this recommendation.

RECOMMENDATION

Submission Point #9.1: Accept

Submission Point #13.20, #13.41, #13.48 b) and #13.49 d): Reject

Submission Point #17.6 c): Accept

Further Submission Statement X2.1:	Accept
Further Submission Statement X5.6:	Reject
Further Submission Statement X5.32:	Reject

GENERAL FURTHER SUBMISSION X1.2: Accept

This further submission states all changes suggested by Submitter 13 are not in the best interest of Marsden Valley environment and its inhabitants.

AMENDMENT TO PLAN:

Remove 'School Site' star from structure plan and legend.

Delete paragraph 6 from Schedule I, I.6 'Explanation'.

- 8.17. TOPIC 9: Landscape
- 8.18. This topic includes submission points relating to the prominence of 'landscape' in the proposed Plan Change, provisions relating to landscape amenity, and the proposed amended locations of the Landscape Overlay.
- 8.19. Liz Kidson of Kidson Landscape Construction Limited has provided the response to the majority of submission points for Topic 9: Landscape. She will be available at the hearing to present and respond to questions of the Commissioners as appropriate.

Submitter 13: Marsden Park Limited

Oppose

Submission Point #13.2

Landscape focus. The "tone" of the plan change has a heavy emphasis on landscape, including retaining and enhancing existing landscape features. While landscape values have always been an important component of the submitter's vision, the plan change has given landscape values an overriding importance. This is misleading and inappropriate, since the Valley will be subject to permitted and consented development which will substantially change the landscape values. The rural character values will not be retained. Rather than a focus on landscape values, landscape will be integrated within the built development.

Landforms are the overriding physical features which will determine development, rather than landscape. Landforms are the prominent ridges and Bryant Range backdrop, as well as the valley itself and the water courses. Although these are landscapes at a macro level, the context of Marsden Valley is better described in terms of the dominant landforms, rather than its landscape setting.

The plan change needs to be amended to provide better balance in terms of landscape, and to replace many references to "landscape" with references to the larger landforms.

Decision Sought:

Amend as per decisions sought in this submission.

Further Submitter X3: Irene Turner

Statement X3.16

Support Submission Point #13.2

Support integrating landscape into developments.

Further Submitter X4: Nita Knight

Statement X4.13

Oppose Submission Point #13.2

Oppose: as 'landscape' is a significantly different concept to that of 'landform' and the protection of landscape features and values as currently expressed in the Plan Change is fundamental to retaining as far as possible the characteristics of the Marsden Valley and what makes it unique.

Oppose – Relevant to Section 2, Section 32 report

Submission Point #13.5

Landscape protection. Only the Tasman Carter landscape report has been referred to. This report predates the Nelson Urban Growth Strategy, and predates 4 later landscape reports with input from 5 different landscape architects. There is no reference to the subsequent landscape reports. This description is subsequently misleading, inaccurate and introduces a bias towards the "ruralness" of the valley.

Decision Sought:

Either refer to all background reports equally to provide full balance, or do not refer to any reports at all.

Oppose

Submission Point #13.16

Reason RE4.1. This reason refers to “respecting the landscape feature of the valley”. It is unclear what this is referring to, and it could be misinterpreted as referring to the rural landscape, which will change.

Decision Sought:

Either delete this reference, or replace with “in a way which integrates landscape features with built form”.

Further Submitter X4: Nita Knight

Statement X4.16

Oppose Submission Point #13.16

Oppose: as ‘landscape’ is a significantly different concept to that of ‘landform’ and the protection of landscape features and values as currently expressed in the Plan Change is fundamental to retaining as far as possible the characteristics of the Marsden Valley and what makes it unique.

Oppose

Submission Point #13.17

Explanation RE4.1.i. This explanation again refers to taking into account “landscape amenity”. This is uncertain and could again be misinterpreted as meaning the existing rural landscape which will change. In addition, urban design principles do not focus solely on landscape and amenity, this is just one component of the urban design.

Decision Sought:

Amend to read as follows: “*The structure plan has been designed in accordance with urban design principles which take into account the landforms and ~~landscape amenity values~~ of the valley and surrounding hills.*”

Further Submitter X4: Nita Knight

Statement X4.17

Oppose Submission Point #13.17

Landscape amenity values contribute in a major way to the character of the Marsden valley and people’ enjoyment of the Valley. Replacement with the word “landform” is not equivalent and does not go far enough.

Oppose

Submission Point #13.18

Policy RE4.3 – vegetation patterns. This policy requires maintaining and enhancing existing vegetation patterns, and again refers to landscape values. This will cause conflicts with development and between other parts of the plan, since the existing pattern of rural pasture has been zoned to change. The policy also needs clarifying to state what exactly is sought to be managed (built form).

Decision Sought:

Delete and replace the policy with the following: “*Subdivision and development should be designed to ensure that vegetation patterns (existing and new) are incorporated to enhance the visual amenity effects of built form within the valley.*”

Further Submitter X4: Nita Knight

Statement X4.18

Oppose Submission Point #13.18

Landform allows more earthworks, landscape amenity values are important.

Oppose

Submission Point #13.38

I.6 explanation paragraph 1. The first paragraph refers to “landscape features”. This could be misinterpreted as meaning landscapes at the micro level (pastures and open space). The Valley is dominated by large landforms (ridges, valleys and streams), rather than landscape features. These are better described as “landforms” rather than “landscape features”.

Decision Sought:

Replace “landscape features” with “landforms”.

Further Submitter X4: Nita Knight

Statement X4.25

Oppose Submission Point #13.38

Landscape amenity values contribute in a major way to the character of the Marsden valley and people’ enjoyment of the Valley. Replacement with the word “landform” is not equivalent and does not go far enough.

Oppose

Submission Point #13.39

I.6 explanation paragraph 2. The second paragraph has a heavy emphasis on landscape and amenity. While this is certainly a feature, the explanation needs to be better balanced with the anticipated built form. As proposed, the explanation gives the reader an overall impression of few buildings with trees and open space dominating.

Decision Sought:

Amend the second paragraph to provide better balance between amenity, landscape and the anticipated built form.

Further Submitter X4: Nita Knight

Statement X4.26

Oppose Submission Point #13.39

Support the current wording as there is no indication of what any amendment might be.

Oppose

Submission Point #13.48 a)

Map 2, Zoning. a) The landscape overlays are based on criteria which include visibility and “skylining”. The ridgeline landscape overlay is already compromised by the existing transmission lines and pylons. At a wider scale, the entire ridgeline is significantly compromised by residential housing on Panorama Drive. The proposed overlay is ineffective and inappropriate in terms of section 32. The “northern” landscape overlay extension is also unnecessary and too restrictive.

Decision Sought:

a) Delete the landscape overlay shown in the ridge between Marsden Valley and Enner Glynn, and everywhere north east of the rural zone.

Further Submitter X2: Craig and Jane Gass Statement X2.1

Oppose Submission Points #13.2, #13.5, #13.16, #13.17, #13.38, #13.39 and #13.48 a).

Changing the wording by Submitter 13, if allowed, will a) change the meaning of the document, b) not allow council any discretion if issues arise with the subdivision.

Further Submitter X4: Nita Knight

Statement X4.30

Support in part Submission Point #13.48 a)

For the reasons set out in my original submission (Submission Point #18.1).

General further submission on Submitter 13.

Further Submitter X1: Hendrik Heinekamp Statement X1.2

Oppose Submission Points #13.2, #13.5, #13.16, #13.17, #13.38, #13.39, and #13.48 a).

Not in the best interest of Marsden Valley environment and its inhabitants.

PLANNING OFFICER COMMENT #36 (TOPIC 9)

Marsden Park Limited

Submission Point #13.2, #13.16 and #13.17

The submitter raises concerns that the ‘...*tone*’ of the plan change has a heavy emphasis on landscape, including retaining and enhancing existing landscape features.’ They are concerned this is misleading and inappropriate since future development based on the zoning proposed (and existing) will substantially change the current landscape values.

Response from Liz Kidson: In my opinion, the current wording of the Plan Change is appropriate. The level of emphasis on landscape will allow for the important landscape elements or features which exist within Marsden Valley to be incorporated into development. The Plan recognises these through riparian margins, biodiversity corridors, protected woodlands, tree groups and heritage trees, and landscape overlays (largely on the ridge tops of the Stoke Foothills and the prominent slopes of the Bryant Range which form an important backdrop to Nelson and Stoke). This allows for the retention of some of the character of Marsden Valley whilst still allowing development of mixed densities – with the density levels largely responding to their location within the valley setting – i.e. with greater density proposed through zoning in those areas best suited to absorbing development. Identifying these landscape features at the Structure Plan Stage creates a comprehensive treatment of the features within the Plan Change area as each area is subdivided.

The Plan Change does not intend to retain rural character per se, but does encourage the protection or incorporation of these landscape features into subdivision design which will create more of a sense of place, and encourages extra care in areas considered sensitive to degradation such as the steep land on Jenkins Hill which is a prominent slope, and the prominent ridgeline between Enner Glynn and Marsden Valley and the waterways and biodiversity corridors which need to be managed to ensure their intrinsic values are maintained and/or enhanced.

The plan aims to keep a sense of Marsden Valley’s identity through the identification of important landscape features which will be carried through into future development. The underlying zoning indicates the densities considered appropriate and it is up to the developer to achieve the blend where the development appears appropriate in its location.

RECOMMENDATION

Submission Point #13.2, #13.16 and #13.17: Reject

Further Submission Statement X3.16: Accept

Further Submission Statement X4.13, X4.16 and x4.17: Accept

AMENDMENT TO PLAN:

Nil

Submission Point #13.5

The submitter points out that there have been a number of Landscape reports carried out which either include Marsden Valley or specifically focus on it. While the section 32 report only references the first of these reports.

Response from Reuben Peterson: The reports referred to by the submitter, listed in chronological order, are:

- Marsden Valley Landscape Study, Tasman Carter Ltd 2000
- Stoke Foothills and South Nelson Landscape Assessment, Boffa Miskell Ltd, 2003
- Nelson Landscape Study, Boffa Miskell Ltd, 2005
- Landscape Assessment Ashley Trust Subdivision, Marsden Valley, Nelmac 2006
- Marsden Valley to Brook Structure Plan Landscape Assessment, Kidson Landscape Consulting, 2009

All reports have been considered in the development of the Kidson Landscape Consulting report on which the aspects of the plan change relating to landscape issues was based. This report formed part of the background material that enabled the assessment as required by section 32 of the RMA to be carried out, as did the original reports themselves. I do not accept that the section 32 evaluation therefore comes to the 'wrong conclusions based on an obsolete report'.

I do however accept that more mention of the reports subsequent to the Tasman Carter Ltd report could have been made in Section 2 of the Section 32 report. The amendments are noted below.

RECOMMENDATION

Submission Point #13.5: Accept in part

AMENDMENT TO SECTION 32 REPORT:

Section 32 report, section 2.1 'Background to Issue', first paragraph, final sentence. '...The valley has been described as a 'hidden valley' (Marsden Valley Landscape Study, Tasman Carter Ltd 2000) and it's rural and landscape character noted through further landscape studies commissioned by the original private plan change proponent and by Council. The further reports carried out are:

- Stoke Foothills and South Nelson Landscape Assessment, Boffa Miskell Ltd, 2003
- Nelson Landscape Study, Boffa Miskell Ltd, 2005
- Landscape Assessment Ashley Trust Subdivision, Marsden Valley, Nelmac 2006
- Marsden Valley to Brook Structure Plan Landscape Assessment, Kidson Landscape Consulting, 2009

Section 32 report, section 2.2 'Identification of Issue(s) Landscape Protection section: Revise first sentence : The Marsden Valley Landscape Study (Tasman Carter Ltd, 23 February 2000) specifically assessed the landscape character of the valley and forms the basis of the current operative zoning and overlay patterns and Plan provisions in Marsden Valley as they relate to landscape issues.

Insert new paragraph between existing two.

The subsequent landscape reports listed in section 2.1 of this report have noted the existing rural and landscape character of Marsden Valley but have increasingly found that increased levels of development can be accommodated provided controls are implemented. The Boffa Miskell reports encourage development within the valleys and saddles of the foothills over the front faces which are highly visible from Stoke and surrounding areas. The Nelmac report assesses a particular subdivision pattern proposed at the time but finds that this level of residential density would be acceptable with appropriate controls to *'...continue to express an identity unique to the contained Marsden Valley environment'*. The Kidson report found that the prominent slopes and ridges are sensitive to built form creating adverse visual effects and that the mid slopes and valley floors contained within the Valley are not readily visible from existing urban areas and therefore any landscape effects would be localised to the Valley.

Submission Point #13.16 and #13.17

See comments under #13.2 above.

Submission Point #13.18

The submitter is concerned that the proposed policy wording will cause conflicts between development and protection as the existing pattern of rural pasture has been zoned to change. Also that the policy needs clarifying to state what exactly is sought to be managed, i.e. built form. The submitters proposed change is:

“Subdivision and development should be designed to ensure that vegetation patterns (existing and new) are incorporated to enhance the visual amenity effects of built form within the valley”

Response from Liz Kidson: This assumes that there are no adverse effects associated with development that could be remedied or mitigated by existing vegetation, or the placement of new vegetation. I prefer the existing wording suggested by the plan change (and amended as per submission point #18.4 in Officer’s Comment #37) as it suggests that planting can be utilised to prevent adverse effects rather than for simply enhancing an existing visual amenity as suggested by the amendment. The amendments recommended in Officer’s Comment #37 clarify that it is the effects of residential and suburban commercial development that the policy seeks to manage.

RECOMMENDATION

Submission Point #13.18: Reject

 Further Submission Statement X4.18: Accept

AMENDMENT TO PLAN:

Nil

Submission Point #13.38

The submitter raises similar concerns to those noted for submission points #13.2, #13.16 and #13.17. In this case the reference to ‘landscape features’ could be misinterpreted as meaning landscapes at the micro level (pastures and open space).

Response from Liz Kidson: Landscape features is a more appropriate term in this instance. The explanation is quite clear in what it is intending to create - as can be seen when reading the first two paragraphs of the explanation to Schedule I of the proposed plan text as notified.

1.6 Explanation

The Nelson Urban Growth Study 2006 (NUGS) identified the Stoke Foothills, including Marsden Valley, as suitable for accommodating some of the future residential growth of Nelson. This Schedule and Structure Plan are to ensure residential development can be achieved to give effect to the direction provided by NUGS, while respecting the landscape features of the valley. It will allow for an integrated and planned system of walkways, roading and servicing across multiple properties. Marsden Valley has been identified as having important landscape features which require consideration and protection when planning development in the area. Of importance from a landscape perspective are the prominent slope at the head of Marsden Valley and along the slopes of Jenkins Hill, and the upper ridgeline and shoulder slopes separating Marsden and Enner Glynn Valley’s.

Established trees along the Marsden Valley Road frontage contribute to the Valley’s character and also to the attractive amenity, a 5m wide landscape strip is required along the north-east frontage with Marsden Valley Road to retain some of this character. Some of the existing vegetation (for example, the stand of kanuka identified as a Landscape Woodland) is seen as important in helping define the overall landscape of Marsden Valley and for softening built development, and have been protected. Esplanade reserves, biodiversity corridors, parks and ‘greenspace’ areas all provide opportunity to retain and enhance vegetation in the Scheduled I area. Biodiversity corridors and ‘greenspace’ are shown in indicative locations on the structure plan. These serve to provide corridors for biodiversity to occupy and travel through, ultimately creating a network which allows passage from one area of habitat to another. The ‘greenspace’

areas are often located in conjunction with the biodiversity corridors and can achieve the same end result but their primary purpose is to offset the Residential Zoning and ensure an open space, or vegetated network is created which is integral to the community in this area.

The end result will be a developed valley which builds on landscape features which are important to the identity of Marsden Valley (such as the woodland and heritage trees and Poormans Valley Stream); to create a neighbourhood with a real sense of place. Recognising and building on existing character is the logical way to develop an area, and allows a development to integrate more readily into the site.

RECOMMENDATION

Submission Point #13.38: Reject

Further Submission Statement X4.25: Accept

AMENDMENT TO PLAN:

Nil

Submission Point #13.39

The submitter raises concerns that the second paragraph of proposed Schedule I, reproduced above, has a heavy emphasis on landscape and amenity. They state *'As proposed, the explanation gives the reader an overall impression of few buildings with trees and open space dominating.'*

Response from Liz Kidson: The underlying Zoning gives the reader the impression of the density proposed, the explanation describes how this density should be incorporated into the site to achieve an appropriate level of development and a good environmental outcome.

RECOMMENDATION

Submission Point #13.39: Reject

Further Submission Statement X4.26: Accept

AMENDMENT TO PLAN:

Nil

Submission Point #13.48 a)

The submitter seeks the deletion of the Landscape Overlay as the ridgeline proposed to be incorporated is already compromised by existing transmission lines and pylons, and at a wider scale by residential housing on Panorama Drive. The submitter also states the 'northern' landscape overlay extension is unnecessary and too restrictive.

Response from Liz Kidson: The performance guidelines relating to landscape overlays are aimed at reducing visual effects of proposed development. This ensures that an existing adverse effect is not exacerbated through insensitive design.

The presence or absence of structures such as the Pylons is not a determining factor as to whether an area is included in the Landscape Overlay or not. The changes to the landscape overlays proposed through Plan Change 13 relate to the areas of the site which have been assessed as being highly sensitive to development, when viewed from the major transportation routes and coast and due to their location close to Stoke. This area is identified in AP9.1 of the Nelson Resource Management Plan.

The Marsden Valley / Enner Glynn ridgeline forms part of the coastal view from Monaco and is visible from the major transportation routes including Whakatu Drive, Richmond Deviation, Old Main Road Stoke, and Bolt Road as well as Tahuna Drive. My findings to include this area in the landscape overlay is consistent with the Boffa Miskell landscape study, which also identified the Marsden Valley/Enner Glynn ridge as an area which should be incorporated into the "Stoke Foothills Lower Foothills Landscape Overlay". This study was carried out in November 2005 (Nelson Landscape Study *Identification of outstanding natural landscapes and other landscape sensitive areas for Nelson City Council; Boffa Miskell Ltd; November 2005; pages 26; 48-49*). I note their area covered a far greater portion of this ridgeline. The Tom Carter landscape study

identified land above the 210 metre contour as being a no build area (Figure 2 of Marsden Valley Landscape Study; Tasman Carter Ltd; 2000). This related to a report that only considered land owned by the McLaughlin's and therefore did not look at the entire ridgeline.

The landscape overlay does not relate only to rural land. Appendix 7 'Guide for Subdivision and Structures in the Landscape Overlay' of the Nelson Resource Management Plan has a section (Ap7.3) devoted to residential development to ensure that if these guidelines are applied, the adverse effects of development at this increased density within the landscape overlay are mitigated.

The lower parts of Jenkins Hill form a highly prominent slope which is visible above the foreground ridgelines. The steepness of slope adds to the visual prominence. Jenkins Hill is visible from Richmond Deviation, Monaco, Main Road Stoke, Whakatu Drive and Bolt Road; with the more north facing slope above Enner Glynn valley visible from Bolt Road and Whakatu Drive in to Waimea Road as well as Tahunanui Drive. This area forms an important backdrop to Nelson/Stoke, and is part of the seaward facing hill slopes, with the sensitivity of this general area recognised by other landscape architect reports in this area. Tom Carter identified parts of this area as sensitive to the point where it should be kept free of buildings (See Figure 2 of Marsden Valley Landscape Study; Tasman Carter Ltd; 2000) with low density development below; Boffa Miskell identified Jenkins Hill as part of the Ridgelines and Hilltops landscape overlay with subdivision to 15 ha controlled and below that discretionary (Boffa Miskell; Nelson Landscape Study; Page 39 – 40; 2005) again with low density below as identified in an earlier Boffa Miskell Report (Boffa Miskell; Stoke Foothills and Nelson South Landscape Assessment; Figure 1; 2003). The proposed zoning allows for Rural Higher Density Small Holdings in the upper area (which has a one ha average with 2000m² minimum Lot size); with Residential zoning across the saddle between Marsden Valley and Enner Glynn Valley. The landscape overlay provides an important layer of protection over the more sensitive parts of the slope.

RECOMMENDATION

Submission Point #13.48 a): Reject

Further Submission Statement X4.30: Reject

AMENDMENT TO PLAN:

Nil

GENERAL FURTHER SUBMISSION X1.2: Accept

This further submission states all changes suggested by Submitter 13 are not in the best interest of Marsden Valley environment and its inhabitants.

GENERAL FURTHER SUBMISSION X2.1: Accept

This further submission states all changes suggested by Submitter 13 will change the meaning of the document and remove Council discretion.

Submitter 18: Nita Knight

Not applicable (as stated in submission)

Submission Point #18.1 b)

The boundaries of the Landscape Overlay be removed from land zoned residential and residential higher density. The imposition of the Landscape Overlay on a residential or residential higher density zone is unlikely to be meaningful. For consistency, the subject site should also not be covered by the Landscape Overlay.

Decision Sought:

Map 2 shall remove the Landscape Overlay from the residential and residential higher density zone. The subject site shall not be included in the Landscape Overlay.

Support in Part

Submission Point #18.4 repeated from Topic 1: Riparian Overlay, Biodiversity Corridor and Vegetation due to overlap.

Amendment to Policy RE4.3 Vegetation. In proposing this change, the Council recognises that a major part of the Marsden Valley character comes from the vegetation, and this should not be lost through residential development. It is agreed that the maintenance, enhancement and establishment of vegetation will soften the effects of residential development on the visual amenity and assist in retaining the landscape values of Marsden Valley. However landscape goes beyond vegetation – and the correct treatment of vegetation patterns and plantings will assist biodiversity and bird habitats, but the policy does not extend this far. The intrinsic values of the ecosystems should be recognised.

Decision Sought:

Amend Policy RE4.2 (note operative numbering in Plan is RE4.3, proposed numbering in Plan Change is RE4.2) to read “...soften the effects of residential and suburban commercial development on the visual amenity of Marsden Valley and help retain landscape values.”

Add new sentence at end: “New areas of vegetation should promote biodiversity and enhance habitat for native fauna.”

Further Submitter X3: Irene Turner

Statement X3.34

Oppose Submission Point #18.4

The first amendment “softening effects” is opposed. This wording is ambiguous, uncertain and unnecessary.

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.35

Oppose Submission Point #18.4

The first amendment “softening effects” is opposed. This wording is ambiguous, uncertain and unnecessary.

The new sentence is supported.

Support in Part

Submission Point #18.7

New General rule I.2 g). To further limit the visual adverse effects from development, building on the skyline should be restricted. Council may consider it would be more appropriate to include this restriction within ‘design principles’ for high density residential and residential development within the Valley. This approach would also be supported. Design principles should also include mention of design and finish of buildings.

Decision Sought:

Amend General Rule I.2(b) to read as follows:

b) No buildings are permitted within ‘greenspace’ areas, or biodiversity corridors (see Meanings of Words, Chapter Two), or on skylines as indicatively shown on Schedule I Structure Plan Figure 1.

Include new general rule following b) which restricts building on the skyline.

Add skyline development to the Design Principles; and extend those principles to also address the design and finish of buildings.

Add a skyline definition to the Structure plan to provide certainty.

Design principles should also include mention of design and finish of buildings.

Oppose Submission Point #18.7

Restricting any buildings on green space and in biodiversity corridors is unnecessarily restrictive. This would not provide for outbuildings, sheds or interpretation kiosks.

Restricting buildings on skylines is also unnecessarily restrictive. The Marsden Valley skyline is already severely compromised by high power transmission lines, pylons and the houses on Panorama Heights.

Oppose Submission Point #18.7

Restricting any buildings on green space and in biodiversity corridors is unnecessarily restrictive. This would not provide for outbuildings, sheds, or interpretation kiosks.

Restricting buildings on skylines is unnecessarily restrictive. The Marsden Valley skyline is already severely compromised by high power transmission lines and pylons. Prohibiting skyline buildings would also be inconsistent with other ridge top Residential Zones and with adjoining Residential Zones (e.g. Solitaire Investments land and Panorama Heights).

PLANNING OFFICER COMMENT #37 (TOPIC 9)

Nita Knight

Submission Point #18.1 b)

The submitter seeks that the Landscape Overlay is removed from the land zoned Residential and Residential Higher Density as they consider it is unlikely to be meaningful.

Response from Liz Kidson: I disagree. The guide for subdivision and structures in the landscape overlay in appendix 7 (Nelson Resource Management Plan Appendix 7 page A7-2) has a list of performance guidelines especially crafted for the residential zone. These have complete relevance to land zoned residential and residential higher density within Marsden Valley.

RECOMMENDATION

Submission Point #18.1 b): Reject

AMENDMENT TO PLAN:

Nil

Submission Point #18.4

The submitter suggests amendments to the wording of Policy 4.2 'Vegetation' as follows:

"Subdivision and development should maintain and enhance existing vegetation patterns (and establish new areas of vegetation) that soften the effects of residential and suburban commercial development on the visual amenity and landscape values of Marsden Valley and help retain landscape values. New and existing areas of vegetation should promote biodiversity and enhance habitat for native flora and fauna."

Response from Liz Kidson: The inclusion of the words "residential and suburban commercial development" clarifies what the statement regarding "effects" relates to which will make implementing the Policy easier and therefore improves the wording of the policy. The proposed zoning patterns and subsequent development will change the existing character but by retaining and enhancing vegetation the affect of this will be softened. Also vegetation protection will retain some of the framework to the area. This is one of the reasons specified areas of vegetation are to be protected. Another reason is for the habitat that they provide. The suggested addition in relation to biodiversity and habitat is accepted as a positive inclusion while a modified version of the first suggested change is accepted. The modification is considered

necessary as the suggestion specifies what is causing the effects in question (residential and suburban commercial development), but hinges this on retention of landscape values. This implies the existing landscape values. The existing values will not be retained due to the level of development that is proposed; but that is not to say there will be no landscape values to be considered. The use of the term 'soften' is not considered to be ambiguous, uncertain and unnecessary as suggested in the two further submissions. The recommended wording is outlined below.

RECOMMENDATION

Submission Point #18.4: Accept in part

Further Submission Statement X3.34: Reject
Further Submission Statement X5.35: Accept in part

AMENDMENT TO PLAN:

Amend RE4. 2 **Vegetation**

Subdivision and development should maintain and enhance existing vegetation patterns (and establish new areas of vegetation) that soften the effects of residential and suburban commercial development on the visual amenity and landscape values of Marsden Valley. New and existing areas of vegetation should promote biodiversity and enhance habitat for native flora and fauna.

Submission Point #18.7

The submitter seeks an amendment to general rules within the proposed Schedule I which restricts building on the skyline and that this should also be added to the Design principles (Sch I, I.5) with consideration of the design and finish of buildings.

Response from Liz Kidson: Submission point #18.7 – relates to land contained within the landscape overlay which (being a ridgeline) is most likely to involve development on the skyline. This land forms an important backdrop to the cityscape/residential areas when viewed from the coast and main transportation routes. There are performance guidelines contained within Appendix 7 that already address the issue of development on the skyline. The following assessment matters contained within Appendix 7 address skyline issues (NRMP; page A7-2 – 4):

AP7.3 performance guidelines – residential zone

AP7.3.i Subdivision patterns and subsequent building development should meet the following performance guidelines:

- b) *Allotment sizes should be adequate to allow generous and large-scale planting around and between houses, in order to soften the impact of buildings. Allotment layout and orientation should seek to maximise building separation and give scope for integrating structures with the landform and for locating structures below the crest of a ridge. On prominent ridgelines and along the coast, side yards should be sufficient to separate buildings and allow views between them from roads and public areas.*
- f) *On ridges, building sites should be located below the crest of the ridge to discourage houses from being silhouetted against the skyline. Ideally, the apex of the roofline should be below the crest of the ridge. Where either cannot be avoided, care should be taken to reduce the impact of housing on views towards the area:*
 - e.g. *by care in the form, colour and finish of the structure*
 - e.g. *by planting*
 - e.g. *in particularly sensitive locations, the subdivider might consider:*
 - i) *covenants on titles to control subsequent building development.*
 - ii) *“comprehensive design” i.e. from subdivision through to the completion of houses.*
 - iii) *clustering houses with shared reserve or common space around them.*
 - g) *Roads have a large influence on subdivision design and therefore on the visual impact of residential development that follows e.g. whether the building site will be silhouetted.*

Roads should follow the natural contour of the land and their alignment should be in sympathy with the lines in the landscape setting.

AP7.4 performance guidelines – rural zone

AP7.4.1.i Subdivision planning and development within the Landscape Overlay in the Rural Zone should meet the following performance guidelines:

- k) Building sites are to be designated on the subdivision plan, and are to be sized, shaped and located so that structures can be built with the apex of their rooflines below the crests of ridges, in order to avoid being silhouetted against the sky.*
- p) Where utilities are placed above ground, their alignment should follow existing contours and they should not be placed in situations where they would be silhouetted against the sky.*

AP7.4 structures in the rural zone

AP7.4.2.v The purpose of these guidelines is to describe the management of the characteristics of residential and farm structures that should be applied in order to mitigate adverse visual effects in the Landscape Overlay.

- b) All residential and farm structures should be sited so that the apex of the roofline does not project above the crest of the ridge and they should have a backdrop of landform or vegetation.*

I consider these assessment matters provide the necessary guidance to ensure appropriate subdivision and development is enabled.

Response from Reuben Peterson: The further submitters raise the issue of restricting buildings within 'greenspace' areas and biodiversity corridors as per proposed rule 1.2 b). The submission point they are responding to does not seek to change that portion of the proposed rule and the further submitters did not raise this item in their original submission points. This item cannot be considered within the scope of this hearing report.

RECOMMENDATION

Submission Point #18.7: Reject

Further Submission Statement X3.36: Accept in part
Further Submission Statement X5.37: Accept in part

AMENDMENT TO PLAN:

Nil

- 8.20. TOPIC 10: Geotechnical
- 8.21. This topic relates to the proposed amended location of the Land Management Overlay in Marsden Valley.
- 8.22. Andrew Palmer of Terra Firma Engineering Limited has provided the response to submission point #13.47 b) for Topic 10: Geotechnical. He will be available at the hearing to present and respond to questions of the Commissioners as appropriate.

Submitter 13: Marsden Park Limited

Oppose – Relevant to Section 2, Section 32 report.

Submission Point #13.6

Natural hazards (pg 6, Section 32 report). Reference to “theoretically possible” is misleading, speculative, and not objective.

Decision Sought:

Delete this reference, and simply say that land stability will need to be considered at the time of subdivision.

Further Submitter X2: Craig and Jane Gass Statement X2.1

Oppose Submission Point #13.6

Changing the wording by Submitter 13, if allowed, will a) change the meaning of the document, b) not allow council any discretion if issues arise with the subdivision.

Oppose

Submission Point #13.47 b)

Map 1, Overlays. The Land Management Overlay is overly restrictive and extends into areas which are medium rather than high risk.

Decision Sought:

b) Delete the Land Management Overlay and replace with the overlay shown in **appendix A** to this submission.

General further submission on Submitter 13.

Further Submitter X1: Hendrik Heinekamp Statement X1.2

Oppose Submission Points #13.6, and #13.47b)

Not in the best interest of Marsden Valley environment and its inhabitants.

PLANNING OFFICER COMMENT #38 (TOPIC 10)

Marsden Park Limited
Submission Point #13.6

Response from Reuben Peterson: The submitter seeks a change to the wording of the Section 32 report to remove the term “theoretically possible” and to say instead that land stability will need to be considered at the time of subdivision. This change is accepted and amendments to the Section 32 report are noted below.

RECOMMENDATION

Submission Point #13.6: Accept

Further Submission Statement X2.1: Reject

AMENDMENT TO SECTION 32 REPORT:

Page 6, Natural Hazards.

...fault lines, soil conditions, slope and geology. A geotechnical overview has been carried out which identifies areas by risk category. ~~Development is theoretically possible on these different areas of risk but will require the input of geotechnical specialists at time of development to determine what mitigation measures are required.~~ When subdivision and development is being planned land stability will need to form part of the considerations. When more detailed...

Submission Point #13.47 b)

The submitter considers the Land Management Overlay is overly restrictive and extends into areas which are medium rather than high risk. The submitter also seeks to have the Land Management Overlay boundaries revised.

Response from Andrew Palmer: We were originally contracted to provide a broad overview regarding the land's suitability for housing development. As we progressed the engagement, it became apparent that land within the study area was underlain by geological formations that were generally susceptible to instability, erosion and consequent sedimentation. Council's existing LMO - defining a set of rules pertaining to development and earthworks within such susceptible areas – had been originally defined in the 1980s but did not extend over all of the susceptible areas.

EXISTING CONTROLS ON EARTHWORKS

A number of mechanisms exist in the Nelson Resource Management Plan allowing Council some control over soil disturbance and earthworks. These rules can trigger *Controlled* or *Discretionary* status for most potentially deleterious earthworks, based on the assessment of several criteria. The LMO provides one of the triggers which can trigger an otherwise Controlled activity application to be considered as a Discretionary activity.

The plan change provides a mechanism to redefine relevant planning overlays prior to development and consequently, the apparent inconsistency in the extent of the LMO could be addressed.

The extent of the proposed modified LMO therefore became a key outcome from our assessment, but was based only on a desktop study, a limited field inspection, and discussions with several other consultants who had undertaken work in the area of interest. No project-specific subsurface investigations have been carried out.

The south eastern part of the LMO as currently defined in the operative Plan broadly follows the Waimea Fault trace, and covers the land underlain by a number of geological units, including:

- Marsden Coal Measures;
- Brougham Scree Formation;
- Brook St Volcanics;
- Richmond Group, and;
- Port Hills Gravel Formation.

The precise original LMO definition rationale is unknown.

GEOTECHNICAL DEVELOPMENT RISK ZONES

We began our assessment by taking a broad view of the geotechnical constraints on development within the study area, and defining generalised risk zones based on the following criteria:

- Underlying geology;
- Susceptibility to erosion and sedimentation;
- Hydrogeological characteristics;
- Council hazard overlays;
- Historical mining;
- Slope angle;
- Evidence of past instability and potential for future instability;

- Proximity to known or inferred faultlines, and;
- Precedent earthworks behaviour.

The zoning was influenced by the existing Nelson City Council Fault Hazard Overlay, which covers a corridor that includes the inferred or mapped position of the Waimea and Eighty-Eight Fault traces. This overlay is currently under review. This overlay is currently under review as part of a separate body of work being carried out by Council. The Fault Hazard Overlay as identified on the proposed planning map amendments show the revised location of the Fault Hazard Overlay.

LAND MANAGEMENT OVERLAY

We proposed a modification to the LMO, based on the definitions of the High and Very High risk development zones. Additionally, a very small area in the upper Brook Valley was originally zoned Medium risk, but has been included in the proposed LMO because of locally steep topography.

The modified LMO included much, but not all of the currently defined LMO. Additional areas proposed included the flanking slopes below the ridge east of Panorama Drive, and the steeper country east of the saddle between Marsden Valley and Enner Glynn. These areas are considered prone to erosion and sedimentation, if earthworks are inappropriately managed. Little modification was made to the area underlain by the Marsden Coal Measures, as this had been previously included in the LMO due to its high susceptibility to erosion and continued seepage.

Although directly underlain by Port Hills Gravel Formation, the land to the west of the saddle was included in the proposed LMO, as this Formation is itself underlain here by the Marsden Coal Measures, and so development earthworks near its edges may expose the more erosion-prone high plasticity soils below.

PEER REVIEW

Our original recommendations for both the hazard zoning and the revised LMO were peer reviewed by Dr Mike Johnston, geotechnical consultant for the Nelson City Council. On the basis of this review, and subsequent discussions, we reduced the area proposed for the LMO and adjusted the risk zone boundaries slightly. We understand that Dr Johnston is in general agreement with the conclusions reached thus far.

RECOMMENDATION

We recommend that the LMO as submitted and as illustrated on our Figure 08078-03 Rev. 2 dated 9 August 2009, which forms the proposed LMO in the notified Plan Change be adopted by Council during the plan change process.

RECOMMENDATION

Submission Point #13.47 b): Reject

AMENDMENT TO PLAN:

Nil

GENERAL FURTHER SUBMISSION X1.2: Accept in part

This further submission states all changes suggested by Submitter 13 are not in the best interest of Marsden Valley environment and its inhabitants. I consider that the changes as accepted above are in the best interest of clarity, the environment, and achieve the purposes and principles of the Resource Management Act.

INDEX OF SUBMISSION POINTS BY TOPIC

This index allows the user to locate individual submission points by the topic of the hearing report under which they appear. The 10 topics are:

- Topic 1: Riparian Overlay, Biodiversity Corridors and Vegetation
- Topic 2: Transportation Networks
- Topic 3: Parks and Open Space
- Topic 4: Urban Design (Residential and Commercial)
- Topic 5: Cats and Domestic Pets
- Topic 6: Miscellaneous
- Topic 7: Zoning Pattern and Rules
- Topic 8: School
- Topic 9: Landscape
- Topic 10: Geotechnical

1) Tiakina te Taiao / Submission Point	Topic	2) George Dunning / Submission Point	Topic	3) Eileen Bruce / Submission Point	Topic
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4) Jude Tarr / Submission Point	Topic	5) Rosalie Higgins / Submission Point	Topic	6) Downer EDi / Submission Point	Topic
4.1	3	5.1	2	6.1	2

7) Trevor and Myffie James / Submission Point	Topic	8) Echo Holdings Ltd / Submission Point	Topic	9) Hendrik Heinekamp / Submission Point	Topic
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10) Craig and Jane Gass / Submission Point	Topic	11) New Zealand Fire Service / Submission Point	Topic	12) Department of Conservation / Submission Point	Topic
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13) Marsden Park Ltd / Submission Point	Topic	14) / Submission Point	Topic	15) / Submission Point	Topic
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14) Nelson Tasman Royal Forest and Bird Protection Society / Submission Point	Topic	15) Tim Percival – Tasman Hang Gliding and Paragliding Club / Submission Point	Topic	16) Robert Bryant – Tasman Hang Gliding and Paragliding Club / Submission Point	Topic
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17) Carly and Christopher Feltham / Submission Point	Topic	18) Nita Knight / Submission Point	Topic	19) Irene Turner / Submission Point	Topic
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NELSON CITY COUNCIL

Nelson Resource Management Plan

Proposed Plan Change 13:

Marsden Valley Re-Zoning and Structure Plan Project

**Plan Amendments – Officers Recommendations as per
Hearing Report: Based on Submission Points**

PLAN TEXT
Volume 1

Add to Chapter 2 (Meanings of Words):

MW.17A ‘Biodiversity corridor’ means a vegetated pathway of a minimum width of 20m that allows natural flows of organisms and biological resources along the corridor, and allows for biological processes within the corridor.

MW.67A ‘Generally Accord’. For the purpose of interpretation of any rules relating to Structure or Outline Development Plans, the term “generally accord” shall mean that items shown on these plans must be provided for in the general locations shown within the development area and with linkages to each other or adjoining areas as shown in the Structure or Outline Development Plan. It is not intended that the positions are exact or can be identified by scaling from the Structure Plan or Outline Development Plan; it is intended that any connections between points are achieved or provided for with no restrictions. The final location will depend upon detailed analysis of the physical suitability of an alignment (including the presence of existing natural features and ecological sensitive habitats such as streams where providing for biodiversity corridors), other servicing implications, appropriate location in respect of final residential development layout and amenity, and costing considerations. The key proviso is that the items on the Structure or Outline Development Plan must be provided for, and that any connections must occur or be able to occur in the future.

MW.68A ‘Greenspace’ are areas of open or vegetated space which are residentially zoned, and are shown on structure or outline development plans. Roading, servicing, walkways and cycleway connections are permitted to cross ‘greenspace’ provided all other relevant Plan provisions are satisfied.

MW.135A ‘Outline Development Plan’ see *Structure Plan*.

MW.198A ‘Structure Plan or Outline Development Plan’ is a mapped framework to guide the development or redevelopment of a particular area by defining future development and land use patterns, areas of open space, the layout and nature of infrastructure (including transportation links), and other key features for managing the effects of development, often across multiple ownership. See AD11.4A ‘Structure and Outline Development Plans’ for further information.

No change to existing operative AD11.3.10 Road Overlays

...Road Alignments shown in the Proposed Road Overlay are indicative only.

Add a new AD11.4A, to Chapter 3 (Administration) of the NRMP, in relation to Structure Plans and associated linkages:

AD11.4A Structure Plans and Outline Development Plans

AD11.4A.i: Structure Plans or Outline Development Plans are used to achieve the integrated management of the effects of developing larger areas of land, often held in multiple ownership, particularly in an urban or urban fringe context. A Structure Plan

or Outline Development Plan provides an overall plan to guide integration of those elements that will achieve a quality urban environment (ie streets, walkway connections, open space and natural values, character and activities), and through development being in general accordance with the Structure or Outline Development Plan ensures that individual landowners incrementally work in a co-ordinated and orderly way towards a planned and sustainable urban environment.

AD11.4A.ii: The Structure Plans or Outline Development Plans are located either within Scheduled Sites for various locations and zones throughout the district, for example in the Residential and Rural Zone rules (Chapters 7 and 12), and/or in the planning maps contained in Volume 4 of the Plan. A Structure or Outline Development Plans incorporated in the Nelson Resource Management Plan have the effect of a rule and must be complied with to the extent specified in the relevant rule.

AD11.4A.iii: A number of the specific resource management issues that may affect any future development area are covered by overlays on the planning maps, and to avoid duplication of spatial information these are not shown on the Structure Plans or Outline Development Plans. Rules relevant to those overlays are located in the rule table in the relevant zone. The zone and area maps, overlays, zone rules and Structure Plans or Outline Development Plans, and schedules if relevant, need to be read together in determining the status of activities and issues that may impact on the pattern and intensity of development.

AD 11.4A.iv: The Structure or Outline Development Plans may include zones where the pattern and intensity of development anticipated for an area may assist in explaining the location, linkage and scale of transportation, service and other linkages across parcels of land within the Structure or Outline Development Plan area.

AD11.4A.v: Other information that may be shown on the Structure or Outline Development Plans includes the items below. Sections AD11.4A.v – AD11.4A.viii provide the definition and intent of these items:

- b) Indicative Roads: The purpose of indicative roads on Structure or Outline Development Plans is to achieve good integration between land use and transport outcomes, having regard to the intensity of development and providing a choice in transport routes where appropriate. They are also used to ensure road linkage between different physical areas or catchments (ie valleys) which will enhance transportation outcomes, contact between communities, access to key commercial services, amenities and community facilities, and the quality of the urban environment. They do not show the full roading network required to service any future development of the area. The indicative roads may potentially arise in a wider context than merely the Structure Plan or Outline Development Plan area.
- c) Walkways: The purpose of walkways on Structure or Outline Development Plans (these can also be cycleways where the terrain is suitable) is to promote recreational opportunity through off-road linkages within and surrounding the urban area, to provide for choice in transport modes, and to promote the safe and efficient movement of

people and vehicles by resolving potential tensions between pedestrians, cyclists and motor vehicles.

- d) Biodiversity corridors: The purpose of biodiversity corridors is to contribute to natural values within, through, and beyond the urban environment, and assist where appropriate in meeting the open space, recreational, riparian, low impact storm water management, landscape setting and amenity objectives of quality urban design. “Biodiversity corridor” is defined in Chapter 2 of the Plan.
- e) Greenspace: The purpose of ‘greenspace’ is to offset the surrounding residential development and ensure an open space, or vegetated network is created which is integral to the community in the area. ‘Greenspace’ and biodiversity corridors can exist together as they will often achieve compatible goals. The ownership of this land is by default private. In private ownership the ongoing maintenance is the responsibility of the developer and/or final owner, and the methodology for future management of these areas will need to form part of any subdivision proposal under which they are created. Council may purchase some, or all, of this land for reserves purposes, with its decision based on a scheme plan presented as part of an application for subdivision consent. “Greenspace” is defined in Chapter 2 of the Plan

AD11.4A.vi: Subdivision applications are to show how they provide for items on a structure plan including those listed in AD11.4A.v a)-d). In relation to location these items are generally shown “indicatively” on the Structure or Outline Development Plan as they show an intent rather than precise location for those features. These then form a matter of control which the Council will exercise as part of any subdivision consent process. It is intended that this provides an element of design flexibility to meet both the objectives of the Council and the developer, but while still achieving the overall objective of integrated and sustainable urban resource management and development.

AD11.4A.vii: For the purpose of interpretation of any rules relating to Structure or Outline Development Plans, the term “generally accord” shall mean that items shown on these plans must be provided for in the general locations shown, within the development area and linking to adjoining areas if required. It is not intended that the positions are exact or can be identified by scaling from the Structure Plan or Outline Development Plan, it is intended that connections between points are achieved or provided for and are not restricted. The final location will depend upon detailed analysis of the physical suitability of an alignment (including the presence of existing natural features and ecological sensitive habitats such as streams where providing for biodiversity corridors), other servicing implications, appropriate location in respect of final residential development layout and amenity, and costing considerations. The key proviso is the final location must be logical, and efficiently serve the catchments and destinations.

AD11.4A.viii: The primary objective of indicative roads, walkways/cycleways or biodiversity corridors is connectivity. Compliance with the rules requires that connection is provided within each stage of development, and to adjoining property

boundaries at the appropriate stage, and is not restricted or prevented through the use of “spite strips” or other methods which could lead to adjoining land becoming landlocked or connectivity being compromised.

Add to the end of DO5.1.i in the Reasons for Objective DO5.1 (Natural Values) in Chapter 5 District Wide Objectives and Policies:

In relation to urban area this means promoting an urban form that respects and works in harmony with the natural environmental features and patterns of an area. Good urban design practice can preserve natural areas and values by appropriate ecological design, and at the same time potentially increase usable green space within urban developments.

Add to the Explanations and Reasons for Policy DO5.1.2 (Linkages and Corridors) in Chapter 5 District Wide Objectives and Policies:

DO5.1.2.i ~~Small pockets~~ Areas of indigenous vegetation are often too small to support viable populations of animal and plant species. Linking pockets together, or providing new links from larger areas of habitat, can provide significant improvements to the more than double the native birds biodiversity in either any of the two individual areas. This can also result in greater interaction between people and the environment. The maintenance of such connections is crucial to natural system sustainability and will enhance the Plan’s ability to protect indigenous ~~wildlife and fauna biodiversity.~~ Rivers (and potentially wetlands) provide opportunity for continuous ~~habitat~~ biodiversity corridors.

DO5.1.2.ii Biodiversity corridors are shown on various Structure Plans and Outline Development Plans in association with areas identified for future urban growth.

These have three primary functions:

- protection, enhancement or restoration of natural values and the capacity or natural functioning of ecosystems and their processes to support a range of life;
- protection, enhancement or restoration of the capacity for natural ecosystem processes (such as the migration of animals or dispersal of plants) to function between different parts of the environment ie connectivity between ecological areas;
- to increase the interaction between humans and the natural environment.

By improving biodiversity features in urban design, working with the natural characteristics of a site, and enhancing or emphasising natural features such as riparian areas and mature vegetation, biodiversity corridors may also have a positive impact on the quality of the urban environment by:

- integrating built development within its landscape setting;
- encouraging people to connect with and interact with their local natural environment;
- shaping community identity or a sense of place;
- providing amenity to neighbourhoods;
- protecting water bodies from the undesirable effects of land development ie earthworks and sedimentation

- assisting in the management of stormwater discharges through retention and low-impact stormwater treatment;
- inclusion of passive public use and access;
- enhancing open space values.

DO5.1.2.iii Biodiversity corridors are intended to preserve habitat that has functional connections with other existing natural communities. By showing biodiversity corridors on the planning maps / structure plans, there is potential to co-ordinate habitat preservation between properties and with regard to the wider ecosystem values. These corridors primarily recognise the presence of existing features of likely ecological value such as waterways and riparian margins, gullies, and existing trees or habitats, and the preservation, enhancement or restoration of inter-connectivity of these.

DO5.1.2.iv Biodiversity values can be integrated in urban environments at the three development phases of design, construction and post-construction. The Plan seeks that this is addressed as part of any application for subdivision consent, particularly for greenfield development. This requires an understanding of the site in terms of such matters as its water catchments, ecosystems type, and proximity to other existing and potential open space and conservation networks. Corridors and linkages should incorporate vulnerable areas such as waterways and reflect natural landscape connections where established, supported where possible and appropriate by human-made connections. Often streams and gullies will form natural boundaries within the landscape and therefore provide opportunity for restoration and access without unreasonably compromising development potential elsewhere. Areas must be large enough to maintain ecological processes for the health and integrity of the ecosystem and to buffer conflicting uses. The width of corridors will vary for this reason; a minimum width of 20m is required.

DO5.1.2.v Consideration needs also to be given to their long-term management. There is a variety of methods for this, and to achieve the Council's objectives for natural values and biodiversity within urban subdivision design, for example consent notices, conservation or private covenants, esplanade and other reserves under the ownership and maintenance of the Council or other statutory body, or alternative design initiatives such as cluster development accompanied by preservation of natural open space or extension of tree planting into private property or the street network.

Add to the Methods to Policy DO5.1.2 (Linkages and Corridors) in Chapter 5 District Wide Objectives and Policies:

DO5.1.2.x Provision of biodiversity corridors on Structure Plans, Outline Development Plans and/or within the Planning maps, as a matter for assessment and response through subdivision applications.

DO5.1.2.xi Flexibility in development outcomes or design initiatives for land where accompanied by the protection, restoration or enhancement of biodiversity corridors or natural open space linkages.

Amend REd.8 to read

In Marsden Valley, there is provision ~~for some~~ on the valley floor, for higher density residential development ~~Low density residential development in the Valley, a small Suburban Commercial Zone, and for residential development on the hills surrounding the valley provided consideration is given to the landscape context of the area.~~ with There is also provision...

Amend

RE1.4.i to read:

...The Glen and the Marsden Valley Residential Area (covered by Schedule I) have has a lower building coverage limit to recognise ~~their~~ the rural setting.

The Marsden Valley residential Area (covered by Schedule I) is also recognises for the rural character of the area in which it is located, ~~A lower density of residential development is therefore considered important (see objective RE4).~~

The lower density residential area north and west of the cemetery in Marsden Valley is intended to provide a transition from the residential Zones at the entrance to the valley, to recognise the current rural character of the wider valley landscape and promote a level of serviced development that is generally compatible with the Marsden Valley Residential Area in Schedule I, which it in part adjoins (see objective RE5).

Amend Objective RE4 Marsden Valley (Schedule I) to read:

~~Subdivision and development within the Marsden Valley Residential Area (Schedule I) that does not adversely affect the rural and landscape character of the Marsden Valley. Subdivision and development of Marsden Valley (Schedule I area) that results in a high level of residential amenity built around a village centre as the focal point.~~

Amend Reasons RE4.i The Nelson Urban Growth Study 2006 (NUGS) identified the Stoke Foothills, including Marsden Valley, as suitable for accommodating some of the future residential growth of Nelson. This Schedule and Structure Plan are to ensure residential development can be achieved to give effect to the direction provided by NUGS, while respecting the landscape features of the valley. It will allow for an integrated and planned system of walkways, roading and servicing across multiple properties.

~~This objective and following policy applies only to the Marsden Valley Residential Area affected by Schedule I in the Plan, and not other residentially zoned land elsewhere in the valley.~~

Insert new Policy RE4.1 (note deletion of existing RE4.1 follow)

Policy RE4.1 Marsden Valley Development (Schedule I area)

Development of Marsden Valley shall generally accord with the Structure Plan for this area, as identified in Schedule I, Figure 1.

Explanation and reasons

RE4.1.i Development of Marsden Valley which generally accords with the Structure Plan (Schedule I) will ensure this area is integrated with adjacent developments, provides a sense of community centred on the suburban commercial

area as a focal point, and can achieve best practice urban design outcomes. This approach ensures continuity of public amenity such as walkways, reserves and open spaces, and ensures integrated servicing and roading patterns. The Structure Plan has been designed in accordance with urban design principles which take into account the landforms and landscape amenity values of the valley and surrounding hills. This will help meet the future residential needs of Nelson through a mix of residential and rural housing densities with an overall layout guided by a Structure Plan.

Methods

RE4.1.ii Schedule Marsden Valley to ensure integrated development and servicing in accordance with a Structure Plan.

RE4.1.iii Specific rules within the Schedule which control the adverse effects of development.

RE4.1.iv Development of Marsden Valley in accordance with best practice urban design.

RE4.1.v Zoning and subdivision rules which provide sufficient flexibility to achieve the desired urban design outcomes.

Delete Policy RE4.1 Marsden Valley Road Corridor

Delete Policy RE4.2 (development density in Marsden Valley).

Amend Policy RE4.3 vegetation as follows

RE4.32 Vegetation

Subdivision and development should maintain and enhance existing vegetation patterns (and establish new areas of vegetation) that soften the effects of residential and suburban commercial development on the visual amenity and landscape values of Marsden Valley. New and existing areas of vegetation should promote biodiversity and enhance habitat for native flora and fauna.

Explanation and Reasons

~~RE4.32.i Chings Flat is flanked to the west and east by watercourses. The study suggested that if Further planting occurred adjacent to these water courses they would~~ Vegetation planting and protection will provide a strong and attractive landscape setting for residential development and ~~would~~ will also act to reduce the visual effect of that development within the Marsden Valley. The Study also advocates the establishment of biodiversity corridors, 'greenspace', a landscape strip along the north-eastern side of Marsden Valley Road, 20m esplanade reserves along each bank of the Poormans Valley Stream to and a subdivision and roading design which allows for additional planting will enable this to be achieved and to will strengthen recreational linkages and biodiversity within the valley. It will also help to provide a transition from Residential to Rural Zones.

~~A number of established trees within the area known as Homestead Flat (on the north eastern side of Marsden Valley Road) that are considered to be.....~~

Add new method

RE4.2.iv Structure Plans, Outline Development Plans or other Plan provisions requiring the provision of ‘greenspace’ and biodiversity corridors at time of subdivision.

Delete policy RE4.4 Land Recontouring

Relocate REe to end of policy section, after Objective RE5

Amend REr.23.5 and REr.24.5 as follows

Paragraph commencing ‘The Lower Density Area...slope stability constraints), and Ardilea Ave in Stoke, and the Marsden Valley Residential Area (see Schedules I and V) and land...’

Paragraph commencing ‘The Higher Density Area includes The Wood, an area of both Ngawhatu and Marsden Valleys adjacent to the Suburban Commercial Zones, and an area...’

Paragraph commencing ‘The ability to apply for a reduction of up to 10% in the minimum area allocated to a residential unit is provided for as a discretionary activity ~~(except in the Marsden Valley Residential Area) where any departure from the minimum standard is a Non-complying Activity) (Schedule I).~~ A specific building...’

Paragraph commencing ‘Exceeding the specified coverage by up to 10% is provided for as a discretionary activity ~~(except within the Marsden Valley Residential Area where any departure from the minimum standard is a Non-Complying Activity) (see Schedule I).~~ As with site size...’

Add to REr.59.1 Vegetation Clearance

REr.59.1 g) there is no clearance of indigenous forest, and

h) there is no clearance of vegetation within a biodiversity corridor unless it is a exotic species, or a species with a pest designation in the current Tasman-Nelson Regional Pest management Strategy, and providing an exception for vegetation clearance required for:

- i) maintenance of State Highways, or
- ii) the installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity and vegetation is reinstated after the activity has been completed, or
- iii) forming or maintaining vehicle access ways to land where there is no viable alternative access route available, or
- iv) forming or maintaining of walkways or cycleways.

Amend REr.59.3 Vegetation clearance that contravenes a controlled standard is a restricted discretionary activity.

Add REr.59.3 xviii) the matters in Appendix 4 (marine ASCV overlay), and
xix) effects on the values and function of any biodiversity corridor.

Add to REr.59.5 Vegetation is specifically protected in biodiversity corridors to ensure their function as a corridor is not compromised through clearance.

Amend REr.106 Marsden Valley ~~Residential Area~~ (Scheduled Site – Sch I)

Amend contents page. REr.106 Marsden Valley ~~Residential Area~~ (Scheduled Site – Sch I)

Amend REr.107.2 to add the following:

n) In respect of Marsden Valley Schedule I, compliance with Schedule I rules requiring subdivision layout and design to generally accord with Schedule I, Figure 1 Structure Plan.

Control reserved over...

c) provision of services and:

xvii) For areas subject to a Structure Plan or Outline Development Plan, the matters contained on those including:

- the provision of adequate road, walkway and cycleway linkages, 'greenspace' and biodiversity corridors with appropriate connections within the subdivision and to adjacent land, as defined by the indicative routes shown in the Structure Plan, Outline Development Plan or within the Planning Maps;
- any specific rules, schedules or other notations shown on the Structure Plan or Outline Development Plan as applying to that land.

Add to REr.107.4 jj) For Marsden Valley Schedule I area the extent to which any proposal and / or development is in general accordance with Schedule I and with the associated Structure Plan (Schedule I Figure 1).

Amend REr.107.4 ii) in Marsden Valley and the land between this and Enner Gylnn and Ngawhatu Valleys, the extent of provision for pedestrian and cycle linkages between open space areas, residential neighbourhoods, and neighbouring land to ensure over time pedestrian and cycle links connect up to the Barnicoat Walkway and between the valleys in accordance with Schedule I and Schedule V.

Amend REr.107.5 final paragraph 'See Schedule I for Marsden Valley, ~~Residential Area.~~

Delete Schedule I Marsden Valley Residential Area and **replace** with the following new schedule (Sch.I Marsden Valley)

Sch.I Marsden Valley

I.1 Application of the Schedule

This Schedule applies to the area shown as Sch.I on Planning Maps 28, 31, 34, 54 and 55 within Marsden Valley; generally bounded to the south by Schedule U ‘Marsden Plateau Landscape Area’ and Schedule V ‘Marsden Hills’, east by the Rural Zone, north by the Marsden Valley / Enner Glynn Valley ridge and west by the existing Residential Zone boundary.

The purpose of this Schedule is to ensure that subdivision and development proceeds in general accordance with the structure plan accompanying this Schedule (see Figure 1 of this Schedule) and to incorporate specific rules in addition to the standard Plan rules. Schedule I is referred to under rules REr.106, REr107, RUr77, RUr.78, SCr.70A and SCr.71, as it relates to subdivision rules and assessment criteria within the Residential, Rural and Suburban Commercial Zones, and with associated policy and explanation in Volumes 1 and 2 of the Plan.

All activities provided for in the Residential Zone, Suburban Commercial Zone, Open Space and Recreation Zone, and Rural Zone Rule tables as permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activities, and supporting Objectives and Policies shall apply to their respective zones in the Schedule I area, except if subject to variations set out in this Schedule and Schedule I Structure Plan Figure 1.

I.2 General Rules

a) Subdivision design shall generally accord with the Structure Plan contained in Schedule I Figure 1.

b) No buildings are permitted within ‘greenspace’ areas, or biodiversity corridors (see Meanings of Words, Chapter Two) as indicatively shown on Schedule I Structure Plan Figure 1.

c) Biodiversity Corridor locations shall generally accord with that shown on the Structure Plan contained in Schedule I Figure 1. Biodiversity Corridors (see definition Chapter 2, Meaning of Words) shall consist of:

- vii) native and/or exotic vegetation that existed at 19 September 2009 within the biodiversity corridor, or
- viii) vegetation to be planted in predominantly native vegetation indigenous to the area and ecosystem type as proposed in a planting and maintenance plan forming part of any application for subdivision consent, or
- ix) predominantly native vegetation indigenous to the area and ecosystem type to be planted to replace any existing vegetation removed from within the corridor;

except that:

- x) the maintenance of roads, and the construction and maintenance of utility corridors and their structures are permitted within the Biodiversity Corridor, and
- xi) the formation of required property accesses where there is no practicable alternative may transect any Biodiversity Corridor provided the total width of the Biodiversity Corridor is increased by the width of the access for 10m back from each side of the access crossing point, and

xii) and, in the case of ii) and iii), excepting that exotic vegetation may be used as a nursery crop for the purpose of establishing native vegetation.

d) The existing tree groups (1-5) shown on Schedule I, Structure Plan Figure 1, and not included in Appendix 2 of the Plan, shall be retained. Protection of the tree groups by way of consent notice, QEII covenant, or other such mechanism as agreed by Council, and which is registered on the title of the land on which the trees are located shall be established at, or before, time of subdivision. Tree group 4 shall include allowance for a road formation to pass through provided vegetation removal kept to a minimum.

Note: Tree group 1 area also contains individual trees separately protected through other provisions of the Plan, the Tree grouping identifier protects other vegetation within this defined area. The location of tree groupings are exact, ie. not indicative.

e) Buildings are permitted up to but not within the 5m building setback (setback is the area within 5m of the Marsden Valley Road Reserve legal boundary (north east side) as at 1 October 2009) until such a time as this road reserve boundary is moved north eastward. After this movement occurs rule REr.25 'Front Yards' shall apply. In both cases this applies for the frontage length as shown in Schedule I Structure Plan, Figure 1. Vehicle crossings in this setback area are to have a minimum separation distance of 40m.

f) For the Marsden Valley Suburban Commercial Zone SCr.39.1 b) shall be replaced by 'Any activity which involves the sale of liquor for consumption on the premises may be open for the sale of liquor only during the following hours: daily 7am to 11pm.'

g) The following activities are not permitted activities in the Marsden Valley Suburban Commercial Zone: motor vehicle sales, service, and storage; industrial activities; supermarkets (see definition in Schedule I, I.2) warehouses; and building and landscape supply activities (including outdoor storage).

h) Buildings and structures located in the Marsden Valley Suburban Commercial Zone which exceed 8m in height but are less than 12m in height are a restricted discretionary activity. Any building over 12m in height is a discretionary activity.

Discretion restricted to:

- i) design, scale and appearance in relation to building height and external walls.
- ii) proximity to, and effect on, adjacent zones
- iii) effect on public open space within, or adjacent to the suburban commercial zone
- iv) contribution to achieving the overall design principles of the Marsden Valley Suburban Commercial area (see I.5)

Resource consent applications for restricted discretionary activities under Sch.I.2 h) will be considered without notification, or obtaining written approval of affected persons, under Section 94 of the Act.

Definitions relevant to this schedule:

Supermarket:

Means an individual retail outlet with a gross floor area of not less than 500m² (or an equivalent area, including relating back of house unloading, storage, preparation, staff and equipment space, within a larger store) and selling a comprehensive range of;

a) fresh meat and produce; and

b) of chilled, frozen, packaged, canned and bottled foods and beverages; and

c) of general housekeeping and personal goods, including (but not limited to) cooking, cleaning and washing products; kitchenwares; toilet paper, diapers, and other paper tissue products; magazines and newspapers; greeting cards and stationery; cigarettes and related product; barbeque and heating fuels; batteries, flashlights and light bulbs; films; pharmaceutical, health and personal hygiene products and other toiletries.

I.3 Activity Status

Any activity which does not meet one or more of the performance standards in Schedule I.2 a-g) 'General Rules' is a Discretionary activity. Any activity in the scheduled area not triggering Schedule I.2 'General Rules' will be assessed under the relevant rules (and consent status) as they apply to the zone and overlays in which the activity is located.

I.3.1 Subdivision

The general rules set out in I.2 shall apply to subdivision proposals. The relevant provisions of the Plan's Residential, Rural, Open Space and Recreation, and Suburban Commercial Zone rule tables shall also apply individually to land within those zones. A subdivision application will take on a consent status as determined by the relevant rules triggered, be they from this Schedule or the relevant zone rule table.

I.4 Assessment Criteria

These assessment criteria relate to issues specific to the Schedule I area. All other relevant assessment criteria of zone rules triggered are also to be considered.

- i) The extent to which any proposal and / or development is in general accordance with Schedule I and with associated Structure Plan (Schedule I Figure 1).
- ii) Mitigation of the actual or potential effects of activities or subdivision design on landscape values.
- iii) The ability of the subdivision design to incorporate a network of walking and cycle links between roads, and from roads to open spaces (reserves, 'greenspace' or biodiversity corridors).
- iv) Integration and compatibility with adjoining activities.
- v) Opportunities to mitigate any cross-boundary effects.
- vi) The method/s of ongoing retention and protection of identified vegetation within the scheduled area.
- vii) The use of methods to promote and protect native fauna within the scheduled area.
- viii) Ability to cluster development to mitigate visual amenity in the Rural - Higher Density Small Holdings Zone areas.
- ix) The required width of biodiversity corridors.

- x) The proposed ownership, maintenance and management regime for biodiversity corridors and ‘greenspace’ areas, and the effect different alternatives have on subdivision layout and design, and on the values of those spaces.
- xi) Any likely presence of, and disturbance to, any archaeological sites.
- xii) Compliance with the relevant local and national legislation in relation to existing high voltage transmission lines.
- xiii) An activity type, building and/or outdoor space design, or subdivision design’s contribution to achieving the overall design principles of the Marsden Valley Suburban Commercial area.
- xiv) Use of design techniques to add interest to external walls of buildings facing onto public space or residentially zoned land.
- xv) Any assessment criteria for other relevant rules triggered by an application, or referred to in this schedule under cross-reference to the appropriate Zone rule table apply.

I.5 Marsden Valley Suburban Commercial Zone Overall Design Principles

The key design principles sought for the Marsden Valley Suburban Commercial Zone to create an urban village environment which supports the surrounding community and provides opportunities for meeting commercial and social needs are:

- i. Proximity of different activities which enables a degree of walkability.
- ii. Quality public spaces that are active and provide for a variety of users, and are pedestrian friendly in scale and amenity, and easy to get around and through.
- iii. High quality of design and finish of buildings and structures with a sense of distinctiveness through the use of colour, height, roof forms, materials, layout and circulation.
- iv. Active frontages and avoidance of visible blank walls.
- v. Safe and comfortable outdoor environments through people presence and “eyes on the street”.
- vi. Adaptable and flexible building configuration, layout and dimensions to enable use and reuse for a variety of different activities.
- vii. Well designed living environments which have good access to sun, pleasant outlooks, and are appropriate to the location.
- viii. Good quality mixed use commercial, employment and living environments which have easily accessed facilities.
- ix. Activities which promote a quality urban environment with a focus on meeting basic commercial and social needs of the nearby residents but also allowing for appropriate commercial and employment uses serving people from a wider catchment.
- x. Building and open space design, layout and orientation which responds well to, and integrates with, adjacent zones and uses.
- xi. Building and open space design, layout and orientation which relates to and integrates with Poorman Valley Stream and the protected woodland (W2) to the north.

I.6 Explanation

The Nelson Urban Growth Study 2006 (NUGS) identified the Stoke Foothills, including Marsden Valley, as suitable for accommodating some of the future residential growth of Nelson. This Schedule and Structure Plan are to ensure residential development can be achieved to give effect to the direction provided by NUGS, while respecting the landscape features of the valley. It will allow for an integrated and planned system of walkways, roading and servicing across multiple properties. Marsden Valley has been identified as having important landscape features which require consideration and protection when planning development in the area. Of importance from a landscape perspective are the prominent slope at the head of Marsden Valley and along the slopes of Jenkins Hill, and the upper ridgeline and shoulder slopes separating Marsden and Enner Glynn Valley's.

Established trees along the Marsden Valley Road frontage contribute to the Valley's character and also to the attractive amenity, a 5m wide landscape strip is required along the north-east frontage with Marsden Valley Road to retain some of this character. Some of the existing vegetation (for example, the stand of kanuka identified as a Landscape Woodland) is seen as important in helping define the overall landscape of Marsden Valley and for softening built development, and have been protected. Esplanade reserves, biodiversity corridors, parks and 'greenspace' areas all provide opportunity to retain and enhance vegetation in the Scheduled I area. Biodiversity corridors and 'greenspace' are shown in indicative locations on the structure plan. These serve to provide corridors for biodiversity to occupy and travel through, ultimately creating a network which allows passage from one area of habitat to another. The 'greenspace' areas are often located in conjunction with the biodiversity corridors and can achieve the same end result but their primary purpose is to offset the Residential Zoning and ensure an open space, or vegetated network is created which is integral to the community in this area.

The Marsden Valley community will be strengthened by an area of Suburban Commercial zoning. This is intended to provide the commercial and social hub for residents in the valley and surrounding area. Higher Density Residential Zoning is provided in support of the commercial zoning. This provides a housing choice within the valley (and the wider Nelson area) allowing for increased flexibility in living styles and the opportunity to live and work in the same area. In addition, the Village Centre will provide an important destination and meeting point for visitors to the Valley as well as recreational users who use Marsden Valley to access important recreational areas.

In order to avoid activities which are incompatible with the Marsden Valley Suburban Commercial Zone, certain inappropriate activities are not permitted, along with earlier closing times for activities selling liquor for on-site consumption. These controls will ensure the activities within the zone are compatible with the vision for an urban village.

The particular allowance for buildings up to 12 m height in Marsden Valley Suburban Commercial Zone provides greater flexibility in design and roof forms. It also promotes building adaptability and future re-use by allowing higher ceilings for a wider range of uses over time (residential and commercial). Control over the appearance, location, impact on neighbouring zones and effect on the village

environment is retained by Council through the requirement for a resource consent for buildings between 8 and 12m in height.

The Higher Density Rural Small Holdings Zone included in the Schedule I area, covers two areas of land of low productive value, but which retain landscape, open space and amenity characteristics. A higher density of development than the standard Rural Zone is provided for in recognition of the limits on productive use and to provide consistency with zoning on the foothills of the Barnicoat Range.

Delete existing Structure Plan Sch.I Figure 1

Insert new Structure Plan Sch.I Figure 1

Volume 2, Chapter 9 (Suburban Commercial)

Amend SCd to read as follows:

SCd.1 This Zone includes the suburban commercial areas at Stoke, Marsden Valley, Ngawhatu...

SCd.7 The Marsden Valley Suburban Commercial Zone services the residents and visitors within Marsden Valley and surrounding area. Schedule I (see Chapter 7, Residential Zone) provides for an increased height limit (through resource consent) for this particular area to allow for varied building heights and roof forms to create an urban village environment which supports the surrounding community and provides opportunities for meeting commercial and social needs. Additional restrictions control various activity types, liquor sale hours and active frontages to help to create the urban environment desired.

Renumber existing SCd.7 as SCd.8

Add new Objective

SC3 Marsden Valley Suburban Commercial Zone *To recognise and provide for a vibrant Marsden Valley Village Centre, which through its central location, mix of suitable activities, and high quality building design, allows for the creation of a quality urban environment serving residents and visitors.*

Reasons:

SC3.i The Marsden Valley Village Centre will form the centre of a new residential community in the valley. It will support the surrounding community and provide opportunities for meeting commercial and social needs. This area is different to many existing suburban commercial zones in that it is central to the creation of a new community and as such can be designed in an integrated manner with this community to achieve the best result from an urban design perspective. Any development in this area should be aware of the existence of the Marsden Quarry and the traffic associated with this activity. The quarry operates under the provisions of Schedule S in the Rural Zone.

policy

SC3.1 building and outdoor space design

Promotion of variety, modulation, active frontages, and creativity in building and outdoor space design which is at a human scale.

Explanations and Reasons:

SC3.1.i Buildings of a uniform design, with blank walls, a lack of interaction with the street or public places, or of a dominating scale can detrimentally affect the spaces and areas to be used by people. To ensure a successful urban village is developed it is essential that the buildings and outdoor spaces are designed in such a way as to support this.

Methods

SC3.1.ii Rules to control buildings over a certain height

SC3.1.iii Assessment criteria to ensure buildings which trigger a resource consent are assessed against their compliance with the general design principles for the Marsden Valley Suburban Commercial Zone.

Policy

SC3.2 mixed use

[To enable a mix of activities (primarily commercial (retail and office) and residential) within the zone which supports the creation of a successful urban village area, adds vibrancy, and provides a wide choice of places to live, work and play.

Explanations and Reasons:

SC3.2.i Suburban commercial zones provide an opportunity for mixed use activities, for example retail on the ground floor and residential or offices above. This mix of uses has a number of benefits including: increased vibrancy of these centres; wider range of living options; reduced travel dependence; increased surveillance of public spaces and a larger customer base for retailers.

Methods

SC3.2.ii Rules which permit mixed uses (retail, office and residential)

SC3.2.iii Rules which limit the establishment of activities which may be detrimental to creation of a successful urban village.

Add new rule **SCr.69B Marsden Valley** (Schedule Site – Sch. I)

SCr.69B.1 Schedule Sch. I (Residential Zone) applies.

SCr.69B.2 Schedule Sch. I (Residential Zone) applies.

SCr.69B.3 Schedule Sch. I (Residential Zone) applies.

SCr.69B.4 Schedule Sch. I (Residential Zone) applies.

SCr.69B.5 Schedule Sch. I applies. Schedule I follows after the Residential Zone rule table (Chapter 7)

Add to SCr.71.2 h) In respect of Marsden Valley Schedule I, compliance with Schedule I rules requiring subdivision layout and design to generally accord with Schedule I, Figure 1 Structure Plan, located in Chapter 7 Residential Zone.

Add SCr.71.2 control reserved over section,

xiv) in Sch.I Marsden Valley area the matters contained in Schedule I and Schedule I, Figure 1.

Add prior to existing Sch.L: Sch I Marsden Valley

For provisions relating to Schedule I see Chapter 7, Residential Zone

Amend contents page

SCr.69B Marsden Valley (Scheduled Site – Sch I)

SCr.70 Nayland Road Commercial Area (Scheduled Site: - Sch.I L)

Volume 2, Chapter 11 (Open Space and Recreation)

Add to OSr.47.1 Vegetation Clearance

OSr.47.1 f) there is no clearance of indigenous forest, and

g) there is no clearance of vegetation within a biodiversity corridor unless it is a exotic species, or a species with a pest designation in the current Tasman-Nelson Regional Pest management Strategy, and providing an exception for vegetation clearance required for:

i) maintenance of State Highways, or

ii) the installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity and vegetation is reinstated after the activity has been completed, or

iii) forming or maintaining vehicle access ways to land where there is no viable alternative access route available.

Add OSr.47.3 xviii) the matters in Appendix 4 (marine ASCV overlay), and
xix) effects on the values and function of any biodiversity corridor.

Add to OSr.47.5 Native vegetation is specifically protected in biodiversity corridors to ensure their function as a corridor is not compromised through clearance.

Add after FWr.25

Schedule Open Space and Recreation Zone

Sch I Marsden Valley

For provisions relating to Schedule I see Chapter 7, Residential Zone

Volume 2, Chapter 12 (Rural)

Amend RUd.6 to read:

A Higher Density Small Holdings areas ~~has~~ have been provided to the rear of the Residential ~~z~~Zone at Ngawhatu and Marsden Valleys, ~~and~~ adjoining the Rural farmland on the southern boundary of the land at Ngawhatu and near the entry to Marsden Valley. This zoning recognises the limited productive potential of this area due to its topography and small size, and in the case of the Higher Density Small Holdings zone in upper Marsden Valley, the maintenance of the open character of this visible slope. The zoning also allows for clustering of housing to mitigate visual amenity effects, and enables a transition from Residential to Rural Zoning.

Amend RU2.ii(b) to read:

...Part of the Marsden Valley area has also been identified as a Rural – Higher Density Small Holdings Area, because of its limited productive potential of this area due to its topography and small size, and in the case of upper Marsden Valley, the ability to cluster development to mitigate visual amenity effects in relation to the open rural character of the visible slopes. ~~Given its immediate proximity to the residential area of Stoke. This includes a combination of Lower, Medium and Higher Density Small holdings opportunity. The Medium Density Small Holdings Area has been defined in part of the valley shown on the Planning Maps in Schedule T. This area was granted a resource consent in 1996 pursuant to the transitional District Plan for allotments of 1 hectare minimum with an average size of 2 hectares. The area was also subject to a reference on the proposed Plan with respect of the zoning of the land in the Plan. The scheduling of the area is the outcome of those appeals. It is a compromise that allows for reasonable development opportunities in the valley, while ensuring minimal impact on the rural and landscape character of Marsden Valley (see also Objective RU4).~~ The Higher Density Small Holdings Area, as it relates to land within Schedule I (Marsden Valley), and Schedule V (Marsden Hills), Schedule E (Ngawhatu Residential Area) to the rear of the Residential Zone and adjoining part of the Rural Zoned farmland along the Southern boundary. ~~This area provides for...~~

Delete final paragraph of RU2.ii b) starts with ‘In Ngawhatu to the rear...’

Amend RU2.1.i ...There is opportunity to consider ~~groupings~~ clusters of dwellings, which may be appropriate in some situations for reasons of landscape amenity, stability or local servicing for example, provided that the general landscape character is not compromised.

Amend RU2.1.iA ‘For objectives and policies relevant to the Rural Small Holdings Zone (Schedule I) refer to RE4 Marsden Valley (Schedule I), Chapter 7. See also objective RU4.’

Amend RU2.1.iB ‘Clustering of development with open space separating clusters in the Higher Density Rural Small Holdings zone with open space separating clusters in Schedule I (Marsden Valley), and on the in Schedule V (Marsden Hills), in the Higher Density Rural Small Holdings zone within Schedule V, is encouraged in order to avoid dispersed development dominating the land form.’

Amend RU2.2.iA ‘For objectives and policies relevant to the Rural Small Holdings Zone (Schedule I) refer to RE4 Marsden Valley (Schedule I), Chapter 7. See also Objective RU4.’

Delete RU4 Marsden Valley (Schedule I), including RU4.1 – RU4.6

Insert RU4 Marsden Valley (Schedule I)

For objectives and policies relevant to the Rural Small Holdings Zone (Schedule I) refer to RE4 Marsden Valley (Schedule I), Chapter 7.

Delete the following in RUr.20 Permitted Activities General

RUr.20.1 e) the activity is not an industrial or commercial activity, which is located within the High Density Small Holdings Area ~~or within the Marsden Valley Small Holdings Area~~. Here REr.21 (Home Occupations) applies.

Add to RUr.25.1 Vegetation Clearance

RUr.25.1 f) there is no clearance of indigenous forest, and

g) there is no clearance of vegetation within a biodiversity corridor unless it is a exotic species, or a species with a pest designation in the current Tasman-Nelson Regional Pest management Strategy, and providing an exception for vegetation clearance required for:

- i) maintenance of State Highways, or
- ii) the installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity and vegetation is reinstated after the activity has been completed, or
- iii) forming or maintaining vehicle access ways to land where there is no viable alternative access route available, or
- iv) forming or maintaining of walkways or cycleways.

Add RUr.25.3 xviii) the matters in Appendix 4 (marine ASCV overlay), and xix) effects on the values and function of any biodiversity corridor.

Add to RUr.25.5 Native vegetation is specifically protected in biodiversity corridors to ensure their function as a corridor is not compromised through clearance.

Amend RUr.77 ~~Marsden Valley Small Holdings Area~~ (Schedule Site – Sch. ~~T-I~~)

RUr.77.1 ...Sch. ~~FI~~.

RUr.77.2 ...Sch. ~~FI~~.

RUr.77.3 ...Sch. ~~FI~~.

RUr.77.4 ...Sch. ~~FI~~.

RUr.77.5 See Schedule Sch. ~~FI~~. ~~The schedules for this Zone follow after the rule table.~~ Schedule I follows after the Residential Zone rule table (Chapter 7)

Amend contents page

RUr.77 Marsden Valley ~~Small Holdings Area~~ (Schedule Site – ~~T I~~)

Amend **RUr. 78 as follows:**

RUr.78.2

e) The net area is...

iii) 1ha average size with a 5000m² minimum size except in Marsden Valley (Schedule ~~FI~~, Chapter 7), Marsden Hills...

Add RUr.78.2 h) In respect of Marsden Valley Schedule I, compliance with Schedule I rules requiring subdivision layout and design to generally accord with Schedule I, Figure 1 Structure Plan, located in Chapter 7 Residential Zone.

Amend RUr.78.2 control reserved over section,
iii) design and layout of the subdivision, and within Marsden Hills ~~High Density Rural Small Holdings zone~~ (Schedule V, Chapter 7) and Marsden Valley (Schedule I, Chapter 7) Rural – Higher Density Small Holdings Zone the ~~design, utilization of~~ clusters of development, ~~with separated by open space separating clusters~~^{PC13}, rather than a design which allows dispersed development, and

Add RUr.78.2 control reserved over section,
xiii) in Sch.I Marsden Valley area the matters contained in Schedule I and Schedule I, Figure 1.

Delete RUr.78.4 z)

Delete RUr.78.4 aa)

Amend RUr.78.4 bb) In Marsden Hills (Schedule V, Chapter 7), Marsden Valley (Schedule I, Chapter 7) and Ngawhatu Higher Density Small Holdings Areas, the extent of the provision of pedestrian and cycle linkages between Open Space area, Residential and High Density Small Holdings neighbourhoods, and neighbouring land, to ensure over time pedestrian and/or cycleway links connect up to the Barnicoat Walkway and extending between and within the Ngawhatu ~~and~~ Marsden Valleys, and Enner Glynn Valleys or as otherwise indicatively shown on Structure Plans or Outline Development Plans.

RUr.78.4
cc) In the Marsden Hills (Schedule V), Marsden Valley (Schedule I), and...

dd) In the Marsden Valley (Schedule I), the provision for walking and cycling linkages with adjacent areas, including public roads, residential zones and recreation areas.

RUr.78.5
In the Small Holdings Area an average... ~~For the Marsden Valley Small Holdings Area, Schedule T applies.~~

Delete paragraph in RUr.78.5 starting with 'In the Ngawhatu Higher Density Small Holdings area, the average lot size is...'

For the Marsden Hills Higher Density Small Holdings Area Schedule V (Chapter 7 Residential Zone) applies in addition to the zone rules. In Marsden Valley Schedule I (Chapter 7 Residential Zone), the Marsden Hills....

Delete Sch.T Marsden Valley Small Holdings Area

Add Sch I Marsden Valley

For provisions relating to Schedule I see Chapter 7, Residential Zone

Volume 3 (appendices)

Amend AP2.1.1.ii

W = Woodland (references to numbered woodlands and map symbology will be progressively updated).

Amend the following

Appendix 2 Heritage Trees

Category	Street No.	Address	Location	Type	Tree Name (latin)	Tree Name (common)	No. of trees
Landscape		Marsden Valley (road frontage)	Sch.I, Residential Zone	<u>GW</u>	<u>Woodland (W1)</u>	Mixed exotic	10
Heritage		Marsden Valley (road frontage)	Sch.I Residential Zone	S	Cedrus deodara	Himalayan Cedar	1
Landscape		Marsden Valley (ridgeline) (<u>on minor ridge NE of, and parallel to Marsden Valley Road</u>)	Sch.I Residential Zone	W	Woodland (W2)	Woodland Mixed native species predominantly Kanuka = <u>non-native species are excluded from protection</u>	
Landscape		Marsden Valley	Sch.I Residential Zone & Sch.T Rural Zone	S	Tilia species	Lime	1
Landscape		Marsden Valley	Sch.I Residential Zone & Sch.T Rural Zone	S	Alnus cordata	Italian Alder	1
Landscape		Marsden Valley	Sch.I Residential Zone & Sch.T Rural Zone	S	Sequoiadendron giganteum	Californian Big Tree	1
Landscape		Marsden Valley	Sch.I Residential Zone & Sch.T Rural Zone	S	Picea species	Spruce	1
Landscape		Marsden Valley	Sch.I Residential Zone & Sch.T Rural Zone	S	Zelkova serrata		1
Landscape		Marsden Valley	Sch.I Residential Zone & Sch.T Rural Zone	S	Quercus rubra	Red Oak	1
Landscape		Marsden Valley	Sch.I Residential Zone & Sch.T Rural Zone	S	Betula nigra	River Birch	1

Category	Street No.	Address	Location	Type	Tree Name (latin)	Tree Name (common)	No. of trees
			Zone				
Landscape		Marsden Valley	Sch.I Residential Zone & Sch.T Rural Zone	S	Taxodium distichum	Swamp Cyprus Cypress	1
Landscape		Marsden Valley	Sch.I Residential Zone & Sch.T Rural Zone	S	Quercus ruba	Red Oak	1
Landscape		Marsden Valley	Sch.I Residential Zone & Sch.T Rural Zone	S	Alnus cordata	Italian Alder	1
Landscape		Marsden Valley	Sch.I Residential Zone & Sch.T Rural Zone	S	Taxodium distichum Metasequoia glyptostroboides	Swamp Cyprus - Dawn Redwood	1
Landscape		Marsden Valley	Sch.I Residential Zone & Sch.T Rural Zone	S	Betula species	Big Leaf Birch	1
Landscape		Marsden Valley	Sch.I Residential Zone & Sch.T Rural Zone	S	Betula species	Birch	1

PLANNING MAPS

Volume 4

Amend **Planning Maps 28, 31, 34, 54 and 55 (left hand side)** by showing revised overlay provisions as shown on map 1 attached (Marsden Valley area)

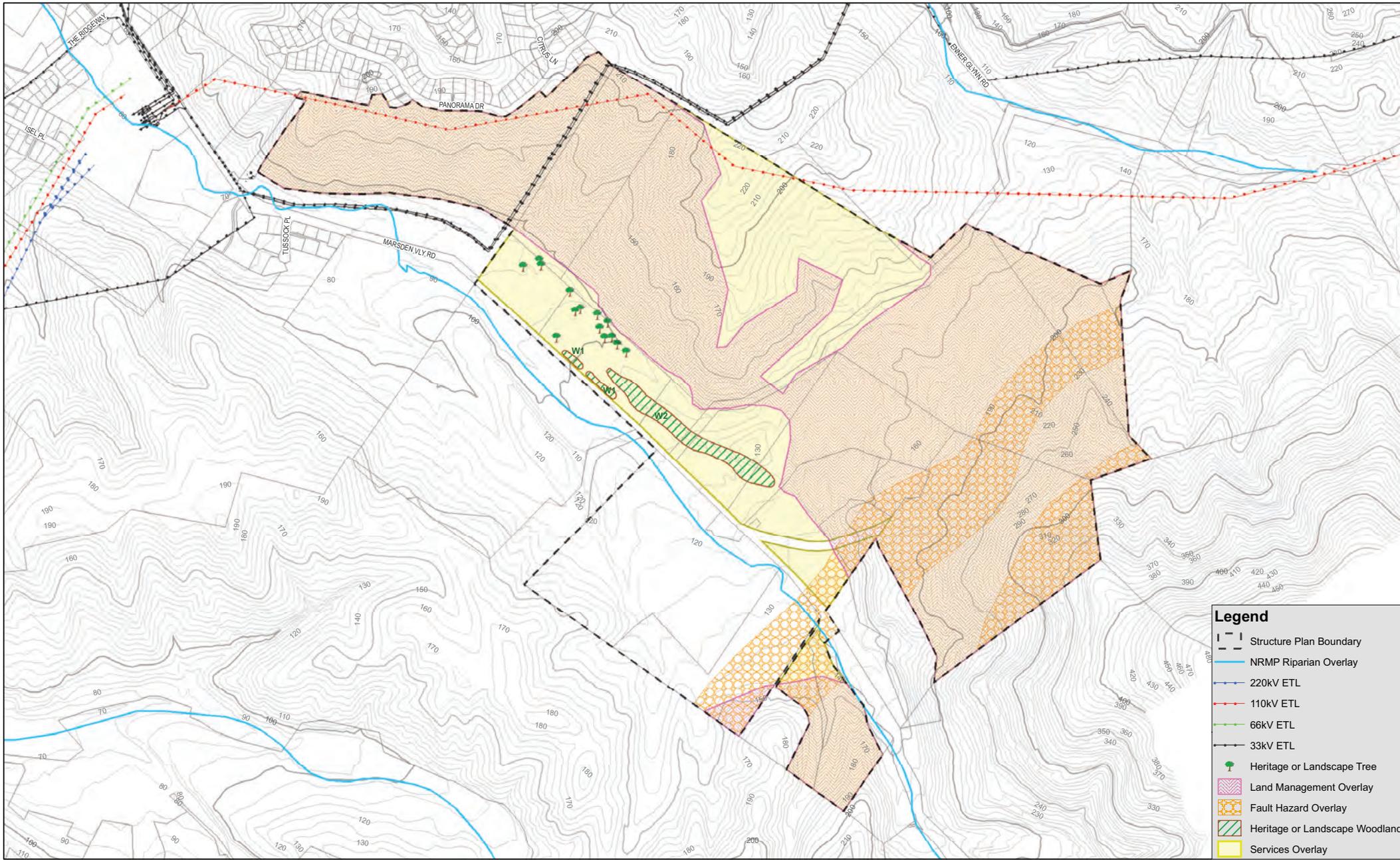
Amend **Planning Maps 28, 31, 34, 54 and 55 (right hand side)** by rezoning as shown on map 2 attached (Marsden Valley area)

Volume 1 - Maps

Delete **Figure 1 of Schedule I (Residential Zone)** and replace with the structure plan –map 3 attached

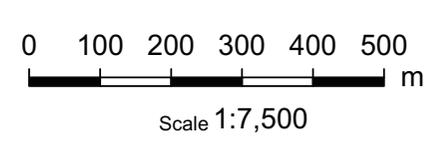
Volume 2 - Maps

Delete **Figure 1 of Schedule T (Rural Zone)**

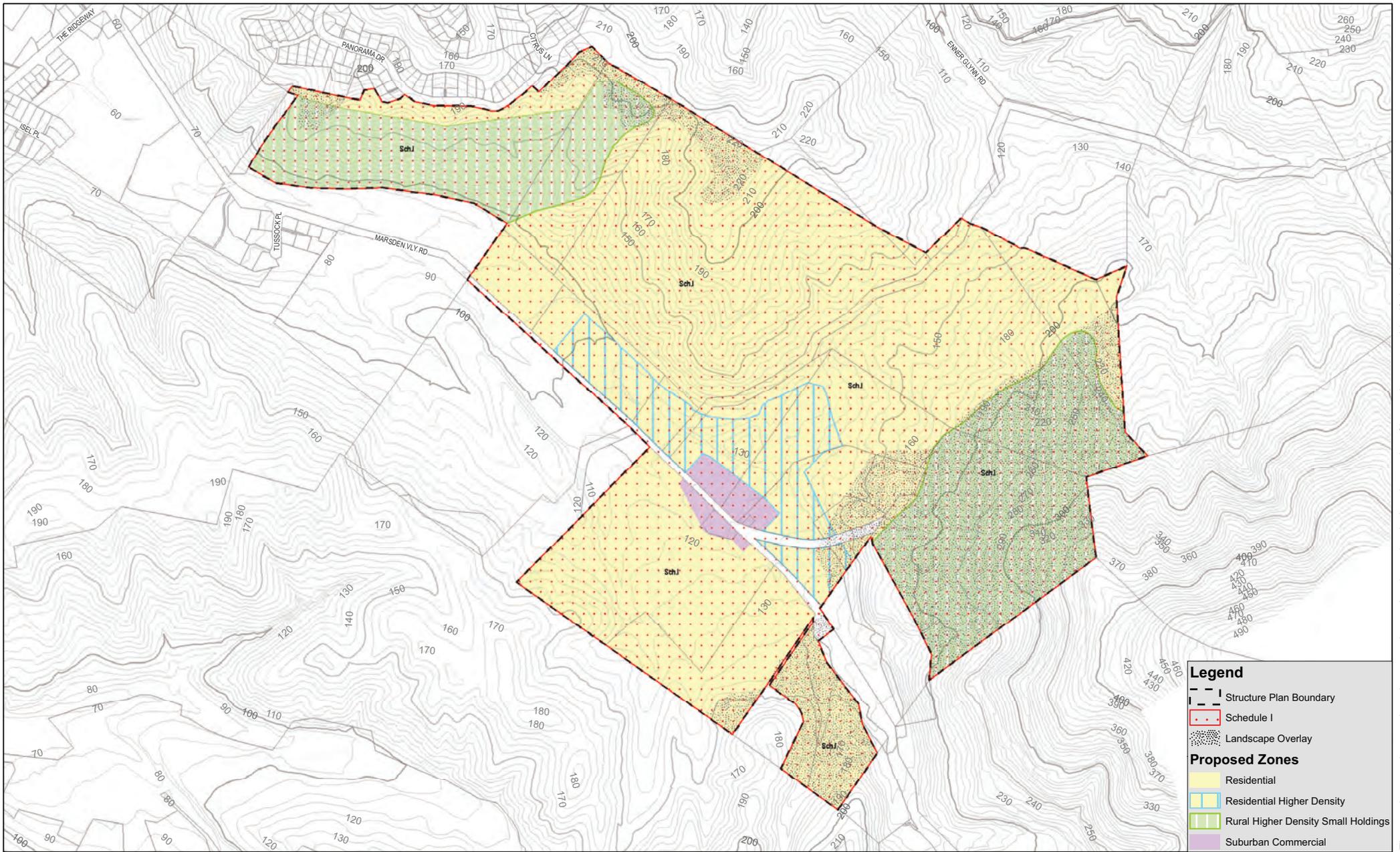


Plan Change 13 - Marsden Valley Rezoning

Map 1 - Proposed NRMP Overlays



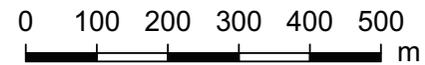
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Plan Change 13 - Marsden Valley Rezoning

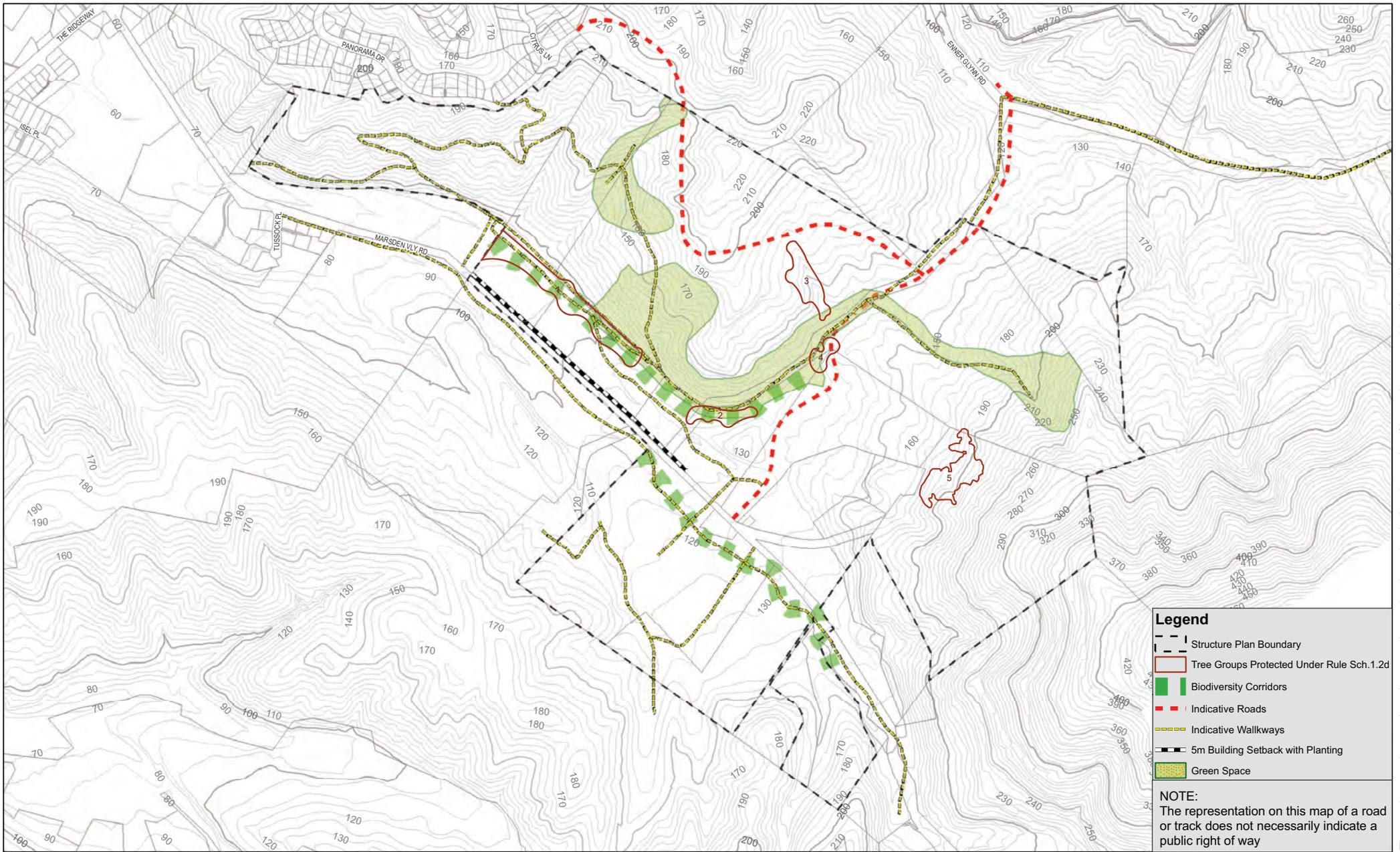
Map 2 - Proposed NRMP Zoning



Scale 1:7,500

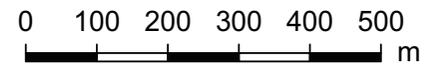


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Plan Change 13 - Marsden Valley Rezoning

Map 3 - Proposed Structure Plan



Scale 1:7,500



Issued 31 May 2010

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