

NELSON CITY COUNCIL

**Nelson Resource Management Plan**

Proposed Plan Change 18

Nelson South

**Summary of Decisions Requested**

11 December 2010



## Introduction

This document contains a summary of decisions requested by persons making submissions on the Nelson Resource Management Plan, Proposed Plan Change 18 (Nelson South). In total 14 submissions were received. The summary is in accordance with the requirements of Schedule 1, Clause 7, Public notice of submissions, Resource Management Act 1991 (RMA).

## Format

The decisions sought by each party in their submissions are listed by topic rather than by submitter. Where possible the words are those of the submitter. The actual submissions should be referred to for a full understanding of the particular points raised by each submitter.

## Further Submissions

Further submissions are invited and may be made in accordance with Schedule 1, Clause 8, Clause 8A and Form 6, RMA. A guide to making a further submission is included on the following page. A further submission form is available to ensure that your further submission meets these requirements.

## Closing Date

The closing date for further submissions is 5pm, Monday 17th January 2011.

## Contact Person

Peter Rawson  
Planning Adviser  
Nelson City Council  
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Nelson 7040

03 546 0338

[peter.rawson@ncc.govt.nz](mailto:peter.rawson@ncc.govt.nz)

## **Guide to Making a Further Submission**

### Important Information:

- Any person representing a relevant aspect of the public interest, or who has a greater interest than the general public, can make a further submission.
- A further submission may only be made in support of, or in opposition to an original submission to Proposed Plan Change 18.
- A further submission must state whether you support or oppose an original submission (or part thereof) and whether or not you wish to be heard on your further submission.
- A copy of your further submission must be served on the original submitter to which your further submission relates, within five working days of making your further submission to the Nelson City Council.
- Further submissions must be received by Nelson City Council prior to 5pm, Monday 17<sup>th</sup> January 2011.

The Summary of Decisions Requested document summarises the decisions that have been requested in the original submissions received. If you intend to make a further submission, it is recommended that you read the full original submission.

Full copies of all submissions are available for viewing at Civic House and at Nelson, Tahunanui and Stoke Libraries, in addition further submission forms are available at these libraries or by contacting Peter Rawson on 546 0338 or [peter.rawson@ncc.govt.nz](mailto:peter.rawson@ncc.govt.nz), or online at [www.nelsoncitycouncil.co.nz](http://www.nelsoncitycouncil.co.nz) search phrase 'Plan Change 18'.

When preparing your further submission, please use the submission **Statement Number** in the tables below to indicate what **submission statement** you are referring to.

Clearly state whether you support or oppose the decision requested that you are making a further submission on.

Give the reasons for your support or opposition.

Use the **Further Submission Form** to help set out your further submission. It is in your best interests to make your further submission as clear as possible. If you have any questions regarding how to prepare a further submission, please contact Peter Rawson on 546 0338.

One copy of the further submission must be sent to Council and a second copy sent to the original submitter within 5 working days of providing Council with the further submission.

The postal addresses of submitters for the purpose of service of further submissions, as per Schedule 1, Clause 8A, Service of further submissions, RMA, is provided at the end of this document.

## Summary of Decisions Requested

### Proposed Plan Change 18 (Nelson South)

Unique Identifier	Topic / Submitter Name	Submission Number	Statement Number	Decision Requested
<b>App 6 - 6.1</b>	<b>CI 2.1.2 of PC - App 6 (Table 6.1 Riparian Values)</b>			
	Tiakina te Taiao Limited	1	1	Retain proposed amendment to Appendix 6 (Table 6.1) - clause 2.1.2 of Plan Change.
	DJ Sutton, LA Sutton, SJ Sutton	6	1	The deletion of the words: "Where adjoining land already has subdivision approval for a different esplanade reserve width prior to this rule being notified (28 August 2010)" And substitution of the words: "In the case of the property formerly legally described as Lot 3 DP5665, Lot 2 DP361671 and Lot 1 DP15531 which has a subdivision approval (RM 065150) then as set out in that resource consent and its supporting plans".
	Department of Conservation	12	2	<ol style="list-style-type: none"> <li>1. Retain the addition of the word "recreation" to Appendix 6 Riparian and Coastal Margin Overlay (Table 6.1 Riparian Values).</li> <li>2. Amend the text to Appendix 6 Riparian and Coastal Margin Overlay (table 6.1 Riparian Values) as follows: <ol style="list-style-type: none"> <li>a. Before the word "Access" add the word "<u>Public</u>";</li> <li>b. Before the word "Aquatic" add the words "<u>natural functioning, water quality</u>"</li> <li>c. Delete the words "<del>flood capacity</del>" after the word "Hazard".</li> </ol> </li> </ol>
<b>App 6 - 6.2</b>	<b>CI 2.1.3 of PC - App 6 (Table 6.2 Priority Values)</b>			
	Tiakina te Taiao Limited	1	2	Retain proposed amendment to Appendix 6 (Table 6.2) - clause 2.1.3 of Plan Change.
	Michael and Maria-Luisa Lowe	4	1	The deletion of the requirement that a 5 metre esplanade reserve width be taken to Saxton Creek "on the right of way side". A reserve could be required on the "non right of way"

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				side of Saxton Creek which is generally in farm land which would then provide an uninterrupted link from Hill Street through to Champion Road and thereby preserve the physical access to (and ability to develop) 3A- 3D Hill Street.
	CD Strong, PS Fry, NA McFadden and PJ McFadden	5	1	The deletion of the requirement that a 5 metre esplanade reserve width be taken to Saxton Creek "on the right of way side". A reserve could be required on the "non right of way" side of Saxton Creek which is generally in farm land which would then provide an uninterrupted link from Hill Street through to Champion Road and thereby preserve the physical access to (and ability to develop) 3A- 3D Hill Street.
	RG Griffin Children's Trust	7	1	In respect of the esplanade provisions set out under 2.1.3 in Table 6.2 that the Esplanade requirements should be amended to state a 15m corridor including the stream.
	KN & DG Smith	8	1	In respect of the esplanade provisions set out under 2.1.3 in Table 6.2 that the esplanade requirements should be amended to state a 15m corridor including the stream.
	Peter and Andrea Hamilton	10	2	Amend Plan Change to provide for a 5 metre esplanade reserve
	Tasman District Council	11	10	Retain proposed amendments to Appendix 6 which enable the taking of an esplanade reserve along both river banks of Saxton Creek.
	Department of Conservation	12	3	Retain the proposed amendments to Appendix 6 Riparian and Coastal Margin Overlay (Table 6.2 Priority Values).
	Julian Raine	14	1	The submitter seeks, as <b>first preference</b> , to delete any requirement for esplanade reserve from Lot 2 DP14458, and to amend Appendix 6 as follows to add a new bullet point: <i>Saxton creek esplanade requirements:</i> <i>20m of both river banks except:</i> <ul style="list-style-type: none"> <li>• <u>Where Saxton Creek adjoins Lot 2 DP14458. In this case no esplanade reserve is required.</u></li> <li>• <i>Where adjoining land already has...</i></li> </ul> As <b>second preference</b> , the submitter seeks to delete the

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				<p>20m esplanade requirement and replace with a 5m reserve as follows:</p> <p>20m on both river banks except:</p> <ul style="list-style-type: none"> <li>• Where adjoining land already has subdivision approval for a different esplanade reserve width prior to this rule being notified (28 August 2010),</li> <li>• Where Saxton creek adjoins the right of ways to 3A, 3B, 3C and 3D Hills Street (Lot 4, Lot 3, Lot 2 and Pt Lot 1 DP 8212) respectively. In this case a 5m esplanade reserve width will apply to the river bank on the right of way side.</li> <li>• <u>Where Saxton Creek adjoins Lot 2 DP14458. In this case a 5m esplanade reserve will apply.</u></li> </ul>
<b>Service Overlay</b>	<b>Amendments to Services Overlay Provisions</b>			
	Paul S Winter	3	1	That Plan Change 18 embody specific Service Overlay requirements of all undeveloped land down stream or affecting any and all of 44 Hill Street, and that council staff carry out the necessary investigation prior to any hearings for this change and that service requirements for 44 Hill street are specifically identified and embedded into Change 18. A simple generic and non-specific "services overlay" will not result in a fair and equitable outcome for Mr and Mrs Winter due to a previous lack of services planning up to this point.
	Tasman District Council	11	9	Retain proposed Service Overlay on the left hand planning map and apply service overlay provisions to include road network upgrading, to all Nelson South subdivision and development, until the traffic effects of the Plan Change are mitigated by upgrades to the affected parts of the surrounding road network.
<b>Maps - Res</b>	<b>Extent of Residential zone</b>			
	KN & DG Smith	8	2	The Submitters seek the retention of the proposed residential zoning over their property and adjoining properties.

<b>Unique Identifier</b>	<b>Topic / Submitter Name</b>	<b>Submission Number</b>	<b>Statement Number</b>	<b>Decision Requested</b>
	Peter and Andrea Hamilton	10	1	Retain the proposed residential zoning of 25 Hill Street
	Tasman District Council	11	1	Retain Residential rezoning provisions as shown on the right hand planning map
<b>Maps Rural</b>	<b>Extent of Rural Higher Density Small Holdings zone</b>			
	RG Griffin Childrens Trust	7	3	The Submitter seeks the retention of the proposed Residential zoning and proposed High Density Small Holdings Area over their property.
	Tasman District Council	11	2	Retain Rural rezoning provisions as shown on the right hand planning map.
<b>Maps - SO</b>	<b>Extent of Services Overlay</b>			
	Michael and Maria-Luisa Lowe	4	2	Delete Services Overlay from 3A-3D Hill Street.
	CD Strong, PS Fry, NA McFadden and PJ McFadden	5	2	Delete Services Overlay from 3A-3D Hill Street.
	Tasman District Council	11	4	Retain proposed Service Overlay on the left hand planning map until all the required services including the road network service are provided for or upgraded.
<b>Maps - Other</b>	<b>Other amendments to planning maps</b>			
	DJ Sutton, LA Sutton, SJ Sutton	6	2	Consequential amendment of the relevant Planning Maps 32 and 35 to the extent that they indicate an esplanade reserve along both river banks.
	NZ Transport Agency (NZTA)	9	1	The NZTA seeks that a traffic impact assessment be undertaken and completed in a timely manner in order to inform the staff report and submissions prior to the hearing on PC18.
	Department of Conservation	12	1	Retain the existing Heritage and Landscape Trees, Riparian and Land Management Overlays on the left hand Map titled "Proposed Plan Change 18 Nelson South".
<b>Sect 32 Espl</b>	<b>Section 32 - Esplanade reserve</b>			
	Tiakina te Taiao Limited	1	3	Retain option 2 and 3, table 4 of Section 32 report
	Tiakina te Taiao Limited	1	4	Retain option 2 and 3, table 4 of Section 32 report

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	Michael and Maria-Luisa Lowe	4	4	Amend the Section 32 analysis in regards to the implications of the 5 metre esplanade reserve width provision.
	CD Strong, PS Fry, NA McFadden and PJ McFadden	5	4	Amend the Section 32 analysis in regards to the implications of the 5 metre esplanade reserve width provision.
<b>Misc</b>	<b>Miscellaneous</b>			
	New Zealand Fire Service Commission (The Commission)	2	1	Provide assurance that future reticulated water supply services in the area subject to the Proposed Plan Change are able to meet SNZ 4509:2008.
	New Zealand Fire Service Commission (The Commission)	2	2	Provide assurance that any development taking place in the area subject to the Proposed Plan Change that is not connected to the reticulated water supply will still comply with SNZ 4509:2008.
<b>Roading</b>	<b>Roading links / connections</b>			
	Michael and Maria-Luisa Lowe	4	3	Provide for indicative roading over the area of land between Champion Road and 3A-3D Hill Street.
	CD Strong, PS Fry, NA McFadden and PJ McFadden	5	3	Provide for indicative roading over the area of land between Champion Road and 3A-3D Hill Street.
	RG Griffin Childrens Trust	7	4	Confirmation that road access for the subject property can be taken from Champion Road to service the Submitter's land.
	KN & DG Smith	8	3	Confirmation that road access from Champion Road is acceptable for the Submitter's land.
	Tasman District Council	11	3	Facilitate optimal urban design through the Plan Change by: (i) Providing for the integration of the pattern of built development and network services, including the land transport network, and (ii) Showing the intended land transport network in the Plan Change documents (text or maps).
	Tasman District Council	11	5	Amend Plan Change documents to provide or to show the intention to provide for a road link from Hill Street North to Suffolk Road of connector / collector class. The requested



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				links are shown on the map (attached to submission).
	Tasman District Council	11	6	Amend Plan Change documents to provide or to show the intention to provide for road access of local class from the proposed residential (and as yet undeveloped) land located north of Hill Street to Hill Street North. The requested links are shown on the map (attached to submission).
	Tasman District Council	11	7	Amend Plan Change documents to provide or to show the intention to provide for movement links from the proposed residential (and as yet undeveloped) land located south of Hill Street to the proposed Saxton Creek greenway. The requested links are shown on the map (attached to submission).
<b>Fin Con</b>	<b>Financial Contribution provisions</b>			
	NZ Transport Agency (NZTA)	9	2	That PC18 is amended to include a financial contribution regime that will provide Nelson City Council with the option of imposing conditions on resource consents that will enable the payment of financial contributions towards the cost of any upgrades to SH6.
	Tasman District Council	11	8	NCC provide for a financial contribution to be paid to TDC to offset the adverse effects of development directly attributable to the Plan Change on the transport network of TDC, by: (i) Inserting the following new policy after NRMP policy FC1.5:  As a condition of subdivision, in terms of S 108(9-10) of the RMA, the Council may require a financial contribution / amount in money to be paid to Tasman District Council to offset the actual or potential adverse effects of the activity on the Richmond transport network (which includes roads, intersections, foot and cycle paths, berms, kerbs and channels).  (ii) Inserting the following new rule, after rule FC2.7:  As a condition of resource consent for subdivision activity in the Nelson Plan Change 18 area, a financial contribution /amount in money is required to be paid to Tasman District

Unique Identifier	Topic / Submitter Name	Submission Number	Statement Number	Decision Requested												
				<p>Council. The financial contribution is payable in mitigation of the actual or potential adverse effects of the increased traffic flows attributable to Plan Change 18 on Richmond transport network. The financial contribution represents the likely cost to Tasman District Council of upgrading the Champion / Salisbury Road intersection being that part of the Richmond transport network that will be affected by development resulting from Plan Change 18. The pro rata amount of the financial contribution payable per lot is \$1,690.00 as calculated below</p> <table border="1" data-bbox="1384 580 1980 1233"> <thead> <tr> <th colspan="2" data-bbox="1393 587 1971 651"><b>Financial Contribution payable per lot located in the Nelson South Plan Change 18 area</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="1393 657 1850 721">Total estimated cost of upgrading the Champion / Salisbury Road intersection</td> <td data-bbox="1854 657 1971 721">\$400,000</td> </tr> <tr> <td data-bbox="1393 727 1850 919">Proportion of cost from additional traffic flows attributable to Nelson South NRMP Plan Change 18. (Proportion of additional traffic flows attributable to NRMP Plan Change 18: 90%. Proportion of additional traffic flows attributable to TRMP Plan Change 20: 10%.)</td> <td data-bbox="1854 727 1971 919">\$360,000</td> </tr> <tr> <td data-bbox="1393 925 1850 1040">Contribution received for Champion / Salisbury Road intersection upgrading from the subdivision of 135 Champion Road, Nelson South</td> <td data-bbox="1854 925 1971 1040">\$50,000</td> </tr> <tr> <td data-bbox="1393 1046 1850 1110">Total amount of upgrade cost attributable to Plan Change 18</td> <td data-bbox="1854 1046 1971 1110">\$310,000</td> </tr> <tr> <td data-bbox="1393 1117 1850 1228">Pro rata financial contribution per potential lot (total potential lot yield 183) located in the Nelson South Plan Change area</td> <td data-bbox="1854 1117 1971 1228">\$1,690</td> </tr> </tbody> </table>	<b>Financial Contribution payable per lot located in the Nelson South Plan Change 18 area</b>		Total estimated cost of upgrading the Champion / Salisbury Road intersection	\$400,000	Proportion of cost from additional traffic flows attributable to Nelson South NRMP Plan Change 18. (Proportion of additional traffic flows attributable to NRMP Plan Change 18: 90%. Proportion of additional traffic flows attributable to TRMP Plan Change 20: 10%.)	\$360,000	Contribution received for Champion / Salisbury Road intersection upgrading from the subdivision of 135 Champion Road, Nelson South	\$50,000	Total amount of upgrade cost attributable to Plan Change 18	\$310,000	Pro rata financial contribution per potential lot (total potential lot yield 183) located in the Nelson South Plan Change area	\$1,690
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<b>SP</b>	<b>Structure Plan</b>															
	Julian Raine	14	2	The submitter seeks to amend Plan Change 18 to incorporate a structure plan (similar to or along the lines of												

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				the structure plan titled "Figure 3" in the section 32 analysis), and to require any development in the area covered by the Plan Change to conform with the structure plan.
<b>Rates</b>	<b>Potential rates increase</b>			
	John Gray Sutherland	13	1	If the proposed Plan Change takes place then there should be the application of a rating differential until physical work for a subdivision is undertaken by the landowner.

## Address for Service of Submitters

### Plan Change 18 (Nelson South)

Sub No	Submitter Name	Submitter Address
1	Tiakina Te Taiao Limited	C/o Hugh Briggs PO Box 13 Nelson 7040
2	New Zealand Fire Service Commission	C/o Alexandra Rielly Beca Carter Hollings & Ferner Ltd PO Box 3942 Wellington 6140
3	Paul S Winter	C/o Simon Jones Jones & Associates Ltd PO Box 562 Nelson
4	Michael & Maria-Luisa Lowe	C/o McFadden McMeeken Phillips Solicitors 187 Bridge St (PO Box 656) Nelson
5	CD Strong, PS Fry, NA McFadden and PJ McFadden	C/o McFadden McMeeken Phillips Solicitors 187 Bridge St (PO Box 656) Nelson
6	DJ Sutton, LA Sutton and SJ Sutton	C/o McFadden McMeeken Phillips Solicitors 187 Bridge St (PO Box 656) Nelson
7	RG Griffin Children's Trust	C/o J McNae Staig & Smith Ltd PO Box 913 Nelson 7010
8	KN and DG Smith	C/o J McNae Staig & Smith Ltd PO Box 913 Nelson 7010
9	New Zealand Transport Agency	PO Box 5084 Lambton Quay Wellington 6145
10	Peter & Andrea Hamilton	C/o McFadden McMeeken Phillips Solicitors 187 Bridge St (PO Box 656) Nelson
11	Tasman District Council	C/o Steve Markham Manager Policy Tasman District Council Private Bag 4 Richmond 7031
12	Department of Conservation	C/o Jo Gould - Community Relations Manager - Nelson / Marlborough Conservancy Department of Conservation Private Bag 5 Nelson 7040
13	John Gray Sutherland	135 Champion Richmond Nelson
14	Julian Raine	C/o Tony Quickfall ViaStrada 19 Halifax St (PO Box 1583) Nelson