NELSON CITY COUNCIL

Nelson Resource Management Plan

Plan Change 13

Marsden Valley Re-zoning and Structure Plan Project

Hearing Committee Recommendations on Submissions

Commissioners
Rachel Reese (Chair)
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7 April 2011

Nelson City Council
te kaunihera ō whakatū

980248

Hearing Committee Recommendations on Plan Change 13 - Marsden Valley Rezoning and Structure Plan Project

1. INTRODUCTION

1.1. We were appointed under Section 34A of the Resource Management Act 1991 (RMA) to consider submissions on behalf of Nelson City Council in relation to Proposed Plan Change 13 – Marsden Valley Re-Zoning and Structure Plan Project. This is a proposed change to the Nelson Resource Management Plan.

1.2. The purpose of the proposed Plan Change was indicated to us to be a rezoning and structure plan project to provide for future growth through establishing a planned and integrated zoning pattern. This involves re-zoning of a large portion of Marsden Valley which is located in the foothills of Stoke. The current zoning is a mixture of Residential Zone and Rural Zone – Lower Density Small Holdings overlain by two specific Schedules. The Schedules provide specific rules which are primarily relevant to the location and density of development of this area.

1.3. The proposed zoning pattern 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 we are advised provides specific rules to implement the Structure Plan and to achieve a best practice urban design outcome for the area. The intent of the Plan Change, the resulting Structure Plan and the zoning pattern is stated in the main Objective for the area, RE4 '*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.'* This is supported by Policy RE4.1 stating that development shall generally accord with the Structure Plan, and Explanation and Reasons RE4.1.i which state that development will be *'…integrated with adjacent developments, provides a sense of community, and can achieve best practise urban design outcomes. This approach ensures continuity of public amenity such as walkways, reserves and open space, and ensures integrated servicing and roading patterns.'*

1.4. As background to the Plan Change, Nelson City Council completed the Nelson Urban Growth Strategy 2006 (NUGS) which considered areas of Nelson which could be suitable for accommodating future residential growth. The Stoke Foothills, of which Marsden Valley is a part, was identified as one of these suitable areas. Marsden Valley, other neighbouring valleys, and the saddles and plateaus in between were all recognised as being suitable for some increased level of development as they can be serviced, and they are close to existing infrastructure and communities.

1.5. It was recognised by Council and the landowners concerned that the current operative zoning pattern of Marsden Valley does not provide for the level of development envisaged through NUGS. Hence the desire to consider the rezoning proposed through this Proposed Plan Change.

1.6. The Plan Change was originally lodged as a private Plan Change application and was subsequently adopted by Council on 31 July 2008. From this point the Plan Change was developed as a Council Plan Change

in consultation with the original private Plan Change requestor, other land owners and relevant parties, and in accordance with the First Schedule RMA.

1.7. The Plan Change was publicly notified on 19 September 2009. Submissions closed on 30 October 2009, and 19 submissions were received. A summary of the decisions requested was notified on 30 January 2010 and closed on 12 February 2010. Five further submissions were received.

1.8. These submissions and further submissions sought a range of outcomes, with all seeking changes to what was notified rather than seeking that the plan change does not proceed at all.

1.9. The plan change was set down for hearing on 18th and 21st of June 2010 at the Nelson City Council offices. We were provided with an officer's report produced by Nelson City Council Policy Planner Mr Peterson prior to the hearing. The report was prepared pursuant to Section 42A of the Resource Management Act 1991 (RMA).

1.10. Incorporated within the Section 42 A report is written evidence provided by Ms Kidson – Landscape Architect (Topic 9 Landscape) and Andrew Palmer – Geotechnical Engineer (Topic 10 – Geotechnical).

1.11. A wide range of issues were raised in the submissions on this Plan Change. The issues were summarised by topic as follows:

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

1.12. During the submission period and at the hearing, submitters sought inclusion of a number of items which we consider should more appropriately be addressed at a district-wide level. These items are listed below:

- specific roading standards (Topic 2)
- open space zoning for reserves created under existing subdivision consent RM065553 (Topic 3)
- district-wide policies for urban design and comprehensive housing (Topic 4)
- changes to the district-wide comprehensive housing provisions (Topic 4)
- fire fighting provisions (Topic 6)
- sale of liquor and opening hours (Topic 7)

1.13. In summary, we agree with the reporting officer's recommendation that these are matters more appropriately addressed at a district-wide level and not through this Plan Change.

1.14. In this decision we have made recommendations on the application of district-wide plan provisions such as Landscape and Land Management Overlays where these are dependent on site specific evidence and can stand alone in the context of this plan change.

1.15. Submitters presented extensive evidence during the course of the hearing and we thank all parties for their contribution to the plan change process not only during the hearing but also during the extensive consultation and plan development stages.

2. PROCEDURAL MATTERS

2.1. The hearing was held on 18 and 21 June 2010 with a site visit carried out by the Hearing Committee on 18 June 2010.

2.2. During the course of initial deliberations it became clear to the Hearing Committee that further information was required to enable recommendations to be made. We directed in accordance with s41C Resource Management Act 1991 that further information be provided to enable the committee to make a recommendation on two identified matters (as per Hearing Committee memorandum 9 August 2010, see 2.3 below), the hearing was reconvened on 13 September 2010 to hear this additional information.

2.3. The further information sought is set out in paragraph 8 of the memorandum as follows:

That reporting officers and an urban design expert to provide information on the provision of a multi-purpose community reserve integrated with the Suburban Commercial zoned area.

The reporting officers are to provide a report on:

- *the need for such a reserve in addition to those proposed as measured against Council's policies for reserve provision.*
- *how that multi-purpose reserve could be provided for through proposed Plan Change 13.*

The urban design expert is to provide evidence on:

- *its appropriate function, size, location.*
- *the implications for the location and size of the Suburban Commercial zoned area if the reserve is integrated with that zone.*

Information to be provided with respect to the proposed Land Management Overlay:

The Council geotechnical experts, Andrew Palmer and Dr Johnston, are to:

- *review the evidence provided on the Land Management Overlay by Marsden Park consultants at the hearing and;*
- *provide evidence to the Hearing Committee on where the Land Management Overlay should, in their expert opinion, be located in the area contested by Marsden Park Ltd.*

The Reporting officer is to:

- *identify and assess the implications for future resource consent processes if the Land Management Overlay applies to this area or if it does not.*

2.4. This information was provided and distributed to all original submitters through a further officer's report prepared by Mr Peterson. The submitters then had an opportunity to provide comment on this information. These comments were circulated amongst those that had provided them to allow for further comment to be made. All information and material provided was then the subject of consideration through the reconvened hearing on 13 September 2010. The hearing was closed on 13 September 2010.

2.5. Incorporated within the further officer's report is written evidence provided by Mr McIndoe – Urban Design and Dr Johnston – Geotechnical which addressed the memorandum of the Hearing Committee. Both Mr McIndoe and Dr Johnston presented their evidence at the reconvened hearing.

2.6. During the course of the reconvened hearing some informal caucusing involving the urban design experts occurred. They agreed on some draft wording that was presented to the Committee for consideration.

2.7. Subsequent to the reconvened hearing, and as requested by Marsden Park Limited, we released on 1 November 2010 an interim Committee position on the 'multi-purpose community reserve' concept that was considered during the reconvened hearing. This was released to enable all original submitters the opportunity to comment on an identified option to provide for the community reserve concept as it developed through the reconvened hearing. There was no obligation to comment; and commenting or not commenting would not change a submitter's legal rights in relation to the plan change in any way.

2.8. Two parties responded to the interim Committee position; Marsden Park Limited, and C and J Gass. Their comments have been considered by the Committee in forming our recommendation.

2.9. We comment that in order to respond to the Hearing Committee memorandum, 9 August 2010, the Council engaged urban design expert Mr McIndoe. While there was some debate at the reconvened hearing as to whether the terms of engagement conveyed to Mr McIndoe accurately reflected the matters we sought expert advice on, we are satisfied that the hearing itself focussed precisely on the relevant matters of the memorandum and assisted us in our deliberations.

2.10. We note specifically that Counsel for Marsden Park Limited raised the issue of the lack of specialist urban design input from Council to this plan change at both the plan development stage and during the commissioning of the s42A report. The suggestion, which we took to be a helpful one, was that had this expert advice been sought earlier then the need for the reconvened hearing could have been avoided.

2.11. We are satisfied that the reconvened hearing has assisted us in reaching a robust recommendation based on sound evidence. However, we agree with Counsel for Marsden Park Limited that these procedural matters arose in part due to the lack of urban design advice in developing the proposal. This, in part, was the result of the desire to notify the plan change prior to the enactment of the Resource Management (Simplifying and Streamlining) Amendment Act 2009.

2.12. We make these comments to highlight an opportunity for Nelson City Council in the future when developing plan changes with an urban design focus.

3. OFFICERS REPORTS

3.1. Mr Peterson's original Section 42A report provides an overview to the proposed Plan Change, discusses the statutory considerations, and provides officer's responses and recommendations on submission points raised.

3.2. Within the original Section 42A report Mr Peterson states that a Structure Plan led approach was undertaken to ensure that a planned and integrated zoning pattern was established. This zoning pattern, including the overlays and connections was developed with the relationship with neighbouring land areas (including Ngawhatu and Enner Glynn Valley's) in mind.

3.3. The original Section 42A report then explains the rationale of the proposed Plan Change zoning patterns and Structure Plan being *'…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.'* Paragraph 3.7 Section 42 A report.

3.4. Mr Peterson has assessed the proposal against the relevant statutory provisions and concludes that it meets these.

3.5. A second Section 42A report was produced to consider the specific information sought by the Hearing Committee for the reconvened hearing. It provides officer's recommendations and includes reports from experts in the urban design, and geotechnical fields as identified in paragraph 2.5 above.

4. SUBMITTERS / FURTHER SUBMITTERS

4.1. The following parties appeared at the hearing on 18 and 21 June 2010.

Mr T Percival – Tasman Hang Gliding and Paragliding Club

Mr R Bryant - Tasman Hang Gliding and Paragliding Club

Ms I Turner and Mr C Hurley

Ms H Campbell – Nelson Tasman branch, Royal Forest and Bird Protection Society Inc.

Mr C and Ms J Gass

Echo Holdings Limited

Marsden Park Limited

4.2. The following parties provided written material to be tabled in their absence.

Ms E Bruce

Mr T and Ms M James

New Zealand Fire Service Commission

Ms R Higgins

Ms N Knight

4.3. The following parties appeared at the reconvened hearing on 13 September 2010.

Ms I and Ms C Hurley

Mr T Percival – Tasman Hang Gliding and Paragliding Club

Mr C and Ms J Gass

Marsden Park Limited

Ms N Knight

5. HEARING COMMITTEE RECOMMENDATIONS TO COUNCIL

5.1. The Committee's recommendations to the Council are set out in the following way:

a) The key issues and our recommendations.

b) Overall recommendation

c) Recommendations on submission points grouped by topic and referenced to each submitter (Appendix 1, doc. 980248).

d) Plan Text and Maps (Appendix 2, doc. 1012357)

e) A further evaluation of alternatives, benefits and costs as per Sec 32 (2) (a) RMA (Appendix 3, doc. 1063181)

Key Issues and Our Recommendations

5.2. For consistency we make our recommendations grouped as per the topic headings used in the s42A report and set out in paragraph 1.11 of this report. It should be noted that this section of the recommendation does not cover every submission or all reasons in detail. It is designed to give an overview of the extent of the issues and the general intent of the recommendations.

Topic 1: Riparian Overlay, Biodiversity Corridor and Vegetation

5.3. The submissions on a variety of aspects of this topic are covered in more detail in Appendix 1 of this recommendation. The items we will address in this section relate to

a) the use of eco-sourced vegetation and use of non-native vegetation;

b) vegetation clearance;

c) provisions for walkways/cycleways;

d) appropriate corridor widths;

e) consequential changes to the Biodiversity Corridor provision.

5.4. We support the use of 'eco-sourced' native vegetation and consider that this requirement within the proposed Biodiversity Corridor provisions will complement other Council initiatives to increase the use of eco-sourced vegetation. We note that eco-sourcing of vegetation supports the principles of the Nelson Biodiversity Strategy, and the Nelson City Biodiversity Terrestrial Action Plan 2009.

5.5. As a consequential amendment, the use of 'eco-sourced' as a new term within the Plan requires a definition. The definition is derived from material

developed by the Nelson Biodiversity Forum and the Department of Conservation.

5.6. A submitter (The Department of Conservation) sought to add situations where non-native species would be suitable for use in a Biodiversity Corridor. The example given by the submitter is for nursery crops. We accept that nursery crops are often vital to establishing native plants and therefore we consider should be provided for in the Biodiversity Corridor provisions.

5.7. A submitter (Marsden Park Limited) requested that an exception should be made within the vegetation clearance rules to allow for the forming or maintaining of walkways and cycleways in the Residential and Rural Zones within Biodiversity Corridors or areas of Greenspace. We accept the submission but note that as a consequential change there needs to be some limit to the amount of clearance permitted in relation to activities such as this. For this reason we recommend changes which

a) require walkways and cycleways to cross a Biodiversity Corridor more or less at right angles, or

b) if the walkway or cycleway has to run more or less parallel to the Biodiversity Corridor then there must be a corresponding increase in the width of the corridor.

5.8. These requirements are designed to provide less potential for disturbance to the corridor from both the location and use of the walkway or cycleway.

5.9. In addition there should be a statement that vegetation clearance shall be kept to the minimum to permit the activity. This in turn leads to further consequential changes to ensure that other activities which are permitted to cross a Biodiversity Corridor do so more or less at right angles. We consider that these consequential changes are within the scope of Schedule 1, Clause 10 (2) (b) (i) of the RMA as they are a consequence of providing some limit (in terms of the amount of vegetation clearance) to the submitters request for walkways and cycleways to be exempt from the vegetation clearance provision of the Plan.

5.10. Submitters, C and C Feltham, sought 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. The Committee acknowledges that a wider corridor may better serve ecological function and we note the provisions are a minimum. However, the Committee received no expert evidence to support this submission's request for an increase to the minimum width.

5.11. We note that in responding to the submission points the definition of Biodiversity Corridors would operate more like a rule. We therefore recommend that the parts that operate like a rule 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 effect remains the same as that proposed aside from changes where submission points have been accepted. In providing for the submission points various consequential changes have been made to the provision to ensure that it can operate as a meaningful rule.

Topic 2: Transport Network

5.12. This topic includes submissions on the placement of indicative roads and walkways/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.

5.13. We find that a roading connection between Marsden and Enner Glynn valleys will provide increased connectivity between and within communities. We have been advised that to achieve the connection Enner Glynn 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 would need to exit the valley in any event. We also consider that this connection would also be a likely route for recreational walking and cycling. We do acknowledge that there will be effects on the current character of Enner Glynn Valley but we consider the wider community benefits of a future connection outweigh the loss of amenity values.

5.14. We also find that the roading connection between Panorama Drive and Marsden/Enner Glynn saddle will provide increased connectivity between and within communities. We consider that the wider community benefits of this future connection outweigh the loss of amenity values, and costs.

5.15. We note particularly that the road locations are 'indicative', they are not exact. This acknowledges that it is the connection which is important, not exactly where the road is placed. This allows flexibility in both location and design of the road. We also note, in regard to timing of forming connections, that development should 'generally accord' with the Structure Plan. The definition of 'generally accord' includes 'The key proviso is that the items on the Structure Plan must be provided for, and that any connections must occur, or be able to occur in the future'.

5.16. Therefore any subdivision or development may not result in a formed connection, but will have to ensure that there is the ability to achieve connectivity. We have recommended some consequential changes to the map notation in relation to areas inside and outside the plan change boundary and also recommend that a note be placed on the Structure Plan stating that 'representation on this map of a road or track does not necessarily indicate a right of public access '.

5.17. Marsden Valley Quarry is located at the head of the Valley. Downer EDi sought to have greater recognition of the quarry citing possible reverse sensitivity effects. We have given this matter detailed consideration and were reminded that the quarry is permitted to continue in terms of the scheduled site and any resource consents it operates under. We are satisfied that the Schedule adequately provides recognition of the quarry and associated activity from this site.

5.18. We find that a bypass road is not warranted to re-route quarry trucks away from the Suburban Commercial Zone.

5.19. A submitter (Marsden Park Limited) sought alternative roading standards. We believe that this is addressed more efficiently on a district-wide basis through the Land Development Manual (LDM) and Plan Change 14.

Topic 3: Parks and Open Space

This topic includes submissions on

a) the inclusion of large areas of open space early in the planning process;

b) ownership of greenspace,

c) Biodiversity Corridors and reserves;

d) showing reserves on the Structure Plan;

e) providing for hang gliding and paragliding activities, primarily for landing purposes.

5.20. A submitter (J Tarr) requested large open greenspaces suitable for community recreation 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 consent applied for, the Council will be seeking neighbourhood park space to meet the needs of the residents of the area. We consider that through the subdivision and development process that appropriate and necessary open space for the recreation needs of the community will be provided. This is standard subdivision practice. We were also advised by the Reporting Officer and Nelson City Council Parks staff that it is not Nelson City Council's policy 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.

5.21. A submitter (Marsden Park Limited) requested that private ownership of 'greenspace' is not stated as the default position and that the prospect of Council ownership should be stated in the provisions relating to 'greenspace and Biodiversity Corridors'. We consider that wording of the relevant provisions should be neutral in regard to future ownership of these areas; this allows fair consideration of all possibilities.

5.22. Marsden Park Limited also sought 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 we do not recommend they are shown on the Structure Plan at this point. The location of the community reserves will 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 at this time is the suitability of proposed locations for the reserves. This process is set out in Section 12 of the Land Development Manual 2010 (LDM). We consider that the process under the LDM to be the most appropriate method to provide for reserves in areas which are to be developed.

5.23. A submitter (T Percival – Tasman Hang Gliding and Paragliding Club) sought to have specific mention of paragliding and hang gliding in the Plan Change and for provision to be made of an open space area for all landing requirements, or alternatively one designed to accommodate emergency landings.

5.24. We have given this submission considerable thought, analysis and deliberation and acknowledge the importance of this sport. However we consider that identifying an area of open space as a landing area for hang gliding and paragliding at the Structure Plan level is not an efficient use of the land resource and better methods can be utilised to complement the direction of the Nelson City Council Conservation and Landscape Reserves Management Plan 2009 prepared under the Reserves Act 1977. We do point out that open space in Marsden Valley may be suitable for emergency landings.

5.25. The appropriate forum to consider this provision is through submissions to the Annual Plan and the Community Plan. An alternative is to protect landing site options by private purchase or private arrangements with land owners.

Topic 4: Urban Design (Residential and Commercial)

5.26. This topic includes a variety of submission points relating to the future design of buildings and spaces within Marsden Valley. We cover a number of points in this section of the recommendation but due to the complexity of this matter and the submission points it is desirable that the reader refers to Appendix 1, Topic 4 for the full discussion and reasoning of our recommendations.

5.27. Plan Change 13 develops provisions to guide the creation of a new community in Nelson. The basis of these provisions is that the resulting community has a high level of residential amenity built around a village centre as the focal point. In acknowledging this intent we also recognise that it is not possible to legislate for good design. The recommendations we have made reflect that there is a balance required between regulatory and non-regulatory methods if good urban design is to be achieved. This Plan Change provides the regulatory basis while other methods such as Nelson City Council signing the New Zealand Urban Design Protocol, the establishment of an Urban Design Panel to assess selected projects, and development of staff and Councillor knowledge provide non-regulatory methods.

5.28. Plan Change 13 attempts to provide flexibility in design while retaining Council control over the final outcome. An example is buildings in the Suburban Commercial Zone which are over the standard height for the zone of 8m (and below 12m) being considered as a Restricted Discretionary Activity and being non-notified. This allows the developer a degree of certainty on the consent outcome and timing, but still allows Council to have control over the design outcomes.

5.29. A number of submitters sought an improved standard of development that does not follow the 'standard' New Zealand housing format of 'single storied, singular unit housing on small sections with relatively low provision for public space and parkland'. Some submitters suggest that apartment style housing would be more suitable. We believe the style of development supported by the submitters is desirable on a small scale and located near to, or within the proposed Marsden Valley Suburban Commercial Zone. It is however important to provide for varied housing typologies to ensure that there is a variety of housing choices available within the community.

5.30. A submitter (C and J Gass) sought a village centre with smaller essential services focused on community needs. The submission expands on this and uses the European concept of a village centre as an example. This

concept is described as having essential convenience services, clustered around a village commonplace with either green space for all to enjoy or a fountain or some other focal attraction. The village centre would have businesses facing inwards and be a common meeting point and focus for the community.

5.31. We consider that the Plan Change provisions set out the intent of the Suburban Commercial Zone to be a mixed use 'urban environment'. We 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 isolated from the needs of surrounding residential development.

5.32. We do recognise that the 'village commonplace' sought by the submitter (C and J Gass) is not provided for through the Plan Change as notified. We consider that an area of publicly accessible open space central to the Marsden Valley Suburban Commercial Zone would help to achieve the 'quality urban environment' sought through the Plan provisions outlined above. We spent considerable time formulating this position and have sought the views of the submitters, and urban design professionals (through a re-convened hearing and release of an interim Committee position paper) on this matter.

5.33. A submitter (Marsden Park Limited) sought to include policies for urban design and comprehensive housing, plus revised text for Appendix 22, Comprehensive Housing as part of this Plan Change. We consider that this provision is more appropriately addressed at a district-wide level. We note that a review of the Comprehensive Housing provisions referred to is incorporated in the currently notified Plan Change 14 and that this has district-wide effect, including in Marsden Valley.

5.34. A submitter (Nelson Tasman Branch Royal Forest & Bird Protection Society Inc) sought that subdivision consents incorporate good urban design principles. We consider that this Plan Change and associated Structure Plan sets the framework for good urban design and is a recognised method of achieving this.

Topic 5: Cats and Domestic Pets

5.35. Submitters (T and M James, C and J Gass, Nelson Tasman Branch Royal Forest & Bird Society Inc and N Knight) sought provisions in the plan change which would ban cats within the plan change area, introduce an assessment criteria for resource consents, and for neutering of domestic pests.

5.36. Introducing rules (or consent conditions) preventing ownership of cats, or potentially other domestic pets, has not been pursued by Council to date. The Valley and the surrounding residential areas are not cat free. In the Committee's opinion this compromises the effectiveness of a regulatory mechanism to protect biodiversity values and birdlife within the plan change area. Consequently the Committee has rejected the submissions calling for regulation at the subdivision consent stage.

Topic 6: Miscellaneous

5.37. This topic includes a variety of issues, some of which we address here briefly. Detailed recommendations can be found in Appendix 1, Topic 6 of these recommendations.

5.38. A submitter (G Dunning) raised concern over the rezoning of the valley for residential purposes due to the combination of coldness and pollen pollution. We have observed that the concentration of pine forest in this locality is no greater than other areas of Nelson. Pollen moves over a wide area and it is impractical to attempt to manage the issue at the scale of a plan change. No changes are recommended to be made.

5.39. A submitter (C and J Gass) sought to preserve the unique character of the valley. It is clear to us that the plan change will change the current character of the valley; that is its fundamental premise. A change to the character of the valley has been foreshadowed through NUGS. Previous plan changes and subdivision consents have been instrumental in introducing change to the valley. It is our opinion that the Structure Plan process and plan change will allow for integrated management of natural and physical resources in a way that results in a community that develops its own character. This will be a character that was designed with the landscape of the valley in mind.

5.40. The issue of rates revenue has been raised as a reason for promoting development. We confirm that rates revenue issues play no role in the consideration of this Plan Change.

5.41. The New Zealand Fire Service sought provision for compliance with New Zealand standards for fire fighting water supply and installation of water sprinklers. This matter is being addressed on a district-wide basis through Plan Change 26 and for efficiency reasons we consider this the appropriate mechanism.

5.42. A number of amendments were sought by submitters to the s32 report and our recommendations on these are addressed in detail in Topic 6 of this recommendation. Additionally Sec 32 (2) (a) of the RMA requires that the local authority must make a further evaluation under Sec 32 before making a decision on the Plan Change. This further evaluation is contained in Appendix 3 of this recommendation.

Topic 7: Zoning pattern and Rules

5.43. This topic includes a variety of issues, some of which we address here briefly. Detailed recommendations can be found in Appendix 1, Topic 7 of these recommendations.

5.44. A submitter (Echo Holdings Limited) sought a reduction of the lot size requirement in the area of Rural Zone – High Density Small Holdings located below Panorama Drive on the Marsden Valley side. The submitter considered the notified size requirement was not suitable for the site's characteristics and made development uneconomic. We accept the submission to reduce the average size of lots to 6000m2 due to the specific characteristics of the site. We also anticipate that the inherent topography and development constraints will assist in retaining a predominately green, open appearance.

5.45. A submitter (C and J Gass) considered that the proposed closing times for selling liquor for consumption on the premises were excessive. We note

that the operative Nelson Resource Management Plan allows for the sale of liquor for consumption on licensed premises between the hours of 7am - 3am the following day on any day in the Suburban Commercial Zone. However in the notified text of this plan change hours had been reduced to 7am – 1am the following day, Monday to Saturday, and 7am – 11pm on Sundays. This reduced period was for the purpose of helping to create a 'quality urban environment'.

5.46. We have carefully considered the request of the submitter and the positions of the further submitters. We find that while it is reasonable to reduce the closing times from 3am to 1am as was notified there has been no evidence provided to establish a reason (in terms of the Resource Management Act) to further reduce the hours. In our view the issue of further reducing opening hours would also be more appropriately addressed at a district-wide level to allow a more comprehensive consideration of the type of amenity that Nelson residents expect from the Suburban Commercial Zone.

We recommend the provision remain as notified.

5.47. A submitter (Marsden Park Limited) identified a number of issues that in their view were of a subjective, unreasonable and uncertain nature in relation to matters of discretion, assessment criteria and the overall design principles. We have considered all these statements and made a number of recommendations to reduce subjectivity, and improve certainty and reasonableness.

5.48. A submitter (Marsden Park Limited) requested that the Services Overlay be 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. We were advised by the Reporting Officer (with advice from Nelson City Council's Senior Engineering Officer – Development) that the Services Overlay can be deleted from Marsden Park Terrace land as relevant servicing issues have been resolved through the subdivision consent.

5.49. This same advice also stated that the Services Overlay should remain in the remainder of the Marsden Valley land area subject to this Plan Change for the following reasons:

a) Existing sewer and water systems do not have sufficient capacity.

b) Marsden Valley Road will require upgrading

c) Road connections to serve the development potential of adjoining land in the Services Overlay are likely to be required.

d) Downstream stormwater systems have insufficient capacity and measures may need to be undertaken by landowners to mitigate any increased peak flows.

5.50. A submitter (Marsden Park Limited) sought an area of land located on the lower slopes of Jenkins Hill (see Appendix E of Marsden Park Limited submission for location) to be rezoned from the currently proposed Rural Zone – Higher Density Small Holdings Area to Residential Zone. We were advised by the Reporting Officer that the zoning pattern was based on the combination of 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. We also note that the permitted standards for this zoning are a starting point and any desired further increase in density could be dealt with through the resource consent process. This zoning also allows for feathering of development density as it moves from Residential Zone to Rural Zone.

We recommend that the proposed zoning remains as shown.

5.51. A submitter (N Knight) requested that their property is included in the scope of proposed Plan Change 13 with the zoning pattern consistent with that shown for neighbouring properties. We recommend 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 reasonable and desirable because:

a) The area of land is almost surrounded by land subject to Plan Change 13 and logically forms part of the proposed zoning pattern.

b) Including this property allows for better integration of the zones and overlays proposed.

c) The property is set back 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.

5.52. The Committee holds the view 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 further submissions and have not done so. There are no private parties, not subject to this plan change, who own any adjoining properties.

5.53. A submitter (I and C Hurley) requested the Suburban Commercial Zone is extended to include an area of their property, specifically around the 'pump station'. They consider this is a more suitable use due to the noise of the pump station. They also consider it desirable to have commercial uses on both sides of the road.

5.54. In considering the submission, further submission, information presented at both the original and re-convened hearings and the professional urban design advice from Mr McIndoe that accompanied the Reporting Officer's supplementary report for the reconvened hearing, we find that no further land should be rezoned as Suburban Commercial Zone. Our primary reason is that an extension to the Suburban Commercial Zone could serve to 'dilute' commercial activity that could occur within the zone. Mr McIndoe advised the Committee that in his opinion there is limited likelihood of either retail or commercial uses occurring within the extension area requested by the submitter. We agree with his opinion.

Topic 8: School

5.55. We are satisfied that an indicative education facility should be recognised in the Structure Plan to signal that this is considered to be an activity which would help to create a viable community in Marsden Valley. We agree that this could be a tertiary or other educational facility and therefore that the term "school" is too restrictive. We do not agree that the site should be defined on the Structure Plan as this is better provided for when the details

of a specific proposal are able to be evaluated. However, we also do not agree with the submitters (H Heinekamp, and C and C Feltham) that the indicative location is inherently unsuitable as a site due to cold and damp and the consequential effect on the health of children. While this part of the valley may be less sunny than other parts, buildings themselves can be constructed to mitigate any climatic concerns.

5.56. We find that the controlled activity status for the educational facility requested by Marsden Park Limited would be inappropriate given the indeterminate nature of activities and their effects that could be associated with such a facility. We consider the current provisions of the NRMP for non-residential activities are the appropriate mechanism for application for an education facility in this zone.

5.57. A submitter (C and C Feltham) questioned the appropriateness of including an expiry term of five years for the Structure Plan notation for the educational facility. We have considered this and agree that there is no resource management reason to prescribe an expiry term and acknowledge that market conditions will play a significant part in when, or if, such a facility is built. The notation is indicative only to confirm that an educational facility is an activity that would help to create a viable community. For any future development that does not provide an education facility as generally indicated on the Structure Plan, a resource consent would not be required.

Topic 9: Landscape

5.58. This topic relates primarily to two issues in respect of the location of the Landscape Overlay

5.59. The extension of the Landscape Overlay up the ridgeline from Panorama Drive dividing the Enner Glynn and Marsden valleys

5.60. The location of the Landscape Overlay on the slopes Jenkins Hill.

5.61. Detailed recommendations can be found in Topic 9, Box 34. Further issues were raised by submitters in relation to the landscape focus of the Plan Change.

5.62. A Submitter (Marsden Park Limited) sought that the Landscape Overlay on the prominent ridgeline between Enner Glynn and Marsden Valley be removed. The submitter's expert witness, Ms Simpson, stated that in her opinion the Landscape Overlay in this area would be ineffective and overly restrictive. The reason provided for her opinion is that the ridgeline is no longer sensitive to development because the existing power pylons and transmission lines, and the existing development of Panorama Drive and Citrus Lane on the skyline, have reduced sensitivity to buildings visible from a distance and have diminished scenic quality.

5.63. The Committee records that the Council's landscape expert Ms Kidson was not in agreement with Ms Simpson's assessment.

5.64. We have reached the view that the detraction of landscape values from existing development is of such an extent that consideration of landscape values in relation to future residential development further along this ridge would neither improve nor detract from the landscape values already diminished. We agree with the submitters that the effect of the power pylons and existing residential development of Panorama Drive and Citrus Lane has made any further protection of landscape values further up the ridgeline superfluous. Further we consider that any cumulative adverse

visual effects of permitted activity residential development up the ridgeline would be minimal given the existing developed foreground of the ridgeline.

5.65. We have concluded that the ridgeline does not warrant inclusion within the Landscape Overlay. We are in agreement that the diminished landscape value of the ridgeline cannot be exacerbated further through insensitive design.

5.66. The same submitter (Marsden Park Limited) submitted that the eastern part of the Landscape Overlay extension on Jenkins Hill was unnecessary, was too restrictive and that parts of it should be removed. We have considered the visibility of this area and consider that the Landscape Overlay should be revised to exclude the area which is not highly visible on the Jenkins Hill slopes.

5.67. In the context of the Landscape Overlay provisions of the Plan overall, we consider that signalling that the ridgeline between Enner Glynn and Marsden valleys is a valued landscape would adversely affect and detract from the recognition given to adjacent Jenkins Hill through its inclusion in the Landscape Overlay as part of the backdrop to the city. While there is a risk of fragmentation, inconsistency and precedence with the Plan as a whole we find that these reasons should not override the Committee's decision that the diminished landscape value of the ridgeline between Enner Glynn and Marsden Valley has resulted in the Landscape Overlay being inappropriate in this locality.

Our recommendation is to accept the submission.

5.68. The withdrawal of the Landscape Overlay from the ridgeline between Enner Glynn and Marsden valleys is a signal to Council that the Landscape Overlay provisions in the Plan need updating. The Committee found the present objectives and policies for the Landscape Overlay to be unhelpful in assessing the merit of the submission and the counterview of the Council's expert, The Committee's decision was based on an assessment of the existing environment.

5.69. We respectfully request that a review of the Nelson Resource Management Plan's landscape provisions should be undertaken as a district-wide exercise given the extent of rezoning and development that has occurred since the Plan was notified in 1996.

Topic 10: Geotechnical

5.70. We heard considerable evidence (from geotechnical experts, Mr A Palmer and Dr Johnston for Council, and Mr J Higginbotham for submitters Marsden Park Limited), on this topic both at the initial hearing of 18 and 21 June 2010 and the reconvened hearing of 13 September 2010. The principal issues to resolve were the extent of the Land Management Overlay and its benefit to the subdivision consent process.

5.71. It became obvious to the Committee that the issue of placement of the Land Management Overlay was largely a subjective one albeit a judgement based on geotechnical information and the experience of relevant advisers. There are no fixed criteria to determining the boundaries. The overlay is clearly not a hazard overlay as such, but it does appear it has been considered in this way at times, both inside and outside of Council.

5.72. The position put forward by Marsden Park Limited in regard to the benefits of using the Land Management Overlay at all had some merit. It appears to

us that in areas where there is some debate as to the validity of the Land Management Overlay its benefit as a planning tool must be questioned. The existing consent processes for any subdivision will ensure that any concerns addressed by the Land Management Overlay within the 'land at issue' will be addressed and resolved regardless of the existence of the overlay.

5.73. For these reasons we recommend that the Land Management Overlay be removed from the area of 'land at issue' as included in the material presented to the original hearing by Mr Higginbotham on behalf of Marsden Park Limited. This accepts the submission as amended at the hearing.

5.74. Furthermore we suggest that Council should, when the opportunity arises, reconsider the usefulness of the Land Management Overlay as a planning tool throughout the Nelson district as it appears to the committee that its purpose has changed over time.

Recommendations on submission points

5.75. For the ease of all those concerned we have decided to follow the structure of the Section 42A report in preparing this Hearing Committee recommendation to Council which is attached to this report as Appendix 1.

5.76. An index of submission points is found at Section 7 of this report. Each of the submission points and the decision sought is outlined in turn and are grouped by topic as per the original officer's report. The submissions and further submissions are identified. This is followed by the Hearing Committee recommendation on each submission point; along with the reasoning for the recommendation. The changes to the Plan (if any) are then indicated.

5.77. A full copy of the Plan Change (text and maps), as amended through this recommendation, is included as Appendix 2. This uses tracked changes to highlight the recommended amendments.

5.78. A further evaluation of alternatives, benefits and costs as per Sec 32 (2) (a) RMA is included as Appendix 3.

Overall Recommendation

5.79. Having considered the requirements of the RMA and the issues raised through submissions, the Hearing Committee considers that the Plan Change (with amendments within this recommendation) better meets the purpose of the RMA than the present zoning. It will allow the Council to manage future development of the natural and physical resources within the Plan Change area concerned in a way and at a rate that meets the needs of present and future generations.

5.80. The Committee recommends that Plan Change 13 – Marsden Valley Rezoning and Structure Plan to the Nelson Resource Management Plan as amended by the Committee in this report be adopted by the Council and that this decision be publicly notified.

5.81. If the Council accepts this recommendation then in accordance with the First Schedule, Clause 10 of the RMA the decision will be publicly notified and served on the submitters in accordance with First Schedule, Clause 11. If no appeals are received within 30 working days of the decision being notified the Plan Change will become operative in full.

6. FORMAT OF HEARING COMMITTEE RECOMMENDATIONS ON AMENDMENTS TO THE PLAN

6.1. As stated in section 5.1 above, Appendix 1 of this recommendation document contains the submission points, further submissions, Hearing Committee discussion and recommendations. Where the recommendation results in changes to Plan text it is shown as changes to the operative Plan text in the following manner:

a) 'Normal' text applies to operative provisions which are to remain unchanged

b) '<u>Underline</u>' text applies to proposed new provisions

c) '~~Strikethrough~~' text applies to operative provisions proposed to be deleted or amended as described

6.2. In order to allow comparison between the notified text and the Hearing Committee's recommendations to Council Appendix 2 of this recommendation document contains a 'tracked changes' version of the notified Plan text.

7. INDEX OF SUBMISSION POINTS

This index allows the user to locate individual submission points by the topic of the hearing report under which they appear. The topic headings are shown in section 1.10 of this report.

1) Tiakina te Taiao / Submission Point	Topic	2) G Dunning / Submission Point	Topic	3) E Bruce / Submission Point	Topic
1.1	1	2.1	6	3.1	2

4) J Tarr/ Submission Point	Topic	5) R Higgins / Submission Point	Topic	6) Downer EDi / Submission Point	Topic
4.1	3	5.1	2	6.1	2

7) T & M James/ Submission Point	Topic	8) Echo Holdings Ltd / Submission Point	Topic	9) H Heinekamp/ Submission Point	Topic
7.1 a)	4	8.1	7	9.1	8
7.1 b)	1				
7.1 c)	5				

10) C and J Gass / Submission Point	Topic	11) New Zealand Fire Service / Submission Point	Topic	12) Department of Conservation/ Submission Point	Topic
10.1	4	11.1	6	12.1	1
10.2	4	11.2	6	12.2	1
10.3	4	11.3	6	12.3	1
10.4	5				
10.5	6				

10.6	6				
10.7	4				
10.8	4				
10.9	4				
10.10	7				
10.11	7				

13) Marsden Park Ltd / Submission Point	Topic	Submission Point	Topic	Submission Point	Topic
13.1	6	13.21	1	13.41	8
13.2	9	13.22	7	13.42	4
13.3	6	13.23	7	13.43	1
13.4	6	13.24	7	13.44	1
13.5	9	13.25	7	13.45	1
13.6	10	13.26	7	13.46	1
13.7	6	13.27	7	13.47 a)	1
13.8	6	13.28	7	13.47 b)	10
13.9	6	13.29	1 & 3	13.47 c)	7
13.10	6	13.30	7	13.48 a)	9
13.11	2	13.31	7	13.48 b)	8
13.12	6	13.32	7	13.49 a)	3
13.13	6	13.33	7	13.49 b)	1
13.14	3	13.34	7	13.49 c)	1
13.15	3	13.35	7	13.49 d)	8
13.16	9	13.36	7	13.49 e)	6
13.17	9	13.37	7	13.50	4
13.18	9	13.38	9	13.51	7
13.19	1	13.39	9		
13.20	8	13.40	4		

14) Nelson Tasman Royal Forest and Bird Protection Society / Submission Point	Topic	15) T Percival– Tasman Hang Gliding and Paragliding Club / Submission Point	Topic	16) R Bryant– Tasman Hang Gliding and Paragliding Club / Submission Point	Topic
14.1	7	15.1	3	16.1	3
14.2	1	15.2	3		
14.3	1				
14.4	5				
14.5	1				
14.6	4				

17) C and C Feltham / Submission Point	Topic	18) N Knight / Submission Point	Topic	19) I Turner / Submission Point	Topic
17.1	1	18.1 a) Retained in part	7	19.1	6
17.2	2	18.1 b) Retained	9	19.2	7
17.3	1	18.2 Withdrawn	7		
17.4	7	18.3 Withdrawn	3		
17.5	7	18.4 Retained	1 and 9		
17.6 a)	2	18.5 Retained	1		

17.6 b)	2	18.6 Retained	1		
17.6 c)	8	18.7 Withdrawn	9		
		18.8 Withdrawn	7		
		18.9 Withdrawn	7		
		18.10 Withdrawn	7		
		18.11 a) Retained in part	5		
		18.11 b) Retained	7		

APPENDIX 1

HEARING COMMITTEE RECOMMENDATIONS TO COUNCIL

RECOMMENDATIONS ON SUBMISSIONS ORGANISED BY TOPIC

TOPIC 1 - Riparian Overlay, Biodiversity Corridor and Vegetation

1.1 This topic covers submission points directly relating to Poorman 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 Valley Stream are protected when considering any proposal or development around this area.

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

Further Submitter X1: H Heinekamp Statement X1.11

Support Submission Point #1.1
It is in the interest of Marsden Valley environment.

Further Submitter X3: I Turner Statement X3.1

Support Submission Point #1.1
Support for protection of Poorman Valley Stream.

Further Submitter X4: N Knight Statement X4.1

Support Submission Point #1.1
The NCC Freshwater Plan 2007 identifies The Poorman Valley 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, its 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 Valley Stream.

HEARING COMMITTEE RECOMMENDATION (TOPIC 1, BOX 1)
Tiakina te Taiao Ltd
Submission Point #1.1

The submitter sought that the values of Poorman Valley Stream are protected. This submission is supported by four further submissions. The issue of protection of water ways is supported by Council through existing Plan provisions. Operative Plan provisions state as Objective DO19.1

'*All surface water bodies contain the highest practicable water quality*' and Policy DO19.1.5 *'No water bodies which are of a quality less than Class C. Top priority for improvement will be those waterbodies listed as first priority in Appendix 28.4'.* Plan Change 24 'Freshwater' is currently notified and classifies Poorman Valley Stream below the Christian Academy as Water Quality Classification E, therefore it is a first priority waterbody for improvement under the Nelson Resource Management Plan. Poorman Valley 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 Chin's Flat (RM065553) and places the entirety of Poorman Valley Stream in Council ownership above the Christian Academy (currently with the exception of the Solitaire Investments Ltd access bridge). The Freshwater Plan provisions manage activities which can impact on freshwater quality.

Plan Change 13 proposes to add a Biodiversity Corridor to the Riparian Overlay position of Poorman Valley Stream. While we consider that the combination of the existing provisions and the addition of the Biodiversity Corridor will ensure that the values of Poorman Valley Stream are protected. However it is not within the scope of any Plan Change to give assurances that the values of Poorman Valley Stream will be protected. The mechanism is there to provide this protection but it is up to the resource consent process to ensure the protection eventuates.

RECOMMENDATION

Submission Point #1.1: Reject

Further Submission Statement X1.11:	Reject
Further Submission Statement X3.1:	Reject
Further Submission Statement X4.1:	Reject
Further Submission Statement X5.1:	Reject

AMENDMENT TO PLAN:
Nil

Submitter 7: T and M James

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

Decision Sought: Not directly stated – Assumed to be the retention of Biodiversity Corridors as shown.

Further Submitter X3: I 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. The statement in the full further submission 'allowed in part' relates to biodiversity corridors.

Further Submitter X4: N Knight Statement X4.4

Support Submission Point #7.1 b)
Support Biodiversity Corridors

HEARING COMMITTEE RECOMMENDATION (TOPIC 1, BOX 2)
T and M James
Submission Point #7.1 b)

The submission is in support of Biodiversity Corridors, with the tributary of Poorman Valley 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: H 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: N Knight	Statement X4.12

Support Submission Point #12.1 and #12.3
No specific reasons given.

HEARING COMMITTEE RECOMMENDATION (TOPIC 1, BOX 3)
Department of Conservation
Submission Point #12.1

The support of the Biodiversity Corridor concept by the submitter and further submitters is noted by the Committee. We consider that each section of this submission point, being a) – g) should receive a separate recommendation.

RECOMMENDATION

Submission Point #12.1:

a) Accept in part. Biodiversity Corridors are retained but not as notified due to meeting requests of other submissions and related consequential changes.

b) Accept

c) Accept

d) Accept in part, the word 'forest' was inadvertently changed to 'vegetation' by the Reporting Officer, it is recommended that this change is not made as 'forest' is the correct term.

e) Accept

f) Accept

g) Accept

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

AMENDMENT TO PLAN:
Nil

Submission Point #12.2

The submitter sought amendments to the proposed provisions for Biodiversity Corridors to encourage the use of 'eco-sourced' native vegetation. The notified provision MW.17A b) and c) states '*vegetation to be planted in predominantly native vegetation indigenous to the area and ecosystem type…*'.

We support the use of 'eco-sourced' native vegetation and consider that this requirement within the proposed Biodiversity Corridor provisions will compliment other Council initiatives to increase the use of eco-sourced vegetation. We note that eco-sourcing of vegetation supports the principles of the Nelson Biodiversity Strategy, and the Nelson City Biodiversity Terrestrial Action Plan 2009.

We recommend that the submission is accepted, but note that the actual provision referred to is to be changed as a consequential amendment as a result of a number of submission requests and as per Schedule 1, Clause 10 (2) (b) (i) of the RMA. We believe the outcome sought by this submitter is unchanged. See amended provisions below which incorporate use of the term 'eco-sourced'.

As a consequential amendment, the use of 'eco-sourced' as a new term within the Plan requires a definition. The definition is derived from material developed by the Nelson Biodiversity Forum and the Department of Conservation.

We note that in responding to the submission points the definition of Biodiversity Corridors would operate more like a rule. We therefore recommend that the parts that operate like a rule 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 effect remains the same as that proposed aside from changes where submission points have been accepted. In providing for the submission points various consequential changes have been made to the provision to ensure that it can operate as a meaningful rule.

RECOMMENDATION

Submission Point #12.2: Accept

Further Submission Statement X1.6: Accept

AMENDMENT TO PLAN:

'Eco-sourced' means plants which are grown from seeds or propagules collected from naturally-occurring vegetation in a locality close to where they are replanted.

Amend proposed definition:

'Biodiversity corridor' means a vegetated pathway of a minimum width of 20m that allows natural flows of organisms and biological resources along the corridor, allows for biological processes within the corridor, and connectivity between areas of ecological value.

Amend Schedule I, I.2 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) existing native and/or exotic vegetation, or
ii) predominantly eco-sourced 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 eco-sourced 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 formation and maintenance of walkways, cycleways, and the construction and maintenance of utility service lines and their structures are permitted within the Biodiversity Corridor provided they cross the corridor more or less at right angles, and
v) the formation and maintenance of walkways and cycleways may also run along the corridor provided a corresponding increase in width is provided, and
vi) the formation and maintenance of roads and required property accesses where

there is no practicable alternative, may transect any Biodiversity Corridor provided that they cross the corridor more or less at right angles, and

vii) in the case of ii) and iii), exotic vegetation may be used as a nursery crop for the purpose of assisting with the establishment of the native vegetation referred to.

Submission Point #12.3

The submitter sought to add situations where non-native species would be suitable for use in a Biodiversity Corridor. The example given by the submitter is for nursery crops. We accept that nursery crops are often vital to establishing native plants and therefore we consider should be provided for in the Biodiversity Corridor provisions. The submitters suggested addition to the explanation would not have the weight to alter the notified definition (MW.17A) which enforces the rule in Schedule I; also as has been noted above for submission point #12.2 the Biodiversity Corridor definition is to be altered as a consequential amendment. See submission point #12.2 above for the recommended provision. We consider the revised Biodiversity Corridor provisions reflect the outcome sought by the submitter.

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 (not part of Plan amendments): Further recommended amendments to the final structure and content of the Biodiversity Corridor provisions are shown above for submission point #12.2. For the purpose of understanding the recommendations arising from submission point #12.3 the following amendment applies.

I.2 c) vii) in the case of ii) and iii), exotic vegetation may be used as a nursery crop for the purpose of assisting with the establishment of the native vegetation referred to.

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:
1. Replace new provision REr.59.1(g) with the existing provision (indigenous "forest").
2. 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: C and J Gass Statement X2.1

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: N Knight, Statement X4.19, WITHDRAWN

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: C and J Gass Statement X2.1

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: N 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 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 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: N 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.

General further submission on Submitter 13.

Further Submitter X1: H 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 1, BOX 4)
Marsden Park Limited

Submission Point #13.19, #13.43 and #13.44

These three submission points related to the same proposed provision repeated in three different zones. The submitter points out that indigenous "forest" should not be changed to indigenous "vegetation" and noted that this appears to be a typographical error. The Reporting Officer advises us that this is correct, the change was a drafting error and there was never any intention or identified need to change this provision within the scope of this Plan Change.

The submitter also noted that an exception should be made within the vegetation clearance rules to allow for the forming or maintaining of walkways and cycleways in the Residential and Rural Zones within Biodiversity Corridors and areas of Greenspace. We accept the submission but note that as a consequential change there needs to be some limit to the amount of clearance permitted in relation to activities such as this. For this reason we recommend

changes which require walkways and cycleways to cross a Biodiversity Corridor more or less at right angles, or run along it only if there is a corresponding increase in the width of the corridor, therefore providing less potential for disturbance. In addition there should be a statement that vegetation clearance shall be kept to the minimum to permit the activity. This in turn leads to further consequential changes to ensure that other activities which are permitted to cross a Biodiversity Corridor do so more or less at right angles. We consider that these consequential changes are within the scope of Schedule 1, Clause 10 (2) (b) (i) of the RMA as they are a consequence of providing some limit (in terms of the amount of vegetation clearance) to the submitters request for walkways and cycleways to be exempt from the vegetation clearance provision of the Plan. Also related to these changes, there is a mixture of verbs and nouns used in this provision, the amended version should have nouns in the place of verbs i.e. 'formation' instead of 'forming', and the term 'and providing an exception for' is replaced with 'or is'.

An additional consequential change must be made to DO5.1.2.ii second to last bullet point 'inclusion of passive public use and access'. The inclusion of walkways and cycleways within Biodiversity Corridors (subject to certain controls) introduces an active recreation use. We recommend the term 'passive' is deleted for this reason.

See Hearing Committee Recommendation, Box 3, submission point 12.2 for our recommended text relating to Biodiversity Corridors.

RECOMMENDATION

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

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

AMENDMENT TO PLAN:

Amend DO5.1.2.ii second to last bullet point. Inclusion of public use and access.

Amend proposed text of REr.59.1 g), OSr.47.1 f) and RUr.25.1 g) as follows:
(Note that the references to 'greenspace' are not relevant for Open Space and Recreation or Rural Zones).
g) there is no clearance of indigenous forest, and

h) there is no clearance of vegetation within a Biodiversity Corridor (or area of greenspace shown in Schedule I) unless it is an exotic species, or a species with a pest designation in the current Tasman-Nelson Regional Pest Management Strategy, or is vegetation clearance required for:
i) the maintenance of State Highways, or
ii) the installation and maintenance of utility service lines which cross (more or less at right angles) a Biodiversity Corridor (or area of greenspace shown in Schedule I) 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) the formation or maintenance of roads and private vehicle access ways which cross (more or less at right angles) a Biodiversity Corridor (or area of greenspace shown in Schedule I) to land where there is no viable alternative route available and provided the clearance is no more than required to permit the activity, or
iv) the formation or maintenance of walkways or cycleways adjacent to, running along (subject to provisions of I.2 c)), or crossing (more or less at right angles) a Biodiversity Corridor (or area of greenspace shown in Schedule I) and provided the clearance is no more than required to permit the activity.

Submission Point #13.21

a) Submitter sought clarification on which groups of trees receive protection under this rule. As recommended by the Reporting Officer we agree clarity could be improved by amending the proposed Plan text. Recommended text amendments are noted below.

b) Submitter considered that the statement 'as agreed by Council' is not necessary. We agree that 'as agreed by Council' is not required as the provision (Schedule I, I.2 d) clearly states that protection measures include 'consent notice, QEII covenant, or other such mechanism'. Any 'other such mechanism' would need to be as equally enduring and certain as a consent notice or QEII covenant; a private covenant protecting the trees would not, in our opinion, be a 'such mechanism'.

c) Submitter raised the issue of the timing of imposing any protection mechanism on the tree groups. We agree with the Reporting Officer who 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. However for the sake of clarity we recommend this is amended, in line with the submission point to state '*at, or before the time of issue of new property titles subsequent to the grant of subdivision consent*'. This allows for protection to occur before subdivision if desired or at the time of issuing new titles. If a property title already contains a protection mechanism then by way of subdivision consent conditions this would pass onto any new title when they are issued; equally the Council can remove the provision at this time from new titles which do not contain the protected trees. Proposed text amendments noted below. We note that these are based on, but do not replicate those suggested by the submitter.

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

The Reporting Officer gave the following explanation in his s42A report:

'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 provisions relevant to that area only.'

We consider that with the wording changes suggested below clarity is improved.

e) Submitter suggested the final sentence in I.2 d) should be a note. It is our understanding that 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. We agree with the Reporting Officer's recommendation to change the wording to read more like a rule. Proposed text amendments are noted below. The changes are based on but do not replicate those sought by the submitter.

f) Submitter requested renumbering of tree group 1. We 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 that 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.

We have provided a recommendation below for each separate part of the submission point.

RECOMMENDATION

Submission Point #13.21:

a) Accept in part

b) Accept

c) Accept in part. Changes are recommended to increase clarity.

d) Accept

e) Accept in part.

f) Reject

Further Submission Statement X4.19: WITHDRAWN
Further Submission Statement X2.1: Accept in part.

AMENDMENT TO PLAN:
I.2 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 which is registered on the title of the land on which the trees are located shall be established at, or before, the time of issue of new property titles subsequent to the grant of subdivision consent. Tree group 4 shall include allowance for a road formation to pass through 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, i.e. not indicative.

Submission Point #13.29

The submitter was concerned that Council ownership is not stated as a prospect for biodiversity corridors and greenspace in assessment criteria I.4 (vii) and that additional matters should be added to clarify what values are being considered, these being 'longevity, functionality and intrinsic' values. We 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. We 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. The additional matters are not required as intrinsic values of ecosystems are required 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 pointed 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. The term 'native' should be 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 Schedule 1, Clause 10 (2) (b) (i) is also to be made to the equivalent provision in REr.59.5 and OSr.47.5.

RECOMMENDATION

Submission Point #13.45: Accept in part

AMENDMENT TO PLAN:

Add to REr.59.5, RUr.25.5 and OSr.47.5 as follows:

Add to REr.59.5 Native vegetation (or area of greenspace shown in Schedule I) is specifically protected in Biodiversity Corridors to ensure their function as a corridor, or 'green' area, is not compromised through clearance.

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 to RUr.25.5 Native vegetation 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 considered "woodlands" should be renamed as tree groups for consistency. The distinction between 'tree groups' and 'woodlands' is explained in the section relating to submission point #13.21 d) above. No further change is recommended.

b) The submitter sought changes consequential to that requested under a) above. No change is recommended.

c) The submitter suggested protection of Woodland 2 (W2) should relate to native species only. This suggestion is accepted. Wording changes are suggested below.

d) The submitter stated the lime tree listed does not exist. The existence and location of this tree has been confirmed (through the Officer's Report) 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) The submitter stated 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 a spelling amendment; change "Cyprus" to "Cypress".

We have provided a recommendation below for each separate part of the submission point.

RECOMMENDATION

Submission Point #13.46:

a) Reject
b) Reject
c) Accept
d) Reject
e) Reject

AMENDMENT TO PLAN:
Appendix 2:
AP2.1.1.ii
"Tree name (common)" column:
Woodland
Mixed native species predominantly Kanuka – non-native species are excluded from protection.

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

Submission Point #13.47 a)

Submitter wished to replace Woodlands with tree groups. As discussed in the section 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 requested consequential amendments to tree group numbering. As discussed in the section relating to submission point #13.21 d) and #13.47 a) above, no change is recommended.

c) Submitter stated 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

a) see topic 3.
b) Reject
c) Accept

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. The changes noted are considered to be in the best interests 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 Poormans 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 Poormans 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: I Turner	Statement X3.20

Oppose Submission Point #14.2
Support the protection of Poormans 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: N Knight	Statement X4.33

Support Submission Point #14.2
If the opportunity to support and address the protection of The Poormans 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 Poormans 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: I 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: N 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 (i.e. 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: I 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 1, BOX 5)
Nelson Tasman branch Royal Forest & Bird Protection Society Inc
Submission Point #14.2

The submitter sought that esplanade reserves are used as the protection method along Poormans Valley Stream and that riparian protection/enhancement is the focus of this area. As noted in Hearing Committee Recommendation #1, Poormans 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: Reject

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

AMENDMENT TO PLAN:
Nil

Submission Point #14.3

The submitter sought that reserves, parks and 'greenspaces' are properly established under the relevant legislation. As stated in the section 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. The status 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 X5.21:	Accept in part

AMENDMENT TO PLAN:
Nil

Submission Point #14.5

The submitter requested that a body corporate or property owners group be responsible for pest (plant and animal) management. We consider that pest control through this method is not 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 control programmes.

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. We 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: C and C 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: I 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.~~3~~2.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: I Turner	Statement X3.28

Oppose Submission Point #17.3
This deletion is inappropriate since the esplanade reserve along Poormans Valley Stream has already been defined.

Further Submitter X4: N Knight	Statement X4.37

Support Submission Point #17.3
If the opportunity to support and address the protection of The Poormans 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 Poormans 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 1, BOX 6)
C and C Feltham
Submission Point #17.1

The submitter sought 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. The Committee acknowledges that a wider corridor may better serve ecological function and we note the provisions allow for this to occur where required or where offered by a landowner or developer. The reporting officer advises that a wider minimum width was considered in developing the provision but it was considered that this greater imposition on the landowner did

not always balance out against the possible ecological gains to be made. We agree with the reporting officer's statement and consider that the consent process can determine if a wider corridor is required to suit individual circumstances. We also consider that the need for an increase in width of a Biodiversity Corridor in relation to any vehicle crossing point can be considered through the consent process. The stated width is a minimum and proposed Plan provisions explain that the width may have to be wider in different areas and circumstances. An example is DO5.1.2.iv which states 'Areas must be large enough to … buffer conflicting uses. The width of corridors will vary for this reason; a minimum width of 20m is required.'

The further submissions stated that a wider corridor would be inefficient use of land. While we 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: Reject

Further Submission Statement X3.27:	Accept
Further Submission Statement X5.28:	Accept

AMENDMENT TO PLAN:
Nil

Submission Point #17.3

The submitter sought that the explanation to the policy on vegetation (RE4.2) does not have the 20m esplanade reserve (on each bank) statement deleted. In response we consider that the statement of a specific dimension should not be included in an explanatory section of the Plan. 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. We are advised that in this case the esplanade reserve has already been defined through the structure plan area by way of subdivision consents. One of the submitter requests was that an off road walkway / cycleway is planned to be incorporated into this reserve. We are advised that this is to occur as part of proposed development of the area. We consider that the Plan provisions, and development proposed as a result of these, would appear to be meeting the submitters concerns; however the specific request of the submitter to not delete the dimensions from RE4.2 is rejected.

RECOMMENDATION

Submission Point #17.3: Reject

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

AMENDMENT TO PLAN:
Nil

Submitter 18: N 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: I 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: I 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).

HEARING COMMITTEE RECOMMENDATION (TOPIC 1, BOX 7)
N Knight
Submission Point #18.4

The submitter suggested 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."

We have considered the content of the submission point and the further submissions and have also heard and considered the evidence presented by Ms Simpson, for Marsden Park Limited (submission point 13.18 on this Policy). We have also considered Ms Kidson's evidence (for both this submission point and submission point 13.18) contained within the Officer's s42A report. We have concluded that

a) The addition of 'residential and suburban commercial development' is unnecessary in our view as the policy already covers these terms at the start with 'subdivision and development

b) The second section relating to 'help retain landscape values' is not suitable as that it is clearly acknowledged throughout the Plan Change that the landscape values within Marsden Valley will change as a result of the development levels anticipated.

c) The submission point's final sentence can be accepted as these are functions that the vegetation will provide and this supports other provisions of the Plan Change such as Biodiversity Corridors.

See submission point 13.18 (Topic 9, Box 34) which also covers this provision and contains the committees recommended version.

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:
See submission point 13.18 (Topic 9, Box 34) which also covers this provision and contains the committees recommended version.

Submission Point #18.5

The submitter supported the proposed amendments to the explanation and reasons RE4.2.i. This support is noted by the Hearing Committee and is also discussed in Hearing Committee Recommendation Box 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 Hearing Committee Recommendation Box 4 under submission points #13.19, #13.43 and #13.44. We are advised by the Reporting Officer that 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 Hearing Committee Recommendation Box 4, for submission points #13.19, #13.43 and #13.44.

1.2 TOPIC 2: Transportation Networks (walking/cycling/vehicles)

1.3 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: E 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.

(1) 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.
(2) 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.
(3) 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 (i.e. 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: H Heinekamp Statement X1.9

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: N Knight, Statement X4.2, WITHDRAWN

Submitter 5: R 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: N Knight, Statement X4.3, WITHDRAWN

HEARING COMMITTEE RECOMMENDATION (TOPIC 2, BOX 8)
E Bruce (#3.1); R Higgins (#5.1)
Submission Point #3.1 and #5.1

The submitter suggested 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.

We note that 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. We agree with the reporting officer's identification benefits of connectivity. 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 more efficient dispersal of 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 potential future public transport alternative. We consider that this 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.

We have been advised by the Reporting Officer (with advice from Nelson City Council's Principle Adviser Transport and Planning) that 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 new connection.

We do acknowledge there will be effects on the current character of Enner Glynn Valley but we consider the wider community benefits of a future connection noted above outweigh the costs (including loss of amenity) 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. We have also been advised by the Reporting Officer that a separate Plan Change (PC 17) will consider the effect of roading connections on the character of Enner Glynn Valley, in conjunction with zoning and connection patterns proposed.

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 urban area 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.

We are advised by the Reporting Officer (with advice from Nelson City Council's Principle Adviser Transport and Planning) that there would be little if any upgrades required to the existing road network through forming this road connection.

It is apparent that other plan changes currently notified by Council (including the new Land Development Manual, formerly referred to as the Engineering Standards), will provide for

increased flexibility in roading construction standards, and subdivision design. This flexibility will allow for road formation options to allow the establishment of the connection to be considered through a resource consent process. We 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, and 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.

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, 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 we recommend that the current solid line indicating the indicative roads is changed to a dashed line and the route outside of the Plan Change area is not shown. It is our understanding that the road route outside of the Plan Change 13 area is shown on the Structure Plan map notified with Plan Change 17 – Enner Glynn and Upper Brook Valley Structure Plan. We also recommend that there is a note placed on the Structure Plan map stating *'The representation on this map of a road or track does not necessarily indicate a right of public access'*. Additionally a further note on all maps should state that any items shown outside of the Structure Plan boundaries are there for information purposes only.

A consequential change related to removing roads outside of the Plan Change area is to place a note on Maps 1 -3 stating that items which remain outside of the Plan Change area are for information purposes only.

We 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:	WITHDRAWN
Further Submission Statement X4.3:	WITHDRAWN

AMENDMENT TO PLAN:
Amend Map 3 'Structure Plan' to show indicative roads as dashed lines with the route on the Higgins land removed.
Amend Map 3 to add the following notes: 1) 'The representation on this map of a road or track does not necessarily indicate a right of public access'. 2) 'Information shown outside of Plan Change 13 Structure Plan boundaries are for information purposes only'.
Place note 2 on Maps 1 and 2.

Submitter 6: Downer EDi – K 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 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: I 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 2, BOX 9)
Downer EDi – K Paddon
Submission Point #6.1

The submitter sought 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. We have given this matter detailed consideration and were reminded that the quarry is permitted to continue in terms of the scheduled site they are located in (Schedule S, Rural Zone), and any resource consents it operates under. We disagree with the Reporting Officer's recommendation to make changes to note the existence of the Marsden Quarry as we consider that the Schedule noted above already provides recognition within the Plan and nothing further is required.

RECOMMENDATION

Submission Point #6.1: Reject

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

AMENDMENT TO PLAN:
Nil

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 Roading 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: H Heinekamp Statement X1.2

Oppose Submission Point #13.11
Not in the best interest of Marsden Valley environment and its inhabitants.

HEARING COMMITTEE RECOMMENDATION (TOPIC 2, BOX 10)
Marsden Park Limited
Submission Point #13.11

The submitter sought the insertion of a set of alternative roading standards originally included in the private plan change application. The Land Development Manual 2010 includes roading standards which have been significantly revised from that in the operative Nelson Resource Management Plan. These roading standards are comparable to those in the original private plan change application. This is complimented by proposed 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. We 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: C and C 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: I 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: N Knight	Statement X4.40

Support Submission Point #17.6 a)
Support a track following the banks of the Poormans 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 2, BOX 11)
C and C Feltham
Submission Point #17.2

The submitter requested the wording remains the same as is currently in the operative Nelson Resource Management Plan. This request is accepted, the reporting officer advises 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 to add the term 'indicative' in front of 'road' where appropriate.

RECOMMENDATION

Submission Point #17.2: Accept

AMENDMENT TO PLAN:

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 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 (eg 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 area.

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 'isolation strips' or other methods which could lead to adjoining land becoming landlocked or connectivity being compromised.

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

Submission Point #17.6 a) and b)

a) The submitter sought separation of walkways and cycleways from roads. This item is similar to that discussed in Hearing Committee Recommendation Box 6 for submission point #17.3. An esplanade reserve is provided, and there are plans to establish an off road walkway / cycleway along Poormans Valley Stream.

b) The submitter requested 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 the centre 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. We therefore consider it likely that this will continue to be used as the main focus for development and also for quarry traffic. We agree with the Reporting Officer that duplication of the roading network, as stated by the further submitters would be inefficient. Through design of the development and roading design and management we consider the two can co-exist. No changes are recommended.

RECOMMENDATION

Submission Point #17.6:

a) Accept

b) Reject

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

AMENDMENT TO PLAN:
Nil

1.4 TOPIC 3: Parks and Open Space

1.5 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: J 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: H 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: I Turner Statement X3.2

Oppose 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 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 3, BOX 12)
J Tarr
Submission Point #4.1

The submitter requested large open green spaces suitable for community recreation 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 consent applied for, the Council will be seeking neighbourhood park space to meet the needs of the residents of the area. In addition are the Biodiversity Corridors, riparian areas and protected woodlands. We are advised by the Reporting Officer and Nelson City Council Parks staff that there is no identified need in this area for a large sports field type of open space which appears to be the desire of the submitter. We consider however that through the subdivision and development process that appropriate and necessary open space for the recreation needs of the community will be provided. This is standard subdivision practice. We were also advised by the Reporting Officer and Nelson City Council Parks staff that it is not Nelson City Council's policy 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 Plan Change stage.

We also note that we consider the issue of providing for 'large open green spaces for community recreation' under submission points #15.1, #15.2 (Topic 3, Hearing Committee Recommendation Box 14 and 15 in regard to the provision of landing areas for Paragliding and

Hang Gliding) and #10.3 (Topic 4, Hearing Committee Recommendation Box 17 in regard to publicly accessible open space central to the Marsden Valley Suburban Commercial Zone).

RECOMMENDATION

Submission Point #4.1: Reject

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

AMENDMENT TO PLAN:
Nil

Submitter 13: Marsden Park Limited

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 X2: C and J Gass Statement X2.1

Oppose Submission Points #13.15
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: N 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.

Further Submitter X2: C and J Gass Statement X2.1

Oppose Submission Points #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.

Oppose
Submission Point #13.49 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 underling 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).

General further submission on Submitter 13.

Further Submitter X1: H 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 3, BOX 13)
Marsden Park Limited
Submission Point #13.14

The submitter requested 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. We understand that the question of Council ownership of greenspace will not be determined until the development pattern is known, however it is not necessary to state exactly when this will occur in the Plan provision. We consider that accepting this submission will ensure that there is a neutral standpoint on ownership, and it allows for changes in approach from Council over time in when reserve location and ownership are determined.

RECOMMENDATION

Submission Point #13.14: Accept

AMENDMENT TO PLAN:
AD11.4A.v:

d) 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. 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. "Greenspace" is defined in Chapter 2 of the Plan

Submission Point #13.15

The submitter sought 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 we do not recommend they are shown on the Structure Plan at this point. The location of the community reserves will 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 at this time is the suitability of proposed locations for the reserves. This process is set out in Section 12 of the Land Development Manual 2010 (LDM). We consider that the process under the LDM to be the most appropriate method to provide for reserves in areas which are to be developed. We note at this point our recommendations under submission points 10.3 (Topic 4, Hearing Committee Recommendation Box 17), relating to the provision of an area of publicly accessible open space central to the Marsden Valley Suburban Commercial Zone.

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

RECOMMENDATION

Submission Point #13.15: Reject

Further Submission Statement X2.1: Accept
Further Submission Statement X4.15: Reject

AMENDMENT TO PLAN:
Nil

Submission Point #13.29 (repeated from Topic 1, Hearing Panel Recommendation Box 4).

The submitter was concerned that Council ownership is not stated as a prospect for Biodiversity Corridors and greenspace in assessment criteria I.4 (vii). We 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. This is consistent with our recommendation for submission 13.14 above. The additional wording in relation to the 'values' being referred to do not add any more certainty to the assessment criteria. We 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. 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 requested that the esplanade and recreation reserves established through subdivision consent RM065553 be shown on the Structure Plan. We 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.

We agree with the reporting officer and 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

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.

Submitter 15: T 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: H 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: I Turner Statement X3.25

Oppose Submission Point #15.1 and #15.2

The indicative site for hang glider and paraglider 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 3, BOX 14)
T Percival– Tasman Hang Gliding and Paragliding Club
Submission Point #15.1 and #15.2

The submitter sought to have specific mention of paragliding and hang gliding in the Plan Change and for provision to be made of an open space area for all landing requirements, or alternatively one designed to accommodate emergency landings. These submission points were further expanded on by the submitter at the re-convened hearing where they explained their desire to either be accommodated within the *'integrated-inside-commercial-zone 'village green' concept'* or have separate open area for landings adjacent to the Suburban Commercial Zone.

We have given this submission considerable thought, analysis and deliberation and acknowledge the importance of this sport. However we consider that identifying an area of open space as a landing area for hang gliding and paragliding at the Structure Plan level is not an efficient use of the land resource and better methods can be utilised to compliment the direction of the Nelson City Council Conservation and Landscape Reserve Management Plan 2009. We do point out that open space in Marsden Valley may be suitable for emergency landings. The appropriate forum to consider this provision is through submissions to the Annual Plan and the Community Plan. An alternative is to protect landing site options by private purchase or private arrangements with land owners.

Areas which can cater for emergency landings can be provided for in the design and layout of open space areas in the valley. This can be considered by Nelson City Council's Network Services Division when designing open space, generally around the time of subdivision development. Hang gliding and paragliding are recognised and legitimate activities in the area and the 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: R 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: H 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: I 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.

HEARING PANEL RECOMMEDATION (TOPIC 3, BOX 15)
R Bryant– Tasman Hang Gliding and Paragliding Club
Submission Point #16.1

The submitter sought to enlarge the green space area to the south of the future road intersection with Panorama, Enner Glynn and Marsden Valley roads. As for submission point #15.1 and #15.2, Hearing Committee Recommendation, Box 14, we consider that identifying an area of open space as a landing area for hang gliding and paragliding at the Structure Plan level is not an efficient use of the land resource and better methods can be utilised to compliment the direction of the Conservation and Landscape Reserve Management Plan. See Hearing Committee Recommendation, Box 14 for further discussion.

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

1.6 TOPIC 4: Urban Design (Residential and Commercial)

1.7 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: T and M 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: H 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: I 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: N Knight Statement X4.4 WITHDRAWN

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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 4, BOX 16)
T and M James
Submission Point #7.1 a)

The submitter sought to have European apartment style development rather than single storey, singular unit housing on small sections with relatively low provision for public space and parkland. We believe the style of development supported by the submitter is desirable on a small scale and located near to, or within the proposed Marsden Valley Suburban Commercial Zone. 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 typologies to be provided within Marsden Valley to support a variety of living styles. We do however consider that the suggestion of apartment style living for all of the valley, or in a larger scale would not be

in keeping with the valley context. Directly requiring apartment style living does not provide for a diversity of housing typology, and therefore does not provide the choice of housing styles required to achieve a good urban design outcome. We are advised by the Reporting Officer '...that Nelson City Council has notified Plan Change 14 'Residential Subdivision, Land Development Manual and Comprehensive Housing' which seeks to 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.'

We 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 as per this submission.

RECOMMENDATION

Submission Point #7.1 a): Reject

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

AMENDMENT TO PLAN:
Nil.

Submitter 10: C and J 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: I 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: I 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: I 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: N Knight Statement X4.5 WITHDRAWN

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: I 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: I 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 Poormans 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 Poormans 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: I 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: N Knight	Statement X4.8

Support Submission Point #10.9
Support in relation to preserving 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: H 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 4, BOX 17)
C and J Gass
Submission Point #10.1 and #10.2

Similar to submission point #7.1a), submitter #10 was opposed to single storied, singular unit housing on small sections and sought that the traditional housing concept that the submitter considered the norm be rejected. For the reasons stated in Hearing Committee Recommendation, Box 16 it is not considered suitable to restrict a particular type of housing as this limits housing choice. See submission points 10.7 and 10.9 plus Hearing Committee Recommendation Box #16 for further discussion on this matter.

Submitter #10 also raised the inclusion of the Nelson Richmond Intensification Study, Stage 1, Sept 2007. It is apparent that the study referred to has been behind some of the thinking for this Plan change (such as higher density residential around the Suburban Commercial Zone) but the Reporting Officer advises us it is intended that the goals of the study are implemented through a stand alone intensification plan change that applies across all relevant zones of the region. We accept that this is a more appropriate mechanism to address the intensification issue at a district-wide level.

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 sought a village centre with smaller essential services focused on community

needs rather than a full commercial centre which they state invites a picture of a far larger, grander business centre that is fully integrated with the outside commercial world. The submission expands on this and uses the European concept of a village centre as an example. The concept is described as having essential convenience services, clustered around a village commonplace with either green space for all to enjoy or a fountain or some other focal attraction. The village centre would have businesses facing inwards and be a common meeting point and focus for the community, recreational pursuit and tourist alike.

This submission point has raised an important issue which Council has been dealing with on a number of fronts. That is how to ensure that existing and future communities are developed which utilise best practice urban design to create a high level of amenity for residents and visitors, and which are developed to recognise the context in which they exist. To help achieve this Nelson City Council has signed the New Zealand Urban Design Protocol, established an Urban Design Panel to assess selected projects, developed staff and Councillor knowledge and recently notified Plan Change 14 to incorporate urban design practices into the Nelson Resource Management Plan. In relation to this Plan Change there are a number of proposed plan provisions (policies, rules, assessment criteria and explanation) which have the purpose of guiding the creation of the desired Suburban Commercial environment. The provisions stated are:

a) Schedule I, I.2 e), g), and h) which restrict liquor sale hours (Topic 7, Submission point 10.10), control the type of activities that can occur, and provide specific management of the effects of taller buildings.

b) Schedule I, I.5 Marsden Valley Suburban Commercial Zone Overall Design Principles guide the development of the Suburban Commercial Zone.

c) Schedule I, I.4 Assessment Criteria xii) which ensures relevant resource consents are assessed against the Marsden Valley Suburban Commercial Zone Overall Design Principles.

d) Schedule I, I.6 Explanation, paragraph 4, 5 and 6 which states the zone *'…is intended to provide the commercial and social hub for residents in the valley and surrounding area'*.

e) Chapter 9 'Suburban Commercial', SCd.7, explains the intent of the zone and provisions to create a 'quality urban environment'.

f) 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, provision of an area of publicly accessible open space central to the Zone, mix of suitable activities, and high quality building design, allows for the creation of a quality urban environment.*
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 quality urban environment.

We consider it is clear from the provisions stated that the intent of this area of Suburban Commercial Zone is to create a quality mixed use 'urban environment' rather than a stand alone business park style commercial area. We 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 isolated from the needs of surrounding residential development. 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 a quality urban environment can be managed or declined. We recommend a change in terminology from 'successful urban village' to 'quality urban environment' to more accurately reflect the environment to be achieved. As a consequential change as per Schedule 1, clause 10, (2) (b) (ii) of the RMA we recommend removing the term 'serving residents and

visitors' from the Plan Change text as this is unnecessary in the context of the environment which is sought. The term 'quality urban environment' encompasses all possible users.

We do recognise that the 'village commonplace' sought by the submitter is not provided for through the Plan Change as notified. We consider that an area of publicly accessible open space central to the Marsden Valley Suburban Commercial Zone would help to achieve the 'quality urban environment' sought through the Plan provisions outlined above. At the reconvened hearing urban designers Mr McIndoe (for Council) and Ms Simpson (for Marsden Park Limited) discussed the issue of provision of this open space area. While both parties agreed there are benefits to the inclusion of an area of publicly accessible open space central the Marsden Valley Suburban Commercial Zone there was a difference of opinion as to the type of space that would be most suitable to the area. Through questioning we determined that this was due to differing expectations of the predominate use of the area of Suburban Commercial Zoning. It was agreed that if the Suburban Commercial Zone consists of a mix of retail, commercial and residential activity then this will be best served by a generally paved space such as a privately owned, but publicly accessible village square. If the Suburban Commercial Zone is however primarily residential in character then a larger predominantly green space will better provide the recreational and visual amenity required.

The set of Plan provisions that we recommend below provide for the consideration of this area of publicly accessible open space central to the Marsden Valley Suburban Commercial Zone through the resource consent process. Our recommendation is the desired open space is incorporated into the Objectives and Policies for the area, the Overall Design Principles for the Suburban Commercial Zone, and as assessment criteria for resource consents (including subdivision consents). This ensures it is clear what is intended to occur within the zone and that this is considered as part of any relevant resource consents. The full set of recommended Plan provisions are included in Appendix 2 and should be referred to. The provisions outlined below incorporate the changes specifically made within the scope of this submission point. As a summary these changes include the addition of the publicly accessible open space central to the Marsden Valley Suburban Commercial Zone concept to the relevant objectives and policies, the addition of a specific Overall Design Objective relating to this, and specific discussion in I.6 Explanation section. Also see the recommendation for submission 13.27, Hearing Committee Recommendation, Topic 7, Box 28, which strengthens the requirement to consider the relevant assessment criteria for resource and subdivision consents within the Schedule I area.

In determining the most suitable method of providing for the open space referred to we considered an option at the reconvened hearing, and provided further ability for original submitters to comment on a further option through the release of an interim committee position paper. This process has resulted in the recommended provisions which do not take the form of a rule requiring the provision of a certain type of open space, or requiring a concept plan to be produced which would determine the type of open space most suitable to the development and activities proposed. These options were considered but were found to have resulting effects on reducing flexibility for incremental development, particularly in regard to any concept plan 'locking in' uses and building type/placement at an early stage of development. Requiring a specified type of open space was found to be unsuitable at the reconvened hearing as this space might not be suitable for the type of use which eventuates within the commercial area.

The recommended amendments below also include other amendments for clarity of intent and function of the Suburban Commercial Zone, both in relation to the area of open space and to the activities within it. These amendments are as per Schedule 1, clause 10, (2) (b) (i) and (ii) of the RMA.

In relation to changes within I.6 Explanation paragraph commencing 'The Marsden Valley community…' see submission point 13.40, Topic 4, Box 18.

RECOMMENDATION

Submission Point #10.3: Accept in part

Further Submission Statement X3.7: Accept

Further Submission Statement X4.5: WITHDRAWN
Further Submission Statement X5.9: Accept

AMENDMENT TO PLAN:

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) and Marsden Valley Suburban Commercial Zone Overall Design Principles will ensure this area is integrated with adjacent developments, provides a sense of community, 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.

Add to SCd.7

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) to allow for varied building heights and roof forms to help create a quality urban environment which supports the surrounding community and provides opportunities for meeting commercial and social needs. Additional restrictions control various activity types, and liquor sale hours to help to create the urban environment desired.

Add to new Objective SC3 Marsden Valley Suburban Commercial Zone

SC3 Marsden Valley Suburban Commercial Zone
To recognise and provide for a vibrant Marsden Valley Suburban Commercial centre, which through its central location, provision of an area of publicly accessible open space central to the Zone, mix of suitable activities, and high quality building design, allows for the creation of a quality urban environment.

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.

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, and contributes to high quality, coordinated public outdoor areas.

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 quality urban environment 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 and restricted discretionary matters to ensure buildings, activities and subdivision which trigger a resource consent are assessed for their contribution to achieving the Overall 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 quality urban environment, 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 quality urban environment.

I.5 Marsden Valley Suburban Commercial Zone Overall Design Principles

The following key design principles seek to provide for a vibrant Marsden Valley Suburban Commercial Zone which results in a quality urban environment:

i. Proximity of different activities which enables a degree of walkability.
ii. Public spaces that are active and provide for a variety of users, are pedestrian friendly in scale and amenity, and easy to get around and through.
iii. Design and finish of buildings and structures that create a sense of distinctiveness and cohesiveness through the use of height, roof forms, 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. Living environments which have good access to sun, pleasant outlooks, and are appropriate to the location.
viii. 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.
xii. Provision of an area of publicly accessible open space central to the Marsden Valley Suburban Commercial Centre which is of a type, size and design which provides a community focal point and amenity appropriate to development and uses which will occur within the Centre.

Add to I.6 Explanation.

The Marsden Valley community will be strengthened by an area of Suburban Commercial zoning. It is intended that this area will provide the commercial and social hub for residents in the valley and surrounding area while also allowing for residential development within the Suburban Commercial Zone. In regard to the provision of open space it is expected the Suburban Commercial Zone will consist of a mix of retail, commercial and residential activity

which will be best served by a generally paved space such as a privately owned, but publicly accessible village square. If the Suburban Commercial Zone is however primarily residential in character then a larger predominantly green space will better provide the recreational and visual amenity that is appropriate and necessary for such development. The importance of this publicly accessible open space area is expressed through objectives and policies of the Suburban Commercial Zone. 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 Suburban Commercial Zone 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 selling liquor for on-site consumption. These controls will enhance the compatibility of activities both within the zone and within adjacent zones. The controls will also aid in achieving the objective for the Suburban Commercial Zone of creating a quality urban environment.

The particular allowance for buildings up to 12 m height in the 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 urban environment is retained by Council through the requirement for restricted discretionary activity resource consent for buildings and structures between 8 and 12m in height. Any building or structure over 12m in height would be considered as a discretionary activity.

Submission Point #10.7

Similar to submission point #7.1a), (see Hearing Committee Recommendation Box 16), submitter #10 suggested 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 Hearing Committee Recommendation Box 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 within the Residential Zone 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. We considered the approach outlined in submission point 7.1 a) Box 16, (urban design provisions added to the Plan through proposed Plan Change 14) 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 to an extent in the Suburban Commercial Zone) and its design will be considered through the resource consent process if it is part of a Comprehensive Housing Development in the Residential Zone.

RECOMMENDATION

Submission Point #10.7: Reject

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

AMENDMENT TO PLAN:
Nil

Submission Point #10.8

The submitter sought a housing pattern which is sinuous with Poormans Valley Stream and tributary rather than a 'cluster' of housing. We note that the clustering statement in the Plan Change only applies to the Rural Zone – Higher Density Small Holdings Area which does not border Poormans Valley Stream or tributary. There is nothing in the Plan Change to prevent development that is sinuous with the stream. The Overall Design Principle xi), in schedule I. I.5 states that '*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'.* The other significant area adjacent to the stream is already under development as part of an approved resource consent. We do not consider it necessary to provide further requirements for development to be sinuous with the stream or its tributary. We 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, we 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 sought 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 which will help to preserve the character and ecological quality of the waterways and environs that exist. The philosophy behind the submission is sound and this style of development would be suitable as an element of the housing to be provided in the Higher Density Area and potentially in the Suburban Commercial Zone; the principles stated would be expected to be considered any Comprehensive Housing Development in the Residential Zone. As we have concluded in the discussion for submission points 10.7 above and submission point 7.1 a) Box 16, Council's focus on providing for quality urban design through the Nelson Resource Management Plan does signal the improved design consideration and outcomes that Council is seeking.

We 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 as per this submission.

RECOMMENDATION

Submission Point #10.9: Reject

Further Submission Statement X3.12:	Accept
Further Submission Statement X4.8:	Accept
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. We 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
I.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: I 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: N Knight, Statement X4.27, WITHDRAWN

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: N Knight Statement X4.31

Support Submission Point #13.50
Support Urban Design

General further submissions on submitter 13.

Further Submitter X1: H 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: C and J 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 4, BOX 18)

Marsden Park Limited
Submission Point #13.40

The submitter sought further mention of the use of the Suburban Commercial Zone by visitors and recreational users. We consider the addition suggested is suitable for inclusion in Schedule I, Section I.6, Explanation, as it helps to articulate the purpose of the Suburban Commercial Zone.

In relation to changes within I.6 Explanation paragraph below, see submission point 10.3, Topic 4, Box 17.

RECOMMENDATION

Submission Point #13.40: Accept

Further Submission Statement X3.18: Accept
Further Submission Statement X4.27: WITHDRAWN

AMENDMENT TO PLAN:
I.6 Explanation: The Marsden Valley community will be strengthened by an area of Suburban Commercial zoning. It is intended that this area will provide the commercial and social hub for residents in the valley and surrounding area while also allowing for residential development within the Suburban Commercial Zone. In regard to the provision of open space it is expected the Suburban Commercial Zone will consist of a mix of retail, commercial and residential activity which will be best served by a generally paved space such as a privately owned, but publicly accessible village square. If the Suburban Commercial Zone is however primarily residential in character then a larger predominantly green space will better provide the recreational and visual amenity that is appropriate and necessary for such development. The importance of this publicly accessible open space area is expressed through objectives and policies of the Suburban Commercial Zone. 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 Suburban Commercial Zone 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 sought the addition of the term 'Marsden Village' after 'Marsden Valley Suburban Commercial Centre'. This request is rejected as we consider it to be unnecessary to provide a name for the 'village' within an objective of the Plan. It is already clear that the area referred to is in Marsden Valley and the provisions of this Plan Change as outlined for submission point 10.3 (Hearing Committee Recommendation Topic 4, Box 17) are clear in the type of environment that it seeks to create.

RECOMMENDATION

Submission Point #13.42: Reject.

AMENDMENT TO PLAN:
Nil

Submission Point #13.50

The submitter sought to include policies for urban design and comprehensive housing, plus revised text for Appendix 22, Comprehensive Housing as part of this Plan Change. We are in agreement with the staff and Council decision to not include these district-wide provisions within the scope of this area specific Plan Change. Urban Design policies and Comprehensive Housing provisions are being considered through the current notified Plan Change 14 which is

will have effect district-wide, including in Marsden Valley. In relation to further submission X4.31 the support for good urban design is also noted.

RECOMMENDATION

Submission Point #13.50: Reject

Further Submission Statement X4.31: Accept

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. We 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. We 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: I Turner Statement X3.24

Support Submission Point #14.6
The Plan Change provides for good urban design principles.

Further Submitter X4: N 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 4, BOX 19)
Nelson Tasman branch Royal Forest & Bird Protection Society Inc
Submission Point #14.6

The submitter sought that subdivision consents incorporate good urban design principles. We

consider that this Plan Change and associated Structure Plan sets the framework for good urban design and is a recognised method of achieving this. We have knowledge of Council's other work programmes which also aim to improve urban design outcomes. These are proposed Plan Change 14, 'Residential Subdivision, Land Development Manual and Comprehensive Housing'; the Urban Design Action Plan; Major Projects Team; Urban Design Panel and increased training provision. It is expected that future subdivisions will incorporate best practice urban design principles as a result of these other areas of work and therefore achieve the outcome sought by the submitter without requiring amendments within the Plan Change.

RECOMMENDATION

Submission Point #14.6: Reject

Further Submission Statement X3.24:	Accept
Further Submission Statement X4.36:	Accept
Further Submission Statement X5.24:	Accept

AMENDMENT TO PLAN:
Nil

Submitter 18: N Knight

Submission Point #18.3 WITHDRAWN

Further Submitter X3: I Turner, Statement X3.32, No longer relevant, relates to withdrawn submission.

Further Submitter X5: Marsden Park Limited (MPL), Statement X5.34, No longer relevant, relates to withdrawn submission

1.8 TOPIC 5: Cats and domestic pets.

1.9 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: T and M James

Oppose
Submission Point #7.1 c) and Decision Sought:
We support a no cat zone to support biodiversity enhancement efforts.

Further Submitter X1: H Heinekamp Statement X1.7

Support Submission Point #7.1 c)
I endorse a no cat rule.

Further Submitter X3: I 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: N Knight, Statement X4.4, PARTIAL WITHDRAWAL

Support Submission Point #7.1 c)
Withdraws support for 'no cat zone' but retains support for biodiversity corridors.

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: C and J 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: H Heinekamp Statement X1.8

Support Submission Point #10.4
Support the no cat rule.

Further Submitter X3: I 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: N Knight Statement X4.6 WITHDRAWN

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: I Turner	Statement X3.22

Oppose Submission Point #14.4
Oppose ban on cats as it is unnecessarily restrictive and unenforceable.

Further Submitter X4: N Knight, Statement X4.35, WITHDRAWN

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: N Knight

Support in part
Submission Point #18.11 a)
PARTIAL WITHDRAWAL RELATING TO NO CATS PROVISIONS
New assessment criteria I.4. 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.

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".

Further Submitter X3: I Turner, Statement X3.40, No longer relevant, relates to portion of submission withdrawn

Further Submitter X5: Marsden Park Limited (MPL), Statement X5.41, No longer relevant, relates to portion of submission withdrawn

HEARING COMMITTEE RECOMMENDATION (TOPIC 5, BOX 20)
T and M James
Submission Point #7.1 c)

C and J Gass
Submission Point #10.4

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

N Knight
Submission Point #18.11a) – Partial Withdrawal

The submitters all sought provisions within the Plan which would ban cats within the Plan Change area. Note that Submitter 18 has withdrawn this portion of their submission, it now relates to an assessment criteria for resource consents (including subdivision consents) within Schedule I stating '*methods of promoting and protecting birdlife within the scheduled area'*. Submitters have also suggested neutering of domestic pets.

We are advised by the Reporting Officer that 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. The Valley and the surrounding residential areas are not cat free. In the Committee's opinion this compromises the effectiveness of a regulatory mechanism to protect biodiversity values and birdlife within the plan change area. Consequently the Committee has rejected the submissions calling for regulation at the subdivision consent stage.

Public education can result in methods of improving habitat and protecting biodiversity which are likely to 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. The Committee considers that these voluntary and community based options should not be considered through a resource consents (including subdivision consents) and as such the suggestion of an assessment criteria by submitter 18 is rejected.

RECOMMENDATION

Submission Point #7.1 c), #10.4, #14.4, #18.11 a):: Rejected

Further Submission Statement X1.7:	Reject
Further Submission Statement X3.4:	Accept
Further Submission Statement X4.4:	Accept
Further Submission Statement X5.5:	Accept
Further Submission Statement X1.8:	Reject
Further Submission Statement X3.8:	Accept
Further Submission Statement X4.6:	WITHDRAWN
Further Submission Statement X5.10:	Accept
Further Submission Statement X3.22:	Accept
Further Submission Statement X4.35:	WITHDRAWN
Further Submission Statement X5.22:	Accept
Further Submission Statement X5.18:	Accept
Further Submission Statement X3.40:	No longer relevant (see submission point 18.11a) above.
Further Submission Statement X5.41:	No longer relevant (see submission point 18.11a) above.

AMENDMENT TO PLAN:
Nil

1.10 TOPIC 6: Miscellaneous

1.11 This topic includes submission points on a variety of issues which were not covered by other topics.

Submitter 2: G 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: H 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 6, BOX 21)
G Dunning
Submission Point #2.1

The submitter noted the adverse health effects of pine pollen on future residents of Marsden Valley and cautions Council to consider this. We acknowledge that pollens of all types can cause respiratory problems and allergies in people. It does not affect everybody in the same way. We have observed 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. Pollen moves over a wide area and it is impractical to attempt to manage the issue at the scale of this plan change. No changes are recommended to be made to the 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: C and J 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: I 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: N 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: H 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 6, BOX 22)
C and J Gass
Submission Point #10.5

The submitter sought to preserve the unique character of the valley and for Council to carefully consider the impact of this Plan Change. It is clear to us that this Plan Change will change the current character of Marsden Valley; that is its fundamental premise. The character will change from one that is predominantly rural in appearance to one which is predominantly residential. A change to the character of the valley has been foreshadowed through Nelson Urban Growth Strategy 2006 (NUGS). Previous Plan Changes and subdivision consents have been instrumental in introducing change to the valley. The granted subdivision of Marsden Terrace is currently altering the character of the valley. We are advised by the Report Officer that the Structure Plan process was used for this Plan Change to allow integrated zoning and connection patterns to be established, plus specific rules for the area, which would provide for a liveable and successful community to develop. It is our opinion that the Structure Plan process and plan change will allow for integrated management of natural and physical resources in a way that results in a community that develops its own character. This will be a character 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 stated that Council has a vested interest in more development and must be careful that its financial considerations (more rates) do not compromise it. We confirm the Reporting Officer's statement that 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 – P 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 submissions on Submitter 11.

Further Submitter X1: H 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: N 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 6, BOX 23)
New Zealand Fire Service Commission – P McGimpsey (Beca Carter Hollings & Ferner Ltd)
Submission Point #11.1 - #11.3

The submitter sought 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. We note the general support for the Plan Change. We are advised that in the Rural Zone the issue of fire fighting requirements in line with the standard noted is being considered through a proposed Plan Change notified 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. In the Residential Zone properties will be required to 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: I 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: I 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: N 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: H 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: C and J 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 6, BOX 24)
Marsden Park Limited
Submission Point #13.1

The submitter noted 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 the recommended changes outlined in this document.

RECOMMENDATION

Submission Point #13.1: Accept

Further Submission Statement X3.15: Accept

AMENDMENT TO PLAN:
Nil

Submission Point #13.3

The submitter was 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 points.

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 it does require a response as it challenges the conclusions of the section 32 report. The submitter points out that there has 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, Hearing Committee Recommendation Box 34.

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, Hearing Committee Recommendation Box 34.

AMENDMENT TO PLAN:
Nil

Submission Point #13.4

The submitter was concerned that the resource management issue has not been correctly defined and that a list of effects have been discussed. We consider 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. This primary issue should be included in the Section 32 report. 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:

a) Servicing (roading, stormwater, waste water, water supply)

b) Landscape protection

c) Natural Hazards

d) Connections (Walkways/Cycleways, Roading, Biodiversity, Greenspace)

e) Urban design relating to creation of a new community

f) Efficient use of the land resource

g) Cross-boundary effects

Submission Point #13.7

The submitter was 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. We agree that other parties are likely to have arrived at this same conclusion independent of Council or NUGS. We 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 was 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. We 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 helped in our understanding of the reasons for the approach undertaken. An 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 was 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. We 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 which 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 I 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 I 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 (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 was 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 and sought that it is deleted. We are advised that these references to York Valley Quarry and York Valley Landfill are in error and the amendments noted below are recommended. Our recommendation is to 'reject' as we do not accept that this table should be deleted. 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: Reject

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 (i.e. ~~rural overlooking the York Quarry, or~~ Open Space Recreation nearest the Marsden Quarry) and the location of zone boundaries ~~(i.e. 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 (i.e. ~~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 suggested that the reference to both 'structure plan and outline development plan' is confusing when they both mean the same thing. We agree with the potential for confusion as noted by the submitter and in the interests of clarity of interpretation of the Plan recommend that the term 'outline development plan' is removed from the text for Plan Change 13.

RECOMMENDATION

Submission Point #13.12 and #13.13: Accept

AMENDMENT TO PLAN:

Change all references of 'outline development plan' to 'structure plan', including in 'Meanings of Words' Chapter.

Submission Point #13.49 e)

The submitter suggested 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. We 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. We 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: I Turner

Support
Submission Point #19.1
We feel the area is suitable for subdivision because it is flat land within easy walking distance of Isel 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: H Heinekamp Statement X1.13

Oppose Submission Point #19.1
Not in the best interest of the Marsden Valley environment and its inhabitants.

HEARING COMMITTEE RECOMMENDATION (TOPIC 6, BOX 25)
I Turner
Submission Point #19.1

The submitter noted 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 recommended to be rejected. Discussion, particularly under Topic 4, covers why this plan change and its approach is recommended to be retained.

RECOMMENDATION

Submission Point #19.1: Accept.

Further Submission Statement X1.13: Reject

AMENDMENT TO PLAN:
Nil

1.12 TOPIC 7: Zoning Pattern and Rules.

1.13 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 2000m^2 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 2000m^2.

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 4000m^2 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): 4000m^2 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".

HEARING COMMITTEE RECOMMENDATION (TOPIC 7, BOX 26)
Echo Holdings Ltd
Submission Point #8.1

The submitter requested 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 the area concerned. 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 concerned can be retained as Residential Zone. This is because it fits with the pattern of zoning and development that exists along Panorama Drive and this development is already visible from Marsden Valley Road. We consider 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 ($2000m^2$).

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 and #8.3

We have combined the discussion of these two submission points as the issues raised, and the recommendation given, are strongly interrelated. The original submission (8.2) stated that the average lot size of 1 hectare, RUr.78.2 (e), (iii), in combination with Greenspace requirements and servicing makes the development of this property uneconomic, and sought the deletion of the one hectare average size requirement. The original submission (8.3) sought a $4000m^2$ minimum size with no averaging providing reticulated servicing is not required. The submitter revised their request at the hearing to have a $6000m^2$ average size, if full reticulation is to be required; and to have this as a restricted discretionary activity with a non-notified provision.

We recommend that the request of the submitter is accepted in regard to the reduction of the average size of sites to $6000m^2$. This is due to the specific characteristics of the site being surrounded by Residential zoning which is not typical of Rural zoned areas. We also anticipate that the inherent topography and development constraints of the site will ensure it will assist in retaining a predominantly green, open appearance. Full reticulation is required as a controlled activity due to the south facing nature of the site (plus topography (steep) and stability (high risk area)), and generally small lot sizes making it difficult to deal with sewerage and stormwater disposal on site. We anticipate that there are methods of on site disposal which would be suitable and that these can be considered as a discretionary activity through the resource consent process. Accepting this submission requires various consequential changes to ensure consistency within the relevant Plan provisions.

The submitters request for restricted discretionary status and a non-notified provision should the controlled standard not be met, is rejected as there are a number of possible development scenarios and servicing options which could have a range of effects. We consider that due to the variability of development solutions the current Plan status of discretionary activity should be retained and that notification should be possible if this is determined to be warranted for a particular application.

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, and the site

topography, ensures that a level of open space is retained.

RECOMMENDATION

Submission Point #8.2, and #8.3: Accept in part

AMENDMENT TO PLAN:

Map 3. Remove Greenspace from submitter's property.

Amend **RUd.6 to read:**

~~A~~ Higher Density Small Holdings area~~s~~ ~~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 these areas due to topography and small size, and in the case of the Higher Density Small Holdings area 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/or 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, eastern area Rural Zone – Higher Density Small Holdings Area), ~~and~~ Schedule V (Marsden Hills), Schedule E (Ngawhatu Residential Area) to the rear of the Residential Zone adjoining part of the Rural Zoned farmland along the Southern boundary~~. This area~~ provides for allotments of an average of 1 hectare but with a minimum subdivision area of 2,000m^2.

…limited number of enclaves of settlement. In Marsden Valley (Schedule I, Chapter 7, Residential Zone) the western Rural Zone – Higher Density Small Holdings Area has a site size requirement of 6000m^2 average and 2000m^2 minimum with a requirement for reticulated services. This recognises that this area is surrounded by Residential zoning and is therefore not located in a rural or rural to residential transition environment. As per other specified areas of Rural Zone – Higher Density Small Holdings Areas the provisions allow for clustering of development.

Amend RUr.78.2
e) The net area of every allotment is at least,
iii) 1ha average size with a 5000m^2 minimum size except in Marsden Valley, (Schedule I, Chapter 7, eastern area), Marsden Hills (Schedule V, Chapter 7) and Ngawhatu where the minimum size is 2000m^2, and except in Marsden Valley, (Schedule I, Chapter 7, western area) where the average size is 6000m^2 and the minimum size is 2000m^2 (all exceptions are subject to the provision of reticulated services), in the Higher Density Small Holdings Area provided that any allotment to be created complies in all respects with the requirements of Appendix 14 (design standards), or

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~~ Rural Zone – Higher Density Small Holdings Area (Schedule V, Chapter 7) and Marsden Valley Rural Zone – Higher Density Small Holdings Area (Schedule I, Chapter 7) the ~~design,~~ utilization of clusters of development~~, with~~ separated by open space ~~separating clusters~~, rather than a design which allows dispersed development, and

Amend existing second to last paragraph RUr.78.5

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 (Eastern Rural Zone – Higher Density Small Holdings Area only, Chapter 7 Residential Zone), the Marsden Hills (Schedule V) and Ngawhatu Higher Density Small Holdings Area, the average lot size is 1ha with the minimum size 2,000m^2.

Add new paragraph to RUr.78.5 (located as second to last paragraph)

In Marsden Valley (Schedule I, Chapter 7, Residential Zone) the western Rural Zone – Higher Density Small Holdings Area has a site size requirement of 6000m^2 average and 2000m^2 minimum with a requirement for reticulated services. This recognises that this area is surrounded by Residential zoning and is therefore not located in a rural or rural to residential transition environment.

Submitter 10: C and J 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: I 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: N 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. i.e. 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: I 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: N Knight, Statement X4.10, WITHDRAWN

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: H 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 7, BOX 27)
C and J Gass
Submission Point #10.10

The submitter considered that the proposed closing times for selling liquor for consumption on the premises were excessive. We note that the operative Plan allows for the sale of liquor for consumption on licensed premises between the hours of 7am - 3am the following day on any day in the Suburban Commercial Zone. However in the notified text of this plan change hours have been reduced to 7am – 1am the following day, Monday to Saturday, and 7am – 11pm on Sundays for the purpose of helping to create a 'quality urban environment'. We have carefully considered the request of the submitter and the positions of the further submitters. We find that while it is reasonable to reduce the closing times from 3am to 1am as was notified there has been no evidence provided to establish a reason (in terms of the Resource Management Act) to further reduce the hours. Residential amenity can be preserved through the use of other methods such as the Alcohol Strategy 2006, education, local alcohol plans, and noise control. In our view the issue of further reducing opening hours would also be more appropriately addressed at a district-wide level to allow a more comprehensive consideration of the type of amenity that Nelson residents expect from the Suburban Commercial Zone. We recommend the provision remain as notified.

RECOMMENDATION

Submission Point #10.10: Reject

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

AMENDMENT TO PLAN:
Schedule I.2 f) 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 1am the following day, Monday to Saturday, and 7am to 11pm on Sundays.'

Submission Point #10.11

The submitter sought 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*'. We consider that with existing noise controls which apply to the area, any premises selling alcohol will not detrimentally affect the proposed urban environment. Residential amenity can be preserved through the use of other methods such as the Alcohol Strategy 2006, education, and local alcohol plans. 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: WITHDRAWN
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. We 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
I.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 I.2(e) and include as a new assessment matter for subdivision applications under I.4.

Further Submitter X4: N 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
I.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
I.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: N Knight	Statement X4.21

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
I.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
I.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: N Knight	Statement X4.22

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: N 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: N 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: N Knight	Statement X4.32

Support Submission Point #13.51
No specific reasons given.

General further submission on Submitter 13.

Further Submitter X2: C and J 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: H 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.

HEARING COMMITTEE RECOMMENDATIONS (TOPIC 7, BOX 28)
Marsden Park Limited
Submission Point #13.22

The submitter considered 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 requested that the provision is deleted and included as an assessment criteria for subdivisions. The further submitter noted the importance of walking and cycle links and considered it should retain rule status. We have considered how this proposed provision would function in regards to other provisions of the plan change, and have also considered the uncertainty issue raised by the submitter. We find that item I.2 a) of the general rules relating to Schedule I requires that subdivision design shall generally accord with the Structure Plan. This ensures that all linkages shown on the Structure Plan will be provided for. The additional linkages required to be considered through item I.2 e) are not shown and are therefore uncertain. We agree with the submitter on this point and also agree that this would be better considered as an assessment criteria against subdivisions on a case-by-case basis. This requirement to consider further linkages and public access with a goal of an integrated open space framework within the development (in addition to those shown on the Structure Plan) is a requirement of the Land Development Manual 2010 and rule REr.107 'Subdivision' in the Residential Zone chapter of the Nelson Resource Management Plan.

RECOMMENDATION

Submission Point #13.22: Accept

Further Submission Statement X4.20: Reject

AMENDMENT TO PLAN:
Delete I.2 e) as notified

Consequential renumbering as required

Add new assessment criteria I.4 vi) <u>where practicable the incorporation of a network of walking and cycling links between roads, and from roads to open spaces (reserves, 'greenspace' or Biodiversity Corridors).</u>

Submission Point #13.23

The submitter was concerned the building setback provision (I.2 f) could result in a double up of setback requirements. We recommend 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 legal 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.

Note that I.2 f) is to be renumbered as I.2 e) as a result of other submission points.

RECOMMENDATION

Submission Point #13.23: Accept in part

AMENDMENT TO PLAN:
Amend Schedule I, I.2 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 are to have a minimum separation distance of 40m.

Submission Point #13.24 and #13.25

Schedule I, I.2 i), ii) and iii). The submitter was concerned the restricted discretion matter in relation to the effect an increased building height may have is too wide and is unreasonable as 'effect' can mean all 'effects' not just those relating to building height. There are also concerns raised about the consideration of the effects on public space. The submitter sought deletion of I.2 i) ii), we do not agree with deletion but do consider that the matters of discretion can be better defined and limited to those relating to the building height.

The submitter also stated that restricted discretion matter iii) is not relevant as there will be no areas of public space within the Suburban Commercial Zone area, they seek deletion of this item. The zoning established as proposed in the Plan Change intends to create a quality urban environment which makes use of best practice urban design principles; as such we 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. This matter is recommended to remain but be better defined as per the discussion above for I.2 i) ii). As a consequential change in accordance with Schedule 1, Clause 10 (2) (b) (i) of the RMA we recommend that the term 'or adjacent to' be removed from I.2 h) iii) as this creates a repetition with item I.2 h) ii). We reject the decision sought to delete these items but do recommend redrafting to ensure the rule operates successfully and achieves the outcomes desired. Other amendments (relating to where the statement 'Any building over 12m in height is a discretionary activity' appears) are made to improve clarity of the provision but which do not change its meaning.

Note that I.2 i) (as notified) is to be renumbered as I.2 h) as a result of other submission points.

RECOMMENDATION

Submission Point #13.24 and #13.25: Reject

Further Submission Statement X4.21: Accept

AMENDMENT TO PLAN:
Amend I.2 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.

Discretion restricted to:

i) design, scale and appearance in relation to building height and external walls.
ii) visual, shading and dominance effects on adjacent zones
iii) visual, shading and dominance effects on publicly accessible open space within the Suburban Commercial Zone
iv) contribution to achieving the overall design principles of the Marsden Valley Suburban Commercial Zone (see I.5)

I.3 Activity Status

I.3.1 Discretionary Activities

Any activity which does not meet one or more of the performance standards in Schedule I.2 a – g) 'General Rules', or is a building or structure over 12m in height in the case of I.2 h), is a

Discretionary Activity.

Submission Point #13.26

The submitter noted 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 noted 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 aside from changes to terminology to match current best practice. 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.

Note that I.2 i) is to be renumbered as I.2 h) as a result of other submission points.

RECOMMENDATION

Submission Point #13.26: Accept

Further Submission Statement X4.22: Accept in part

AMENDMENT TO PLAN:
Amend provisions under I.2 h):
Resource consent applications for restricted discretionary activities under Sch.I.2 h) will not be notified or limited notified.

Submission Point #13.27

The submitter identified 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 as in some cases other plan rules may have a more stringent consent category. 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. While we do not agree on the wording suggested by the submitter we do agree with the intent. We therefore recommend that the following wording to improve clarity on activity status and rule application.

RECOMMENDATION

Submission Point #13.27: Accept in part

AMENDMENT TO PLAN:

I.3 Activity Status
I.3.1 Discretionary Activities
Any activity which does not meet one or more of the performance standards in Schedule I.2 a – g) 'General Rules' or is a building or structure over 12m in height in the case of I.2 h), is a Discretionary activity. Any activity in the scheduled area will be assessed under the relevant rules as they apply to the zone and overlays in which the activity is located, with the most stringent activity status being applicable to the application.
In determining whether to refuse consent, or grant consent subject to conditions, the consent authority will have regard to relevant assessment criteria listed in I.4.

I.3.2 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 the most stringent activity status as determined by the

relevant rules triggered, whether they are from this Schedule or the relevant zone rule table. Relevant assessment criteria listed in I.4 apply to all subdivision consent applications within the scheduled area.

Submission Point #13.28

The submitter sought to delete the section of the assessment criteria dealing with compatibility with future adjoining activities. We recommend that 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.

Submission Point #13.30

Design Outcome ii). The submitter sought 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. We recommend that this change in regard to 'quality' is accepted as we consider that the use of the term 'quality' is subjective, and therefore uncertain. In accepting this part of the submission the uncertainty is removed and future decision making over this item will be improved. In regard to the issue of there being no public space in the Suburban Commercial Zone we note that as part of this recommendation we seek to incorporate an area of 'publicly accessible open space' in the Suburban Commercial Zone. Also 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: Accept in part

AMENDMENT TO PLAN:
Amend Schedule I, I.5 ii) Public spaces that are active and provide for a variety of users, are pedestrian friendly in scale and amenity, and easy to get around and through.

Submission Point #13.31

Design Outcome I.5 iii). The submitter noted 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. We recommend that this change in regard to 'quality' is accepted as we consider that the use of the term 'quality' is subjective, and therefore uncertain. In accepting this part of the submission the uncertainty is removed and future decision making over this item will be improved. The submitter also sought to remove 'colour, roof forms and materials' from being items of consideration under this provision. We accept the removal of the items 'colour and materials' as the plan change does not explain what would be acceptable in terms of these items, therefore what is acceptable cannot be known. We do not agree with the removal of 'roof forms' as the plan change provides for variations to these through general rule I.2 i). This general rule allows for a higher height limit to accommodate variations in roof form. We acknowledge the further submitters statement but consider that the improved certainty of this provisions outweighs the concerns stated.

We also recommend a change under Schedule 1, Clause 10 (2) (b) (ii) of the Act to include the word 'cohesiveness' in the provision. We consider this ensures that the intent of the provision is more clearly expressed.

RECOMMENDATION

Submission Point #13.31: Accept in part

Further Submission Statement X4.23: Reject

AMENDMENT TO PLAN:

Amend Schedule I, I.5 iii) Design and finish of buildings and structures that create a sense of distinctiveness and cohesiveness through the use of height, roof forms, layout and circulation.

Submission Point #13.32

The submitter sought 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, I.5 vi) Adaptable and flexible building configuration, layout and dimensions to enable use and reuse for a variety of different activities.

Submission Point #13.33

The submitter sought an amendment to design outcome vii) as they state the words 'well designed' is subjective and 'efficient' has multiple meanings. Similar to the submissions on the term 'quality' we recommend that this change in regard to 'well designed' is accepted as we consider that the use of the term 'well designed' is subjective, and therefore uncertain. In accepting this part of the submission the uncertainty is removed and future decision making over this item will be improved.. Also the term 'efficient' adds little in this context and it is recommended that this is removed.

RECOMMENDATION

Submission Point #13.33: Accept

AMENDMENT TO PLAN:
Amend Schedule I, I.5 vii) Living environments which have good access to sun, pleasant outlooks, and are appropriate to the location.

Submission Point #13.34

The submitter sought an amendment to design outcome viii) as they state the words 'good quality' adds subjectiveness and 'working environments' and 'efficient' are not defined. We recommend that this change in regard to 'quality' is accepted as we consider that the use of the term 'quality' is subjective, and therefore uncertain. In accepting this part of the submission the uncertainty is removed and future decision making over this item will be improved. 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

AMENDMENT TO PLAN:
Delete notified Schedule I, I.5 viii)
Add new Schedule I, I.5 viii) Mixed use commercial, employment and living environments which have easily accessed facilities.

Submission Point #13.35

The submitter sought 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 appropriate commercial and employment uses serving people from a wider catchment.

Submission Point #13.36

The submitter sought 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 as the wording 'builds on' creates uncertainty. 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 with Poorman Valley Stream and the protected woodland (W2) to the north.

Submission Point #13.37

The submitter sought 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 notified Schedule I, I.5 xii)

Submission Point #13.47 c)

The submitter requested 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. We were advised by the Reporting Officer (with advice from Nelson City Council's Senior Engineering Officer – Development) that the Services Overlay can be deleted from Marsden Park Terrace land as relevant servicing issues have been resolved through the subdivision consent.

We are also advised that the Services Overlay should remain in the remainder of the Marsden Valley land area subject to this Plan Change for the following reasons:

a) Existing sewer and water systems do not have sufficient capacity.

b) 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.

c) Downstream stormwater systems have insufficient capacity and measures may

need to be undertaken by landowners to mitigate any increased peak flows.

The submitter noted 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 (now called Land Development Manual 2010). The Land Development Manual 2010 has 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 sought an area of land located on the lower slopes of Jenkins Hill (see Appendix E of Marsden Park Limited submission for location) to be rezoned from the currently proposed Rural Zone – Higher Density Small Holdings Area to Residential Zone. We were advised by the Reporting Officer that the zoning pattern was based on the combination of 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. We also note that the permitted standards for this zoning are a starting point and any desired further increase in density could be dealt with through the resource consent process. This zoning also allows for feathering of development density as it moves from Residential Zone to Rural Zone. We recommend that the proposed zoning 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. We 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. We 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 (i.e. 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: I 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 7, BOX 29)
Nelson Tasman branch Royal Forest & Bird Protection Society Inc
Submission Point #14.1

The submitter stated 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 quality urban 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: C and C 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: I 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: N Knight, Statement X4.38, WITHDRAWN

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: I 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: N 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 7, BOX 30)
C and C Feltham
Submission Point #17.4

Schedule I, I.2 h). The submitter sought 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. In relation to this submission we consider that off licence sales of alcohol have not been demonstrated to result in adverse effects in terms of the Resource Management Act and as such there is no justifiable basis for excluding this activity.. The sale of alcohol is not necessarily in conflict with the urban environment desired. Wider health and societal concerns around the sale of alcohol are outside of the scope of this plan change and would be better addressed through tools such as the Alcohol Strategy 2006, education and local alcohol plans district-wide. In regard to fast food or takeaways not owner occupied we also can not identify any adverse effects in terms of the Resource Management Act and as such there is no justifiable basis for excluding this activity. No change is recommended from that notified..

RECOMMENDATION

Submission Point #17.4: Reject

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

AMENDMENT TO PLAN:
Nil

Submission Point #17.5

The submitter sought 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. We do not consider that any additional controls are 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: N Knight – PARTLY WITHDRAWN, REVISED DECISION SOUGHT SHOWN BELOW.

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 residential and 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.

Further Submitter X4: N 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
WITHDRAWN

Further Submitter X3: I Turner, Statement X3.32, No longer relevant, relates to withdrawn submission point

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.33, No longer relevant, relates to withdrawn submission point

Oppose
Submission Point #18.8
WITHDRAWN

Further Submitter X3: I Turner, Statement X3.37, No longer relevant, relates to withdrawn submission point

Further Submitter X5: Marsden Park Limited (MPL), Statement X5.38, No longer relevant, relates to withdrawn submission point

Support in Part
Submission Point #18.9
WITHDRAWN

Further Submitter X3: I Turner, Statement X3.38, No longer relevant, relates to withdrawn submission point

Further Submitter X5: Marsden Park Limited (MPL), Statement X5.39, No longer relevant, relates to withdrawn submission point

Support in Part
Submission Point #18.10
WITHDRAWN

Further Submitter X3: I Turner, Statement X3.39, No longer relevant, relates to withdrawn submission point

Further Submitter X5: Marsden Park Limited (MPL), Statement X5.40, No longer relevant, relates to withdrawn submission point

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: I 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 7, BOX 31)
N Knight
Submission Point #18.1 a)

The submitter requested that their property is included in the scope of proposed Plan Change 13 with the zoning pattern consistent with that shown for neighbouring properties. We 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 reasonable and 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 the committee considers 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'.

RECOMMENDATION

Submission Point #18.1 a): Accept

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 WITHDRAWN

RECOMMENDATION

Submission Point #18.2: WITHDRAWN

Further Submission Statement X3.32:	No longer relevant
Further Submission Statement X5.33:	No longer relevant

AMENDMENT TO PLAN:
Nil

Submission Point #18.8 WITHDRAWN

RECOMMENDATION

Submission Point #18.8: WITHDRAWN

Further Submission Statement X3.37:	No longer relevant
Further Submission Statement X5.38:	No longer relevant

AMENDMENT TO PLAN:
Nil

Submission Point #18.9 WITHDRAWN

RECOMMENDATION

Submission Point #18.9: WITHDRAWN

Further Submission Statement X3.38:	No longer relevant
Further Submission Statement X5.39:	No longer relevant

AMENDMENT TO PLAN:
Nil

Submission Point #18.10 WITHDRAWN

RECOMMENDATION

Submission Point #18.10: WITHDRAWN

Further Submission Statement X3.39:	No longer relevant
Further Submission Statement X5.40:	No longer relevant

AMENDMENT TO PLAN:
Nil

Submission Point #18.11 b)

Schedule I, I.4 Assessment Criteria. The submitter requested that low emission street lighting is used in any development. We are advised that this request has been addressed through the Land Development Manual 2010 which has been recently adopted by Council. The requirement of this is the use of a white light (creates a better pedestrian environment than current yellow lighting), and 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 Land Development Manual 2010).

Further Submission Statement X3.40:	Accept
Further Submission Statement X5.41:	Accept

AMENDMENT TO PLAN:

Nil

Submitter 19: I Turner

Support in Part
Submission Point #19.2 and Decision Sought:
We would like to propose an 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: H 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: N Knight, Statement X4.41, WITHDRAWN

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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 7, BOX 32)
I Turner
Submission Point #19.2

The submitter requested the Suburban Commercial Zone is extended to include an area of their property, specifically around the 'pump station'. They consider this is a more suitable use due to the noise of the pump station. They also consider it desirable to have commercial uses on both sides of the road.

Further Submitter X5, in opposition, stated there is already sufficient land proposed to be zoned Suburban Commercial. In considering the further submission, information presented at both the original and re-convened hearings and the professional Urban Design advice from Mr McIndoe that accompanied the Reporting Officer's supplementary report for the reconvened hearing we are in agreement that no further land should be rezoned as Suburban Commercial Zone. Our primary reason is that an extension to the Suburban Commercial Zone could serve to 'dilute' commercial activity that could occur within the zone. Mr McIndoe advised the Committee that in his opinion there is limited likelihood of either retail or commercial uses occurring within the extension area requested by the submitter. We agree with his opinion. The other reason provided for the extension is that the 'hum' emitted by the pump station is incompatible with residential activity. The noise argument is not compelling as residential activity is permitted within the Suburban Commercial Zone and therefore any issue remains. Mitigation can be achieved through design and placement of buildings and activities in the future should this be required. Also commercial activities should be located where they best serve the future community, rather than used for mitigation of a noise issue.

The Section 42A report originally recommended an equivalent reduction in the size of the Suburban Commercial Zone, however we agree with the hearing evidence of Marsden park

Limited that this is beyond Council's powers in this regard to this submission point.

We do note one necessary change which is relevant to this submission point on the extent of the Suburban Commercial Zone. Section REd.8 of the plan change refers to a 'small' area of Suburban Commercial Zoning. This size reference has no context is not required.

RECOMMENDATION

Submission Point #19.2: Reject

Further Submission Statement X1.13:	Accept
Further Submission Statement X4.41:	WITHDRAWN
Further Submission Statement X5.42:	Accept

AMENDMENT TO PLAN:
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 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…

1.14 TOPIC 8: School

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

Submitter 9: H 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

I.2(j) The following activities within the "educational facility" overlay identified on Schedule I Figure 1 are controlled activities.

a) 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:

- o *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.*
- o *Compliance with access and parking standards as they apply to educational facilities.*
- o *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 organizations 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: C and J 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: H 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.

Submitter 17: C and C 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 8, BOX 33)
H Heinekamp
Submission Point #9.1

Marsden Park Limited
Submission Point #13.20, #13.41, #13.48 b), and #13.49 d)

C and C Feltham
Submission Point #17.6 c)

Submitter #9 was 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 this submitter presents a letter from the Honorable Anne Tolley, Minister of Education, The contents of this letter cannot be considered through this process as it introduces new information at the further submission stage which is not permissible under the Resource Management Act. It can only be used for information purposes. It is our view that while the proposed 'school' site has less sun than other parts of the valley it is still suitable for this use. The buildings themselves will be able to be constructed with design techniques and insulation that can mitigate any climatic concerns in regard to this site.

Submitter #13 sought 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'. The submitter also requests the identification of the educational facility site and to add a new Controlled Activity rule with associated objectives, policies, reasons, and explanations to support the rule to provide for the facility. We do not consider that a definitive site should be identified for any possible educational facility use. This may unnecessarily restrict various 'educational facilities' being able to locate in a site which best suits their needs. Rule REr.20 'Non-residential activities' allows for consideration of any non-residential activity and location within the Residential Zone, while the educational facility notation on the Structure Plan gives the indication that this is a use that is considered to be potentially suitable to the valley and its future community.

We also do not agree with providing for this activity as a controlled activity but we do consider that the notation on Structure Plan can be amended to 'educational facility' to allow for

consideration of a variety of educational uses. We consider the scope of activities possible within an 'educational facility' is such that it is not appropriate to provide for this as a controlled activity. The provision as notified, and with the amendment in name determined by the Committee, ensures that an educational facility is processed through the standard Plan provisions for a non-residential activity. This allows for all effects to be considered, conditions to be placed on the consent should this be granted, consent be declined if warranted, and for public involvement if this is determined to be necessary. There is also the option of providing for the submitters proposed rule as a discretionary activity. We have not pursued this option as it adds little beyond that of the current discretionary non-residential activity rule.

Submitter #17 questioned the suitability of the proposed site and noted it is 'cold, wet and unappealing in winter'. They also question the stated 5 year expiry as they consider that *'...if settlement occurs slowly the need for a school may not be apparent for a decade at least'*. The issue of the site being 'cold, wet and unappealing in winter' has been discussed above for submitter 9 where we found this to not be an issue which would prevent an educational facility establishing here. The submitter sought the removal of the 5 year expiry date on the provision. We have considered this and agree that there is no resource management reason to prescribe an expiry term and acknowledge that market conditions will play a significant part in when, or if, such a facility is built. The notation is indicative only to confirm that an educational facility is an activity that would help to create a viable community. As the indicative educational facility is not a required item of the Structure Plan we consider that an exception is required to the requirement that subdivision design shall be in general accordance with the Structure Plan. This is as a consequential amendment as per Schedule 1, Clause 10 (2) (b) (i) of the RMA.

RECOMMENDATION

Submission Point #9.1: Reject

Submission Point #13.20 a): Reject, b) Accept, c) Reject

Submission Point #13.41: Accept in part

Submission Point #13.48 b): Reject

Submission Point #13.49 d): Accept

Submission Point #17.6 c): Accept in part

Further Submission Statement X2.1:	Accept
Further Submission Statement X5.6:	Accept
Further Submission Statement X5.32:	Accept

GENERAL FURTHER SUBMISSION X1.2: accept in part
This further submission stated all changes suggested by Submitter 13 are not in the best interest of Marsden Valley environment and its inhabitants. We 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.

AMENDMENT TO PLAN:
Change 'School Site' to 'Educational Facility' in legend of Map 3.

'Generally Accord'. For the purpose of interpretation of any rules relating to Structure 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 Plan except for the indicative education facility in Marsden Valley Schedule I (Clause I.6). It is not intended that the positions are exact or can be identified by scaling from the Structure 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 Plan must be provided for, and that any connections must occur or be able to occur in the future.

Note (not part of Plan Change decision text): As a consequence the same changes to the 'generally accord' definition are made to paragraph AD11.4A.vii for consistency.

'Structure 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 land in multiple ownership except that in the event that the indicative education facility in Marsden Valley Schedule I is not developed, then the lack of an education facility means the subdivision design is still generally in accord with the Marsden Valley Structure Plan, Schedule I, Figure 1. See AD11.4A 'Structure Plans' for further information.

I.2 General Rules

a) Subdivision design shall generally accord with the Structure Plan contained in Schedule I Figure 1, except for the indicative educational facility which need not be developed to ensure any proposal generally accords with the Structure Plan.

Schedule I, I.6 'Explanation', paragraph 6:

An indicative educational facility is shown on the Structure Plan to signal that this is considered to be an activity which would help to create a viable community in Marsden Valley. The amenities of any educational facility could potentially be a shared resource for use by the community. No specific rules relate to the site and any application for an educational facility requires a resource consent for a non-residential activity.

1.16 TOPIC 9: Landscape

1.17 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.

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: I Turner Statement X3.16

Support Submission Point #13.2
Support integrating landscape into developments.

Further Submitter X4: N Knight, Statement X4.13, WITHDRAWN

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.i. 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: N Knight, Statement X4.16, WITHDRAWN

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: N Knight, Statement X4.17, WITHDRAWN

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: N Knight, Statement X4.18, WITHDRAWN

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: N Knight, Statement X4.25, WITHDRAWN

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: N 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:
- Delete the landscape overlay shown in the ridge between Marsden Valley and Enner Glynn, and everywhere north east of the rural zone.

Further Submitter X4: N 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: H 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.

Further Submitter X2: C and J 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.

HEARING COMMITTEE RECOMMENDATION (TOPIC 9, BOX 34)
Marsden Park Limited
Submission Point #13.2, #13.16 and #13.17

The submitter raised 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.

The submitter's Landscape Architect, Ms Simpson stated in her expert opinion that the acknowledge change in the valley (i.e. residential scale development) should form the tone of the text in the Plan Change. She considers that phrases such as "existing character", "important landscape elements or features" and "respecting the landscape feature of the valley" do not precisely identify what that is, and could be incorrectly interpreted as referring to the rural, grazing character, which will change. The submitter, supported by Ms Simpson, prefers the use of phrases and terms such as "in a way which integrates landscape features with built form" instead of "respecting the landscape feature of the valley" and "the landforms" instead of "landscape amenity values".

The Council's Landscape Architect, Ms Kidson, stated in her expert opinion contained within the Officer's Report that she considers the current wording of the Plan Change is appropriate and that 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.

We have considered both viewpoints and related this to our understanding of the site character as it will be change through the development that will occur in the valley. This development is already occurring through the granted subdivision within the valley which is obviously at a residential scale and is central to the valley area. In considering these matters we find that we generally prefer the evidence provided by the submitter as it is more representative of the changes that will occur within the valley and which will involve changes to the currently predominantly rural character. We consider that the changes that we recommend below address the concern of the submitter but also specifically recognise which features receive specific protection.

RECOMMENDATION

Submission Point #13.2, #13.16 and #13.17: Accept in part

Further Submission Statement X3.16: Accept
Further Submission Statement X4.13, X4.16 and x4.17: WITHDRAWN

AMENDMENT TO PLAN:
Amend Reasons RE4.i The Nelson Urban Growth Strategy 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. It will allow for an integrated and planned system of walkways, roading and servicing across multiple properties, and will recognise landscape features including prominent slopes and ridgelines, waterways and significant vegetation/tree groupings.

Submission Point #13.5

The submitter pointed out that there has 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.

We are advised that 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

We are also advised by the Reporting Officer that Ms Kidson has considered all these reports in

the development her report on which the aspects of the plan change relating to landscape issues was based. Ms Kidson's 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. We therefore concur with the Reporting Officer that the section 32 evaluation does not come to the 'wrong conclusions based on an obsolete report'.

We 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:

a) Stoke Foothills and South Nelson Landscape Assessment, Boffa Miskell Ltd, 2003

b) Nelson Landscape Study, Boffa Miskell Ltd, 2005

c) Landscape Assessment Ashley Trust Subdivision, Marsden Valley, Nelmac 2006

d) 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, 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 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 was 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"

We have considered the content of the submission point and have heard and considered the evidence presented by Ms Simpson, for Marsden Park Limited. We have also considered Ms Kidson's evidence (for both this submission point and submission point 18.4) contained within the Officer's s42A report. In deliberating on this submission point we have taken into account submission 18.4 on this same Policy. We find that we generally prefer the submission and evidence of Marsden Park Limited. The change we recommend is a partial acceptance of their request. This recognises that the existing environment will change but that there are important and specific values in the valley that need to be retained.

The recommended wording below incorporates the changes accepted from submission point 18.4..

RECOMMENDATION

Submission Point #13.18: Accept in part

Further Submission Statement X4.18: WITHDRAWN

AMENDMENT TO PLAN:

Amend RE4. ~~3~~ 2 **Vegetation**

~~Subdivision and development should maintain and enhance existing vegetation patterns (and establish new areas of vegetation) that soften the effects on the visual amenity and landscape values of Marsden Valley.~~

Subdivision and development should be designed to ensure that vegetation patterns (existing and new) are incorporated to enhance the visual amenity, important landscape features and landscape forms of Marsden Valley. New and existing areas of vegetation should promote biodiversity and enhance habitat for native flora and fauna.

Submission Point #13.38

The submitter raised similar concerns to those noted for submission points #13.2, #13.16 and #13.17. Specifically in this case the submitter noted the reference to 'landscape features' could be misinterpreted as meaning landscapes at the micro level (pastures and open space).

We have considered the evidence provided by both Ms Simpson, for the submitter, and Ms Kidson for the Council and find there is merit in both arguments. While the explanation is generally clear in the environment the Plan Change is intending to create there are comes statements such as use of the term 'landscape features' which could lead to some confusion...

The changes we recommend below include those requested by the submitter, and other consequential amendments as per Schedule 1, Clause 10 (2) (b) (i) of the RMA.

RECOMMENDATION

Submission Point #13.38: Accept in part

Further Submission Statement X4.25: WITHDRAWN

AMENDMENT TO PLAN:

Amend section I.6 Explanation:

The Nelson Urban Growth Strategy 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 landforms and recognised specific 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 land forms and 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 valleys. 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 retained.

Esplanade reserves, Biodiversity Corridors, parks and 'greenspace' areas all provide opportunity to retain and enhance vegetation in the Schedule 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.

Submission Point #13.39

The submitter raised concerns that the second paragraph of proposed Schedule I, reproduced above, has a heavy emphasis on landscape and amenity. The submitter states *'As proposed, the explanation gives the reader an overall impression of few buildings with trees and open space dominating.'*

We have recommended some limited changes to the paragraph mentioned by the submitter in response to submission point 13.38 above. However we consider that overall impression given by the paragraph is suitable in its context. It is addressing the parts of the plan Change which deal with vegetation, land forms and landscape features that are to be retained and protected. While this particular paragraph does have this focus it is not read in isolation from the rest of the Plan Change or from the Plan as a whole. We consider that 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 sought the deletion of areas of the Landscape Overlay as it is their view that the ridgeline proposed to be incorporated (along the ridge between Marsden and Enner Glynn valleys) 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. This is on the slopes of Jenkins Hill.

The submitter's expert witness Landscape Architect, Ms Simpson stated that in her opinion the Landscape Overlay in this area would be ineffective and overly restrictive. The reason provided for her opinion is that the ridgeline is no longer sensitive to development because the existing power pylons and transmission lines, and the existing development of Panorama Drive and Citrus Lane on the skyline, have reduced sensitivity to buildings visible from a distance and have diminished scenic quality.

The Council's Landscape Architect, Ms Kidson, stated in her expert opinion that 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. 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. Ms Kidson also stated that in her opinion the inclusion of this ridgeline in the Landscape Overlay is consistent with the findings of other landscape reports which have considered this area. Two of the main reports identified are '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'* and *'*Figure 2 of Marsden Valley Landscape Study; Tasman Carter Ltd; 2000'.

We have carefully considered the evidence of both submitters, and the views of the submitters and further submitters in relation to this matter. On balance we find we prefer the evidence of Ms Simpson for the submitter. We have reached the view that the detraction of landscape values from existing development is of such an extent that consideration of landscape values in relation to future residential development further along this ridge would neither improve nor detract from the landscape values already diminished. We agree with the submitters that the effect of the power pylons and existing residential development of Panorama Drive and Citrus Lane has made any further protection of landscape values further up the ridgeline superfluous. Further we consider that any cumulative adverse visual effects of permitted activity residential development up the ridgeline would be minimal given the existing developed foreground of the ridgeline. We have concluded that the ridgeline does not warrant the inclusion of this ridgeline within the Landscape Overlay. We are in agreement that the diminished landscape value of the ridgeline cannot be exacerbated further through insensitive design.

The same submitter also stated that the eastern part of the Landscape Overlay extension on Jenkins Hill was unnecessary and too restrictive and that parts of it should be removed. Ms Simpson's evidence states that there is a 'tongue of Residential zoned land which extends to the eastern boundary' which is not visible due to its aspect but is included in the proposed Landscape Overlay. Both Ms Simpson and Ms Kidson are in agreement that the main slopes of Jenkins Hill are highly visible and contribute to the setting of Nelson. Ms Kidson has not specifically addressed the 'tongue' of land noted by Ms Simpson as this formed a part of the hearing evidence as an expansion on the submission point. In forming our recommendation on this point we have considered the visibility of this area during our site visit and consider that the Landscape Overlay should be revised to exclude the area which is not highly visible on the Jenkins Hill slopes.

In the context of the Landscape Overlay provisions of the Plan overall, we consider that signalling that the ridgeline between Enner Glynn and Marsden valleys is a valued landscape would adversely affect and detract from the recognition given to adjacent Jenkins Hill through its inclusion in the Landscape Overlay as part of the backdrop to the city. While there is a risk of fragmentation, inconsistency and precedence with the Plan as a whole we find that these reasons should not override the Committee's decision that the diminished landscape value of the ridgeline has resulted in the Landscape Overlay being inappropriate in this locality.

Our recommendations is to accept the submission. The withdrawal of the Landscape Overlay from the ridgeline between Enner Glynn and Marsden valleys is a signal to Council that the Landscape Overlay provisions in the Plan need updating. The Committee found the present objectives and policies for the Landscape Overlay to be unhelpful in assessing the merit of the submission and the counterview of the Council's expert. The Committee's decision was based on an assessment of the existing environment.

We respectfully request that a review of the Nelson Resource Management Plan's landscape provisions should be undertaken as a district-wide exercise given the extent of rezoning and development that has occurred since the Plan was notified in 1996.

Our recommendations to remove the proposed Landscape Overlay on the ridgeline between Enner Glynn and Marsden valleys, and from the identified 'tongue' of Residential zoned land on the slopes of Jenkins Hill are shown on the revised planning map 2 relevant to this Plan

Change.

RECOMMENDATION

Submission Point #13.48 a): Accept

Further Submission Statement X4.30: Reject

AMENDMENT TO PLAN:
Amended Landscape Overlay position on the ridge between Marsden and Enner Glynn Valley and at the eastern area on the slopes of Jenkins Hill (see Map 2).

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. We 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. We 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 18: N 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: I 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
WITHDRAWN

Further Submitter X3: I Turner Statement X3.36, No longer relevant, relates to withdrawn submission point

Further Submitter X5: Marsden Park Limited (MPL) Statement X5.37, No longer relevant, relates to withdrawn submission point

HEARING COMMITTEE RECOMMENDATION (TOPIC 9, BOX 35)
N Knight
Submission Point #18.1 b)

The submitter sought that the Landscape Overlay is removed from the land zoned Residential and Residential Higher Density as they consider it is unlikely to be meaningful. In particular the submitter noted that the Landscape Overlay should be removed from the 'subject site', presumably in reference to their property.

We note that the operative Resource Management Plan includes a guide for subdivision and structures in the Landscape Overlay in appendix 7 (Nelson Resource Management Plan Appendix 7 page A7-2). This has a list of performance guidelines especially crafted for the Residential Zone. These are relevant to land zoned residential and residential higher density within Marsden Valley. We are therefore in agreement with the assessment provided on this matter within the Officer's Report and recommend that the Landscape Overlay remains as notified in the areas of concern by the submitter. Note the exception to this is the area we recommend for removal, for reasons of visibility, under submission point #13.48 a).

RECOMMENDATION

Submission Point #18.1 b): Reject

AMENDMENT TO PLAN:
Nil

Submission Point #18.4

The submitter suggested 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 <u>of residential and suburban commercial development</u> on the visual amenity ~~and landscape values~~ of Marsden Valley <u>and help retain landscape values</u>. <u>New and existing areas of vegetation should promote biodiversity and enhance habitat for native flora and fauna</u>."

We have considered the content of the submission point and the further submissions and have

also heard and considered the evidence presented by Ms Simpson, for Marsden Park Limited (submission point 13.18 on this Policy). We have also considered Ms Kidson's evidence (for both this submission point and submission point 13.18) contained within the Officer's s42A report. In considering all evidence related to this submission point we find that we cannot accept the changes sought by submitter 18. The addition of 'residential and suburban commercial development' is unnecessary in our view as the policy already covers these terms at the start with 'subdivision and development'. The second section relating to 'help retain landscape values' is not suitable as that it is clearly acknowledged throughout the Plan Change that the landscape values within Marsden Valley will change as a result of the development levels anticipated. We accept the submission point's final sentence as these are functions that the vegetation will provide and this supports other provisions of the Plan Change such as Biodiversity Corridors.

See submission point 13.18 which also covers this provision and contains the committees recommended version.

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:
See submission point 13.18 which also covers this provision and contains the committees recommended version.

Submission Point #18.7

RECOMMENDATION

Submission Point #18.7: WITHDRAWN

Further Submission Statement X3.36:	No longer relevant
Further Submission Statement X5.37:	No longer relevant

AMENDMENT TO PLAN:
Nil

1.18 TOPIC 10: Geotechnical

1.19 This topic relates to the proposed amended location of the Land Management Overlay in Marsden Valley.

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: C and J 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: H Heinekamp Statement X1.2

Oppose Submission Points #13.6, and #13.47b)
Not in the best interest of Marsden Valley environment and its inhabitants.

HEARING COMMITTEE RECOMMENDATION (TOPIC 10, BOX 36)
Marsden Park Limited
Submission Point #13.6

The submitter sought 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. We accept this change as it provides a more balanced statement; 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 considered the Land Management Overlay is overly restrictive and extends into areas which are medium rather than high risk. The submitter also sought to have the Land Management Overlay boundaries revised.

The Officer's Report provided a statement from Andrew Palmer (Geotechnical Engineer) where he discussed the existing controls on earthworks, the approach to Geotechnical Risk Zones, the provisions of the Land Management Overlay and made his recommendation. This recommendation was to retain the Land Management Overlay as was notified. We heard the evidence presented by Marsden Park Limited, primarily from their Geotechnical Engineer, Mr Higginbotham. The two Geotechnical Engineers had conflicting opinions over the Land Management Overlay being placed on a particular portion of land as shown in information presented to the hearing by Mr Higginbotham, which he refers to as the area of 'land at issue'. We note that this area differed from that contained in the original submission but consider that the map presented at the hearing was a refinement of the original position. For this reason we consider that this area of land becomes the area of land at issue and subject to this submission, and subsequently our recommendation.

We reconvened the hearing on 13 September 2010 as we required more information to be presented by geotechnical experts acting for Council. Specifically we sought a considered review of the information presented by Marsden Park Limited at the hearing and as a result of this their expert opinion of where the Land Management Overlay should be located. The Reporting Officer was to identify the implications for future consent processes if the Land Management Overlay applies to the area or not.

The recommendation provided from the Geotechnical experts acting for Council was that the Land Management Overlay applies to *'…all of the Marsden Valley hill country between Marsden Valley and Enner Glynn roads except for the ridge crests on the western hills of Port Hills Gravel and the alluvium on the valley floor. The knoll in the south of the Saddle Area could also be excluded if it is confirmed that it is Port Hills Gravel Formation.*' This is substantially the area currently shown in the notified Plan Change, with the potential exception of the knoll in the south of the Saddle Area.

Marsden Park Limited did not provide a geotechnical response but discussed the issue through their legal representative. We understand the main point made in this statement was that the Land Management Overlay adds little, or nothing, to the consent processes that any subdivision must currently pass through.

It became obvious to us that the issue of placement of the Land Management Overlay was a subjective one. There are no fixed criteria to determining the boundaries. The overlay is clearly not a hazard overlay as such, but it does appear it has been considered in this way at times, both inside and outside of Council. The position put forward by Marsden Park Limited in regard to the benefits of using the Land Management Overlay at all had some merit. It appears to us that in areas where there is some debate as to the validity of the Land Management Overlay its benefit as a planning tool must be questioned. The existing consent processes that any subdivision must pass through will ensure that any concerns addressed by the Land Management Overlay within the 'land at issue' will be resolved. For these reasons we recommend that the Land Management Overlay be removed from the area of 'land at issue' as included in the material presented to the original hearing by John Higginbotham on behalf of Marsden Park Limited. This accepts the submission as amended at the hearing.

Furthermore we suggest that Council should, when the opportunity arises, reconsider the usefulness of the Land Management Overlay as a planning tool throughout the Nelson district as it appears to us that its purpose has changed overtime.

RECOMMENDATION

Submission Point #13.47 b): Accept

AMENDMENT TO PLAN:
Amend location of the Land Management Overlay as presented at the hearing by Marsden Park Limited.

GENERAL FURTHER SUBMISSION X1.2: Reject
This further submission states all changes suggested by Submitter 13 are not in the best interest of Marsden Valley environment and its inhabitants. We 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.