

NELSON CITY COUNCIL

Nelson Resource Management Plan

Proposed Plan Change 18

Nelson South

**Planning Officers Report - Addressing Submissions
on the Plan Change prior to Hearing**

Date of hearing

31 October 2011 and 1 November 2011



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PART A: PLAN CHANGE 18 – NELSON SOUTH

1. INTRODUCTION

Reporting Officer

- 1.1. My name is Peter Rawson, I have been employed as a Planning Adviser with Nelson City Council since April 2009. Prior to this I was employed by Councils and consultants in the Auckland Region as a policy planner and consents planner for 15 years.
- 1.2. I have a Bachelor of Planning (Hons) from Auckland University and a Bachelor of Arts (Geography and Anthropology majors) from the University of Otago. I am a full member the New Zealand Planning Institute.
- 1.3. I have been involved with this Plan Change since I started with Council and have led the process through the notification period.
- 1.4. Expert opinion in response to specific submission points is provided by the following Council staff: Andrew James, Principal Adviser - Transport and Roading, Andrew Petheram, Principal Adviser - Reserves and Community Facilities, Phil Ruffell, Principal Adviser – Utilities and Paul Fisher, Monitoring Officer. These people will attend the relevant submitter's presentations (where necessary) and are available to answer questions of the Commissioners.

Purpose of this Officer Report

- 1.5. This officer report has been prepared under Section 42A of the Resource Management Act:
 - to assist the Hearing Committee in making its recommendations to Nelson City Council on the submissions and further submissions to Plan Change 18 – Nelson South (the Plan Change) to the Nelson Resource Management Plan (the NRMP);
 - to assist submitters and further submitters who requested to be heard, by providing, prior to the hearing, a staff evaluation of decisions requested in submissions.
- 1.6. The evaluations and recommendations presented in the report are based on the information available prior to the hearing, including that contained in the submissions and further submissions. In evaluating the submissions and further submissions, the matters considered include whether a decision requested:
 - falls within the functions of Nelson City Council under the Resource Management Act 1991 (RMA);
 - will enhance the ability of the NRMP to achieve the purpose of the RMA;
 - will improve a policy, rule or other method so that it is more efficient and effective for achieving the relevant objectives;
 - will improve the NRMP in relation to such matters as its lawfulness, clarity, accuracy, effectiveness, coherence, etc;
 - is within the scope of the Plan Change.

Resource Management Issues

- 1.7. Plan Change 18 seeks to address the operative issues outlined in Chapter 4 – resource management issues of the NRMP, which include:

Cross boundary issues with Tasman District Council

R12.1.i Urban space requirements, including residential, industrial and commercial expansion.

Population characteristics issue

RI3.1i Sustainable management of natural and physical resources, including financial sustainability, in the face of change in the number and characteristics of the District's population.

Landscape, seascape and open space values

RI5.1.ii Loss of rural and coastal open space through the encroachment of urban development and other built facilities.

Efficient use of natural and physical resources

RI11.1.ii How to manage and whether to influence form of future development to avoid or minimise burdening the community with inefficiently used services.

Public access to margins of lakes, rivers, and the coast

RI12.1.i Patterns of land and coastal use that may compromise public access to and within the margins of lakes, rivers, and the coast, and conflict between access, resource use, and other values.

Amenity Values

RI14.1.i Loss of the environmental pleasantness and coherency (in appearance or function) of an area or streetscape such as the coastal environment, City Centre or a residential neighbourhood, through aspects of development such as signage, design and appearance, and traffic, which are insensitive or inappropriate to its existing amenity.

RI14.1.ii Compromise of the use and enjoyment of individual properties as a consequence of the adverse effects of on site and neighbouring development.

- 1.8. The Plan Change does not alter or add to these operative issues but instead seeks to address them by providing for further urban growth in a manner that maintains local amenity and environmental values.

Resource Management Objectives and Policies

- 1.9. The Plan Change draws on the operative objectives and policies of the NRMP in order to address the issues outlined in clause 1.7 above. These operative objectives are contained in Chapter 5 – District wide objectives and policies, Chapter 7 - Residential zone and Chapter 12 - Rural.
- 1.10. The objectives and policies in Chapter 5, of particular relevance to this Plan Change are reproduced in clause 5.67 below.
- 1.11. Many of these operative objectives and policies are proposed to be altered by Plan Change 14 but because decisions have yet to be made on these changes they haven't been shown here.

Structure of Report

- 1.12. As outlined in the table of contents this report is divided into the following sections:

Part A

- Introduction
- Background and Consultation
- Overview of Plan Change
- Notification, Submissions and Further Submissions
- Statutory Considerations – Resource Management Act 1991
- Conclusion

Part B

- Analysis of and Recommendations on Submissions by Submitter Topic

Part C

- Revised Plan Change 18 – Nelson South

2. BACKGROUND AND CONSULTATION

- 2.1. The Nelson Urban Growth Strategy (2006) (NUGS) identifies the Rural zoned area immediately north of Champion Road as one of the preferred areas for residential growth.
- 2.2. Following the guidance of NUGS a Structure Plan report was prepared for the area (approximately 160ha) in conjunction with Tasman District Council (TDC). The Structure Plan report looked at appropriate zoning and development opportunities for land on both sides of Champion Rd and included land on the lower slopes of the hills and a portion of flat land on the Raine's farm.
- 2.3. This structure plan was developed in 2007 to guide the development of land within the Nelson South and Richmond East Area.
- 2.4. This Structure Plan divided the Nelson City Council area into areas C, D, E and F for considering their rezoning to Residential. The Structure Plan map which shows these areas is included as Figure 1 (refer page 5).

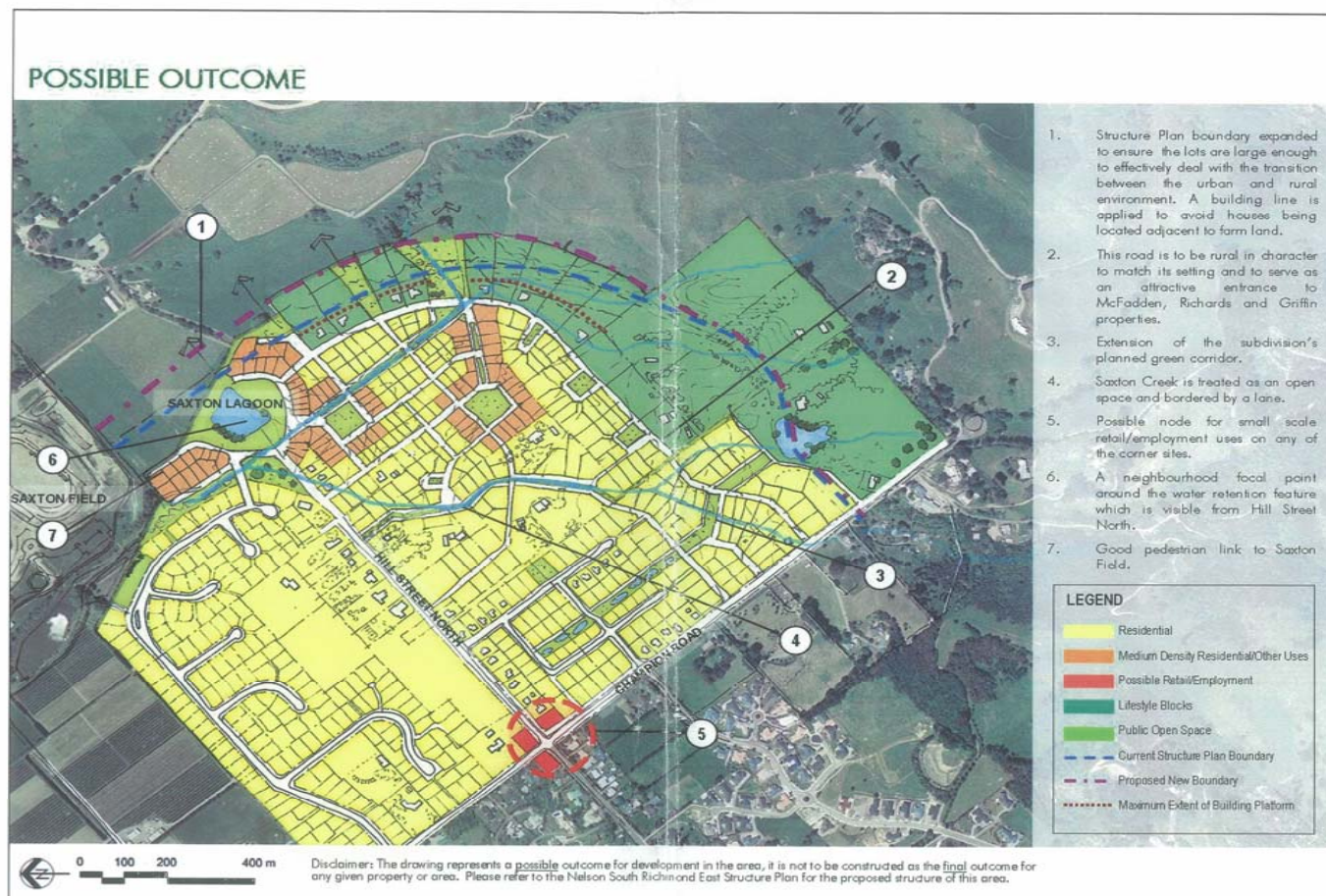
Figure 1



- 2.5. The Tasman District and Nelson City Councils released the structure plan report for public feedback in March - April 2008. A public open day was held on 16 April 2008. Landowners in the Nelson City Council area covered by the structure plan were also invited to a workshop facilitated by Kobus Mentz, an urban designer from Urbanismplus. The workshop addressed concerns about residential development in the area and produced a concept plan or 'possible outcome' showing how development could take place while addressing those concerns. A copy of this possible outcome is shown in Figure 2 (refer page 8).
- 2.6. Sixty eight responses were received on the structure plan report. Thirteen responses were received from Nelson residents, almost all of whom are residents or landowners in the structure plan area. Five responses were received from national organisations, such as Transit NZ, Land Transport New Zealand¹ and the Ministry of Education. The remaining submissions were from Richmond landowners.
- 2.7. A letter dated 8 July 2009 was sent to landowners, iwi, affected parties and statutory bodies advising them of Council's proposed direction on the draft Plan Change and the necessity of undertaking additional investigation on the traffic and infrastructure issues associated with it.
- 2.8. A letter and draft Plan Change was sent to landowners, iwi, affected parties and statutory bodies on 21 December 2009 requesting feedback on the draft Plan Change by 19 February 2010. The broad direction proposed as part of the draft Plan Change was:
- Rezoning areas C and D only from a Rural to a Residential Zone; and
 - Retaining areas E and F in its existing Rural Zone; and
 - Applying a Services Overlay to areas C and D; and
 - Amending the Riparian Overlay to provide for an Esplanade Reserve on the western arm of Saxton Creek.

¹ Transit New Zealand & Land Transport New Zealand have combined into one government agency called New Zealand Transport Authority (NZTA)

Figure 2



- 2.9. At the close of the feedback period nine parties had provided written feedback and one person had provided verbal feedback. Changes to the direction of the Plan Change were proposed as a result of the feedback. Throughout this process, parties were consulted as required under Clause 3 of Schedule 1 of the RMA, including the Minister of the Environment and tangata whenua of the area.
- 2.10. In addition, close liaison with the Tasman District Council (TDC) was undertaken throughout the development of, and consultation on, the proposed Plan Change to ensure as close as possible alignment of approaches between the proposed Plan Change and proposed Plan Change 20 – Richmond East Development Area. This is the Plan Change which applies to land on the TDC side of Champion Road. This included notification of this proposed Plan Change at the same time as proposed Plan Change 20. Refer below for further details on Plan Change 20.

Potential Residential Capacity

- 2.11. Most of the residential capacity of the Plan Change area has already been taken up as a result of past approvals for residential subdivisions. Over the 2006-2008 period a number of residential subdivisions were approved which allowed residential development within areas C and D. Other subdivisions have been lodged more recently including one lodged in October 2011 for a boundary adjustment at 44 Hill Street North.
- 2.12. The residential capacity of the subdivisions approved over the period 2006-2008 are identified in table 1 below.

Table 1

Areas	Number of lots or dwellings
Approved Residential Subdivisions in Area C	201
Approved residential Subdivisions in Area D	84
Total capacity in approved subdivisions	285

- 2.13. The additional potential capacity within areas C, D, 187 Champion Road and 3A, 3B, 3C and 3D Hill Street is outlined in table 2 below.

Table 2

Areas	Number of lots or dwellings
Potential additional residential capacity in Areas C	64
Potential additional residential capacity in Areas D	66
Potential additional residential capacity in lower part of 187 Champion Road	41
Total potential additional capacity in Areas C & D and lower part of 187 Champion Road (proposed to be rezoned Residential)	171
Potential additional capacity in 3A, 3B, 3C and 3D Hill Street and the upper portion of 187 Champion Road (proposed to be rezoned Rural - Higher Density Small Holdings Area)	12
Total potential additional residential capacity (in areas proposed to be rezoned Residential and Rural - Higher Density Small Holdings Area)	183

2.14. This confirms that the majority (over 60%) of the residential potential of the Plan Change has already been realised through approved subdivisions.

Plan Change 14 to the NRMP – Residential Subdivision, Land development Manual & Comprehensive Housing

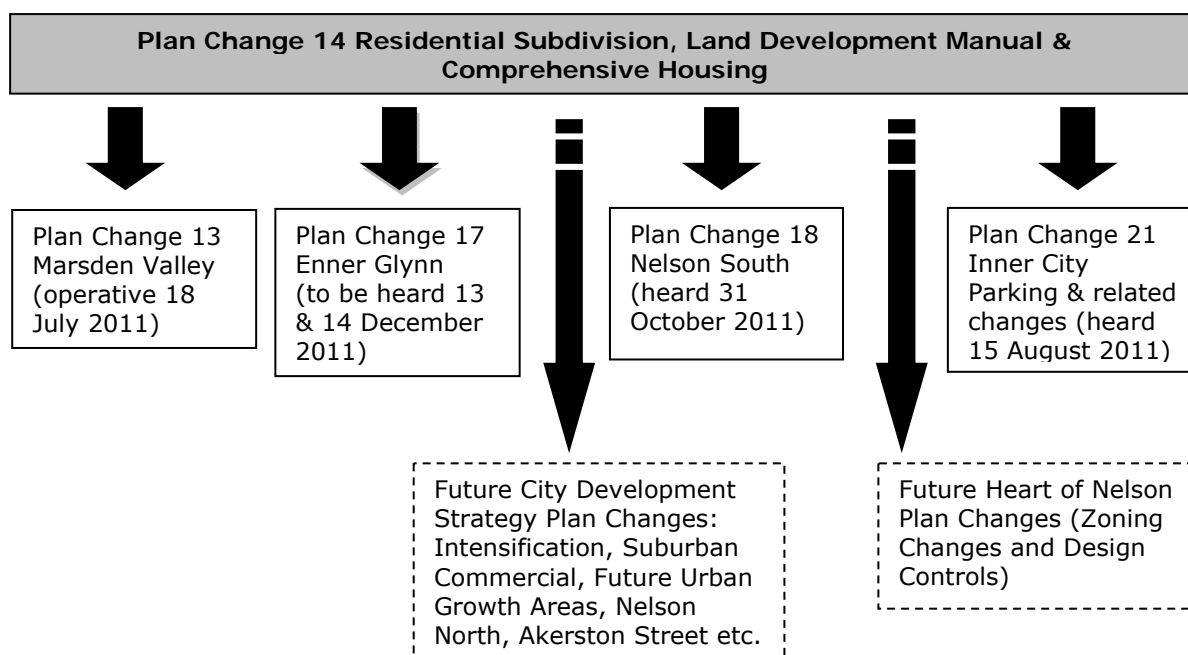
2.15. Plan Change 14 has the potential to influence the outcome of the rezoning of land proposed by Plan Change 18 by altering district wide objectives and policies and altering rules within the Residential and Rural - Higher Density Small Holdings Area zones. An overview of Plan Change 14 is provided below.

2.16. Proposed Plan Change 14 seeks to update and incorporate better urban design provisions into the NRMP, into the Nelson City Council Engineering Standards (now called the NCC Land Development Manual (LDM)), and into Council administration and internal policies. The intention of Plan Change 14 is to improve the urban design outcomes within the district.

2.17. The aim of the urban design focus on the residential environment is to:

- provide for the health, safety and wellbeing of the community,
- provide for the efficient use of the land resource, and
- avoid, remedy or mitigate adverse effects of subdivision and development particularly in terms of residential amenity so that development:
 - a. Relates to the local topography and environment.
 - b. Provides safe and pleasant networks & public spaces.
 - c. Provides quality private to public space relationships (reserve and streetscapes).

- 2.18. The diagram below shows the interrelationship between Plan Change 14 and other Plan Changes which are part of the rolling review of the NRMP (including Plan Change 18).



- 2.19. The provisions proposed by Plan Change 14 (and the operative provisions of the NRMP) will apply to the Plan Change 18 area once hearings and decisions have been made to Plan Change 14. The hearing for Plan Change 14 is on the 28 and 29 of November 2011.
- 2.20. Given the interrelationship of Plan Change 14 and Plan Change 18 it seems prudent that decisions on both Plan Changes be released at the same time.

Plan Change 20: Richmond East Development Area to the Tasman Resource Management Plan

- 2.21. Tasman District Council notified Plan Change 20: Richmond East Development Area to the Tasman Resource Management Plan on the same day as Plan Change 18 – Nelson South (28 August 2011).
- 2.22. The explanation part of Plan Change 20 outlines what this Plan Change involves. Part of this explanation, as notified, is reproduced below.

The Richmond East Development Area is part expansion and part intensification of a high amenity residential environment. More specifically, the Plan Change provides for:

- *The rezoning of relatively flat, stable land located north west of Hill Street from Rural Residential Serviced to medium density Residential (minimum lot size 350 sqm), including provisions that enable higher density comprehensive development.*
- *The rezoning of land that is relatively stable and has a relatively low slope gradient located south east of Hill Street from Rural Residential Serviced to Residential for:*
 - *Standard density (minimum lot size 600 sqm); and*

- *Low density (minimum lot size 850 sqm) for the western precinct and foothill precinct, as notated on the planning maps but excluding provisions that enable higher density comprehensive development.*
- *The retention of the current Rural Residential Serviced zoning for some land on the hill slope periphery for low density development (minimum lot size 2,000 sqm).*
- *The rezoning of some land on the hill slope periphery from Rural 2 to Rural Residential Serviced for low density development (minimum lot size 2,000 sqm).*

The deferral of:

- *Land to be rezoned from Rural 2 to Rural Residential Serviced located above the 62.5 metre contour level, for water supply.*
- *Land south east of Park Drive located on or served by Champion Road to be rezoned from Rural 2 or Rural Residential Serviced to Rural Residential Serviced or Residential, namely: (i) Pt Lot 2 DP 3780; (ii) Lot 1 DP 5661 (iii) Pt Sec 93 Waimea East; (iv) Lot 2 DP 387909; (v) Lot 1 DP 387909 (vi) Lot 4 DP 2035 (vii) Lot 1 DP 19116 (viii) Pt Lot 3 DP 6202, (ix) Lot 1 DP 6202, for wastewater.*

2.23. The area of this Plan Change adjoins the southern boundary of Champion Road and incorporates all of the area identified as Area A and some of the land in area B of the Structure Plan map (refer Figure 1 above). The hearing for this Plan Change was held on 19 July 2011 and decisions were released on 24 September 2011.

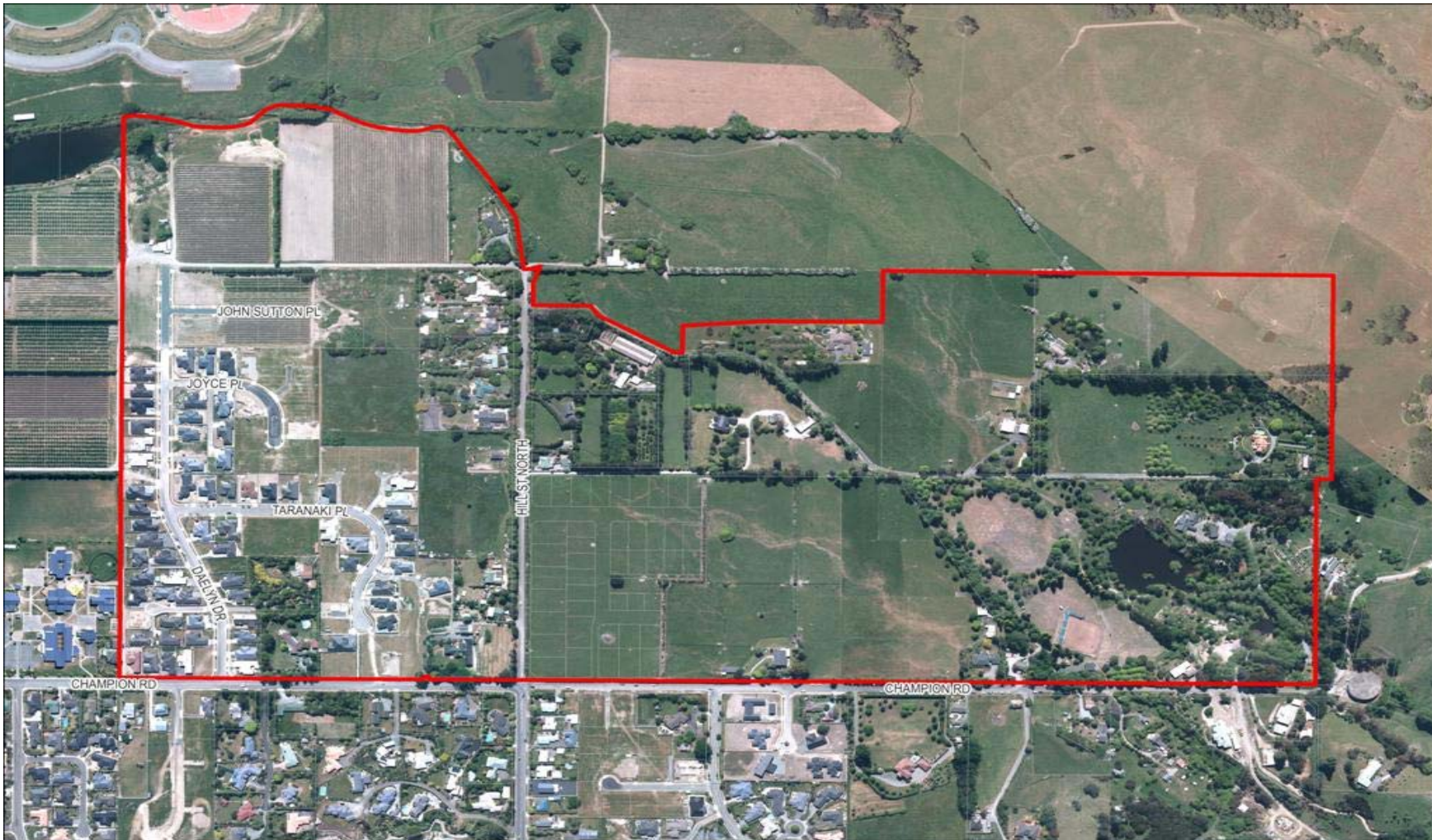
2.24. The decision version of Plan Change 20 is similar to what was notified.

3. OVERVIEW OF PLAN CHANGE

Site and Locality

3.1. The Plan Change area relates to land on the boundary between Nelson City and Tasman District Council and is bounded by Champion Road, Hill Street and Saxton Field. Figure 3 below is an aerial photograph which shows the location of the Plan Change area (the extent of the Plan Change area is shown in red). The Plan Change maps should be referred to for the correct extent of the Plan Change zoning boundaries.

Figure 3



Scope of the Plan Change

- 3.2. The scope of the Plan Change is set out in full in the Plan Change documentation attached as notified. In summary the Plan Change proposes to:
- Rezone Areas C and D, of the Structure Plan map (Figure 1) and the lower portion of 187 Champion Road (Lot 1 DP 14618) and 203 Champion Road (Lot 1 DP 6653) from Rural to Residential
 - Rezone 3A, 3B, 3C and 3D Hill Street (Lot 4, Lot 3, Lot 2 and Pt Lot 1 DP 8212 respectively) and the upper portion of 187 Champion Road (Lot 1 DP 14618) from Rural to Rural - Higher Density Small Holdings Area
 - Apply a Services Overlay to the proposed Residential and Rural - Higher Density Small Holdings Area zones.
 - Alter the Riparian overlay provisions of Appendix 6 of the NRMP in relation to Saxton Creek to require an Esplanade Reserve of varied width on both sides of the western arm of Saxton Creek.
- 3.3. This includes changes to the:
- Rural Zone (Chapter 12)
 - Appendix 6 - Riparian and Coastal Margin Overlay (Table 6.1 – Riparian Values)
 - Appendix 6 - Riparian and Coastal Margin Overlay (Table 6.2 – Priority Values)
 - Planning Maps (pages 32 and 35 – left and right hand map)

4. NOTIFICATION, SUBMISSIONS AND FURTHER SUBMISSIONS

Notification

- 4.1. The Plan Change was publicly notified on 28 August 2010, with submissions closing on 1 November 2010, 14 submissions were received.
- 4.2. A summary of the decisions requested was notified on 11 December 2010 and closed on 17 January 2011, 29 further submissions were received.

Submissions Overview

4.3. The table below provides a summary of the submissions and further submissions received:

Submitter No	Submitter Name	Submitter Issue	Further Sub No & Name
1	Tiakina Te Taiao Limited	Riparian overlay provisions of Appendix 6 of the NRMP	16 - PS Fry, CD Strong, NA McFadden and PJ McFadden 17 - DJ, LA and SJ Sutton 18 - P & A Hamilton 19 - Michael and Maria Luisa Lowe
2	New Zealand Fire Service Commission (The Commission)	Fire fighting capacity	No further submissions made to this submission
3	Paul S Winter	Servicing and services overlay	No further submissions made to this submission
4	Michael and Maria-Luisa Lowe	Esplanade Reserve width (Table 6.2 of Appendix 6 of NRMP) Services overlay Indicative roading Section 32	15 – P & A Hamilton 28 – RG Griffin Children's Trust
5	Christopher D Strong, Peter S Fry, Nigel A McFadden, Phillipa J McFadden	Esplanade Reserve width (Table 6.2 of Appendix 6 of NRMP) Services overlay Indicative roading Section 32	28 – RG Griffin Children's Trust
6	DJ Sutton, LA Sutton and SJ Sutton	Esplanade Reserve	No further submissions made to this submission
7	RG Griffins Children's Trust	Esplanade Reserve width (Table 6.2 of Appendix 6 of NRMP) Proposed Residential & Rural - Higher Density Small Holdings Area zoning Road access	2 - Michael and Maria Lowe 3 - PS Fry, CD Strong, NA McFadden and PJ McFadden
8	KN and DG Smith	Esplanade Reserve width (Table 6.2 of Appendix 6 of NRMP) Proposed Residential zoning	26 - Michael and Maria Lowe 27 - PS Fry, CD Strong, NA McFadden and PJ McFadden

		Road access	
9	NZ Transport Agency (NZTA)	Traffic assessment Financial contribution	20 - PS Fry, CD Strong, NA McFadden and PJ McFadden 21 - Michael and Maria Luisa Lowe 22 - P & A Hamilton 28 - RG Griffin Children's Trust 29 - KN and DG Smith
10	Peter and Andrea Hamilton and Chris Handiman (The Hamilton Family Trust)	Esplanade Reserve width (Table 6.2 of Appendix 6 of NRMP) Proposed Residential zoning	4 - Michael and Maria Luisa Lowe 6 - PS Fry, CD Strong, NA McFadden and PJ McFadden 28 - RG Griffin Children's Trust 29 - KN and DG Smith
11	Tasman District Council	Proposed Residential & Rural - Higher Density Small Holdings Area zoning Services Overlay Road connections Financial contribution Esplanade reserve (Tables 6.1 and 6.2 of Appendix 6 of NRMP)	1 - New Zealand Transport Agency 9 - Michael and Maria Luisa Lowe 10 - PS Fry, CD Strong, NA McFadden and PJ McFadden 11 - Peter and Andrea Hamilton 28 - RG Griffin Children's Trust 29 - KN and DG Smith
12	Department of Conservation	Esplanade reserve (Tables 6.1 and 6.2 of Appendix 6 of NRMP)	12 - Michael and Maria Lowe 13 - PS Fry, CD Strong, NA McFadden and PJ McFadden 14 - P & A Hamilton 28 - RG Griffin Children's Trust 29 - KN and DG Smith
13	John G Sutherland	Effect of rezoning on rates	23 - Michael and Maria Luisa Lowe 24 - Peter and Andrea Hamilton 25 - PS Fry, CD Strong, NA McFadden and PJ McFadden
14	Julian Raine	Esplanade Reserve width (Table 6.2 of Appendix 6 of NRMP) Structure plan	5 - PS Fry, CD Strong, NA McFadden and PJ McFadden 7 - P & A Hamilton 8 - Michael and Maria Luisa Lowe

- 4.4. The general breakdown of submissions is:
- Support (approve the Plan Change as is):
 - Submitter 1 – Tiakina Te Taiao Limited
 - Conditional support (approve with modifications):
 - Submitter 2 – New Zealand Fire Service Commission (The Commission)
 - Submitter 3 – Paul S Winter
 - Submitter 4 – Michael and Maria-Luisa Lowe
 - Submitter 5 – Christopher D Strong, Peter S Fry, Nigel A McFadden, Phillipa J McFadden
 - Submitter 6 – DJ Sutton, LA Sutton and SJ Sutton
 - Submitter 7 – RG Griffins Children’s Trust
 - Submitter 8 – KN and DG Smith
 - Submitter 9 – NZ Transport Agency (NZTA)
 - Submitter 10 – Peter and Andrea Hamilton and Chris Handiman (The Hamilton Family Trust)
 - Submitter 11 – Tasman District Council
 - Submitter 12 – Department of Conservation
 - Submitter 13 – John G Sutherland
 - Submitter 14 – Julian Raine

- 4.5. Main issues in support are:
- Retention of proposed Residential and Rural Higher Density Small Holdings zone
 - Retention of Esplanade Reserve (Tables 6.1 and 6.2 of Appendix 6 of NRMP) requirement
 - Retention of the Services Overlay requirement

- 4.6. The main issues where submitters sought amendment and / or where opposed:
- Amendment or deletion of the Esplanade Reserve (Tables 6.1 and 6.2 of Appendix 6 of NRMP) requirement

- Amendment or deletion of the Services Overlay requirement
 - Show indicative road and movement connections on planning maps
 - Apply a regime that will allow Council to impose the payment of financial contributions to mitigate traffic effect
 - Potential effect of rezoning on rates
- 4.7. Copies of the notified Plan Change, submissions, further submissions and summary of decisions requested are available on request prior to the hearing and will also be available at the hearing for this Plan Change.

5. STATUTORY CONSIDERATIONS – RESOURCE MANAGEMENT ACT 1991

- 5.1. The relevant statutory considerations under the Resource Management Act 1991 (RMA) are set out below, with my assessment of the Plan Change. As Nelson City Council is a unitary authority and the Plan Change alters provisions relating to regional and district matters, the items in both Section 66 and 74 (1) are relevant.

Section 66

- 5.2. Section 66 of the RMA requires that a regional council prepare and change its regional plan in accordance with:
- *Its functions under section 30, and*
 - *Provisions of Part 2, and*
 - *A direction given under section 25A(1), and*
 - *Its duty under section 32, and any regulations.*

Section 74(1)

- 5.3. Section 74(1) of the RMA requires that a territorial authority shall prepare and change its district plan in accordance with:
- *Its functions under section 31,*
 - *Provisions of Part 2, and*
 - *A direction given under section 25A(2), and*
 - *Its duty under section 32, and any regulations.*
- 5.4. An assessment of the consistency of the Plan Change with each provision identified is carried out below.

Section 30

- 5.5. Section 30 outlines the functions of a regional council for the purpose of giving effect to the RMA in its region. Of specific relevance to this Plan Change is:
- c) the control of the use of land for the purpose of:*

- ii) *the maintenance and enhancement of the quality of water in water bodies and coastal water.*
 - iiia) *the maintenance and enhancement of ecosystems in water bodies and coastal water*
 - (gb) *the strategic integration of infrastructure with land use through objectives, policies, and methods*
- 5.6. The Plan Change applies an Esplanade Reserve (Tables 6.1 and 6.2 of Appendix 6 of NRMP) of varied width on both sides of the western arm of Saxton Creek. One of the intentions of applying such an Esplanade Reserve is to improve the conservation (aquatic habitat) of the creek.
- 5.7. The strategic integration of infrastructure with land use will be provided through the mechanism of the Services Overlay and subdivision provisions.
- 5.8. In addition, I consider that these changes and the Plan Change as a whole is consistent with the Freshwater Plan as incorporated within the Nelson Resource Management Plan.

Section 31

- 5.9. The Council's functions are outlined in section 31 of the RMA and relate to giving effect to the RMA in its district. More specifically Section 31 states:
- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
 - (a) *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
 - (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purposes of -*
 - i) *the avoidance or mitigation of natural hazards; and*
 - ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
 - iiia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
 - iiib) *the maintenance of indigenous biological diversity:*
 - (c) Repealed
 - (d) *the control of the emission of noise and the mitigation of the effects of noise:*
 - (e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
 - (f) *any other functions specified in this Act.*
 - (2) *The methods used to carry out any functions under subsection (1) may include the control of subdivision.*

5.10. I consider the Plan Change is an appropriate response to Council's obligations under Section 31 of the Act. It generally utilises the operative objectives, policies and rules within the NRMP, as well as those proposed to be altered by Plan Change 14. It applies the Residential and Rural Higher Density Small Holdings Zones to areas which currently contain residential and 'lifestyle' land uses which are complimentary to the outcome sought from these zonings.

Part 2

5.11. Part 2 of the RMA sets out the purpose and principles of the Act. Section 5(1) establishes the purpose of the RMA as follows:

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, "sustainable management" means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while:

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

5.12. Section 6 of the RMA sets out the matters of national importance in achieving the purpose of this Act. Sections 6(a), 6(c) and 6(d) these are matters of national importance which have particular relevance to the Plan Change, as follows:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.

5.13. Section 7 sets out other matters that all persons exercising powers under the Act shall have particular regard to. Of particular relevance to this proposed Plan Change are:

a) kaitiakitanga,

- b) the efficient use and development of natural and physical resources,*
- c) the maintenance and enhancement of amenity values,*
- d) intrinsic values of ecosystems,*
- f) maintenance and enhancement of the quality of the environment,*
- g) any finite characteristics of natural and physical resources,*

- 5.14. This Plan Change has been developed, in conjunction with land owners in the Plan Change area and the direction of the Plan Change has been influenced by feedback received from these parties prior to notification.
- 5.15. Previous to this the Nelson Urban Growth Strategy 2006 highlighted the potential for the Plan Change area to provide for some of Nelson's predicted population growth.
- 5.16. In my opinion the Plan Change achieves this growth vision in a manner which meets the purpose and principles of the RMA. The use and development of the land under this Plan Change can be carried out in a way which allows for growth but protects the land and the environment.
- 5.17. This includes an Esplanade Reserve (Tables 6.1 and 6.2 of Appendix 6 of NRMP) requirement which will help to protect and enhance the riparian values of Saxton Creek, allowing for residential growth in areas which have a predominant residential character and amenity while also providing for the continuation of rural activities in other areas.
- 5.18. The Plan Change achieves the purpose and principles of the Act by providing a zoning which will encourage residential and 'lifestyle' development which will provide for people and communities social, economic and cultural wellbeing and for their health and safety.
- 5.19. Through the operative rules within the NRMP and associated changes to these rule proposed as part of Plan Change 14 which will affect the Plan Change area and the proposed Esplanade Reserve (Tables 6.1 and 6.2 of Appendix 6 of NRMP) requirements the Plan Change will help to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and help to safeguard the life supporting capacity of air, water, soil, and ecosystems; and avoid, remedy or mitigate any adverse effects of activities on the environment.
- 5.20. It will also help to achieve the matters of national importance in Section 6 (particularly Section 6(d) – public access) and other matters within Section 7.

Section 25A(2)

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

Section 32

- 5.22. Before adopting for public notification any objective, policy, rule or other method promoted through this Plan Change, Section 32 of the RMA imposes upon the Council a duty to consider alternatives, and assess their benefits and costs.
- 5.23. When any changes are proposed objectives should be tested against part 2 of the Act, while Policies and rules are tested against the objectives.
- 5.24. For the Plan Change no changes to the operative objectives were made therefore the Plan Change relied on the operative objectives (refer clause 1.9 of report for some relevant objectives and policies).
- 5.25. A Section 32 assessment was prepared and made available as part of the public notification process. This assessment is carried out through considering the benefits, costs, effectiveness and efficiency, and risk of acting or not acting if there is uncertainty or insufficient information for the main components of the proposed Plan Change.
- 5.26. In terms of the direction of this proposed Plan Change the Section 32 assessment found that the most appropriate and efficient way of providing for, and managing the effects of growth was through a combination of zoning, Services Overlay and the Esplanade Reserve requirements of Appendix 6 of the NRMP.
- 5.27. This was because the use of zoning was consistent with the existing and potential future character of the Plan Change area, was appropriate for the flat terrain of the Plan Change area and was understood by the community. The Services Overlay was seen to be effective in achieving integrated planning, interconnectivity and service provision across property boundaries and would ensure that future residential development occurs in an integrated manner.
- 5.28. The Esplanade Reserve requirement of the Plan Change was seen to be an efficient and effective mechanism for achieving the conservation, access, hazard and recreation values of Saxton Creek upon subdivision.

Section 66(2A) and 74(2)

- 5.29. Section 66(2A), and 74(2), (2A) and (3) sets out the matters that a territorial authority shall have regard to when changing its Plan. The relevant matters for this hearing are:
- Nga Taonga Tuku Iho Ki Whakatu Management Plan, June 2004, being the planning document recognised by an iwi authority and lodged with Council. This is discussed further in Section 5.68 – 5.72 below.
 - Council has not had any regard to trade competition or the effects of trade competition when developing this Plan Change.

Section 67

5.30. Section 67 specifies the contents of a regional plan, and sections 67(3) and 67(4) set out the following mandatory obligations:

(3) A regional plan must “give effect to”:

- *any national policy statement;*
- *any New Zealand coastal policy statement; and*
- *any regional policy statement*

(4) A regional plan must not be inconsistent with:

- *a water conservation order, or*
- *any other regional plan for the region, or*
- *a determination or reservation of the chief executive of the Ministry of Fisheries made under section 186E of the Fisheries Act 1996.*

5.31. The relationship of the Plan Change to the Nelson Resource Management Plan (which is a combined Regional and District Plan) is discussed below.

Section 75

5.32. Section 75 specifies the contents of a district plan, and sections 75(3) and 75(4) set out the following mandatory obligations:

(5) A district plan must “give effect to”:

- *any national policy statement;*
- *any New Zealand coastal policy statement; and*
- *any regional policy statement*

(6) A district plan must not be inconsistent with:

- *a water conservation order, or*
- *a regional plan for any matter specified in section 30(1).*

5.33. The relationship of the Plan Change to the Nelson Resource Management Plan (which is a combined Regional and District Plan) is discussed below.

National Policy Statement

- 5.34. The National Policy Statement on Electricity Transmission (NPSET) has been taken into account in developing this Plan Change. Specifically, the NPSET requires local authorities to give effect to Policies 10 and 11, which require them to manage adverse effects caused by development near high-voltage transmission lines. Nelson City Council is required to initiate a separate Plan Change which gives effect to NPSET by April 2012. This Plan Change will cover all areas affected by transmission lines. This holistic approach is considered to give a better and more comprehensive result than applying provisions to individual areas over time. In the interim development will be managed by existing standards for development adjacent to transmission lines.
- 5.35. In addition, Transpower New Zealand have knowledge of this Plan Change (Plan Change 18 – Nelson South) and have chosen not to submit and it is not an issue raised by submitters.

National Environmental Standard

- 5.36. The National Environment Standard on contaminated soil was gazetted by an Order in Council to take effect on 1 September 2011.
- 5.37. The new National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health will help protect the public by providing greater certainty on which sites pose a health risk and need containment or clean up.
- 5.38. The 12 soil containments covered by the new National Environment Standard are arsenic, boron, cadmium, chromium, copper, lead, mercury, benzo(a)pyrene, DDT, dieldrin, PCP and dioxin. The concentration limits vary for the five different land uses - rural, residential, high density residential, recreational and commercial/industrial.
- 5.39. Council will require compliance with this national environmental standard for residential development within the Plan Change area at the subdivision stage.

Regional Policy Statement

- 5.40. The Nelson Regional Policy Statement became operative in 1997. It contains a number of objectives and policies relevant to the Plan Change, contained in:
- Chapter 6 Development and Hazards – DH1 Urban Expansion; and
 - Chapter 7 Natural and Amenity Values – NA1 Amenity Values and NA5 Management of Riparian and Coastal Margins; and
 - Chapter 9 Water – WA1 Quality of natural waters
 - Chapter 14 Infrastructure – IN2 Land Transport.

- 5.41. These provisions are outlined in greater detail in (i) to (iv) below. Section 67 (3) and 75 (3) of the RMA require Council's to give effect to the RPS.

(i) Chapter 6 Development and Hazards

- 5.42. Objective DH1.2.1 within Chapter 6 states:

To avoid, remedy, or mitigate any adverse effects of urban expansion on the sustainable management of natural and physical resources including rural land uses.

- 5.43. The relevant policies to this Plan Change are:

DH1.3.2 To have regard to community expectations when determining the extent

DH1.3.3. Where urban expansion is considered to have greater net benefit than intensification, to provide for the most appropriate form of urban expansion for Nelson. In determining what is most appropriate, to assess the costs and benefits of various options according to the following criteria:

...

ii) infrastructure costs including opportunity costs of existing infrastructure;

iii) natural or physical barriers to expansion;

vii) utilisation of the land resource for primary production purposes;

ix) impacts on natural and conservation values associated with riparian and coastal margins, rivers and the coast;

...

Policy DH1.3.4. To ensure that any proposals for urban subdivision and/or development include adequate and appropriate provision of services including waste disposal, stormwater, water supply, electricity and other network services.

- 5.44. The proposed Plan Change involves rezoning an area which is currently zoned rural. The zoning proposed by the Plan Change is consistent with the existing and potential future character of the area and is foreshadowed in NUGS. The existing rural land uses operating on the Raines farm (Lot 2 DP 14458 and Lot 1 DP 6053) will be able to continue because the Rural zoning on this land will not change as part of this Plan Change. The proposed Rural Higher Density Small Holdings Area zone also reflect the existing character of these sites which have an existing 'lifestyle block' character.
- 5.45. Furthermore, the proposed Residential zoning reflects the predominant existing and future land uses within the Plan Change area with existing residential development on Daelyn Drive, Taranaki Place, Kingi Place and Joyce Place (still vacant sections available) and John Sutton Place (largely vacant sections but currently being built on).
- 5.46. In addition, approved but undeveloped subdivisions at 51 Daelyn Drive (Lot 121 DP 429225 - Sutton), 135 Champion Road (Wahanga - Lot 1

DP 356002) and (Sutherland - Lot 1 DP 356002) are residential in scale.

- 5.47. Only submissions in support of the rezoning of land from Rural to Residential and Rural to Rural - Higher Density Small Holdings Area were received. This indicates that there is community support for the extent of the proposed rezoning (urban expansion).
- 5.48. The applying of the Services Overlay to undeveloped areas within the Plan Change will help to achieve the integration and efficient use of infrastructure services (including roads) and therefore will achieve the policy framework within Chapter 6.
- 5.49. In addition, riparian margins of Saxton Creek need to be protected to minimise the effects on the natural and conservation values of this waterway. The Plan Change will achieve this through alterations to Appendix 6 of the NRMP.
- 5.50. Therefore the Plan Change is consistent with and gives effect to this objective and the related policies and methods of the RPS.

(ii) Chapter 7 Natural and Amenity Values

- 5.51. Objective NA1.2.1. within Chapter 7 states:
Preservation or enhancement of amenity and conservation values.
- 5.52. The relevant policies related to this Plan Change are:
NA1.3.3 To avoid and as far as possible remedy or mitigate the conflicts between adjoining land uses including the provision of services and/or facilities.
- 5.53. The Plan Change does not relate to an area which has significant amenity or conservation values. The proposed zoning reflects the existing and potential future character of the area. The establishment of esplanade reserves through the subdivision process will improve access and will enhance the conservation values and amenity of the area.
- 5.54. In addition, the proposed zoning pattern will utilise future esplanade reserves adjoining Saxton Creek and the proposed Rural - Higher Density Small Holdings Area zone as a buffer between residential and rural land uses.
- 5.55. The three objectives within NA5.2, as outlined below also have relevance to the Plan Change:
NA5.2.1 Management of riparian and coastal margins which protects and enhances significant habitats, natural features, natural functions, natural character, landscape, amenity, cultural features and water quality.
NA5.2.2 Riparian and coastal margins where natural processes such as floods and erosion do not result in damage to structures or danger to human health and safety.
NA5.2.3 Protection and enhancement of public access and recreational opportunity to and along riparian and coastal margins consistent with protection of land ownership rights and conservation values.

5.56. Relevant policies to give effect to these objectives are:

NA5.3.1 To identify and protect the natural character of riparian and coastal margins where any or all of the following features or values exist:

...

v) actual or potential occurrence of significantly degraded water quality as a result of non point discharges of pollutants;

vii) the need to maintain access to and along riparian and coastal margins for river maintenance or river/coastal protection works; and/or

viii) the need to provide wildlife corridors between significant habitat areas.

...

NA5.3.13 To manage riparian and coastal margins in such a way as to enhance or maintain water quality.

5.57. The water quality of Saxton Creek is significantly degraded with a average E grading based on Council's river monitoring program. There is also potential for access and recreational opportunities along the banks of Saxton Creek. There is potential for enhanced water quality and the realisation of these access opportunities as a result of the establishment of esplanade reserves along the banks of Saxton Creek. This matter will be discussed in more detail in Topic 2, Part B of this report, below.

5.58. Therefore the Plan Change is consistent with and gives effect to this objective and the related policies and methods of the RPS.

(iii) Chapter 9 Water

5.59. Objective WA1.2.1. within Chapter 9 states:

The maintenance and enhancement of the quality of inland water to protect the life supporting capacity of aquatic ecosystems and in specific areas, for urban water supply.

5.60. The relevant policies related to this Plan Change are:

WA1.3.5 To manage riparian and coastal margins in such a way as to enhance or maintain water quality.

5.61. For the reasons outlined in clause 5.57 above, the Plan Change is consistent with and gives effect to this objective and the related policies and methods of the RPS.

(iv) Chapter 14 Infrastructure

5.62. Objective IN2.2.1 within Chapter 14 states:

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

- 5.63. The Service Overlay provisions which are proposed to apply to the area and are also proposed to be altered by Plan Change 14 will require landowners who subdivide within the area to provide efficient and effective road and pedestrian connections within their subdivisions and also to the adjacent existing road network.
- 5.64. Therefore the Plan Change is consistent with and gives effect to this objective and the related policies and methods of the RPS.

Nelson Resource Management Plan (NRMP)

- 5.65. The NRMP is a combined regional and district plan and Nelson City Council is a Unitary Authority with both regional and district functions.
- 5.66. The Plan Change is not altering the operative objectives and policies of the NRMP.
- 5.67. The objectives and policies in Chapter 5, of particular relevance to this Plan Change include, but are not limited to:

Objective DO2.1 natural hazards

An environment within which adverse effects of natural hazards on people, property, and the environment are avoided or mitigated.

Policy DO2.1.4 flood mitigation

Access to riparian areas should be provided, maintained, or acquired where it is necessary for maintenance and flood mitigation works.

Objective DO6.1 riparian and coastal margins

Riparian and coastal margins where natural character, public access, natural functions, landscapes, heritage values, water quality and ecological values are protected and enhanced.

Policy DO6.1.1 priority margins

Priority riparian and coastal margins should be identified, and acquired at the time of subdivision, development, or through negotiation.

Policy DO6.1.2 activities in margins

The values associated with riparian and coastal margins should be protected from the adverse effects of activities in order to prevent degradation or loss of esplanade values while recognising that some activities require to be located in or adjacent to water bodies.

Policy DO6.1.4 management of margins

The long term natural functioning of riparian and coastal margins should not be adversely affected by activities. In particular, natural values of margins including water quality, the habitats of plants and animals, landscape, and amenity values, including potential enhancement opportunities should be recognised and protected.

Objective DO10.1 land transport

A land transport system that is safe, efficient and sustainable, and which avoids, remedies or mitigates its adverse environmental effects.

Policy DO10.1.4 traffic effects of activities

Activities should be located and designed to avoid, remedy or mitigate the effects of traffic generation on the road network.

Policy DO10.1.5 access to sites

Every site should have access that provides safe entry and exit for vehicles from the site to a road, without compromising the safety or efficiency of the road network.

Objective DO14.1 city layout and design

Subdivision and development that recognises and is appropriate to the natural characteristics of the City and is consistent with the orderly and efficient use of land.

Policy DO14.1.1 landscape features

Subdivision and development should provide practicable sites while retaining existing landscape features such as landforms, mature trees, indigenous vegetation, and natural watercourses.

Policy DO14.1.3 orderly development

Subdivision and development of land should provide for use of land in an orderly manner, in association with cost effective and efficient provision of facilities and services

Objective DO14.3 services

The provision of services to subdivided lots and developments in anticipation of the likely effects and needs of the future land use activities on those lots and within the developments.

- 5.68. The Plan Change uses the operative Residential and Rural Higher Density Small Holdings zoning and Services Overlay rules which underpin them. In addition, the Plan Change proposes to add to Appendix 6 – Riparian and Coastal Margin Overlay to support the provision of an esplanade reserve along both sides of Saxton Creek upon subdivision.

Iwi Planning Documents

- 5.69. The Iwi Planning Document that has been registered with the Council is the Nga Taonga Tuku Iho Ki Whakatu Management Plan. This sets out the iwi perspective of five manawhenua iwi in Te Tau Ihu (top of the South Island). The plan is structured around the spiritual dimensions of wind and air (discharge of contaminants), the people, trees and birds, water and cultivated foods.
- 5.70. The Iwi Management Plan has objectives for urban planning and land management.
- 5.71. This Plan Change supports identified tangata whenua values as stated in the Nga Taonga Tuku Iho Ki Whakatu Management Plan. In particular Value 5.2.3 'Protecting indigenous habitats, biodiversity and associated matauranga' is supported by the proposed amendments to Appendix 6 Riparian and Coastal Margin Overlay (Table 6.2 Priority Values) by adding Saxton Creek as a stream where an esplanade reserve will be taken.
- 5.72. The Plan Change also helps to achieve the tangata whenua vision comprised of a number of desired outcomes in section 5.3.1 of the Nga Taonga Tuku Iho Ki Whakatu Management Plan through the proposed amendments to Appendix 6 Riparian and Coastal Margin Overlay (Table 6.2 Priority Values). The outcomes specifically achieved are:
- Nga tangata (the people) are healthy and able to maintain a quality of life.
 - Indigenous flora and fauna are maintained and enhanced for present and future generations.

- 5.73. Tiakina te Taiao Limited submitted in support of the proposed amendments to Appendix 6 Riparian and Coastal Margin Overlay (Table 6.2 Priority Values).

Any other relevant planning documents

- 5.74. The Nelson Biodiversity Strategy is relevant to the proposed Plan Change, particularly in relation to the proposed Esplanade Reserve (Tables 6.1 and 6.2 of Appendix 6 of NRMP) requirement. The Strategy states Goal 1, Active Protection of Native Biodiversity, 'Nga taonga tuku iho (the treasured resources), native species and natural ecosystems of Nelson/Whakatu are protected and restored'. To support this it states, as one of its Terrestrial Environment Actions, to 'Develop the infrastructure and systems to enable reliable eco-sourcing of indigenous plants for restoration planting'.
- 5.75. The LDM is relevant in relation to the provision of infrastructure and urban design to ensure connectivity, low impact storm water design and the flexibility it introduces to infrastructure design, particularly in relation to roading. The LDM is discussed in relation to individual submission points in part B of this report.
- 5.76. The Long Term Plan (LTP) / Annual Plan is discussed in relation to individual submission points due to its role in setting funding and priority for infrastructure provision.
- 5.77. The relationship to the NUGS has been discussed in clause 2.1 of this document.
- 5.78. In addition, the Plan Change is consistent with relevant regional plan provisions, in particular the provisions of the Freshwater Plan as incorporated in the NRMP.

6. CONCLUSION

- 6.1. This report provides a statutory and effects based assessment of Plan Change 18 – Nelson South. I have described the general approach and the background and consultation leading to the development of this Plan Change. I have also assessed it against the statutory requirements under the RMA and have concluded that it meets all the relevant matters.
- 6.2. I acknowledged the various concerns, and suggestions for improvement, outlined in the submissions and further submissions, and have commented on these and made specific recommendations in Part B of this Report.
- 6.3. I have considered the submission and further submission points and have recommended amendments to the Plan Change as outlined in Part B. A revised copy of the Plan Change incorporating these recommended amendments is contained in Part C of this report.

6.4. With those amendments, and with any other changes that may be required following presentations by the submitters, I am of the opinion that the package of measures embodied in Plan Change 18 – Nelson South will provide a workable and realistic planning response to the resource management issues raised in this report.

Author: [Peter Rawson]

Signed:

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Date: 19/10/2011

Peer Reviewed: [Matt Heale]

Signed:

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Date: 19/10/2011

PART B

7. ANALYSIS OF AND RECOMMENDATIONS ON SUBMISSIONS BY SUBMITTER TOPIC

Structure of Assessment

- 7.1. In this part of the report I address each of the submission points raised. The submission points are grouped by topic. These topics are similar to those topics which were used in the summary of decisions requested. Within this grouping each decision requested made by individual submitters is included along with relevant further submissions. I then discuss the submission points made and make a recommendation on each item.
- 7.2. Recommendations for amendments, additions or deletion to text have been made. The changes as notified have been reproduced as underlined or struck through text and if this has been recommended to be altered as a result of recommendations on submissions this has been undertaken in red text. Where no amendments to the Plan Change are recommended this is indicated with the word 'none'.
- 7.3. The Topics are:
- Topic 1: Clause 2.1.2 of Plan Change (Appendix 6 - Table 6.1 Riparian Values) of Plan
 - Topic 2: Esplanade Reserve width
 - Clause 2.1.3 of Plan Change (Appendix 6 - Table 6.2 Priority Values) of Plan
 - Planning maps
 - Section 32 of RMA
 - Topic 3: Amendments to and extent of Services Overlay
 - Topic 4: Extent of Residential Zone
 - Topic 5: Extent of Rural Higher Density Small Holdings Zone
 - Topic 6: Other amendments to planning maps
 - Topic 7: New Zealand Fire Service Commission Submission
 - Topic 8: Road links / connections
 - Topic 9: Financial Contribution provisions
 - Topic 10: Structure Plan
 - Topic 11: Potential rates increase
- 7.4. Under the title 'decisions requested from submitters' within each topic there is a table which shows the submitter name, number, statement number, decision requested and further submission name, number and whether the further submitter supported, opposed or supported in part the submission.
- 7.5. Comment and recommendations on each decision requested by submitters are made and if changes to the Plan Change are recommended these are shown under each topic heading.

TOPIC 1: CLAUSE 2.1.2 OF PLAN CHANGE (APPENDIX 6 – TABLE 6.1 RIPARIAN VALUES) OF PLAN

DECISIONS REQUESTED FROM SUBMITTERS

Submitter Name	Submission Number	Statement Number	Decision Requested	Further Submissions
Tiakina te Taiao Limited	1	1	Retain proposed amendment to Appendix 6 (Table 6.1) - clause 2.1.2 of Plan Change.	<p>Further submitter 16 - PS Fry, CD Strong, NA McFadden and PJ McFadden – support in part</p> <p>Further submitter 17 - DJ, LA and SJ Sutton – support in part</p> <p>Further submitter 18 - P& A Hamilton – support in part</p> <p>Further submitter 19 - Michael and Maria Luisa Lowe – support in part</p>
Department of Conservation	12	2	1. Retain the addition of the word “recreation” to Appendix 6 Riparian and Coastal Margin Overlay (Table 6.1 Riparian Values).	<p>Further submitter 12 - Michael and Maria Luisa Lowe –oppose in part</p> <p>Further submitter 13 - PS Fry, CD Strong, NA McFadden and PJ McFadden – oppose in part</p> <p>Further submitter 14 - P& A Hamilton – oppose in part</p>
			2. Amend the text to	

Submitter Name	Submission Number	Statement Number	Decision Requested	Further Submissions
			Appendix 6 Riparian and Coastal Margin Overlay (table 6.1 Riparian Values) as follows: a. Before the word "Access" add the word " <u>Public</u> ";	
			b. Before the word "Aquatic" add the words " <u>natural functioning, water quality</u> "	
			c. Delete the words " flood capacity " after the word "Hazard".	

PLANNING OFFICER COMMENT ON TOPIC 1 CLAUSE 2.1.2 OF PLAN CHANGE

Tiakina te Taiao Limited – Submission point # 1.1

Department of Conservation – Submission points # 12.2

Michael and Maria Luisa Lowe – Further submitter 12 and 19

PS Fry, CD Strong, NA McFadden and PJ McFadden – Further submitter 13 and 16

P& A Hamilton – Further submitter 14 and 18

DJ, LA and SJ Sutton – Further submitter 17

Clause AP6.1.i of Appendix 6 - Table 6.1 Riparian Values of the NRMP outlines the purpose of table 6.1. This operative clause states:

AP6.1.i *Table 6.1 contains a listing of identified riparian values of the rivers and streams throughout the Nelson City Council area. The purpose of the table is to provide information on relevant riparian values of particular margins, to be taken into account at the time any resource consent or plan change is considered.*

The only alteration to table 6.1 proposed by this Plan Change is the addition of the word 'Recreation' to the values of Saxton Creek.

The addition of 'recreation' in table 6.1 will reflect the role that future esplanade reserves taken as part of subdivision adjoining Saxton Creek will be used for. This is likely to include recreational walkway / cycleway connections and passive recreation opportunities (e.g. viewing and seating areas). Therefore the submissions by Tiakina te Taiao Limited and the Department of Conservation which support the addition of recreation' in table 6.1 is supported.

Plan Change 14 has proposed changes to AP6.1.ii which includes further clarification on the definition of the values of access, hazard mitigation and recreation. Only submissions in support of these changes have been received to this part of Plan Change 14. These changes are outlined below:

AP6.1.ii *Riparian values identified in tables 6.1 and 6.2 include conservation, access, hazard mitigation, and recreation. Conservation values are further defined under AP6.1.iii, and the remaining values are further defined as follows:*

Access – includes both people and wildlife. Public access in the form of public ownership, walkways, cycle ways and where appropriate residential roading are all values associated with access. Access for wildlife is provided through biodiversity corridors provided by riparian and coastal margins.

Hazard Mitigation – includes flooding, ponding and the low impact management of stormwater.

Recreation – includes water sports as well as recreational walkway, cycleway connections and passive recreation opportunities (e.g. viewing and seating areas)

The changes proposed by the Department of Conservation in submission points 12.2.2a),b) & c) are largely addressed by the changes to AP6.1.ii proposed by Plan Change 14. The changes proposed by Plan Change 14 also apply to all streams and rivers within the Nelson region (including Saxton Creek) and therefore are an effective and efficient way to address the issues raised by the Department of Conservation.

Because only submissions in support have been received to these provisions within Plan Change 14 they are now beyond challenge. Therefore making the changes to table 6.1, proposed by the Department of Conservation (Submission points #12.2.2a),b) & c)), as part of Plan Change 18, is not supported.

RECOMMENDATION

Tiakina te Taiao Limited – Submission point #1.1: Accept

Department of Conservation – Submission points #12.2.1: Accept

Department of Conservation – Submission points #12.2.2a),b) & c): Reject

Michael and Maria Luisa Lowe – Further submitter 12 and 19: Support in part

PS Fry, CD Strong, NA McFadden and PJ McFadden – Further submitter 13 and 16:
Accept in part

P& A Hamilton – Further submitter 14 and 18: Accept in part

DJ, LA and SJ Sutton – Further submitter 17: Accept in part

AMENDMENT TO PROPOSED PLAN CHANGE:

None

TOPIC 2 : ESPLANADE RESERVE WIDTH

- Clause 2.1.3 of Plan Change (Appendix 6 - Table 6.2 Priority Values) of Plan
- Planning maps
- Section 32 of RMA

DECISIONS REQUESTED FROM SUBMITTERS

Submitter Name	Submission Number	Statement Number	Decision Requested	Further Submissions
Tiakina te Taiao Limited	1	2	Retain proposed amendment to Appendix 6 (Table 6.2) - clause 2.1.3 of Plan Change.	Further submitter 16 - PS Fry, CD Strong, NA McFadden and PJ McFadden – oppose Further submitter 17 - DJ, LA and SJ Sutton – oppose Further submitter 18 - P & A Hamilton – oppose Further submitter 19 - Michael and Maria Luisa Lowe – oppose
Tiakina te Taiao Limited	1	3	Retain option 2 and 3, table 4 of Section 32 report	No further submissions
Tiakina te Taiao Limited	1	4	Retain option 2 and 3, table 4 of Section 32 report	No further submissions
Michael and Maria-Luisa Lowe	4	1	The deletion of the requirement that a 5 metre esplanade reserve width be taken to Saxton Creek "on the right of way side". A reserve could be required on the "non right of way" side of Saxton Creek which is generally in farm land which would then provide an uninterrupted link from Hill Street through to Champion Road and thereby preserve the physical access to (and ability to develop) 3A- 3D	No further submissions

Submitter Name	Submission Number	Statement Number	Decision Requested	Further Submissions
			Hill Street.	
Michael and Maria-Luisa Lowe	4	4	Amend the Section 32 analysis in regards to the implications of the 5 metre esplanade reserve width provision.	No further submissions
CD Strong, PS Fry, NA McFadden and PJ McFadden	5	1	The deletion of the requirement that a 5 metre esplanade reserve width be taken to Saxton Creek "on the right of way side". A reserve could be required on the "non right of way" side of Saxton Creek which is generally in farm land which would then provide an uninterrupted link from Hill Street through to Champion Road and thereby preserve the physical access to (and ability to develop) 3A- 3D Hill Street.	No further submissions
CD Strong, PS Fry, NA McFadden and PJ McFadden	5	4	Amend the Section 32 analysis in regards to the implications of the 5 metre esplanade reserve width provision.	No further submissions
DJ Sutton, LA Sutton, SJ Sutton	6	1	The deletion of the words: "Where adjoining land already has subdivision approval for a different esplanade reserve width prior to this rule being notified (28 August 2010)" And substitution of the words: "In the case of the property formerly legally described as Lot 3 DP5665, Lot 2 DP361671 and Lot 1 DP15531 which has	No further submissions

Submitter Name	Submission Number	Statement Number	Decision Requested	Further Submissions
			a subdivision approval (RM 065150) then as set out in that resource consent and its supporting plans".	
DJ Sutton, LA Sutton, SJ Sutton	6	2	Consequential amendment of the relevant Planning Maps 32 and 35 to the extent that they indicate an esplanade reserve along both river banks.	No further submissions
RG Griffin Children's Trust	7	1	In respect of the esplanade provisions set out under 2.1.3 in Table 6.2 that the Esplanade requirements should be amended to state a 15m corridor including the stream.	Further submitter 2 - Michael and Maria Luisa Lowe – oppose Further submitter 3 - PS Fry, CD Strong, NA McFadden and PJ McFadden – oppose
KN & DG Smith	8	1	In respect of the esplanade provisions set out under 2.1.3 in Table 6.2 that the esplanade requirements should be amended to state a 15m corridor including the stream.	Further submitter 26 - Michael and Maria Luisa Lowe – oppose Further submitter 27 - PS Fry, CD Strong, NA McFadden and PJ McFadden – oppose
Peter and Andrea Hamilton	10	2	Amend Plan Change to provide for a 5 metre esplanade reserve	Further submitter 4 - Michael and Maria Luisa Lowe – support Further submitter 6 - PS Fry, CD Strong, NA McFadden and PJ McFadden – support Further submitter 28 – RG Griffin Children's Trust – support in part Further submitter 29 – KN and DG Smith – support
Tasman District	11	10	Retain proposed amendments to	Further submitter 28 – RG Griffin

Submitter Name	Submission Number	Statement Number	Decision Requested	Further Submissions
Council			Appendix 6 which enable the taking of an esplanade reserve along both river banks of Saxton Creek.	Children's Trust – oppose in part Further submitter 29 – KN and DG Smith – oppose in part
Department of Conservation	12	3	Retain the proposed amendments to Appendix 6 Riparian and Coastal Margin Overlay (Table 6.2 Priority Values).	Further submitter 12 - Michael and Maria Luisa Lowe – oppose Further submitter 13 - PS Fry, CD Strong, NA McFadden and PJ McFadden – oppose Further submitter 14 - P& A Hamilton – oppose Further submitter 28 – RG Griffin Children's Trust – oppose in part Further submitter 29 – KN and DG Smith – oppose in part
Julian Raine	14	1	The submitter seeks, as first preference , to delete any requirement for esplanade reserve from Lot 2 DP14458, and to amend Appendix 6 as follows to add a new bullet point: <i>Saxton creek esplanade requirements:</i> <i>20m of both river banks except:</i> <ul style="list-style-type: none"> • <u>Where Saxton Creek adjoins Lot 2 DP14458. In this case no esplanade reserve is required.</u> • <i>Where adjoining land already has...</i> 	Further submitter 5 - PS Fry, CD Strong, NA McFadden and PJ McFadden – support and oppose in part Further submitter 7 - P& A Hamilton – support and oppose in part Further submitter 8 - Michael and Maria Luisa Lowe – support and oppose in part

Submitter Name	Submission Number	Statement Number	Decision Requested	Further Submissions
			<p>As second preference, the submitter seeks to delete the 20m esplanade requirement and replace with a 5m reserve as follows: <i>20m on both river banks except:</i></p> <ul style="list-style-type: none"> • <i>Where adjoining land already has subdivision approval for a different esplanade reserve width prior to this rule being notified (28 August 2010),</i> • <i>Where Saxton creek adjoins the right of ways to 3A, 3B, 3C and 3D Hills Street (Lot 4, Lot 3, Lot 2 and Pt Lot 1 DP 8212) respectively. In this case a 5m esplanade reserve width will apply to the river bank on the right of way side.</i> • <i><u>Where Saxton Creek adjoins Lot 2 DP14458. In this case a 5m esplanade reserve will apply.</u></i> 	

River	Reach	Values
Saxton Creek	Coast inland including first tributary to Champion Road and main stream above first tributary to next confluence.	Conservation (aquatic habitat) priority 3 Access coast to Champion Road Hazard mitigation flood capacity <u>Recreation</u> ^{PC18}

BACKGROUND AND GENERAL COMMENT ON TOPIC 2 ESPLANADE RESERVE WIDTH

Tiakina te Taiao Limited – Submission point # 1.2, 1.3 & 1.4
Michael and Maria-Luisa Lowe – Submission point # 4.1 & 4.4
CD Strong, PS Fry, NA McFadden and PJ McFadden– Submission point # 5.1 & 5.4
DJ Sutton, LA Sutton, SJ Sutton – Submission point # 6.1 & 6.2
RG Griffin Children’s Trust – Submission point # 7.1
KN & DG Smith – Submission point # 8.1
Peter and Andrea Hamilton – Submission point # 10.2
Tasman District Council – Submission point # 11.10
Department of Conservation – Submission point # 12.3
Julian Raine – Submission point # 14.1
Michael and Maria Luisa Lowe – Further submitter 2, 4, 8, 12, 19, 26,
PS Fry, CD Strong, NA McFadden and PJ McFadden – Further submitter 3, 5, 6, 13, 16 and 27
P& A Hamilton – Further submitter 7, 14 and 18
DJ, LA and SJ Sutton – Further submitter 17
RJ Griffin Children’s Trust - Further submitter 28
KN & DG Smith - Further submitter 29

1. Background on Esplanade Reserve Issue

The Plan Change as notified proposed the following addition to Appendix 6 - Table 6.2 Priority Values of the NRMP:

River	Reach	Values	Esplanade requirements
<u>Saxton Creek</u>	<u>From south eastern boundary of Saxton Field Recreation Reserve to Champion Road.</u>	<u>Conservation</u> <u>Access</u> <u>Hazard mitigation</u> <u>Recreation</u>	<u>20m on both river banks, except:</u> <ul style="list-style-type: none"> <u>where adjoining land already has subdivision approval for a different esplanade reserve width prior to this rule being notified (28 August 2010), and</u> <u>where Saxton Creek adjoins the right of ways to 3A, 3B, 3C and 3D Hill Street (Lot 4, Lot 3, Lot 2 and Pt Lot 1 DP 8212) respectively. In this case a 5m esplanade reserve width will apply to the river bank on the right of way side.</u>^{PC18}

AP6.2.i and AP6.2.ii of the NRMP explains the intent of table 6.2 (refer below):

AP6.2.i *Table 6.2 identifies riparian and coastal land with priority values. Esplanade reserves will be set aside, or esplanade strips created, in these areas upon subdivision and road stopping. Land uses in esplanade areas are also regulated by zone rules.*

AP6.2.ii *The esplanade requirements column indicates whether an esplanade reserve or esplanade strip is required and its width from the river bank or mean high water springs in metres (eg. 20 m). One or both banks may be indicated.*

The objectives, policies and methods within Chapter 5 – District Wide Objectives and Policies - DO6 Riparian and coastal margins provide further guidance about the direction Council takes in regards to riparian and coastal margins.

Objective DO6.1, policy DO6.1.1 (refer clause 1.9), Table DO6.1.1 and related methods provide further clarity on this direction. In the explanation and reasons in DO6.1.1.i it states:

“In assessing the type and level of riparian protection Council will take Table DO6.1.1 into account. This table illustrates the criteria used to derive Table 6.2 from Table 6.1 in Appendix 6.”

Table DO6.1.1 is reproduced below.

table DO6.1.1

Esplanade values as given in Table 6.1 Appendix 6 for the riparian margin to which the application relates	Activities of a rural/residential nature	Activities of a rural nature	All applications related to the coastal environment	All activities of an urban nature (including residential, commercial, industrial etc.)
Hazards	Strip	Strip only where active protection required	Strip	Reserve
High priority public access and recreation (i.e. Priority 1 & 2, Table 6.1, Appendix 6)	Reserve	Strip	Strip	Reserve
Lesser priority public access and recreation (i.e. Priority 3, Table 6.1 Appendix 6)	Strip	Possible strip by negotiation	Strip	Reserve
High conservation (i.e. Priority 1 & 2, Table 6.1, Appendix 6)	Reserve	Strip	Strip	Reserve
Lesser conservation (i.e. Priority 3, Table 6.1 Appendix 6)	Strip	Strip, where active management required	Strip	Reserve

The riparian values of Saxton Creek (as modified by this Plan Change) are identified below:

River	Reach	Values
Saxton Creek	Coast inland including first tributary to Champion Road and main stream above first tributary to next confluence.	Conservation (aquatic habitat) priority 3 Access coast to Champion Road Hazard mitigation flood capacity <u>Recreation</u> ^{PC18}

Further detail on the 'hazard mitigation flood capacity' value of Saxton Creek is derived from the 'Table of flood paths not defined on the Planning Maps'. This table describes that Saxton Creek from Main Road Stoke to Champion Rd and main stem to next confluence has a 15 metre flood path. Note 1 on the table states:

"The Flood Path" column indicates the distance flooding extends from the top of each bank." This table is reproduced below.

Table of flood paths not defined on the Planning Maps

stream name	from	to	flood path note 1
Saxton Creek Coast to Main Road Stoke	The upstream end of the open channel	Main Road Stoke	10m
Saxton Creek	Main Road Stoke	Champion Rd and main stem to next confluence.	15m
Orphanago Crook	Waimoa Inlet	Main Road Stoke	15m
Orphanago Crook	Suffolk Road	Headwaters.	5m
Orchard Creek	Waimoa Inlet	Nayland Road.	10m
Poormans Valley Stream	Christian Academy Bridge	Marsden Valley Reserve.	10m
Jenkins Creek	Newman Drive	Enner Glynn roadhead.	10m
York Stream	York Dam	Headwaters.	10m
Brook Stream	328 Brook St. / Upstream Boundary.	Headwaters.	15m
Maitai River	Jickells Bridge	Headwaters.	10m
Kaka Hill Tributary.	Dennes Hole (Maitai River)	Headwaters.	10m
Sharlands Creek	Maitai River	Headwaters.	10m
Oldham Creek	Main channel at 37 Hodgson Pl. / 130 Dodson Valley Rd boundary.	True left branch at residential boundary.	5m
Oldham Creek	Strathaven Place downstream boundary. Both branches.	Upstream boundaries of Residential Zone.	5m
Todds Valley Stream (main channel)	S.H.6.	Rural-Small Holding / Rural boundary.	10m
Little Todds Valley Stream (branch)	Todds Valley Stream (main channel)	Rural-Small Holding / Rural boundary.	10m
Todds Valley Road Stream (branch)	Todds Valley Stream (main channel)	Rural-Small Holding / Rural boundary.	10m

Note 1: The "Flood Path" column indicates the distance flooding extends from the top of each stream bank. See also Appendix 6 for consistency.

The 20 metre esplanade reserve requirement as notified by the Plan Change applies to the Champion Road side of Saxton Creek from the south eastern boundary of Saxton Field Recreation Reserve to Champion Road (subject to the exceptions). A 20 metre width is also applied to the Griffin land at 187 Champion Road.

The aerial below shows the alignment of Saxton Creek through this area.



Saxton Creek Alignment



0 90 180 270 360 Metres

N
24 June 2011

The map is an approximate representation only and must not be used to determine the location or size of any reserve, or to identify legal boundaries. To the extent permitted by law, the Tasman District Council and Nelson City Council, their employees, agents and contractors, will not be liable for any cost, damages or loss suffered as a result of the use of this map. The map is provided as a service to the public and is not intended to be used for any other purpose. The map is provided as a service to the public and is not intended to be used for any other purpose. The map is provided as a service to the public and is not intended to be used for any other purpose. CROWN COPYRIGHT RESERVED

Comments on the esplanade reserve width issue have been obtained by a number of Council experts. These comments are outlined in 2 and 3 below from the perspective of environmental enhancement, public access, and the water quality and ecology of Saxton Creek.

2. Parks and Facilities Comment on Esplanade Reserve width

Andrew Petheram, Principal Adviser - Reserves and Community Facilities and Peter Grundy, Horticultural Supervisor of Council have undertaken a site visit and an assessment of the appropriate esplanade reserve width from a community reserves perspective.

Mr Petheram's experience and qualifications in regards to Esplanade Reserves is outlined below:

I have an extensive knowledge of reserve land management and recreation provision gained from working in parks and recreation management since 1978. I have been employed by Nelson City Council since 1986, firstly as the Manager of Parks and Recreation, then as the Manager of Community Services and then later as the Manager of Community Projects. I am currently the Principal Adviser on Reserves and Community Facilities. I have been responsible for securing and developing esplanade reserves and riparian margins throughout Nelson during this time. I hold a Diploma in Horticulture and a Diploma in Parks and Recreation from Lincoln University and a National Diploma in Horticulture (Hons) from the Royal New Zealand Institute of Horticulture.

Mr Petheram and Mr Grundy have concluded that a 20 metre esplanade reserve width should be provided for on both sides of Saxton Creek, for the following reasons:

Environmental Enhancement

• Bank stability and enhancement

In sections the bank has been modified to channel the stream into a controlled flow. In parts it is grazed to the water's edge. Reshaping the bank and planting with native streamside vegetation will manage the bank stability and protect the riparian margin in peak flows. A minimum of 5 metres is required for this work.

• Stream quality enhancement

Water quality diminishes with the removal of overhanging vegetation. Water temperature increases and stream life is affected. Replacement of suitable native streamside vegetation improves the aquatic ecosystem.

• Buffer and planting strip

A further 5 metres minimum planting strip of native vegetation adjacent to the adjoining property boundaries provides a buffer and strengthens the planted corridor for bird movement.

Public Access

- Access for pedestrians and cyclists via a shared pathway is required on both sides of the stream. To ensure visibility and safety to meet CPTED standards a corridor of 5 -10 metres, including a 3m pathway, is required. 10 metres is preferred for visibility.*
- This route will eventually feed through to Saxton Field and via the Main Road Stoke pedestrian/cycle underpass to the Railway Reserve and on to the Stoke schools and City centre.*
- Access by machinery for maintenance would be along this corridor.*

Therefore from the Saxton Creek bank Mr Petheram and Mr Grundy proposed the esplanade reserve be comprised of a 5 metre width of native streamside vegetation followed by a 5-10 metre width for public access (10 metres preferable) followed by a 5 metre buffer of native vegetation adjoining private property.

3. Water Quality and Ecology of Saxton Creek

Paul Fisher, Monitoring Officer, Nelson City Council has provided the following comment on the water quality and ecology of Saxton Creek.

I have a broad range of scientific knowledge and technical ability based on an honours degree in Environmental Science with majors in ecology, land and water resource management and a PhD in avian and marine ecology.

Over the last two years I have been responsible for undertaking the NCC State of the Environment water quality sampling programme and report on the results. During this time I have worked closely with Lynne Hall who is responsible for improving water quality and stream health by working with land owners to encourage sustainable land management and enhance biodiversity values.

I also have a good overview of Nelson's water resources, working as a Water Serviceperson for two years and I currently assist the Tasman District Council hydrology team to gauge the flows of Nelson's streams and rivers and maintain the NCC hydrology archive.

I have been asked to comment on the provisions of the plan change relating to riparian margins. I support the requirement for a riparian margin for the reasons outlined below.

The Saxton creek drains to the Waimea inlet which is the largest enclosed estuary in the South Island and an area of national significance, particularly for its birdlife.

The Council river ecology monitoring site for Saxton Creek is upstream of the Main Rd Stoke viaduct. The site is representative of the lower catchment, receiving sediment discharge and nutrients from a variety of land uses, including pastoral farmland and urban development. The long term water quality classification for Saxton Creek is Very Degraded (E), based on a review of monitoring data (2001-2007) by the Cawthron Institute. There has been no significant improvement in water quality for Saxton Creek in subsequent years (2008-10), remaining at Degraded to Very Degraded. Elevated nitrates, E. coli and fine sediments contribute mainly to the poor water quality (Appendix: Table 1 - Water quality of Saxton Creek).

Saxton Creek (Main Road Stoke) has a catchment area of 6 km² and mean annual flow of less than 99 litres/second (TDC flow correlation, based on eight gaugings) and Mean Annual Low Flow of less than 7 litres/second, which represents a high degree of flow variability. Reservoir storage in the upper catchment partially contributes to the relatively low flows recorded. A high proportion of impervious surfaces such as roads and footpaths increases the rate at which rainwater runs into stormwater system and eventually into streams, but also reduces the amount of rainwater that can infiltrate the soil to keep streams flowing between rainfall events. These changes adversely affect fish and invertebrate habitat and aquatic living conditions.

Given the creeks low flows and lack of shading from riparian margins, summer water temperatures are also likely to exceed the critical temperature of 21.5oC (Cox & Rutherford, 2000), which is detrimental to aquatic invertebrate communities and associated biodiversity. However, continuous water temperature measurements are not available. The index of macroinvertebrate communities has ranged between Moderate to Very Degraded since 2007, indicative of low species diversity and a greater presence of pollution tolerant species in collected samples.

Longfin eel, shortfin eel, inanga, common bully, yelloweye mullet, koura (crayfish) and shrimp Parataya spp. were recorded in Saxton Creek by a Canterbury University survey (Doehring AM & AR McIntosh, 2008). The report concluded that fish diversity in the Nelson urban area was under-represented, compared to similar urban waterways in the South Island. Fish species that would normally be represented along the entire river length were not represented in the lower reaches of Nelson City. One explanation was the lack of suitable waterways close to the sea with good fish habitat conditions due to urban impact, which also had the potential to hinder migratory fish passage.

One of the principle threats to the Waimea Inlet is sediment discharge from land development activities. The Nelson Biodiversity Forum and local conservation groups (such as Forest and Bird) consider the better management of Waimea Inlet to be of high priority. The forum has requested that both Nelson City Council and Tasman District Council engage in a strategic planning process to better manage the Waimea Inlet. Establishment of an Esplanade Reserve with riparian margins will enhance the biodiversity and amenity value of Saxton Creek and also address some of the urban catchment water quality issues that are detrimental to the Waimea Inlet.

It is significant that inanga are present in the lower reaches of Saxton Creek (Martin Rutledge pers obs August 2011). It is recommended that any plan changes to incorporate a riparian margin should enhance biodiversity and water quality values following actions outlined in Rutledge (2011) that should not compromise flood management controls. These principally include:

- Riparian planting along margins to stabilise banks, provide shade, food and habitat for aquatic life, and intercept rainfall and sediment.*
- Remediation of any fish passage obstructions and creation of slow flow pooling areas beneficial to*

inanga and other aquatic life.

- *Future proof enhancements for lower Saxton Creek by considering projected effects of sea level rise on salinity regimes and the frequency of extreme rainfall events/droughts in the long term under a climate change scenario.*

These enhancements along with the provision for a riparian margin will contribute to the community led Stoke Stream Recovery Project by improving habitat, function and water quality flow on effects to the Waimea Inlet.

Appendices

Table 1 - Water quality of Saxton Creek

Stoke monitoring site 2010

<i>Nitrogen-N</i>	<i>1.56 [E]</i>
<i>DR Phosphate</i>	<i>0.025 [C]</i>
<i>pH</i>	<i>7.2 [C]</i>
<i>Temp</i>	<i>13.30 [A]</i>
<i>DO%</i>	<i>94.25 [C]</i>
<i>Turbidity</i>	<i>4.92 [D]</i>
<i>Black disk</i>	<i>1.00 [D]</i>
<i>E coli</i>	<i>750.00 [E]</i>
<i>MCI</i>	<i>97.00 [C]</i>
<i>SQMCI</i>	<i>2.95 [E]</i>
<i>Periphyton</i>	<i>7.12 [B]</i>
<i>Overall Score</i>	<i>E (2010)</i>

References

SQMI: Semi-quantitative Macro Invertebrate Score Cox TJ & Rutherford JC, 2000.

Thermal Tolerances of two stream invertebrates exposed to diurnally-varying temperature.

NZ J Marine & Freshwater Research Vol 34:203-208 Doehring AM & AR McIntosh, 2008.

The distribution of native freshwater fish in Nelson City Council Area. Unpublished Report prepared for Nelson City Council. University of Canterbury, 35pp.

Rutledge, 2011. Habitat enhancement opportunities for inanga in Jenkins, Orphanage, Poorman Valley and Saxton Waterways, Nelson City Council. Unpublished report for Nelson City Council. September 2011. 24pp

PLANNING OFFICER COMMENT ON TOPIC 2 ESPLANADE RESERVE WIDTH

Michael and Maria-Luisa Lowe – Submission point # 4.1 & 4.4

CD Strong, PS Fry, NA McFadden and PJ McFadden– Submission point # 5.1 & 5.4

The 5 metre esplanade reserve requirement adjoining Saxton Creek was applied to recognise that the adjoining land will be in a Rural Higher Density Small Holdings zoning which will have a lower intensity of development than the residential zoned land where a larger esplanade reserve has been applied. It also recognises that the existing access way to 3A-3D Hill Street adjoins Saxton Creek and the taking of a 20 metre reserve will encompass the entirety of the existing access way and will potentially compromise the development of 3D Hill Street by removing a significant proportion of this site from being developed.

These submitters have requested deletion of the 5 metre esplanade reserve requirement where Saxton Creek adjoins the access way to 3A, 3B, 3C and 3D Hill Street and changes to the Section 32 report to reflect this.

The aerial below shows the location of Saxton Creek relative to this access way.



The reasons for the submitter requesting the deletion of the 5 metre esplanade reserve is outlined below:

- (i) *A 5 metre wide esplanade reserve in that location will effectively take out the only access presently available to 3A, 3B, 3C and 3D Hill Street. The requirement for such a reserve effectively means that because of the right of way status, none of 3A-3D Hill Street will be able to be developed as the requirement for esplanade reserve would arise on the first subdivision but could potentially not be achieved.*
- (ii) *Furthermore because not only 3A-3D have access over the right of way (access is also taken through previous subdivision) to an adjoining property available to a parcel of land subdivided some years ago and amalgamated with the Raine property to the east the requirement for a reserve would effectively preclude subdivision.*

The access way to 3A, 3B, 3C and 3D Hill Street is jointly owned by these four landowners with 3D Hill Street being the dominant tenement and 3A-3C Hill Street being the servient tenement. The access way has a legal width of 6 metres.

I agree with the submitter that the taking of a 5 metre esplanade reserve will affect a substantial part of the existing access way to 3A-3D Hill Street. This is because the existing access way is located adjoining Saxton Creek. Although I disagree that the taking of such a reserve as part of subdivision of these properties would effectively preclude subdivision of these properties.

This is because:

- Plan Change 14 as notified adds to Appendix 6 Riparian and Coastal Margin Overlay, specifically AP6.1.ii by the following addition:

AP6.1.ii *Riparian values identified in tables 6.1 and 6.2 include conservation, access, hazard mitigation, and recreation. Conservation values are further defined under AP6.1.iii, and the remaining values are further defined as follows:*

Access – includes both people and wildlife. Public access in the form of public ownership, walkways, cycle ways and where appropriate residential roading (my emphasis) are all values associated with access. Access for wildlife is provided through biodiversity corridors provided by riparian and coastal margins.

Hazard Mitigation – includes flooding, ponding and the low impact management of stormwater.

Recreation – includes water sports as well as recreational walkway, cycleway connections and passive recreation opportunities (e.g. viewing and seating areas)

Therefore residential roading is a value which is associated with access under these revised provisions and they provide further clarification that access to private properties can be obtained through esplanade reserves. These provisions to Plan Change 14 have only received submissions in support. Whether or not an access way is acceptable within an esplanade reserve adjoining Saxton Creek is dependent on the how the future subdivision is designed.

Initial discussion with relevant Council staff has confirmed that it is possible (although not particularly desirable) that the existing access way could be incorporated into the design of the esplanade reserve, so that access via the existing access way to 3A-3D Hill Street could be continued. This is not desirable from an environmental enhancement perspective because it would preclude indigenous planting along the Saxton Creek river bank.

This matter would have to be negotiated with Council as part of the subdivision consent application to confirm that the existing access ways to 3A-3D Hill Street could be retained as part of the esplanade reserve for Saxton Creek. It is likely that it would be obtained through an easement or other legal mechanism by the landowners of 3A-3D Hill Street over the proposed esplanade reserve.

- In addition, it is highly likely that subdivision of 3A-3D Hill Street will require consideration of alternative methods of connecting into the existing roading network. This could include modification or relocation of the existing access way or obtaining access through an alternative location which would require negotiation with affected adjoining landowners. Compliance with the access and subdivision standards of the NRMP, which are proposed to be altered by Plan Change 14, would also be required. It is likely that any subdivision of 3A-3D Hill Street would require a greater width of access than the 6 metre access that currently exists so alternatives would have to be considered.
- Subdivision of one or all of 3A-3D Hill Street would also require the approval of all parties with rights to the access way if this access way was going to be utilised as access to the resulting lots.
- As outlined in point 2 and 3 above the retention of an esplanade on this side of Saxton Creek is also important for environmental enhancement, public access and water quality reasons.

Therefore, for the reasons outlined above, it is unnecessary to delete the 5 metre esplanade reserve requirement and make the changes to the Section 32 report as requested. Therefore the relief from submitters 4.1, 4.4, 5.1 and 5.4 is not supported.

DJ Sutton, LA Sutton, SJ Sutton – Submission point # 6.1 & 6.2

Submission 6.1 has requested alternative wording to the notified wording for the esplanade requirements adjoining Saxton Creek where previous subdivision approval has provided for a different esplanade reserve width. Submission 6.2 requested consequential changes to the Planning Maps to reflect this.

The Plan Change as notified proposed the following wording for the first bullet point of the Esplanade requirements for Saxton Creek:

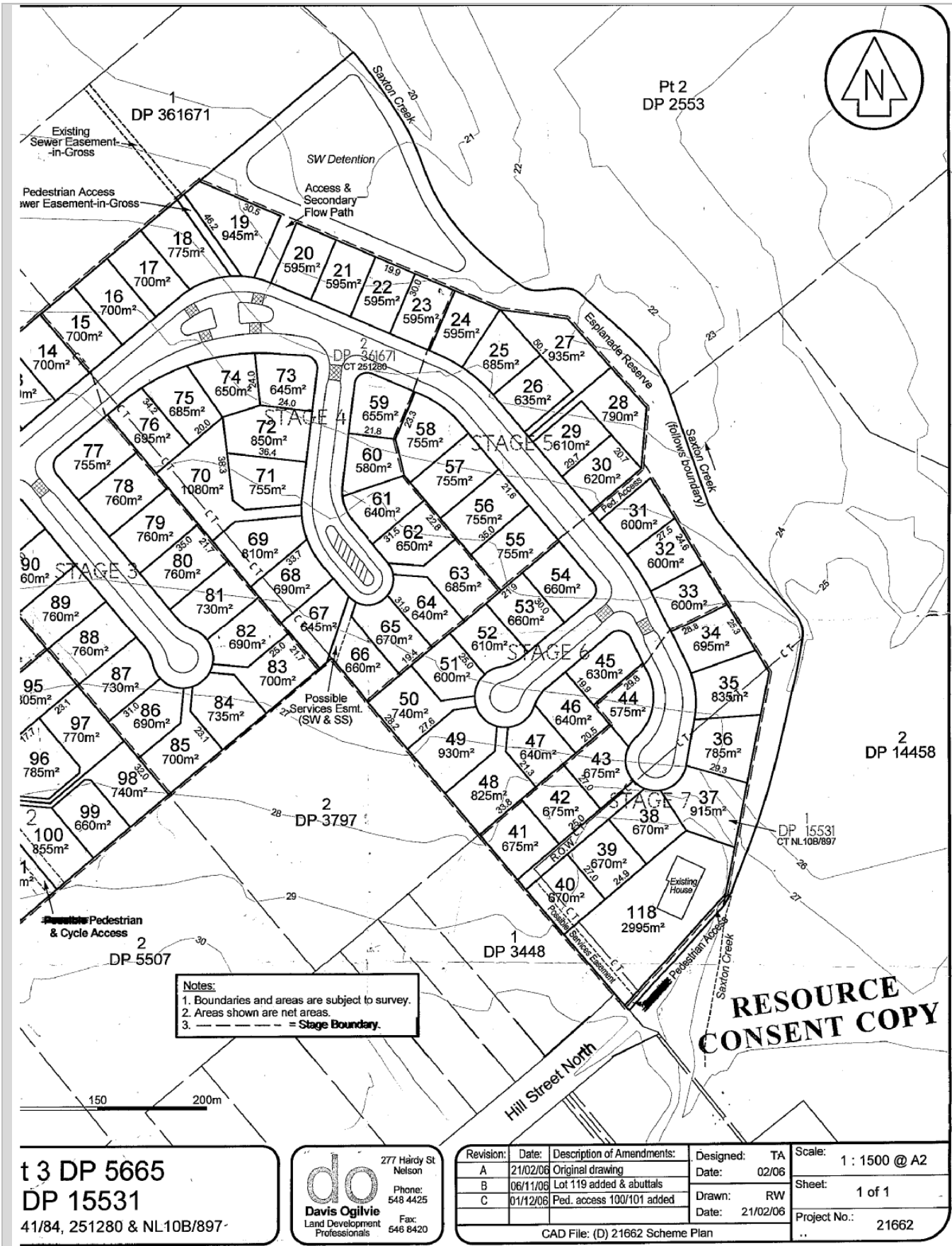
where adjoining land already has subdivision approval for a different esplanade reserve width prior to this rule being notified (28 August 2010), and

The submitters decision requested that this wording be substituted with:

In the case of the property formerly legally described as Lot 3 DP5665, Lot 2 DP361671 and Lot 1 DP15531 which has a subdivision approval (RM 065150) then as set out in that resource consent and its supporting plans

The wording as notified was included to ensure that the esplanade reserve approved as part of the Sutton subdivision reference RM 065150 (which was approved prior to notification of this Plan Change) would apply to this area of land instead of the 20 metre general requirement.

This approved esplanade reserve shown on the scheme plan outlined below:



This approved scheme plan shows a varied width of esplanade reserve with a maximum width of approximately 90 metres along the western boundary (for the stormwater detention pond) and a width of approximately 22 metres (adjacent to lot 31) down to a minimum width of approximately 4 metres (adjacent to the existing Sutton house, lot 118).

The wording proposed by the submitter is more specific and therefore more certain that it applies to the Sutton subdivision and the esplanade reserve requirement approved as part of this subdivision.

Therefore submission 6.1 from DJ Sutton, LA Sutton and SJ Sutton is supported. Changes to the Planning Maps are not required because they do not show the esplanade reserves that are required on these Planning Maps. Therefore submission 6.2 is not supported.

RG Griffin Children's Trust – Submission point # 7.1

KN & DG Smith – Submission point # 8.1

Peter and Andrea Hamilton – Submission point # 10.2

Further submitter 2, 4 & 26 - Michael and Maria Luisa Lowe

Further submitter 3, 6 & 27 - PS Fry, CD Strong, NA McFadden and PJ McFadden

Further submitter 28 – RG Griffin Children's Trust

Further submitter 29 – KN and DG Smith

RG Griffin Children's Trust and KN & DG Smith, submitters 7.1 and 8.1 have requested a 15 metre wide esplanade reserve corridor including the stream on their respective properties of 187 and 167 Champion Road. The reasons for this request are outlined below:

“The Submitters support the concept of an Esplanade Reserve for conservation, access and recreation purposes, but queries the necessity for 20m on either side. Reviewing the Esplanade provisions on a range of similar waterways through the city, a common approach is a corridor approach which sets a maximum corridor width in relation to the stream. This approach is a more flexible approach and enables flexibility in the design of subdivision and design of recreational assets such as walkways and the like, by taking into account contour and sensible layout issues in relation to subdivision. This approach is supported by the Submitters in preference to the inflexible approach, and somewhat excessive width, of having 20m from the bank on either side of the stream. The Submitters are of the view that a corridor of a minimum width of 15m is sufficient to provide for the purposes that it is being set aside for and is sufficient for walkway access in particular. It may be appropriate in certain areas for particular design reasons and proposed activities to have areas where the corridor is wider and areas where the corridor is narrower, and this can be a matter of negotiation between the Council and the two landowners affected. It is noted that beyond the Submitter's land and the Griffin's land that the proposed Esplanade under the Plan Change is going to narrow to only 5m Esplanade Reserve, and therefore what is put forward in this Submission still provides a generous width.”

In addition, Peter and Andrea Hamilton – Submission point # 10.2 of 25 Hill Street has requested a 5 metre esplanade reserve requirement for their property because they consider that a 5 metre width is sufficient to provide for the conservation, access, hazard mitigation and recreation values that the esplanade reserve is being imposed for.

As outlined in point 2 and 3, in the general comments section for Topic 2, above the retention of an esplanade reserve on both sides of Saxton Creek is important for environmental enhancement, public access, water quality, flooding and ecological reasons. The wider the width the greater ability Council will have to ensure that the conservation, access, hazard mitigation and recreation values are achieved by the Esplanade Reserve.

As indicated by submitters 7.1 and 8.1 there are a wide variety of esplanade reserve widths listed within table 6.2 of Appendix 6 of the NRMP. Below are the esplanade reserve requirements for Orphanage Creek and Poorman Valley Stream which are located adjacent to Saxton Creek and flow through Stoke and into the Waimea inlet.

River	Reach	Values	Esplanade requirements
Orphanage Creek	Coast to Main Road Stoke	Hazard mitigation Access	Coastal Environment Overlay Reserve 15m - both river banks Industrial Zone Reserve 15m - both river banks
	Saxton Road to Suffolk Road	Access Conservation Hazard mitigation	Residential Zone Reserve corridor of 25m including the river bed and both river banks
	Suffolk Road to headwaters	Hazard mitigation Access	Residential Zone Reserve corridor of 25m including the river bed and both river banks Small Holdings Overlay Strip 5m both river banks
Poorman Valley Stream	Seaview Road to Christian Academy	Access Conservation Hazard mitigation	Residential Zone Strip 10m - both river banks Suburban Commercial Zone Strip 10m - both river banks

As outlined by the submitter it is correct that the corridor approach is widely (although not exclusively) used within table 6.2 of the NRMP. Proposing a 15 metre esplanade reserve corridor including the stream would leave approximately 6 metres of esplanade reserve land on both sides of Saxton Creek (assumes a 3 metre Creek width).

These submissions are not supported for the following reasons:

- it is unlikely that the access, recreational and conservation values identified in Table 6.1 of Appendix 6 of the NRMP would be able to be realised with a 6 metre width of esplanade reserve from the Saxton Creek bank.
- A larger esplanade reserve width will create a more useable esplanade reserve area which would normally comprise from each side of the creek bank (refer clause 2 – Parks and Facilities comment on Esplanade Reserve widths for more detail) :
 - a 5 metre esplanade reserve width for planting with native stream side vegetation. This vegetation will in time overhang the creek and help to improve the aquatic ecology and water quality of the creek, and then,
 - a 5-10 metre public access way (including a 3 metre wide pathway) for pedestrians and cyclists (although 10 metres is preferable for visibility), and then
 - a 5 metre planting strip of native vegetation adjoining the boundaries of properties in order to provide a buffer between public and private property and as a corridor for bird movement.
- As outlined in clause 3 above the water quality of Saxton Creek is currently poor with an overall water quality of E. A larger esplanade reserve width would provide sufficient room to allow the planting of native stream side vegetation which will help to improve water quality and so the overall ecology of the stream.
- The esplanade reserve requirements on both Orphanage Creek and Poorman Valley Stream are both wider than the 15 metre corridor proposed by the applicant.

- Saxton Field is an important recreational destination and the provision of sufficient width of esplanade reserve for public access to and from this recreational facility, and beyond, is important. The provision of access along the Creek edge for machinery for maintenance purposes is also required.
- Plan Change 20: Richmond East Development Area by Tasman District Council (refer section 2.0 of report) has shown indicative reserves on planning maps, which are 10 metres in width on both sides from the Saxton Creek river bank. This provision has received no submissions in opposition and therefore is beyond challenge.

Notwithstanding the reasons outlined above it is recommended that the 20 metre esplanade reserve requirement be amended to a 15 metre requirement for the following reasons:

- The conservation, access, hazard mitigation and recreation values of this esplanade reserve will be able to be realised with a 15 metre width
- It is consistent with the objectives and policies of the Regional Policy Statement, in particular policy DH1.3.3 relating to impacts on natural and conservation values associated with riparian margins (refer clause 5.43)
- It is consistent with the NRMP objectives and policies, particularly objective DO2.1 natural hazards, policy DO2.1.4 flood protection, objective DO6.1 riparian and coastal margins, policy DO6.1.1 priority margins, policy DO6.1.2 activities in margins and policy DO6.1.4 management of margins (refer to clause 5.67 above).
- This width is consistent with the 15 metre flood path on both sides of Saxton Creek identified on the table at the front of the Planning maps (refer above)
- This width is more consistent with the 10 metres in width on both sides from the Saxton Creek river bank approved as part of decisions on Plan Change 20 and which is now beyond challenge.
- The smaller width of esplanade reserve reflects more closely what is required adjoining other Creeks within the vicinity of Saxton Creek, for example Orphanage Creek and Poorman Valley Stream
- The 15 metre width more closely reflects the small size of Saxton Creek and its priority 3 conservation status.

Tiakina te Taiao Limited – Submission points # 1.2, 1.3 & 1.4

Tasman District Council – Submission point # 11.10

Department of Conservation – Submission point # 12.3

Further submitter 12 - Michael and Maria Luisa Lowe

Further submitter 13 - PS Fry, CD Strong, NA McFadden and PJ McFadden

Further submitter 14 - P& A Hamilton

Further submitter 28 – RG Griffin Children’s Trust

Further submitter 29 – KN and DG Smith

Tiakina te Taiao Limited, Tasman District Council and the Department of Conservation, submitters 1.2, 1.3, 1.4, 11.10 and 12.3 respectively requested that the esplanade reserve requirements as notified be retained as part of the Plan Change.

The reasons for these submissions are listed below.

Tiakina te Taiao Limited reasons include recognising and conserving the Mauri of water, during construction and development and ensuring the creation of the reserve does not create a conflict with the conservation values of the creek.

Tasman District Council reasons are:

“The development of a green corridor along Saxton Creek will enable the development of walk and cycleway connections and generally improve non-motorised connectivity both within the Nelson South - Richmond East precinct and with the surrounding area particularly the Saxton Creek recreation park.

The proposed esplanade reserve along the portion of Saxton Creek within the Richmond East development area will contribute to the development of this green corridor that will connect the hills and the sea.”

While the Department of Conservation reasons are:

The proposed esplanade reserve on both sides of Saxton Creek is supported because it 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 esplanade reserve would 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 reasons for the retention of the esplanade reserve provisions as notified are supported. An analysis of the appropriate width of esplanade reserve adjoining Saxton Creek has been undertaken above and those submitters who requested a reduction in esplanade reserve width are not supported. Although the 20 metre wide esplanade reserve width requirement is recommended to be altered to a 15 metre requirement on both sides of Saxton Creek.

Therefore the relief from Tiakina te Taiao Limited, Tasman District Council and Department of Conservation (submission points 1.2, 1.3, 1.4, 11.10 and 12.3) is supported in part and the further submitters who requested a reduction in esplanade reserve are not supported.

Julian Raine – Submission point # 14.1

This submitter has requested that as a first preference no esplanade reserve apply and as a second preference only a 5 metre esplanade reserve apply to the land adjoining Saxton Creek with a legal description of Lot 2, DP 14458.

The reasons put forward by the submitter are:

In this instance, the submitter considers a 20m width is excessive and unwarranted for the following reasons:

- *The 20 metre reserve required for the remainder of the specified length of Saxton Creek reduces development opportunities and is inconsistent with what has already been allowed. The esplanade reserve requirements will affect the potential design and layout of any future subdivision adjacent to Saxton Creek.*
- *Limited conservation and public access values. Saxton Creek has water classification “E”, priority “3” conservation values, and “second” priority for improvement, as indicated in the NRMP (Appendix 28). Associated land uses and values for Saxton Creek are listed as:*
 - *Water storage dam*
 - *Irrigation*
 - *Stock water*
 - *Stormwater drainage*
 - *Sensitivity of Waimea Inlet receiving environment*

- The “priority 3” category states “these include small first order streams which may need some protection to maintain water quality”. Water classification “E” is described as “very degraded” with no water quality criteria.
- Alternative public access is available to Saxton Creek from Saxton’s Field.
- Based on the NRMP water classifications, a 20m esplanade reserve is excessive and not justified for water quality purposes. Nor is a 20m reserve justified for any of the RMA purposes (public access, conservation values, or hazard mitigation).

The land at 1 Hill Street North (Lot 2, DP 14458) is a 20 hectare area of land which is owned by Raine Estates Oaklands Ltd (the submitter) and forms part of the Raine farm. This area of land has retained its existing operative Rural zoning. This area of land also adjoins the existing access ways to 3A-3D Hill Street North, and these access ways adjoin Saxton Creek.



The aerial above shows the location of Saxton Creek relative to 1 Hill Street North (Lot 2, DP 14458).

Julian Raine (submission point # 14.1) request for, as a first preference, no esplanade reserve to apply and as a second preference only a 5 metre esplanade reserve to apply to the land at 1 Hill Street North with a legal description of Lot 2, DP 14458 is not supported because:

- Within the Rural zone the minimum site area imposed by the subdivision rule RUr.78 is 15 hectares. Section 230(3) of the RMA describes that esplanade reserves of 20 metres are required where any allotment of less than 4 hectares is created when land is subdivided. Because the subdivision rule does not allow subdivision down to less than 4 hectares (without discretionary activity resource consent) within this zone there is no requirement under the RMA for a esplanade reserve to be taken without this subdivision approval.

- The width of esplanade reserve will be determined at subdivision stage.
- Where 1 Hill Street adjoins the access way to 3A-3D Hill St and this access way also adjoins Saxton Creek, the requirement for an esplanade reserve to be taken will be the responsibility of the owners of 3A-3D Hill Street who collectively own this access way. The legal width of this access way is 6 metres and therefore the requirement for a 5 metre wide esplanade reserve adjoining that part of Saxton Creek will only affect the owners of 3A-3D Hill Street who collectively have rights over this access way.
- For the environmental enhancement, water quality, public access, recreational and maintenance reasons outlined above it is considered that a 15 metre wide esplanade reserve (where the right of way to 3A-3D Hill St does not adjoin Saxton Creek) is reasonable.

RECOMMENDATION

Tiakina te Taiao Limited – Submission points # 1.2, 1.3 & 1.4: Accept in part

Michael and Maria-Luisa Lowe – Submission point # 4.1 & 4.4: Reject

CD Strong, PS Fry, NA McFadden and PJ McFadden– Submission point # 5.1 & 5.4: Reject

DJ Sutton, LA Sutton, SJ Sutton – Submission point # 6.1: Accept & 6.2: Reject

RG Griffin Children's Trust – Submission point # 7.1: Reject

KN & DG Smith – Submission point # 8.1: Reject

Peter and Andrea Hamilton – Submission point # 10.2: Reject

Tasman District Council – Submission point # 11.10: Accept

Department of Conservation – Submission point # 12.3: Accept

Julian Raine – Submission point # 14.1: Reject

Michael and Maria Luisa Lowe - Further submitter 2, 4, 12 & 26: Reject

Further submitter 14 - P& A Hamilton: Reject

PS Fry, CD Strong, NA McFadden and PJ McFadden - Further submitter 3, 6, 13 & 27: Reject

RG Griffin Children's Trust - Further submitter 28: Reject

KN and DG Smith - Further submitter 29: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

River	Reach	Values	Esplanade requirements
<u>Saxton Creek</u>	<u>From south eastern boundary of Saxton Field Recreation Reserve to Champion Road.</u>	<u>Conservation Access Hazard mitigation Recreation</u>	<p>2015m on both river banks, except: where adjoining land already has subdivision approval for a different esplanade reserve width prior to this rule being notified (28 August 2010)</p> <ul style="list-style-type: none"> • <u>in the case of the property formerly legally described as Lot 3 DP5665, Lot 2 DP361671 and Lot 1 DP15531 which has a subdivision approval (RM 065150) then as set out in that resource consent and its supporting plans, and</u> • <u>where Saxton Creek adjoins the right of ways to 3A, 3B, 3C and 3D Hill Street (Lot 4, Lot 3, Lot 2 and Pt Lot 1 DP 8212) respectively. In this case a 5m esplanade reserve width will apply to the river bank on the right of way side.</u>^{PC18}

TOPIC 3: AMENDMENTS TO AND EXTENT OF SERVICES OVERLAY

DECISIONS REQUESTED FROM SUBMITTERS

Submitter Name	Submission Number	Statement Number	Decision Requested	Further Submissions
Paul S Winter	3	1	That Plan Change 18 embody specific Service Overlay requirements of all undeveloped land down stream or affecting any and all of 44 Hill Street, and that council staff carry out the necessary investigation prior to any hearings for this change and that service requirements for 44 Hill street are specifically identified and embedded into Change 18. A simple generic and non-specific "services overlay" will not result in a fair and equitable outcome for Mr and Mrs Winter due to a previous lack of services planning up to this point.	
Michael and Maria-Luisa Lowe	4	2	Delete Services Overlay from 3A-3D Hill Street.	Further submitter 28 - RG Griffins Children's Trust - support in part
CD Strong, PS Fry, NA McFadden and PJ McFadden	5	2	Delete Services Overlay from 3A-3D Hill Street.	Further submitter 28 - RG Griffins Children's Trust - support in part
Tasman District Council	11	4	Retain proposed Service Overlay on the left hand planning map until all the required services including the road network service are provided for or upgraded.	
Tasman District Council	11	9	Retain proposed Service Overlay on the left hand planning map and apply service overlay provisions to include road network upgrading, to all Nelson South subdivision and development, until the traffic effects of the Plan Change are mitigated by upgrades to the affected parts of the surrounding road network.	Further submitter 9 - Michael and Maria Luisa Lowe – oppose in part Further submitter 10 - PS Fry, CD Strong, NA McFadden and PJ McFadden – oppose in part Further submitter 11 - P& A Hamilton – oppose in part

BACKGROUND ON TOPIC 3: SERVICES OVERLAY ISSUE

The operative NRMP has objectives, policies and rules relating to the Services Overlay. Plan Change 14 seeks to alter and strengthen the operative Services Overlay objective, policy and rule wording to ensure that the development potential of adjoining land with respect to services provision is accounted for and that roads and services interconnect and provide sufficient capacity. It also seeks to ensure that costs of development are addressed through the Long Term Plan (LTP) process which provides an open and transparent process. Submissions have been received to the changes to the Services Overlay provisions proposed by Plan Change 14, therefore they are potentially subject to change.

The intent of the Services Overlay and the changes proposed by Plan Change 14 are that the provision of new or additional services to facilitate new development within the community should occur in a manner that is well planned, represents an efficient use of resources and does not create a future financial burden on the community.

Section AD11.3.3 of the NRMP explains further the reasons why a property may be contained in the Services Overlay. This section as modified by the notified version of proposed Plan Change 14 is outlined below.

AD11.3.3

Services Overlay

AD11.3.3.i The Services Overlay relates to the availability and capacity of services such as sewerage wastewater, water supply, stormwater drainage, and roads. The overlay areas contain one or more of the following servicing constraints:

- a) ~~The area is above the contour for which water can confidently be supplied to meet the Council's engineering standards. (The standards are based on the New Zealand Code of Practice for Urban Subdivision, which includes the New Zealand Fire Service Code of Practice for Fire Fighting Water Supplies).~~ Development of the area is beyond the immediate scope of the Long Term Council Community Plan or Council's Strategic City Development Plan. Until such time as the Council commits to provide the affected services, the developer will be required to fund the work fully, beyond the boundary of the property (both upstream and downstream of the site), to enable development to proceed.
- b) ~~The area is subject to other water supply limitations.~~
- eb) The area is low lying and requires filling before servicing can occur.
- ec) The area is one where extension of services is required to serve other land or contribute to a network. This includes the provision of legal road and utilities up to the boundary of the development site to serve the development potential of adjoining land in the Services Overlay.
- ed) ~~Main trunk s~~Services in the area are inadequate and require comprehensive upgrading before development can proceed.
- fe) ~~Services need to be developed in the area in a comprehensive manner in conjunction with the Council and other property owners. The area is above the contour for which water can be supplied to meet the requirements of the Council's Land Development Manual. (The standards are based on the NZS4404:Land Development and Subdivision, and the New Zealand Fire Service Water Supplies Code of Practice).~~

gf) Development of the area is beyond the immediate scope of the Council's Strategic Plan or Annual Plan. Until such time as the Council proposes to provide the affected services, the developer may be required to fund work fully, beyond the boundary of the property to enable development to proceed.

These constraints must be addressed before development of these areas can proceed. Resource consent will not be withheld when these declined for servicing constraints reasons when these have been resolved.

AD11.3.3.ii The Services Overlay also deals with situations where services need to be developed in the area in a comprehensive manner in conjunction with the Council and other property owners.

PLANNING OFFICER COMMENT ON TOPIC 3: AMENDMENTS TO AND EXTENT OF SERVICES OVERLAY

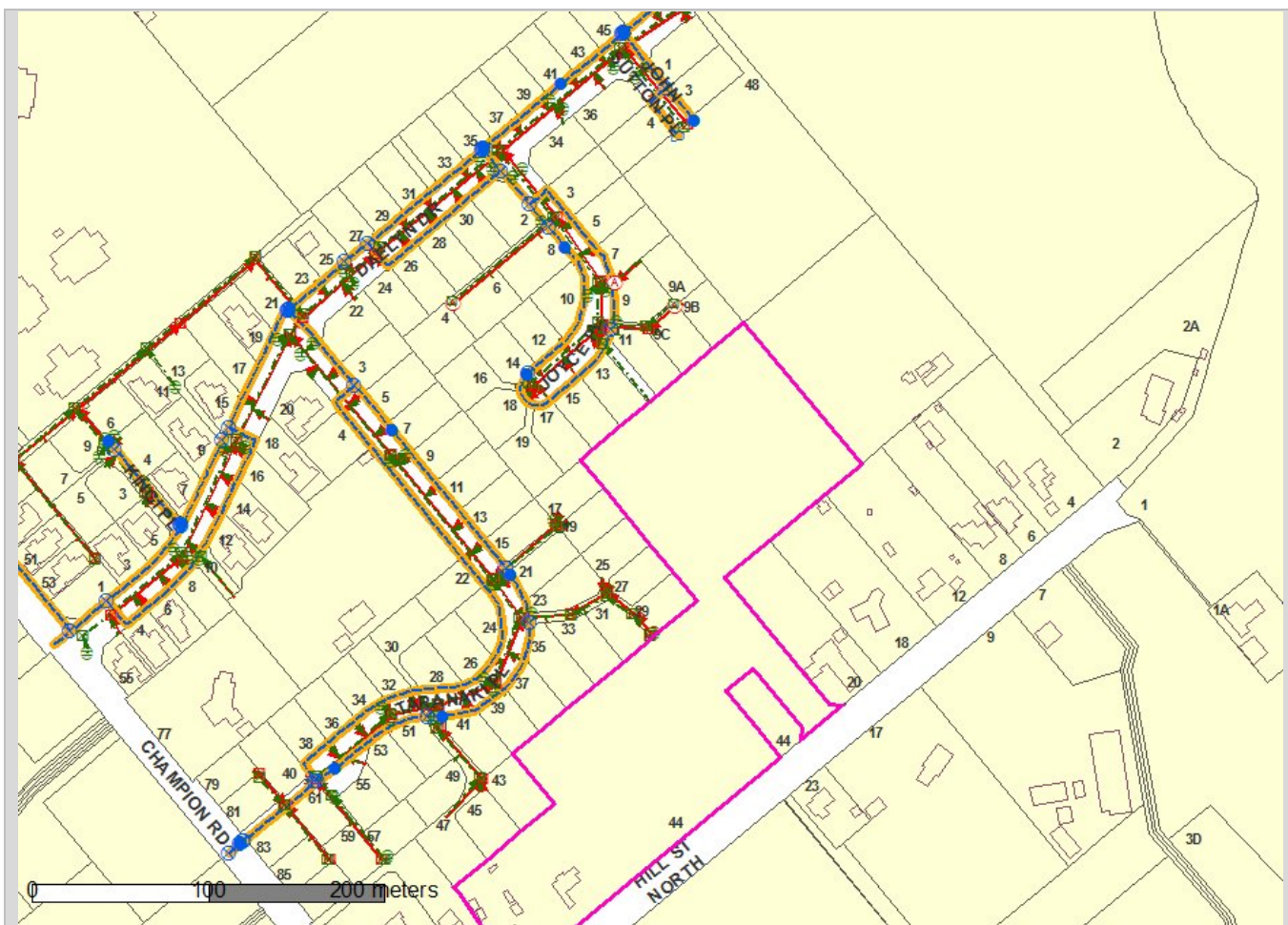
Paul S Winter – Submission point # 3.1

The map below shows the proximity of Council public stormwater and wastewater services to Mr Winter's land at 44 Hill Street. The stormwater infrastructure is shown as green, wastewater as red and water supply as blue. This map shows that if, Mr Winter proposed to subdivide in the future, connection to wastewater and stormwater could be provided into his site from existing services on the boundary between his property and 29 Taranaki Place. Stormwater connection could also be provided from the existing services located within the pedestrian walkway between 11 and 13 Joyce Place. In addition to the location of services the capacity of these services to meet the potential demand of any future subdivision would have to be considered. These matters would have to be considered at the time of subdivision. Any additional connection to services would have to be negotiated with adjacent landowners

Phil Ruffell, Principal Adviser – Utilities has provided comment on this submission as follows:

“Council does not evaluate detailed servicing needs of any individual property prior to subdivision. The Nelson City Council Land Development Manual provides information on evaluating servicing needs for proposed developments that property owners and their advisers can utilise.”

The most effective method of providing infrastructure servicing to 44 Hill Street is through the subdivision process. Therefore specifically identifying whether 44 Hill Street could be serviced as part of the Plan Change is not supported.



Michael and Maria-Luisa Lowe – Submission point # 4.2
CD Strong, PS Fry, NA McFadden and PJ McFadden – Submission point #5.2
Further submitter 28 - RG Griffins Children’s Trust - support in part

These submitters have requested that the services overlay from 3A-3D Hill Street be deleted. This land is proposed to be rezoned to Rural - Higher Density Small Holdings Area. In addition, further submitter 28 - RG Griffins Children’s Trust has requested that the services overlay be removed from the portion of their land (187 Champion Road) which is also proposed to be rezoned to Rural - Higher Density Small Holdings Area.

The reason for these requests is that if this land is subdivided in accordance with the NRMP requirements for this zone, landowners should be able to deal with effluent disposal on site and water supply would be obtainable from Tasman District Council. The subdivision requirements of the NRMP (RU.78) provide for an average site size of 1 hectare with a minimum site size of 5000m² within the Rural - Higher Density Small Holdings Area zone.

Phil Ruffell, Principal Adviser – Utilities has provided comment on this submission, in regards to wastewater disposal at 3A-3D Hill Street, as follows:

“The Services Overlay is applied to properties that are zoned for Residential and Rural- Higher Density Small Holdings development but for which one or more of the servicing constraints listed in the NRMP section AD11.3.3 applies.”

Currently trunk sewer services to 3A-3D Hill Street are not in place and AD11.3.3d),f),g) apply. The case for on-site disposal of wastewater is properly an issue the subdivision consent process would address.

In regards to water supply to 3A-3D Hill Street, Phil Ruffell has provided the following further comment:

“The Tasman District Council is under no statutory obligation to provide water supply to 3A-3D Hill Street. As at the date of this memo the Engineering Services Agreement between Nelson City Council and Tasman District Council, covering water supply, has not been completed and as such Council does not have a water supply service available to this area. AD11.3.3b) applies.

The case for Tasman District Council to supply water to any future subdivision is properly an issue the subdivision consent process would address until such time as an enduring agreement is in place.”

Plan Change 14 as notified has proposed a new rule RUr.85 for subdivision within the Services Overlay which will apply in the Plan Change area. Under this rule it is a restricted discretionary activity to subdivide where the development proposes to connect to public reticulation. Proposals to provide on site servicing is a discretionary activity.

Therefore under this rule (RUr.85), subdivision proposals which seek not to provide for infrastructure services through reticulation, for example dispose of wastewater through on-site disposal would be required to go through a discretionary activity subdivision assessment. This is considered to be entirely reasonable and also consistent with the provisions of rule FWr.29 ‘Establishment of, and discharges to, effluent disposal fields’. Under this rule the establishment and disposal of wastewater via on-site effluent disposal fields is a discretionary activity for single residential units on lot sizes smaller than 15 hectares.

A discretionary activity is an appropriate activity status for those persons who wish to provide for wastewater, water supply and stormwater services via non reticulated means as Council must ensure that the health, safety and nuisance potential effects of a number of small sites located in close proximity using on site servicing are managed appropriately.

In addition, the applying of a Services Overlay on these sites is consistent with one of the functions of Council for the purpose of giving effect to the RMA, Section 30(1)(gb) of “ *the strategic integration of infrastructure with land use through objectives, policies and methods.*”

Therefore the application of the Services Overlay to 3A-3D Hill Street and to 187 Champion Road is supported and as a consequence submissions 4.2, 5.2 and further submission 28 which seek to delete the Services Overlay from these properties is not supported.

Tasman District Council – Submission point #11.4

Tasman District Council – Submission point #11.9

Michael and Maria Luisa Lowe – Further submitter 9

PS Fry, CD Strong, NA McFadden and PJ McFadden – Further submitter 10

P& A Hamilton – Further submitter 11

These submissions support the Services Overlay provisions and the further submissions oppose the Services Overlay . As outlined above, the subdivision process is the appropriate mechanism for ensuring that the necessary infrastructure and roading services are provided to subdivisions, and that the connectivity of roading and the development potential of adjoining sites are provided for.

Therefore submissions 11.4 and 11.9 are supported and further submissions 9, 10 and 11 are not supported.

RECOMMENDATION

Paul S Winter – Submission point # 3.1: Reject
 Michael and Maria-Luisa Lowe – Submission point # 4.2 : Reject
 CD Strong, PS Fry, NA McFadden and PJ McFadden – Submission point #5.2: Reject
 Tasman District Council – Submission point #11.4: Accept
 Tasman District Council – Submission point #11.9: Accept
 RG Griffins Children’s Trust - Further submitter 28: Reject
 Michael and Maria Luisa Lowe – Further submitter 9: Reject
 PS Fry, CD Strong, NA McFadden and PJ McFadden – Further submitter 10: Reject
 P& A Hamilton – Further submitter 11: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

None

TOPIC 4: EXTENT OF RESIDENTIAL ZONE

DECISIONS REQUESTED FROM SUBMITTERS

Submitter Name	Submission Number	Statement Number	Decision Requested	Further Submissions
KN & DG Smith	8	2	The Submitters seek the retention of the proposed residential zoning over their property and adjoining properties. (The submitters property is located at 167 Champion Road)	
Peter and Andrea Hamilton	10	1	Retain the proposed residential zoning of 25 Hill Street	
Tasman District Council	11	1	Retain Residential rezoning provisions as shown on the right hand planning map	

PLANNING OFFICER COMMENT ON TOPIC 4: EXTENT OF RESIDENTIAL ZONE

KN & DG Smith – Submission point #8.2
Peter and Andrea Hamilton – Submission point #10.1
Tasman District Council – Submission point #11.1

All three submitters supported the rezoning of land from Rural to Residential as notified by the Plan Change and there were no further submissions to the proposed rezoning. Therefore the rezoning of this land to Residential is now beyond challenge. Although the Services Overlay requirements (refer above) which are subject to submissions in support and opposition also apply to development within the Residential zone.

The Residential zoning proposed by the Plan Change is consistent with the existing and potential future character of the area. This is because previous subdivision approvals (many which now have residential houses on them) have altered the character of the area to more of a Residential character, scale and intensity.

In addition, the rezoning to Residential is consistent with the direction of the Nelson Urban Growth Strategy and the policy direction within the Regional Policy Statement and NRMP.

Therefore the rezoning of this land to Residential as part of the Plan Change is supported.

RECOMMENDATION

KN & DG Smith – Submission point #8.2: Accept
 Peter and Andrea Hamilton – Submission point #10.1: Accept
 Tasman District Council – Submission point #11.1: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

None

TOPIC 5: EXTENT OF RURAL HIGHER DENSITY SMALL HOLDINGS ZONE

DECISIONS REQUESTED FROM SUBMITTERS

Submitter Name	Submission Number	Statement Number	Decision Requested	Further Submissions
RG Griffin Children's Trust	7	3	The Submitter seeks the retention of the proposed Residential zoning and proposed High Density Small Holdings Area over their property. (The submitters property is located at 187 Champion Road)	
Tasman District Council	11	2	Retain Rural rezoning provisions as shown on the right hand planning map.	Further submitter 9 - Michael and Maria Luisa Lowe – support Further submitter 10 - PS Fry, CD Strong, NA McFadden and PJ McFadden – support Further submitter 11 - P& A Hamilton – support

PLANNING OFFICER COMMENT ON TOPIC 5: EXTENT OF RURAL HIGHER DENSITY SMALL HOLDINGS ZONE

RG Griffin Childrens Trust – Submission point #7.3

Tasman District Council – Submission point #11.2

Michael and Maria Luisa Lowe – Further submitter 9

PS Fry, CD Strong, NA McFadden and PJ McFadden – Further submitter 10

P& A Hamilton – Further submitter 11

Both the submitters and the further submitters supported the rezoning of land from Rural to Rural Higher Density Small Holdings Zone as notified by the Plan Change. Therefore the rezoning of this land to Rural Higher Density Small Holdings Zone is now beyond challenge. Although the Services Overlay requirements (refer above) which are subject to submissions in support and opposition also apply to development within the Rural Higher Density Small Holdings Zone.

The area which is proposed to be rezoned to Rural Higher Density Small Holdings Zone (3A-D Hill Street North and the upper portion of 187 Champion Road) is currently of a size and character consistent with this zone. 3A-3C Hill Street North is currently 4 hectares in size, 3D Hill Street North is currently 1.7 hectares in size and the upper portion of 187 Champion Road is also approximately 4 hectares in size. These sites are generally known as 'Lifestyle blocks'.

Policy RU2.2 density – small holdings, which is reproduced below, explains the intent of this zone.

Small land holdings should be of sufficient size to provide for:

- a) maintenance of general rural character and amenities, and*
 - b) being visually unobtrusive, utilising topography to avoid visual impacts, and servicing from existing infrastructure, especially roads, and*
 - c) privacy and separation of dwellings, and*
 - d) containment of the adverse effects on site, especially to provide for on site sewage disposal, and*
 - e) avoidance or mitigation of natural hazards,*
- and should be in close proximity to the urban area of Nelson, to promote transport efficiency.*

The zoning of this land to Rural Higher Density Small Holdings Zone will act as a buffer between the Residential zoned land on the other side of Saxton Creek and the Rural zoned land to the north east. It will also be consistent to the policy direction of RU2.2.

RECOMMENDATION

RG Griffin Children's Trust – Submission point #7.3: Accept

Tasman District Council – Submission point #11.2: Accept

Michael and Maria Luisa Lowe – Further submitter 9: Accept

PS Fry, CD Strong, NA McFadden and PJ McFadden – Further submitter 10: Accept

P& A Hamilton – Further submitter 11: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

None

TOPIC 6: OTHER AMENDMENTS TO PLANNING MAPS

DECISION REQUESTED FROM SUBMITTER

Submitter Name	Submission Number	Statement Number	Decision Requested	Further Submissions
Department of Conservation	12	1	Retain the existing Heritage and Landscape Trees, Riparian and Land Management Overlays on the left hand Map titled "Proposed Plan Change 18 Nelson South".	

PLANNING OFFICER COMMENT ON TOPIC 6: OTHER AMENDMENTS TO PLANNING MAPS

The only alteration to the left hand planning maps (pages 32 and 35) as a result of the Plan Change (as notified) is the addition of a services overlay. This is shown in yellow with a reference within the key to 'proposed services overlay' on the map notified as part of the Plan Change. As noted this overlay goes hand in hand within the Residential zoning and should be retained.

The Heritage and Landscape Trees, Riparian and Land Management Overlays are operative and are not altered by the Plan Change.

RECOMMENDATION

Department of Conservation – Submission points #12.1: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

None

TOPIC 7: NEW ZEALAND FIRE SERVICE COMMISSION SUBMISSION

DECISION REQUESTED FROM SUBMITTER

Submitter Name	Submission Number	Statement Number	Decision Requested	Further Submissions
New Zealand Fire Service Commission (The Commission)	2	1	Provide assurance that future reticulated water supply services in the area subject to the Proposed Plan Change are able to meet SNZ 4509:2008.	
New Zealand Fire Service Commission (The Commission)	2	2	Provide assurance that any development taking place in the area subject to the Proposed Plan Change that is not connected to the reticulated water supply will still comply with SNZ 4509:2008.	

PLANNING OFFICER COMMENT ON TOPIC 7: NEW ZEALAND FIRE SERVICE COMMISSION SUBMISSION

Phil Ruffell, Principal Adviser – Utilities, Nelson City Council has provided comment on this submission and has stated that:

“New subdivision consents involving reticulated and non- reticulated supplies are evaluated against the NCC Land Development Manual which specifically references SNZ PAS 4509. Council endeavours to ensure adherence to this standard but given the nature of the resource consent process is not in a position to provide the blanket confirmation sought by the submitter.”

The subdivision stage is the best time to ensure compliance with SNZ PAS 4509 and it is unnecessary to provide any further assurance of compliance as part of this Plan Change.

RECOMMENDATION

New Zealand Fire Service Commission (The Commission) – Submission points #2.1 and #2.2: Reject.

AMENDMENT TO PROPOSED PLAN CHANGE:

None

TOPIC 8: ROAD LINKS / CONNECTIONS

DECISIONS REQUESTED FROM SUBMITTERS

Submitter Name	Submission Number	Statement Number	Decision Requested	Further Submissions
Michael and Maria-Luisa Lowe	4	3	Provide for indicative roading over the area of land between Champion Road and 3A-3D Hill Street.	Further submitter 15 - P& A Hamilton – support
CD Strong, PS Fry, NA McFadden and PJ McFadden	5	3	Provide for indicative roading over the area of land between Champion Road and 3A-3D Hill Street.	
RG Griffin Childrens Trust	7	4	Confirmation that road access for the subject property can be taken from Champion Road to service the Submitter's land.	Further submitter 2 - Michael and Maria Luisa Lowe – support Further submitter 3 - PS Fry, CD Strong, NA McFadden and PJ McFadden – support
KN & DG Smith	8	3	Confirmation that road access from Champion Road is acceptable for the Submitter's land.	
NZ Transport Agency (NZTA)	9	1	The NZTA seeks that a traffic impact assessment be undertaken and completed in a timely manner in order to inform the staff report and submissions prior to the hearing on PC18.	
Tasman District Council	11	3	Facilitate optimal urban design through the Plan Change by:	
			(i) Providing for the integration of the pattern of built development and network services, including the land transport network, and	
			(ii) Showing the intended land transport network in the Plan Change documents (text or maps).	
Tasman District Council	11	5	Amend Plan Change documents to provide or to show the intention to provide for a road link from Hill Street North to	Further submitter 1 – New Zealand Transport Agency – support

Submitter Name	Submission Number	Statement Number	Decision Requested	Further Submissions
			Suffolk Road of connector / collector class. The requested links are shown on the map (attached to submission).	
Tasman District Council	11	6	Amend Plan Change documents to provide or to show the intention to provide for road access of local class from the proposed residential (and as yet undeveloped) land located north of Hill Street to Hill Street North. The requested links are shown on the map (attached to submission).	Further submitter 9 - Michael and Maria Luisa Lowe – support in part Further submitter 10 - PS Fry, CD Strong, NA McFadden and PJ McFadden – support in part Further submitter 11 - P & A Hamilton – support in part
Tasman District Council	11	7	Amend Plan Change documents to provide or to show the intention to provide for movement links from the proposed residential (and as yet undeveloped) land located south of Hill Street to the proposed Saxton Creek greenway. The requested links are shown on the map (attached to submission).	

PLANNING OFFICER COMMENT ON ROAD LINKS / CONNECTIONS

Michael and Maria-Luisa Lowe – Submission point # 4.3

CD Strong, PS Fry, NA McFadden and PJ McFadden– Submission point # 5.3

RG Griffin Children’s Trust – Submission point # 7.4

KN & DG Smith – Submission point # 8.3

Michael and Maria Luisa Lowe – Further submitter 2

PS Fry, CD Strong, NA McFadden and PJ McFadden – Further submitter 3

P & A Hamilton – Further submitter 15

These submitters either request that indicative roading between Champion Road and 3A-3D Hill Street be shown on planning maps or confirmation from Council that access from Champion Road to their land (Smith land at 167 Champion Road and the Griffins land at 187 Champion Road) be obtained through this Plan Change. These submissions are not supported for the following reasons:

- The subdivision stage of development is the appropriate time to ensure that roading connections are provided from 3A-3D Hill Street, 167 and 187 Champion Road to the existing road network, and
- There are a number of potential options for roading connection between these sites and the existing road network. In addition, in the case of potential subdivision of 3A-3D Hill Street negotiation with adjoining land owners (Raines) may be required to facilitate this access.

- Because the Smith land at 167 Champion Road and the Griffins land at 187 Champion Road adjoin Champion Road there should be no problem at the subdivision stage to ensure that appropriate roading connection is obtained.

New Zealand Transport Agency (NZTA) – Submission point #9.1

This submitter seeks that a traffic Impact assessment be undertaken to inform the Plan Change, which has been undertaken.

The 'Three Roundabouts - Saxton Fields Transportation Study Project Feasibility Report' by OPUS which was commissioned jointly by NZTA, NCC and TDC was finalised on 24 August 2011.

The executive summary of this report is outlined below.

“Opus International Consultants (Opus) has been commissioned by the New Zealand Transport Agency (NZTA), Nelson City Council (NCC) and Tasman District Council (TDC) to undertake a Transportation Study into the effects of traffic growth on the operation of three roundabout intersections and link road connections at Whakatu Drive/Richmond Deviation (SH6) on the Nelson/Tasman border. The existing road network in this area is experiencing severe congestion in the peak periods, with long delays to motorists using both the state highway and the local road networks. In order to address these existing deficiencies, this transportation study has been developed to a PFR level to identify transport improvements for the short, medium and long term. The existing planning policy for land use and transport integration places significant importance on the Three Roundabouts - Saxton Fields intersections and surrounding land use development potential, with the Nelson to Brightwater Strategy Study and the Corridor Traffic Study identifying the importance of enhancements to the SH6 corridor and surrounding road network.

The objectives of this study have been agreed by the three key partners and focus on better understanding the existing transport issues, growth and development pressures and identifying short to longer term solutions. These objectives include:

- *To assess the impact of land use changes in the forecast years of 2016 and 2036, on the efficiency, safety and capacity of the road network within the study area.*
- *To develop improvement options and undertake a preliminary assessment (with and without a road link between Hill Street and Suffolk Road) of these against the ability to accommodate traffic demand, ensure trip reliability (within the study area) and alleviate congestion should the existing transport network provide insufficient capacity for future transportation demands in 2016 and 2036.*
- *To identify points in time at which the roundabout intersections of Champion Road/Salisbury Road and Main Road Stoke/Salisbury Road reach LOS D or worse.*
- *To identify points in time at which the roundabout intersection of SH6 reach LOS E or worse.*
- *To develop options that do not detrimentally impact on the road network within the study area and/or potential future upgrade proposals.*

Project specific SATURN and SIDRA traffic models were developed and calibrated to current traffic demands and queue lengths to confirm that all three intersections are currently subject to peak time delay and congestion which is in excess of the project objective of LOS D for the local road and LOS E for SH6. This confirms the current traffic demands result in unacceptable levels of service and any further demand, which includes that associated with Plan Change 18 and 20, would further degrade the current operation. A large number of options have been considered; these options were then assessed and screened in order to identify options aimed at meeting the project objectives.

The assessment of options indicates that some of the options do not meet the project objectives in the long term (2036) e.g. Option 1 and 3 without grade separation. These options provide for short term improvements and can be used within a staged approach to provide long term solutions.

The short term options would provide immediate benefits, and have a potential life of approximately 2-3 years for Option 1 based on predicted growth (with or without Plan Change 18 and 20). However Option 3 has a potential life of 22 years without Plan Change 18 and 20, or 12 years with the development and the link road between Hill Street and Suffolk Road being built. This is based on current predicted traffic demands for the years modelled (2016, 2023 and 2033). Both options could be implemented as an interim solution prior to the longer term option providing grade separation of the SH6 Link Road roundabout.

The longer term Options 2 and 4 both provide benefits and meet the project objectives through to 2033 in accordance with the projected traffic growth (with or without the additional development). This Transportation Study has concluded that there is a need to implement short term improvements as soon as possible and the Option 3 provides the most effective short term option, however at a significant cost. It can also be concluded that longer term grade separated options provide immediate benefits and better fulfil the project objectives. Option 2 has been identified to provide the best short and long term solution and achieves a BCR of 4.

It is recommended that NZTA, NCC and TDC should seek funding to prepare a Scheme Assessment Report and undertake more detailed micro simulation modelling to confirm the effectiveness of the options identified as part of this PFR level assessment.”

Furthermore, the recommendations of this report is that:

This transportation assessment has identified a number of opportunities to address current and future transportation needs in the Three Roundabouts – Saxton Fields project area. Based on this assessment it is recommended that:

- *Option 2 is the most effective solution to address all of the project objectives both in the short and long term, with or without Plan Change 18 and 20.*
- *Project partners should seek funding to undertake a full scheme assessment report for the project to confirm the assessment undertaken in this study and undertake public and stakeholder consultation. This should include the following:*
 - *Micro simulation modelling is undertaken for Option 1 and 2 to confirm that the solutions will achieve the desired short and long term outcomes associated with future development/ traffic growth phasing demands.*
 - *Undertake incremental assessment to determine the implementation phasing for the transition from Option 1 to Option 2 in terms of EEM and project funding.*
- *That future transport strategy and improvements (e.g. 4 laning of Richmond Deviation) incorporate improvements at Three Roundabouts – Saxton Fields.*

Subsequent to this report, a meeting between NZTA, NCC and TDC was undertaken (on Friday 14 October 2011) on the mechanisms, costs and cost sharing to pay for future upgrades of the surrounding road network in line with the recommendations of this transportation study.

At this meeting the following position between NZTA, NCC and TDC was agreed at officer level (although it has yet to be confirmed at Council or the management level of NZTA), refer below:

In the period since this Plan Change was advertised a Joint study between NZTA, NCC, and TDC has been carried out to identify the effects of traffic growth from the plan change (and including consideration of background growth) on the operation of the three roundabout intersections and the link road connections at Whakatu Dr/Richmond Deviation/Champion Rd.

This Transportation Study has identified that the existing capacity constraints of the intersections need to be addressed now, with short term improvements implemented as soon as possible. Medium to Longer term capacity improvement are also required through further intersection upgrades in the future.

The study also found that the extension of Hill St through to Suffolk Rd was found to alleviate traffic pressure on the three roundabout intersections, thereby extending the life of any improvements to the three roundabouts, as well as providing a vital alternative transport link should the three roundabout intersections fail at any time.

The study recommends NZTA, TDC and NCC progress to the preparation of a Scheme Assessment Report to undertake more detailed analysis of the preferred option. In the meantime a calculation to provide funding for the growth component of the works from NCC and TDC Development Contributions will be prepared for inclusion in the Nelson and Tasman 2012/22 Long Term Plans.

The findings of the joint transportation study between the NZTA, NCC and TDC has been considered when assessing the relief of submitters. Therefore the relief of the NZTA has been achieved.

Tasman District Council – Submission point #11.3

In summary, this submitter requests the integration of land use and the transport network and that this is shown in the text and maps of the Plan Change.

Changes to the subdivision provisions within the Services Overlay (REr.108) are proposed as part of proposed Plan Change 14. One of the matters of discretion for restricted discretionary activity subdivision within the notified version of Plan Change 14 is “ensuring the proposal provides for future roading and serving connections to adjoining land in Services Overlay” .

Therefore there is a mechanism as part of Plan Change 14 for ensuring that at the time of subdivision there is consideration of how neighbouring properties are connected to both roading and infrastructure services within the Plan Change area.

It is therefore unnecessary to undertake the changes requested by submission point #11.3 and therefore this submission is not supported.

Tasman District Council – Submission point #11.5 New Zealand Transport Agency – Further submitter 1

The submitter requests a road link between Hill Street North and Suffolk St be shown on the planning maps.

The Traffic Report by Andrew James, Principal Adviser - Transport and Roading produced prior to notification of the Plan Change has indicated that the road connection between Hill Street and Suffolk Street will help to alleviate the existing and potential future congestion problems which exist at the Champion Road / Salisbury Road intersection and the two down stream roundabouts at Whakatu Drive and Main Road Stoke.

In addition, the joint ‘Three Roundabouts - Saxton Fields Transportation Study Project Feasibility Report’ by OPUS and commissioned by NZTA, NCC and TDC has indicated as outlined in the executive summary of this report, that:

“The existing road network in this area is experiencing severe congestion in the peak periods, with long delays to motorists using both the state highway and the local road networks.”

This information confirms that a road connection between Hill Street and Suffolk Street would be beneficial to the existing and potential future traffic congestion of the immediately surrounding road network.

The potential increased capacity as a result of the Plan Change will contribute to the existing and potential future traffic congestion of the road network as will existing and future growth from other parts of the Nelson and Tasman regions.

Initial consultation with landowners (NCC and Raines) prior to notification of the Plan Change on the potential for a roading connection between Hill Street and Suffolk Street encountered opposition from both parties due to the potential effect on the recreation activities on Saxton Field and the farming activities on the Raines farm respectively.

Therefore, instead of indicating a road link between Hill Street and Suffolk Street as part of this Plan Change it is recommended that a separate study be initiated to consult on and look into the viability, cost and potential process for the establishment of a road connection between Hill Street and Suffolk Street. Unless agreement is reached with landowners on a voluntary basis to purchase land for the purposes of such a road connection then the Public Works Act process would have to be used to justify this road connection and potentially compulsorily purchase the land.

In addition, the Plan Change relates to the rezoning of land and the establishment of a Services Overlay in areas C and D of the Structure Plan (refer Figure 1 above), 187 Champion Road and 3A-3D Hill Street (refer figure 3 for aerial of Plan Change area). The requested relief by TDC to show a road link between Hill Street and Suffolk Street is outside this Plan Change area and is a matter which the affected landowners and other people with potential views have not been able to comment on. Therefore it is outside the scope of the Plan Change to agree to this relief. Submission 11.5 from Tasman District Council and further submission 1 from the New Zealand Transport Authority is therefore not supported.

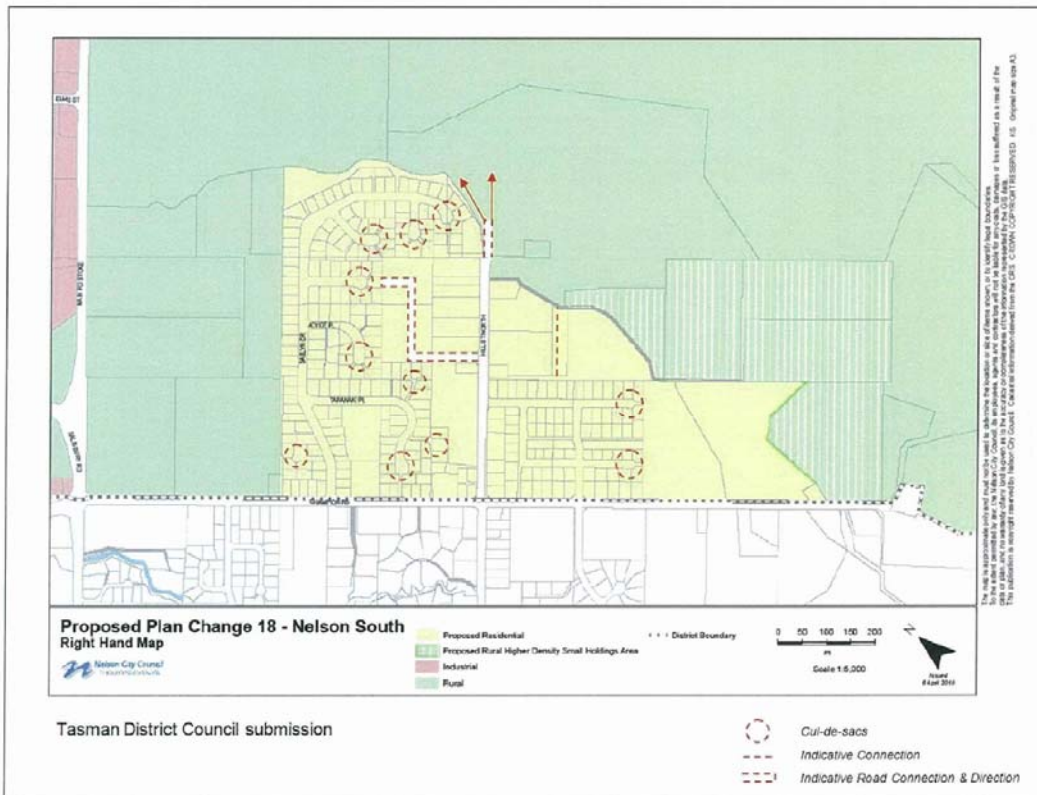
Tasman District Council – Submission points #11.6 and #11.7

Michael and Maria Luisa Lowe – Further submitter 9

PS Fry, CD Strong, NA McFadden and PJ McFadden – Further submitter 10

P& A Hamilton – Further submitter 11

The submitter requests that future road connections, as shown on submission (refer below) form part of the Plan Change



Council is proposing to increase vehicular and pedestrian connectivity within the proposed residential zone of the Plan Change area through a number of different initiatives. How these apply to the Plan Change area is outlined below.

Council as part of the subdivision of 41 Daelyn Drive, Nelson (LOT 122, DP 418761 and LOT 2, DP 422075) (RM 095369) by Daelyn Holdings Limited is proposing to purchase proposed lot 130 to vest as local purpose reserve (road) for roading purposes. The intention is to create a road connection from John Sutton Place through to Hill Street North via lot 130 and 44 Hill Street North. This connection will only be realised through subdivision of 44 Hill Street North.

An advice note from this resource consent states:

Council has agreed to purchase proposed Lot 130 to provide for a future road connection between Stage 3 of the Daelyn Subdivision and Lot 2 DP 5507

However, it is noted that the purchase of proposed Lot 130 has yet to occur.

In addition, negotiation is on going with Mr Sutton to gain improved pedestrian and cycle connection and frontage to Saxton Field from the Sutton subdivision (RM 065150), this connection has not been requested by the submitter.

The connections proposed by Tasman District Council in submission points #11.6 and #11.7 will only be realised through subdivision of affected properties. The existing mechanisms on the planning maps of the NRMP to require the establishment of a road link through a particular part of a property is the Services Overlay and associated subdivision rules.

With the exception of the proposed road connection between Sutton Place through to Hill Street North via 44 Hill Street North there is some uncertainty about the most appropriate roading connection.

One of the overlays on the left hand planning map of the NRMP is 'Proposed Road (Indicative Alignment Only)' overlay. This overlay has no rules associated with it so there is no compulsion under the NRMP for landowners to establish the road connection shown by this overlay, instead it is for information purposes only.

Clause AD11.3.10 Road Overlays of the NRMP (the relevant part of this clause is reproduced below) provides more clarity on the intent of this overlay, it states:

“Proposed Road Overlay, and Road to be Stopped Overlay cover areas where the road network is to be modified in some way. No rules apply to the Proposed Road Overlay or the Road to be Stopped Overlay. They are for information, and will be taken into account in considering resource consent applications (e.g. when considering the roading pattern for a subdivision consent). Road alignments shown in the Proposed Road Overlay are not intended to show the exact location of the proposed road boundaries ~~indicative only~~.^{PC13}”

The only mechanism for requiring potential or future roads within the NRMP is via the mechanism of a separate structure plan for the Plan Change area. The Plan Change as notified did not follow a structure plan approach (because it was not considered necessary) but instead applied the existing operative Residential zone and Services Overlay to the planning maps. Altering the notified approach of the Plan Change by creating a structure plan for the Plan Change area would be a fundamental departure from the notified version and would be outside the scope of the Plan Change. More detail on why a structure plan approach was not followed is outlined in topic 10 below.

There is also no equivalent mechanism on the planning maps to provide for pedestrian / cycleway or movement connections to realise submission point #11.7. These are instead also shown on structure plans or covered by the Services Overlay.

Plan Change 14 as notified has proposed altering the operative objectives and policies in regards to land transport DO10 and improving connections DO13, policy DO13A.2.1 provides further guidance about the intent of the Plan Change in regard to roading connections. This policy is reproduced below:

“Policy DO13A.2.1 accessibility

Accessibility is maximised through subdivision and development design which provides for:

- a) safe and pleasant transport networks for all modes of movement, including pedestrians, cyclists, public transport and motor vehicles.*
- b) a variety of logical and effective connections between different transport networks and between different parts of the city and urban areas.”*

^{PC13} Plan Change 13 (Marsden Valley)

Plan Change 14 has also proposed a new rule RUr.85 for subdivision within the Services Overlay which will apply in the Plan Change area. Under this rule (refer RUr.85.3a & b) it is a restricted discretionary activity to subdivide within the Services Overlay if it complies with the matters of control under RUr.78.2 (General Subdivision rules) and the development is provided with reticulated water, stormwater and wastewater services. Proposals for subdivision within the Services Overlay which do not comply with these requirements are discretionary activities.

However, the road connection between John Sutton Place through to Hill Street North via 44 Hill Street North (where Council has agreed to buy a lot to facilitate this road) is more certain and therefore the showing of a Proposed Road (Indicative Alignment Only) as requested by submission point 11.6 is supported.

For the other movement connections proposed by submission points # 11.7 the subdivision process is considered to be the most appropriate method of providing for the connectivity proposed by the submitters.

As a consequence the relief requested from Tasman District Council , Submission point #11.6 is supported and the relief requested from submission point #11.7 is not supported.

RECOMMENDATION

Michael and Maria-Luisa Lowe – Submission point # 4.3: Reject
CD Strong, PS Fry, NA McFadden and PJ McFadden– Submission point # 5.3: Reject
RG Griffin Children’s Trust – Submission point # 7.4: Reject
KN & DG Smith – Submission point # 8.3: Reject
New Zealand Transport Agency (NZTA) – Submission point #9.1: Accept
Tasman District Council – Submission point #11.3: Reject
Tasman District Council – Submission point #11.5: Reject
Tasman District Council – Submission point #11.6: Accept
Tasman District Council – Submission point #11.7: Reject
New Zealand Transport Agency – Further submitter 1: Reject
Michael and Maria Luisa Lowe – Further submitter 2 & 9: Reject
PS Fry, CD Strong, NA McFadden and PJ McFadden – Further submitters 3 & 10: Reject
P& A Hamilton – Further submitter 11 & 15: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Show on planning maps ‘Proposed Road (Indicative Alignment Only)’ overlay from John Sutton Place via lot 130 and 44 Hill Street North through to Hill Street North (refer left hand planning map of Plan Change for location).

TOPIC 9: FINANCIAL CONTRIBUTION PROVISIONS

DECISIONS REQUESTED FROM SUBMITTERS

Submitter Name	Submission Number	Statement Number	Decision Requested	Further Submissions
NZ Transport Agency (NZTA)	9	2	That PC18 is amended to include a financial contribution regime that will provide Nelson City Council with the option of imposing conditions on resource consents that will enable the payment of financial contributions towards the cost of any upgrades to SH6.	<p>Further submitter 20 - PS Fry, CD Strong, NA McFadden and PJ McFadden – oppose</p> <p>Further submitter 21 - Michael and Maria Luisa Lowe – oppose</p> <p>Further submitter 22 - P& A Hamilton – oppose</p> <p>Further submitter 28 - RG Griffins Children's Trust - oppose</p> <p>Further submitter 29 – KN and DG Smith – oppose</p>
Tasman District Council	11	8	<p>NCC provide for a financial contribution to be paid to TDC to offset the adverse effects of development directly attributable to the Plan Change on the transport network of TDC, by:</p> <p>(i) Inserting the following new policy after NRMP policy FC1.5:</p> <p>As a condition of subdivision, in terms of S 108(9-10) of the RMA, the Council may require a financial contribution /</p>	<p>Further submitter 1 – New Zealand Transport Agency – support in part</p> <p>Further submitter 9 - Michael and Maria Luisa Lowe</p>

Submitter Name	Submission Number	Statement Number	Decision Requested	Further Submissions								
			<p>amount in money to be paid to Tasman District Council to offset the actual or potential adverse effects of the activity on the Richmond transport network (which includes roads, intersections, foot and cycle paths, berms, kerbs and channels).</p> <p>(ii) Inserting the following new rule, after rule FC2.7: As a condition of resource consent for subdivision activity in the Nelson Plan Change 18 area, a financial contribution /amount in money is required to be paid to Tasman District Council. The financial contribution is payable in mitigation of the actual or potential adverse effects of the increased traffic flows attributable to Plan Change 18 on Richmond transport network. The financial contribution represents the likely cost to Tasman District Council of upgrading the Champion / Salisbury Road intersection being that part of the Richmond transport network that will be affected by development resulting from Plan Change 18. The pro rata amount of the financial contribution payable per lot is \$1,690.00 as calculated below</p> <table border="1" data-bbox="712 834 1310 1335"> <thead> <tr> <th colspan="2" data-bbox="712 834 1310 946">Financial Contribution payable per lot located in the Nelson South Plan Change 18 area</th> </tr> </thead> <tbody> <tr> <td data-bbox="712 946 1178 1016">Total estimated cost of upgrading the Champion / Salisbury Road intersection</td> <td data-bbox="1178 946 1310 1016">\$400,000</td> </tr> <tr> <td data-bbox="712 1016 1178 1214">Proportion of cost from additional traffic flows attributable to Nelson South NRMP Plan Change 18. (Proportion of additional traffic flows attributable to NRMP Plan Change 18: 90%. Proportion of additional traffic flows attributable to TRMP Plan Change 20: 10%.)</td> <td data-bbox="1178 1016 1310 1214">\$360,000</td> </tr> <tr> <td data-bbox="712 1214 1178 1335">Contribution received for Champion / Salisbury Road intersection upgrading from the subdivision of 135 Champion Road, Nelson South</td> <td data-bbox="1178 1214 1310 1335">\$50,000</td> </tr> </tbody> </table>	Financial Contribution payable per lot located in the Nelson South Plan Change 18 area		Total estimated cost of upgrading the Champion / Salisbury Road intersection	\$400,000	Proportion of cost from additional traffic flows attributable to Nelson South NRMP Plan Change 18. (Proportion of additional traffic flows attributable to NRMP Plan Change 18: 90%. Proportion of additional traffic flows attributable to TRMP Plan Change 20: 10%.)	\$360,000	Contribution received for Champion / Salisbury Road intersection upgrading from the subdivision of 135 Champion Road, Nelson South	\$50,000	<p>– oppose</p> <p>Further submitter 10 - PS Fry, CD Strong, NA McFadden and PJ McFadden – oppose</p> <p>Further submitter 11 - P& A Hamilton – oppose</p> <p>Further submitter 28 - RG Griffins Children’s Trust - oppose</p> <p>Further submitter 29 – KN and DG Smith – oppose</p>
Financial Contribution payable per lot located in the Nelson South Plan Change 18 area												
Total estimated cost of upgrading the Champion / Salisbury Road intersection	\$400,000											
Proportion of cost from additional traffic flows attributable to Nelson South NRMP Plan Change 18. (Proportion of additional traffic flows attributable to NRMP Plan Change 18: 90%. Proportion of additional traffic flows attributable to TRMP Plan Change 20: 10%.)	\$360,000											
Contribution received for Champion / Salisbury Road intersection upgrading from the subdivision of 135 Champion Road, Nelson South	\$50,000											

Submitter Name	Submission Number	Statement Number	Decision Requested		Further Submissions
			Total amount of upgrade cost attributable to Plan Change 18	\$310,000	
			Pro rata financial contribution per potential lot (total potential lot yield 183) located in the Nelson South Plan Change area	\$1,690	

PLANNING OFFICER COMMENT ON TOPIC 9: FINANCIAL CONTRIBUTION PROVISIONS

New Zealand Transport Agency (NZTA) – Submission point #9.2 and further submitter 1

Tasman District Council – Submission point #11.8

Michael and Maria Luisa Lowe – Further submitter 9 & 21

PS Fry, CD Strong, NA McFadden and PJ McFadden – Further submitter 10 & 20

P& A Hamilton – Further submitter 11 & 22

RG Griffin Children’s Trust – Further submitter 28

KN & DG Smith – Further submitter 29

The reasons put forward for the submissions and further submissions on the financial contribution issue are outlined below:

The New Zealand Transport Agency (NZTA) reasons are:

“The purpose of including such a financial contribution regime would be to avoid, remedy or mitigate any adverse effects on SH6 of the traffic likely to be generated as a consequence of a proposed subdivision or development, and to achieve positive safety effects in terms of servicing the subdivisions and developments within the future NSRE area.”

The Tasman District Council (TDC) reasons are:

“As the plan change section 32 assessment (page 17, Table 3, Option 2) notes: the Champion / Salisbury Road roundabout is currently close to capacity. Without an alternative road connection (from Hill Street North to Suffolk Road) any additional residential capacity brought about by rezoning land from rural to residential will result in increased peak hour congestion. In addition there will be increased congestion on both the Main Road Stoke and Wakatu Drive roundabouts. Preliminary studies show the effect of this plan change is to move forward the requirement for the assessment and upgrade of these three roundabouts (the Wakatu Link) in order to reduce this congestion risk. Currently an assessment by the New Zealand Transport Agency, Tasman District and Nelson City is in process. It is likely to take some time for the assessment findings to result in any commitment to an upgraded road network. Recent TDC cost studies show that the estimated rough order of cost of upgrading the Champion /Salisbury Road intersection is likely to be around \$400,000. This cost is based on land take and traffic signals. The actual upgrade option has not been confirmed yet as more refined work is still to be done. Recent TDC modelling studies show that of the additional traffic flows expected to be generated by the Nelson South and Richmond East plan changes, the Nelson South plan change will generate 90% of the additional flow with the Richmond East plan change responsible for 10%. Less the amount of \$50,000 already received by TDC as a result of the 135 Champion Road subdivision, this apportionment equates to cost effects in the order of \$40,000 for TDC and \$310,000 for NCC towards improvements. Based on the Nelson South plan change potential yield of 183 lots, the financial contribution would be in the order of \$1,690 per lot. Further detail will be made available at the plan change hearing.”

The reasons that the further submitters 9, 10 and 11 opposed the relief from Tasman District Council – Submission point #11.8, were:

“We oppose the submission to the extent that require payment of a financial contribution to effects of development directly attributable to the plan change on the transport network of TDC. Existing Council roads can physically cater for potential development over time. There is no commitment on the part of TDC to do the upgrade it suggests. Decline the submission.”

The reasons that the further submitters 28 and 29 opposed the relief from Tasman District Council – Submission point #11.8, were:

The Submitter opposes the request of TDC for a Financial Contribution to be paid to them to offset the adverse effects of development on the transport network of TDC. There is already a Development Contributions system in place for contributions to the transport network and this is paid to Nelson city at the current rate of \$2448 + GST. TDC is seeking a further \$1690 per new allotment to be imposed. This is inconsistent within other areas of Nelson city. While the Further Submitter has the view there is no case for a separate Financial Contribution, if there was a case for a contribution to Tasman District Council then this should be achieved through direct negotiations with Nelson City Council to take a share of the Development Contribution for Transport paid to Nelson City Council. To do otherwise would be a 'double dip' where subdividers in this area would pay twice for the transport network, yet in other areas of both Richmond and Nelson City there is the one contribution to pay.

Tasman District Council's reason for wishing to have the separate Financial Contribution is that the adjoining roading network is in the Tasman District Council territorial area. They consider that development in this area of Nelson City Territorial Area creates a burden on their network, a burden for which currently TDC is responsible, and they do not consider this to be fair. However this argument equally applies to traffic on the Nelson City Council network that arises from Tasman District residents commuting to Nelson city for work purposes this has an impact on the Nelson City network and there is no direct contribution to Nelson city for that burden. In the future it is possible that the commuter traffic in terms of proportions could change as a range of business and industrial activity is developed in the Tasman Territorial Area in the Richmond West area. All that proves is that at different times in different circumstances, there is a burden created for the other Authority from traffic on that Authority's network from residents in the adjoining Territorial Authority. Overall though, that burden is likely to even out when considering the transport network as a whole. To introduce a separate system in this circumstance, when both local authorities have a Development Contribution system, would set quite a dangerous precedent and introduce a system that is complex and fraught with argument and debate as to its fairness and reasonableness. Decline the submission of the TDC or as a separate Policy matter, that the TDC and the NCC agree to a sharing of the Development Contribution that the NCC will take from subdivisions in this locality for Transport i.e. the \$2448 + GST is shared between the two Authorities.

Subsequent to these submissions from TDC and NZTA being received, considerable investigation has been undertaken on the existing and potential future traffic environment surrounding the Plan Change area.

This has included the commissioning and completion of the 'Three Roundabouts - Saxton Fields Transportation Study Project Feasibility Report' by OPUS which was commissioned jointly by NZTA, NCC and TDC and was finalised on 24 August 2011 (refer topic 8 for further details).

In addition, as outlined above a meeting between NZTA, NCC and TDC was undertaken (on Friday 14 October 2011) on the mechanisms, costs and cost sharing to pay for future upgrades of the surrounding road network in line with the recommendations of this transportation study and at officer level it was agreed:

The study recommends NZTA, TDC and NCC progress to the preparation of a Scheme Assessment Report to undertake more detailed analysis of the preferred option. In the meantime a calculation to provide funding for the growth component of the works from NCC and TDC Development Contributions will be prepared for inclusion in the Nelson and Tasman 2012/22 Long Term Plans.

After consideration of the relief and reasons raised by submitters and further submitters on the financial contribution issue, the relief from the New Zealand Transport Agency (NZTA) – submission point #9.2 and further submitter 1 and Tasman District Council – submission point #11.8 is not supported. In addition, the relief from further submitters 9, 10, 11, 20, 21, 22, 28 and 29 are supported, for the following reasons:

1. There is nothing in the RMA statutory regime that enables policies or rules to have effect beyond the district. Note that the provisions consistently relate to the district, not any adjoining district. Section 31 specifically limits territorial authorities in the exercise of their RMA powers to give effect “**in its district**” and to achieve appropriate management of resources “**of the district.**”
2. There is nothing in Chapter 6 Financial Contributions of the NRMP that suggests that financial contributions are to be taken for the benefit of a third party. Section 108 RMA requires the Council to state the purposes for which contributions are to be taken. Chapter 6 can only be read as framing the Nelson City Council’s approach and basis for taking contributions. Therefore third parties (for example TDC or NZTA) cannot read themselves in to being a beneficiary of conditions of resource consent.
3. Neither a regional council or territorial authority have any powers to make rules falling within the function of any other regional council or territorial authority
4. The existing financial contribution provisions with Chapter 6 of the NRMP and the development contributions policy of Council allows for Council to impose conditions on resource consents that will enable the payment of financial contributions towards the cost of any upgrades to SH6.
5. It is a fairer and more effective solution to provide for the money for the necessary upgrades to the road network through the development contribution process for inclusion in the Nelson and Tasman 2012/22 Long Term Plans, as agreed to by TDC and NCC officers (refer above).

As a result of this the imposition of a financial contribution by Nelson City Council that would be paid to and benefit TDC or NZTA (submission 11.8 and 9.2 respectively) is not supported and further submitters 9, 10, 11, 20, 21, 22, 28 and 29 who oppose the relief of these submitter is supported.

RECOMMENDATION

Tasman District Council – Submission point #11.8: Reject
NZ Transport Agency (NZTA) – Submission point #9.2 and further submitter 1: Reject
Michael and Maria Luisa Lowe – Further submitter 9 & 21: Accept
PS Fry, CD Strong, NA McFadden and PJ McFadden – Further submitter 10 & 20: Accept
P& A Hamilton – Further submitter 11 & 22: Accept
RG Griffin Children’s Trust – Further submitter 28: Accept
KN & DG Smith – Further submitter 29: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

None

TOPIC 10: STRUCTURE PLAN

DECISION REQUESTED FROM SUBMITTER

Submitter Name	Submission Number	Statement Number	Decision Requested	Further Submissions
Julian Raine	14	2	The submitter seeks to amend Plan Change 18 to incorporate a structure plan (similar to or along the lines of the structure plan titled "Figure 3" in the section 32 analysis), and to require any development in the area covered by the Plan Change to conform with the structure plan.	

PLANNING OFFICER COMMENT ON TOPIC 10 STRUCTURE PLAN SUBMISSION

Julian Raine – Submission point #14.2

Section 2.0 of this report outlines the background to the Plan Change including the development of the Nelson South – Richmond East Structure Plan report and the development of the 'Possible Outcome' (Concept Plan) developed in a public workshop in April 2008. Reference to section 2.0 should be made to see a copy of the Structure Plan and Concept Plan maps.

It is unnecessary to incorporate a structure plan as part of this Plan Change because:

- The Residential and Rural Higher Density Small Holdings zones of the Plan Change reflect the existing character of the area, have only received submissions in support and largely reflect the zoning outlined in the Concept Plan titled 'Possible Outcome'; and
- Opportunity exists for the development of retail / employment activities through existing operative rules within the NRMP. These are a home occupation activity (which is permitted) or a non residential activity (which is discretionary). There is doubt whether there is a demand for retail / employment activity through specific zoning in this locality so this is an alternative and operative method of allowing appropriate non residential activity; and
- The Sutton and Wahanga approved subdivisions has confirmed a lot of the roading pattern within areas C and D of the Structure Plan map. Any future subdivision and development of land within the Plan Change area will seek to encourage connectivity through the provisions of proposed Plan Change 14. Refer Topic 8 - Road links / connections (above) for further discussion on this matter.
- Because the land within the Plan Change boundaries is flat there is flexibility in how connectivity can be achieved. The Plan Change and provisions of proposed Plan Change 14 will allow for this flexibility while a Structure Plan approach is more directive and less flexible.

As a consequence, some thing similar to the Concept Plan shown in section 2.0 above is possible without a Structure Plan providing direction. It is therefore unnecessary in this instance to incorporate a Structure Plan as part of this Plan Change.

In addition, this relief is outside the scope of the notified Plan Change because the relief is not on the provisions which the Plan Change proposes to alter.

RECOMMENDATION

Julian Raine – Submission point #14.2: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

None

TOPIC 11: POTENTIAL RATES INCREASE

DECISION REQUESTED FROM SUBMITTER

Submitter Name	Submission Number	Statement Number	Decision Requested	Further Submissions
John Gray Sutherland	13	1	If the proposed Plan Change takes place then there should be the application of a rating differential until physical work for a subdivision is undertaken by the landowner.	Further submitter 23 - Michael and Maria Luisa Lowe – support in part Further submitter 24 - P& A Hamilton – support in part Further submitter 25 - PS Fry, CD Strong, NA McFadden and PJ McFadden – support in part

PLANNING OFFICER COMMENT ON TOPIC 11: POTENTIAL RATES RISE

John Gray Sutherland – Submission point #13.1

Michael and Maria Luisa Lowe – Further submitter 23

P& A Hamilton – Further submitter 24

PS Fry, CD Strong, NA McFadden and PJ McFadden – Further submitter 25

Mr Sutherland as part of his submission included a letter from Bryan Paul, Register Valuer, Telfer Young which stated:

“It is our conclusion that if the land does change from its present Rural zone to Residential this will result in a potential land value increase of between 25% and 50%. This will directly affect your rating liability.”

Liaison with Don Knight, Register Valuer, Quotable Value Limited (QV) has confirmed this with Mr Knight estimating a potential increase in land value of 35% for Mr Sutherland's property as a result of the proposed rezoning from Rural to Residential.

In regards to the further submitters land at 25 Hill Street and 3B & 3C Hill Street North Mr Knights opinion is that the land value is unlikely to increase due to the proposed rezoning because they are rear sites and therefore subdivision is constrained until effective access can be obtained.

Mr Knight also raised that *“there used to be a provision for "Special Rateable Values" for such land under S26 Rating Valuations Act, wherein it was possible to discount all residential subdivision potential and value the land in its existing use. That provision is now gone. S26 was repealed in 2002. There is no longer rating valuation provision to reflect existing uses.”*

In regards to the effect of increased land values on rates, Theo Aiken, Rates Officer has confirmed that it will have the potential to increase Mr Sutherland 's rates. Revaluations by QV are done every three years with the one that currently applies to this land being undertaken on 1st September 2009 and the next one due in September 2012.

When the next revaluations are undertaken (in September 2012), decisions on this Plan Change will have been made and the Residential zoning on 135 Champion Road will have legal effect. Therefore this property will be valued based on its Residential zoning and potential.

If Mr Sutherland or the further submitters wish to have the rates based on the existing land use (pre subdivision) rather than the Residential zoning potential of the land they will need to make a submission to the annual plan to alter Councils Ratings Policy. This is separate from this Plan Change process under the RMA.

RECOMMENDATION

- John Gray Sutherland – Submission point #13.1: Accept in part – in so far as it relates to encouraging the submitter to make a submission to the annual plan seeking alteration of the Councils Rating Policy
- Further submitters # 23, 24 and 25: Accept in part – as above.

AMENDMENT TO PROPOSED PLAN CHANGE:

None

PART C: REVISED PLAN CHANGE 18 – NELSON SOUTH

NELSON CITY COUNCIL

Nelson Resource Management Plan

Proposed Plan Change 18

Nelson South

Proposed Plan Amendments

Notified
28 August 2010



1.0 INTRODUCTION (not part of the Plan Change)

1.1 Background and development

- 1.1.1 The Nelson Urban Growth Strategy (2006) (NUGS) identifies the Rural zoned area immediately north of Champion Road as one of the preferred areas for residential growth.
- 1.1.2 Following the guidance of NUGS a Structure Plan report was prepared for the area (approximately 160ha) in conjunction with Tasman District Council (TDC). The Structure Plan report looked at appropriate zoning and development opportunities for land on both sides of Champion Rd and included land on the lower slopes of the hills and a portion of flat land on the Raine's farm.
- 1.1.3 The Structure Plan was prepared to avoid continued fragmented subdivision which can lead to inefficient servicing and poor urban design as has been happening over the last few years. This Structure Plan divided the Nelson City Council area into areas C, D, E and F for considering their rezoning to Residential. The Structure Plan map which shows these areas is included as Figure 1.
- 1.1.4 During 2006-2008 the Moturoa, Sutton and Wahanga Limited subdivisions on Champion Road were approved and provide for 285 Residential lots in areas C and D.
- 1.1.5 During 2008 public consultation on the Structure Plan was undertaken and feedback from landowners, stakeholders, residents and national organisations was received.
- 1.1.6 Further investigation on the infrastructure (storm water, wastewater, water supply and transport) implications and biodiversity effects of the Plan Change was undertaken in 2009 and informed the Plan Change approach and proposed boundaries.
- 1.1.7 As part of this investigation it was proposed to only rezone areas C and D from Rural to Residential and apply a Services Overlay to these areas. Feedback was sought from landowners, stakeholders, residents and national organisations on the draft Plan Change in early 2010. As a result of this feedback this approach has been confirmed with minor changes. The revised approach being followed for Proposed Plan Change 18 – Nelson South is outlined below.
- 1.1.8 This approach is to:
- Rezone Areas C and D and the lower portion of 187 Champion Road (Lot 1 DP 14618) and 203 Champion Road (Lot 1 DP 6653) from Rural to Residential
 - Rezone 3A, 3B, 3C and 3D Hill Street (Lot 4, Lot 3, Lot 2 and Pt Lot 1 DP 8212 respectively) and the upper portion of 187 Champion Road (Lot 1 DP 14618) from Rural to Rural - Higher Density Small Holdings Area
 - Apply a Services Overlay to the proposed Residential and Rural - Higher Density Small Holdings Area zones.

- Apply an Esplanade Reserve of varied width on both sides of the western arm of Saxton Creek

1.1.9 Figure 2 shows the location of 3A, 3B, 3C, 3D Hill Street and 187 and 203 Champion Road

Figure 1



Figure 2



1.2 Description of the proposed Plan Change

Planning Maps

- 1.2.1 As outlined in clause 1.1.8 above it is proposed to replace the existing Rural Zone with the Residential Zone in areas C and D and the lower portion of 187 Champion Road and 203 Champion Road. It is also proposed to replace the existing Rural Zone with a Rural - Higher Density Small Holdings Area Zone within the upper portion of 187 Champion Road and within 3A, 3B, 3C and 3D Hill Street.
- 1.2.2 It is proposed to apply the Services Overlay to the proposed Residential Zone and Rural - Higher Density Small Holdings Area Zone to ensure the adequate and orderly provision of infrastructure services to these areas.
- 1.2.3 The existing overlays which relate to Heritage and Landscape Trees, Riparian Overlay, Land Management Overlay and Electricity Transmission Lines (ETL) will be retained as part of this Plan Change

Text

1.2.4 Changes to the text resulting from the Plan Change include:

- Additions to Appendix 6 Riparian and Coastal Margin Overlay by proposing a 20 metre wide esplanade reserve on both sides of Saxton Creek, from the south eastern boundary of Saxton Field Recreation Reserve to Champion Road. This 20 metre reserve is varied where existing subdivisions have applied a different reserve width and where existing right of ways will be affected.
- Additions to Chapter 12 'Rural Zone' stating that a small part of the Nelson South area is proposed to be in the Rural - Higher Density Small Holdings Area Zone.

1.3 Format of the Plan Change provisions

For the ease of the reader the full text of provisions to be changed have been used in this document.

The reader should be aware that operative provisions that are not proposed to be changed are unable to be submitted upon.

Within this Plan Change:

- 'Normal' text applies to operative provisions which are to remain unchanged.
- 'Underline' text applies to proposed new provisions.
- '~~Strikethrough~~' text applies to operative provisions proposed to be deleted or amended as described.
- '*Italic*' text applies to instructions (therefore are non statutory).

2.0 Proposed Plan Change 18 : Proposed Amendments to the Nelson Resource Management Plan (Statutory Provisions)

2.1 AMENDMENTS TO TEXT

2.1.1 *Amend Chapter 12 Rural Zone, at the end of the first paragraph of clause RU2.iib add the following new text:*

Part of the Nelson South area (land accessed off Champion Road and Hill St North) has been identified as a Rural – Higher Density Small Holding Area, because of its location adjacent to the Residential Zone, its small size and its role as a buffer to adjoining Rural Zone land^{PC18}

2.1.2 Amend Appendix 6 Riparian and Coastal Margin Overlay (Table 6.1 Riparian Values) by adding 'Recreation' to the values of Saxton Creek as follows:

River	Reach	Values
Saxton Creek	Coast inland including first tributary to Champion Road and main stream above first tributary to next confluence.	Conservation (aquatic habitat) priority 3 Access coast to Champion Road Hazard mitigation flood capacity <u>Recreation</u> ^{PC18}

2.1.3 Amendments to Appendix 6 Riparian and Coastal Margin Overlay (Table 6.2 Priority Values) by adding Saxton Creek as a stream where an esplanade reserve will be taken. This will be done by inserting an additional row below the Roding River, as follows:

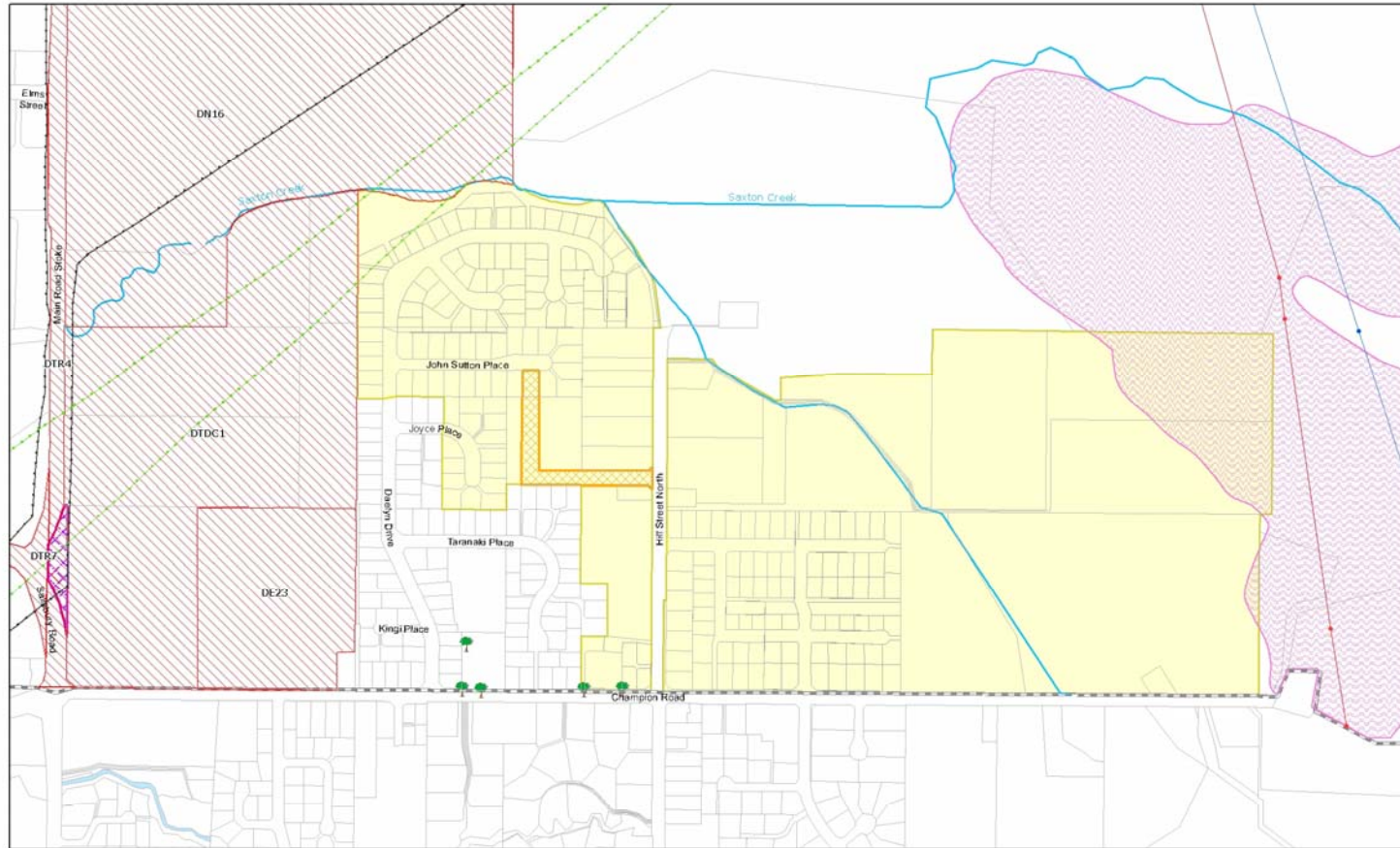
River	Reach	Values	Esplanade requirements
Saxton Creek	From south eastern boundary of Saxton Field Recreation Reserve to Champion Road.	Conservation Access Hazard mitigation Recreation	20 15m on both river banks, except: <ul style="list-style-type: none"> where adjoining land already has subdivision approval for a different esplanade reserve width prior to this rule being notified (28 August 2010) <u>in the case of the property formerly legally described as Lot 3 DP5665, Lot 2 DP361671 and Lot 1 DP15531 which has a subdivision approval (RM 065150) then as set out in that resource consent and its supporting plans, and</u> <u>where Saxton Creek adjoins the right of ways to 3A, 3B, 3C and 3D Hill Street (Lot 4, Lot 3, Lot 2 and Pt Lot 1 DP 8212) respectively. In this case a 5m esplanade reserve width will apply to the river bank on the right of way side.</u>^{PC18}

2.2 AMENDMENTS TO PLANNING MAPS

2.2.1 Amendments to Planning Maps 32 and 35 (left and right hand map) as set out in Appendix 1.

APPENDIX 1

ALTERATIONS TO MAPS 32 AND 35 OF LEFT AND RIGHT HAND PLANNING MAPS



The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. It is intended as a guide only and does not constitute a guarantee, warranty or representation of any kind. The information is provided as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented by the GIS data. While reasonable use is permitted and encouraged, all data is copyright reserved by Nelson City Council. Cadastral information derived from the Land Information New Zealand. CROWN COPYRIGHT RESERVED. MS - Original map size A3. File Ref

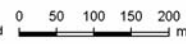
Proposed Plan Change 18 - Nelson South

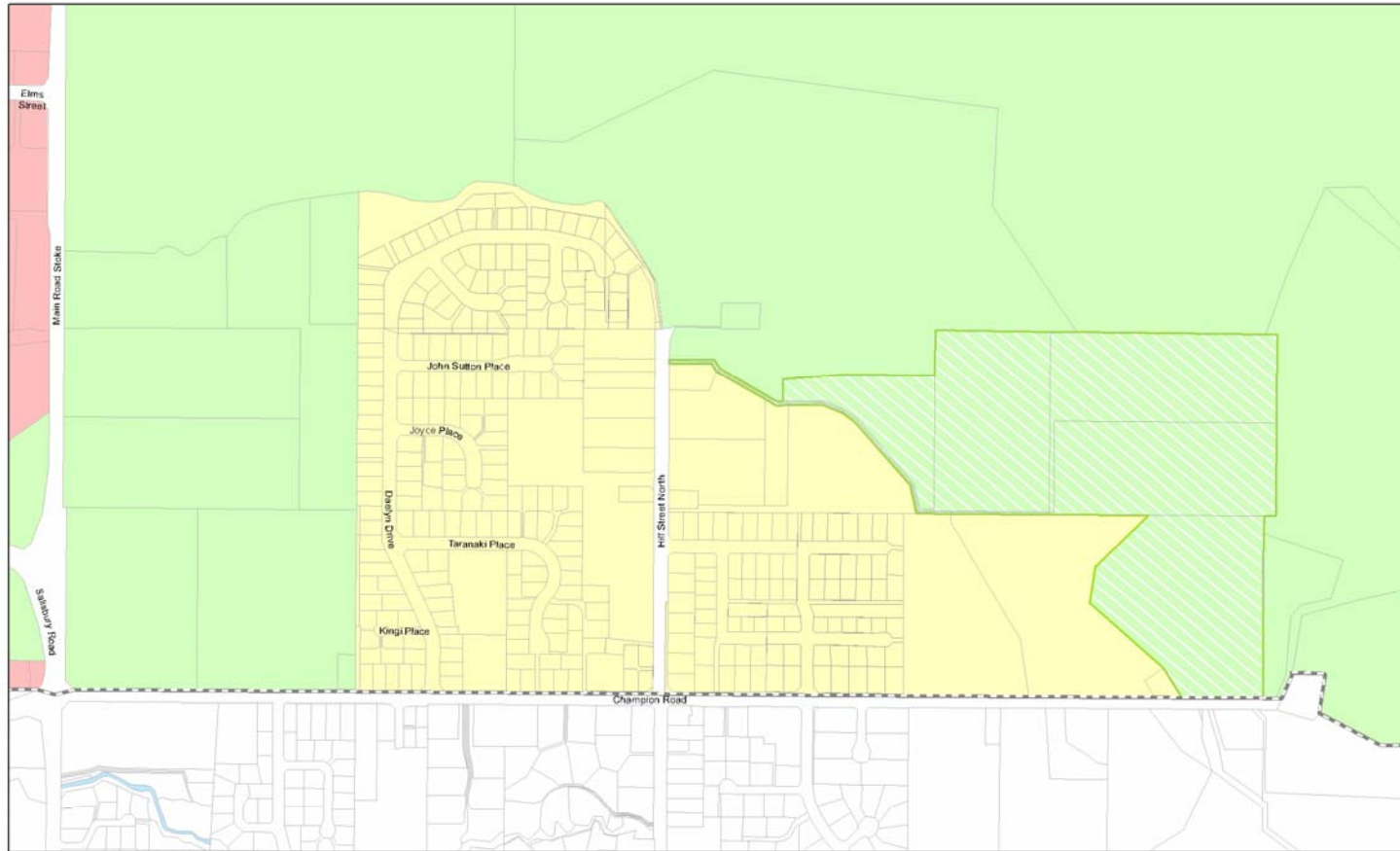
Left Hand Map



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- | | | |
|-------------|----------------------------------|---|
| — 33kV ETL | Heritage Landscape | Proposed Road (Indicative Alignment Only) |
| — 66kV ETL | Heritage Building, Object, Place | Road to be Stopped |
| — 110kV ETL | District Boundary | Land Management Overlay Legend |
| — 220kV ETL | Riparian Overlay | Proposed Services Overlay |
| | | Designation Areas Legend |





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Proposed Plan Change 18 - Nelson South

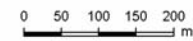
Right Hand Map



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- Proposed Residential
- Proposed Rural - Higher Density Small Holdings Area
- Industrial
- Rural

--- District Boundary



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