

# NELSON CITY COUNCIL

## **Nelson Resource Management Plan**

Proposed Plan Change 17

Enner Glynn and Upper Brook Valley Rezoning and Structure Plan

**Decisions of Commissioner Addressing Submissions  
on the Plan Change**

**Commissioner**

Peter Reaburn

**Decisions notified**

30 June 2012



# DECISIONS REPORT ON PC17- Enner Glynn and Upper Brook Valley Rezoning and Structure Plan

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# 1. INTRODUCTION AND DECISION ON PROPOSED PLAN CHANGE 17

## Commissioner's Introduction and Structure of the Decisions Report

The decisions in this report have been made by Mr Peter Reaburn, an independent commissioner delegated by the Nelson City Council (**referred to in this report as "the Council"**) pursuant to section 34 of the Resource Management Act 1991 to hear and make decisions on submissions to PC17 to the Nelson Resource Management Plan (**referred to in this report as "the Plan"**). Mr Reaburn is the author of this report. References to the first person ("I") are references to Mr Reaburn.

This Decisions Report covers the following:-

1. A brief description of Proposed Plan Change 17 and the plan change process to date.
2. A summary of the principal resource management issues raised by the plan change and through submissions.
3. Formal Decision
4. A reference table of submissions and further submissions
5. A description, an assessment and a decision on each of the submission points made. Note that there is no specific discussion on the points made by further submitters in support of or opposition to the principal submission. However further submissions have been considered, and decisions are recorded in relation to further submissions.

The submission points are grouped by topic, as follows:-

- |          |  |
|----------|--|
| Topic 1: | Plan Provisions on Biodiversity & Eco-Sourcing     |
| Topic 2: | Zoning and Landscape Overlay placement or extent   |
| Topic 3: | Services: Stormwater, Wastewater, Potable water    |
| Topic 4: | Roading connections, placement and traffic effects |
| Topic 5: | Transmission Lines                                 |
| Topic 6: | Walkway and cycleway connections                   |
| Topic 7: | Miscellaneous                                      |

6. In some cases a submission point or the decision covers multiple topics and there are inevitably overlaps. In these cases cross references and notes are provided to explain where further, or otherwise relevant, discussion occurs.

Attachment 1 records statutory requirements.

Attachment 2 outlines amendments to Plan Change 17.

Attachment 3 includes photographs relating to issues raised by Submitter 11.

## Proposed Plan Change 17

The land subject to Proposed Plan Change 17 (**referred to in this report as “PC17”**) is primarily located in two distinct catchments. The Enner Glynn Valley catchment connects with the Enner Glynn suburb and on to Stoke and the Brook Valley catchment connects with the main Brook Valley residential area and down into Nelson City. There is currently no direct public access between the two areas.

PC17 is a continuation of the structure plan work initiated in Marsden Valley under Plan Change 13 – Marsden Valley Rezoning and Structure Plan. PC17 introduces a new zoning pattern for Enner Glynn Valley and the upper portion of Brook Valley. It also includes individual properties within Marsden Valley that were not included in Plan Change 13.

PC17 reviews zoning patterns to provide for levels of rural and residential development that the Council has considered are suitable for the location and the context in which it exists. The land subject to PC17 has a number of constraints which limits the potential density, and as a result a large portion of the area is proposed as a Rural Zone. The constraints identified included landscape values, topography and aspect, geotechnical, reverse sensitivity with the quarry and landfill, and servicing. The zoning and structure plan provisions also provide for protection and enhancement of natural values, such as identified vegetation, riparian areas and landscape values. The primary connections for pedestrians, cyclists and vehicles are also shown throughout the PC17.

PC17 utilises a Structure Plan approach and includes specific rules relevant to the area contained within a schedule in the Plan. This sets the requirement for establishing a planned and integrated development pattern across individual properties which are owned by different parties.

While spatially PC17 is limited to the Enner Glynn and Upper Brook valleys, and portions of Marsden Valley not included in the scope of Plan Change 13, it does include some Plan provisions which will ultimately have effect district wide. For example the inclusion of ‘biodiversity corridors’ is a new concept in the Plan, and it is anticipated that where appropriate this may be applied to other areas within and adjoining the urban area when land is rezoned using a structure plan process. PC17 includes related policies and rule requirements to include biodiversity corridors on land subject to this proposal. A section relating to the use of structure plans and related connections is also proposed to be included in the Plan. Although a planning concept already used in the Plan, this is intended to enhance the understanding and implications of structure planning as a regulatory method.

All relevant Plan zoning, overlays and connections are included in PC17 to the extent of spatially defining their location in the area concerned. The relevant zones are Residential, Rural and Rural Zone – Lower and Higher Density Small Holdings Areas. The relevant overlays are Riparian, Services, Fault Hazard, Land Management, Landscape and the Transmission Line Route.

The structure plan as proposed is incorporated through a Schedule within the Rural section of the Plan, cross-referenced and applicable also to the Residential Zone. It incorporates items such as the indicative locations of roads, walkways/cycleways, and biodiversity corridors. The schedule itself includes rules specific to this area.

In summary, PC17 includes changes to:

- Meanings of Words (Chapter 2)



- Administration (Chapter 3)
- District Wide Objectives and Policies (Chapter 5)
- Residential Zone (Chapter 7)
- Rural Zone (Chapter 12)
- Planning Maps (Volume 4)

## **Plan Change Process**

PC17 was publicly notified on 25 September 2010, with submissions closing on 3 December 2010. Twenty submissions were received.

Submission 18 'Glenn Stewart and Shelley t'Hooft', 'Submission 19 'Mark Pyers', and Submission 20 'David and Donna Butler' were received after the closing time/date for submissions.

An officer's hearings report was pre-circulated to submitters in advance of a hearing originally set down in September 2011. At that time, submissions were to be heard by a hearings committee of the Council. However, before that hearing was held, the Council determined that it may have a conflict of interest, primarily due to its own landholdings in the vicinity of the PC17. It was therefore considered prudent to appoint an independent commissioner, and I was appointed in that role on or about 3 November 2011.

I made a decision on behalf of Nelson City Council accepting the late submissions on 18 November 2011.

I conducted a comprehensive site visit of the PC17 on 12 December 2011. Details of my site visits are recorded in Section 2 of this decisions report.

The hearing was conducted at the Nelson City Council offices on 13 and 14 December 2011.

## **Hearings Report**

An officer's report was prepared under Section 42A of the Resource Management Act 1991 (RMA) by Mr Reuben Peterson, a Council planning officer. Mr Peterson was assisted by a number of specialist inputs, from:-

- Liz Gavin (nee Kidson) – Landscape Architect
- Dr Philip Simpson – Ecologist
- Andrew James - Principal Adviser Transport and Roothing
- Phil Ruffell - Principal Adviser Utilities
- Britta Hietz - Planning Adviser.

The Section 42A officer's report provided information on PC17 and made recommendations on the submissions that were received. In evaluating the submissions and further submissions, the report provided an analysis as to whether a decision requested in a submission:

- fell within the functions of Nelson City Council under the RMA;
- would enhance the ability of the Plan to achieve the purpose of the RMA;
- would improve a policy, rule or other method so that it is more efficient and effective for achieving the relevant objectives;
- would improve the Plan in relation to such matters as its lawfulness, clarity, accuracy, effectiveness, and coherence.
- fell within the scope of PC17.

This Decisions Report generally follows the format in the Section 42A officer's report.

## Hearing

Council staff present throughout the hearing were:-

Matt Heale (Principal Advisor Resource Management), Reuben Peterson (Planning Advisor and section 42A Report author), Lisa Gibellini (Planning Advisor).

At other appropriate times, including at the end of the hearing when Council advisors responded to matters raised in evidence, the following Council advisors were present:-

Liz Gavin (Consultant Landscape Architect), Dr Philip Simpson (Consultant Ecologist), Andrew James (Principal Adviser Transport and Roading), Phil Ruffell (Principal Adviser Utilities).

Submitters who gave evidence included:-

- Rosalie Higgins (Submitter 7), with Tony Alley (survey/ planning) (Submitter 7),
- Fulton Hogan Ltd (Submitter 3) and Gibbons Holdings Ltd (Submitter 4), – Nigel McFadden (legal, with Kiri Williams), Mark Lile (planner) Bruce Taylor (manager), Ray Muollo (Gibbons Holdings Ltd),
- Dugald Ley (Submitter 5),
- Department of Conservation – Stephen Wynn Jones (Sub 9),
- David Butler (Submitter 20),
- Marsden Park Limited (Submitter 2), Tony Quickfall and John McLaughlin,
- Sharon Higgins and Tony Singleton (Submitter 11),
- Lindy Kelly (Submitter 16),
- Amy Shattock (Sub 13),
- Royal Forest and Bird Protection Society of NZ Ltd – Debs Martin (Submitter 8)

Richard Sullivan (Submitter 14) and Transpower New Zealand Limited provided tabled evidence.

Details of evidence given by the above are recorded in Section 2 of this decisions report.

## Resource Management Issues

The Section 32 Resource Management Act 1991 (“**RMA**”) report on PC17 states:

*‘The principle issue giving rise to Proposed Plan Change 17 is the need for sustainable, planned and integrated management of resources in providing for increased residential and rural small holdings land use in the Enner Glynn and Upper Brook Valleys. This raises issues relating to:*

- *landscape, natural and rural amenity values;*
- *natural hazards;*
- *efficient use of land;*
- *servicing;*
- *road, walkway, cycleway and biodiversity connections;*
- *cross-boundary effects; and*
- *cultural and heritage values.*

These issues are discussed in the Section 32 report and are relevant to the decisions made on submissions to PC17.

The general breakdown of submissions was:

- Support (approve the Plan Change as is): 1 submitter
- Conditional support (approve with modifications): 12 submitters
- Opposed (Rejected the Plan Change): 7 submitters

Main issues in support were:

- Zoning pattern proposed through Plan Change
- Biodiversity Corridors
- Walkway / cycleway connections

Main issues in opposition were:

- Zoning pattern proposed through Plan Change
- Biodiversity Corridors
- Walkway / cycleway connections
- Lack of infrastructure details
- Roading (both impact on existing roads, and effect of indicative roads)
- Seeking protection of transmission line corridor
- Reduce extent of Landscape Overlay
- Impact on quarry operations

All written submissions, further submissions and evidence and those supporting statements made at the hearing have been reviewed and I conclude that there are no other significant issues which would materially affect my conclusions.

### **Statutory Considerations**

The relevant statutory considerations were set out in the section 42A officer's report and are repeated, with some further comment, in Attachment 1. In my opinion the Council's statutory responsibilities have been exercised appropriately and there is no reason why Council should not adopt the proposed change subject to the amendments incorporated in this Decisions Report.

### **Decision on Proposed Plan Change 17**

I have:-

- (a) had regard to the provisions of the Resource Management Act 1991 and in particular to Section 66, Section 74, Section 75, Section 31 and Section 32;
- (b) considered the actual and potential effects on the environment of the proposed plan change and the avoiding, remedying and mitigating of adverse effects;
- (c) considered advice from Council advisors on the proposed plan change,;
- (d) considered the submissions, the further submissions, the evidence in support of those submissions and further submissions;

For the reasons set out in the text of this Decisions Report in Section 2 below, my decisions are as follows:

**That pursuant to Clause 10 of Schedule 1 of the Resource Management Act 1991,**

- (a) Proposed Plan Change 17 to the Nelson Resource Management Plan is approved with modifications; and**
- (b) Those submissions and further submissions which support the Proposed Plan Change are accepted to the extent that the Plan Change is approved with modifications; and**
- (c) Those submissions and further submissions which seek further changes to the Proposed Plan Change are accepted to the extent that the Plan Change is approved with modifications; and**
- (d) Except to the extent provided above, all other submissions and further submissions are rejected.**

Commissioner Authorisation

Peter Reaburn.....



Date..... 1 June 2012

## 2 – DECISIONS ON INDIVIDUAL SUBMISSIONS

### SUBMITTER INDEX TABLES

<b>Submitter 1: Tiakina te Taiao Ltd</b>			
Submission Point	Topic	Decisions Report Page Number	Further Submissions
1.1	1	12	X2.1
1.2	1		X2.2, X4.2, X5.2, X7.3
1.3	1		X2.3
1.4	1		X2.4

<b>Submitter 2: Marsden Park Limited</b>			
Submission Point	Topic	Decisions Report Page Number	Further Submissions
2.1	7	70	
2.2	1	29	X2.2
2.3	7	70	

<b>Submitter 3: Fulton Holdings Limited</b>			
Submission Point	Topic	Decisions Report Page Number	Further Submissions
3.1	7	72	X2.57
3.2	2	37	X2.35, X3.1, X4.5, X7.1
3.3	6	65	X2.53, X3.4

<b>Submitter 4: Gibbons Holdings Limited</b>			
Submission Point	Topic	Decisions Report Page Number	Further Submissions
4.1	7	73	X2.58
4.2	2	37	X2.36, X3.2, X4.6, X7.2
4.3	6	65	X2.54, X3.3

<b>Submitter 5: Dugald and Janette Ley</b>			
Submission Point	Topic	Decisions Report Page Number	Further Submissions
5.1	3	47	X2.42
5.2	4	50	
5.3	4		
5.4	6	69	X4.7, X5.5, X7.6
5.5	3	47	X2.43
5.6	3		X2.44
5.7	5	59	
5.8	8	74	X4.8, X5.7, X7.7

<b>Submitter 6: Transpower New Zealand Limited</b>			
Submission Point	Topic	Decisions Report Page Number	Further Submissions
6.1	5	59	X2.49, X8.1, X9.1, X10.1
6.2	5		X2.50, X8.2, X9.2, X10.2
6.3	5		

<b>Submitter 7: Rosalie Higgins</b>			
Submission Point	Topic	Decisions Report Page Number	Further Submissions
7.1	4	52	X1.1, X2.45

<b>Submitter 8: Royal Forest and Bird Protection Society of New Zealand Incorporated</b>			
Submission Point	Topic	Decisions Report Page Number	Further Submissions
8.1	1	15	X2.6
8.2	1		X2.7
8.3	7	75	X2.8
8.4	1	15	X2.9
8.5	1		X2.10
8.6	1		X2.11
8.7	1		X2.12
8.8	1		X2.13
8.9	1		X2.14
8.10	1		X2.15
8.11	1		X2.16
8.12	1		X2.17, X4.1, X5.3, X6.1, X7.4
8.13	1		X2.18
8.14	1		X2.19
8.15	1		X2.20
8.16	1		X2.21
8.17	1		X2.22

<b>Submitter 9: Department of Conservation</b>			
Submission Point	Topic	Decisions Report Page Number	Further Submissions
9.1	1	20	X2.23
9.2	1		X2.24
9.3	1		X2.25, X4.3, X5.4
9.4	1		X2.26

<b>Submitter 10: Tamika Simpson</b>			
Submission Point	Topic	Decisions Report Page Number	Further Submissions
10.1	4	54	X2.55, X4.9, X5.6, X7.8
	6	62	X2.55, X4.9, X5.6, X7.8

<b>Submitter 11: Sharon Higgins and Tony Singleton</b>			
Submission Point	Topic	Decisions Report Page Number	Further Submissions
11.1	7	76	
11.2	6	70	
11.3	2	39	X11.2, X12.2
11.4	1	32	X2.27
11.5	1		X2.28
11.6	1		X11.3, X12.3
11.7	4	58	X1.2, X2.47
11.8	2	39	X2.52

<b>Submitter 12: Kirsty Stewart</b>			
Submission Point	Topic	Decisions Report Page Number	Further Submissions
12.1	2	35	X2.37

<b>Submitter 13: Paul Shattock</b>			
Submission Point	Topic	Decisions Report Page Number	Further Submissions
13.1	1	24	X2.59, X11.4, X12.4
13.2	2	35	X2.38

<b>Submitter 14: Richard Sullivan</b>			
Submission Point	Topic	Decisions Report Page Number	Further Submissions
14.1	1	23	X2.48
	4	54	X2.48
	6	62	X2.48
	7	77	X2.48

<b>Submitter 15: Ruth Kelly</b>			
Submission Point	Topic	Decisions Report Page Number	Further Submissions
15.1	1	24	X2.30, X11.6, X12.6
15.2	2	35	X2.39

<b>Submitter 16: Lindy Kelly</b>			
Submission Point	Topic	Decisions Report Page Number	Further Submissions
16.1	1	24	X2.31, X11.7, X12.7
16.2	2	36	X2.40

<b>Submitter 17: Chris Hurley and Irene Turner</b>			
Submission Point	Topic	Decisions Report Page Number	Further Submissions
17.1	1	29	X2.32

<b>Submitter 18: Glen Stewart and Shelley t'Hoof</b>			
Submission Point	Topic	Decisions Report Page Number	Further Submissions
18.1	2	36	X2.41
18.2	1	24	X2.33

<b>Submitter 19: Mark Pyers</b>			
Submission Point	Topic	Decisions Report Page Number	Further Submissions
19.1	2	42	X11.8, X12.8

<b>Submitter 20: David and Donna Butler</b>			
Submission Point	Topic	Decisions Report Page Number	Further Submissions
20.1	2	43	X3.5, X11.9, X12.9
20.2	1	23	X2.34, X4.4, X5.1, X7.5, X11.10, X12.10
	4	50	X2.34, X4.4, X5.1, X7.5, X11.10, X12.10
	6	70	X2.34, X4.4, X5.1, X7.5, X11.10, X12.10

## **Topic 1: Plan Provisions on Biodiversity & Eco-Sourcing**

### **DECISION #1**

#### **Submitter 1: Tiakina Te Taiao Ltd**

**Submission Point #1.1:** Tiakina supports in part inclusion of the term Biodiversity Corridor, but seeks to have the cultural value of water and native plants recognised as being an essential aspect of biodiversity.

**Decision Sought:** Seeks that the cultural value of water and native plants be recognised as being an essential aspect of biodiversity.

**Submission Point #1.2:** Meaning of Words Plan Change Section 2.1. Tiakina supports the encouragement of 'eco-sourcing'. 'Eco-sourcing' will enable better growth of original native species important to Maori.

**Decision Sought:** 'eco-sourcing' be retained.

**Submission Point #1.3:** Tiakina supports in part Plan Change Section AD11.4A v Biodiversity Corridors however considers this needs to recognise the strong cultural values associated with rivers, and the value of the water (mauri) and the native plantings and fish life that make up that natural diversity.

**Decision Sought:** Seeks that cultural values associated with rivers, the value of the water (mauri) and the native plantings and fish life that make up that natural diversity be included in Section AD11.4A v Biodiversity Corridors.

**Submission Point #1.4:** Tiakina considers cultural values need to be included in statements about Biodiversity Corridors in DO5.1.2.i, identifying the cultural importance of native plantings in such biodiversity, and in DO5.1.2.ii with the inclusion of another function (four not three) "recognition and protection of cultural significance of water, native vegetation, fish etc to Maori"

**Decision Sought:** Amend DO5.1.2.i "identifying the cultural importance of native plantings in such biodiversity". Amend DO5.1.2.ii to include a fourth function, "recognition and protection of cultural significance of water, native vegetation, fish to Maori".

#### **Submission Discussion and Reasons for Decision**

Tiakina stated their support for Biodiversity Corridors, eco-sourcing and associated proposed changes. In conjunction with stating their support the submitter also requested that the cultural value of water, native vegetation and fish is recognised as being an essential aspect of biodiversity.

The concept of Biodiversity Corridors was developed to aid in the protection, enhancement and restoration of natural values and to allow for natural ecosystem processes (such as migration of animals or dispersal of plants) through connectivity between ecological areas. A range of other



functions and benefits of Biodiversity Corridors are identified in the Explanation and Reasons section for Policy DO5.1.2 of PC17. These do not include recognition of cultural values as requested by the submitter.

In considering this request by the submitter I have reviewed the visions and goals of the Nelson Biodiversity Strategy, June 2010. This strategy has been developed by the Nelson Biodiversity Forum which consists of members from throughout the community including Council, Iwi, New Zealand Forest and Bird, Department of Conservation and Business representatives. The strategy vision includes the statement: *'The mauri (life force) and wairua (spirit) of ecosystems and species of significance to tangata whenua, and to the community as a whole, are protected and enhanced.'*

I have also considered the tangata whenua values as set out in the Nga Taonga Tuku Iho Ki Whakatu Management Plan. In particular I note Value 5.2.3 *'Protecting indigenous habitats, biodiversity and associated matauranga'*, which is supported by the use of Biodiversity Corridors. Also section 5.3.1 of the Nga Taonga Tuku Iho Ki Whakatu Management Plan states outcomes expected, such as *'Indigenous flora and fauna are maintained and enhanced for present and future generations'*.

The Nelson Resource Management Plan (the Plan) includes the district wide objective DO1.1 Maori and resources *'Management of natural and physical resources that recognises the needs of Maori communities and enables them to provide for their social, economic, and cultural well being and their health and safety'*. This establishes that through the Plan, Maori cultural well being is to be recognised. This is a reflection of Section 6(e) the RMA which requires Council to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

The Nelson Regional Policy Statement (RPS) includes Objectives, Policies and Methods in Chapter 7 *'Natural and Amenity Values'* (see Part A, Section 6.28 – 6.34) which set out the goal of maintaining and protecting corridors and utilising *'local genetic stock'* in planting.

These documents set out Council's responsibilities and direction. I am satisfied that Biodiversity Corridors are an appropriate method in response. The submission is therefore accepted. Changes shown in the *'Amendment to proposed Plan Change'* section below are made in response to the amendments sought by the submitter. Note there are some wording changes to that suggested by the submitter to better fit with the Plan provisions and the RMA and to broaden the statement from *'fish'* to all native aquatic flora and fauna.

Further Submissions to Submission Point 1.2 opposed eco-sourcing. There was no primary submission that opposed eco-sourcing and further submissions have no legal ability under the RMA to seek the removal of the provision for eco-sourcing (they are limited to supporting or opposing the relevant submission). I do however consider it appropriate to discuss some of the background and reasons for eco-sourcing, as canvassed in the s42A officer's report.

The Nelson Regional Policy Statement (RPS) includes the policy NA3.3.6 *'To encourage the planting of indigenous flora species, and where possible of local genetic stock, when rehabilitation or restoration of these significant or priority natural areas is undertaken'*. In relation to PC17 the RPS identifies lowland hill country indigenous forest and upland indigenous forest as areas of medium priority. In line with this policy Nelson City Council, the Nelson Biodiversity Forum and the Department of Conservation are all actively encouraging and carrying out eco-sourcing of plants which are used in areas of native planting. This is evident through the Nelson Biodiversity Strategy which states in 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 is stated, as one of its Terrestrial Environment Actions, to *'Develop the infrastructure and systems to enable reliable eco-sourcing of indigenous plants for restoration planting'*. Guidelines have been produced through the Department of Conservation and the Biodiversity Forum describing how

(and why) to eco-source plants and a number of nurseries are now growing native plants which are eco-sourced from the Nelson area. Benefits given are that this maintains the distinctiveness of Nelson's local flora; local native wild plants are best suited to Nelson conditions, and notes that for many species the appearance, physiology and genetic make up vary considerably throughout their range in New Zealand. These guidelines also acknowledge that in some cases plants will not be able to be sourced from the immediate area but should be sought from as near as possible. Dr Philip Simpson – Ecologist commented on eco-sourcing in his evidence to the Hearing. He considered that there are disadvantages to eco-sourcing in that longer term planning maybe required and costs could be higher but that the advantages outweigh the costs. The main advantages he gave are:

- The success of the project because eco-sourcing ensures that the plants selected are genetically adapted to the extremes of the districts environment.
- Scientific reliability of vegetation for future study.
- Promotion of local species and varieties of which people can be proud.

Overall I am satisfied that eco-sourcing has been shown to be desirable when planting with natives and is becoming increasingly 'mainstream' as the larger operators take this approach and local nurseries increase their ability to provide suitable plants.

### **Decision**

**Submission Point #1.1:** Accepted

**Further Submission X2.1:** Accepted

**Submission Point #1.2:** Accepted

**Further Submission X2.2:** Accepted

**Further Submission X4.2:** Rejected

**Further Submission X5.2:** Rejected

**Further Submission X7.3:** Rejected

**Submission Point #1.3:** Accepted

**Further Submission X2.3:** Accepted

**Submission Point #1.4:** Accepted in part

**Further Submission X2.4:** Accepted

### **AMENDMENTS TO PROPOSED PLAN CHANGE:**

**Amend proposed AD11.4A.v (c) Biodiversity Corridors as follows:**

The purpose of Biodiversity Corridors is to contribute to natural values within, through, and beyond the urban environment, and assist where appropriate in meeting the open space, recreational, riparian, low impact storm water

management, landscape setting and amenity objectives of quality urban design. In addition Biodiversity Corridors recognise and help preserve the cultural significance of water, native vegetation and native aquatic flora and fauna to Maori. Where these objectives can be met in proximity to a water way identified in the Plan, the Biodiversity Corridor will as far as practical be aligned to any existing Riparian Overlay. "Biodiversity Corridor" is defined in Chapter 2 of the Plan.

**Amend DO5.1.2.i as follows:**

Small pockets Areas of indigenous vegetation are often too small to support viable populations of animal and plant species. Linking pockets together, or providing new links from larger areas of habitat, can provide significant improvements to the more than double the native birds biodiversity in either any of the two individual areas. This can also result in greater interaction between people and the environment and assist with the recognition of the cultural importance of native plantings. The maintenance of such connections is crucial to natural system sustainability and will enhance the Plan's ability to protect indigenous wildlife and fauna biodiversity. Rivers (and potentially wetlands) provide opportunity for continuous habitat Biodiversity Corridors.

**Amend proposed DO5.1.2.ii as follows:**

Biodiversity Corridors are shown on various Structure Plans in association with areas identified for future urban growth or more intense development of Rural Zones. These have ~~three~~ four primary functions:

- protection, enhancement or restoration of natural values and the capacity or natural functioning of ecosystems and their processes to support a range of life;
- protection, enhancement or restoration of the capacity for natural ecosystem processes (such as the migration of animals or dispersal of plants) to function between different parts of the environment ie connectivity between ecological areas;
- to increase the interaction between humans and the natural environment;
- recognition and assistance with preservation of the cultural significance of water, native vegetation and native aquatic flora and fauna to Maori

## DECISION #2

### Submitter 8: Royal Forest and Bird Protection Society of NZ Inc

**Submission Point #8.1:** The Royal Forest and Bird Protection Society of NZ Inc supports the definition for 'Biodiversity Corridor' on the basis that it provides clarity as to what comprises a 'biodiversity corridor'. The submitter considers it important to retain a reasonable width, and to emphasise that it must relate to natural flows and processes.

**Decision Sought:** Retain 'Biodiversity Corridor' definition.

**Submission Point #8.2:** The Royal Forest and Bird Protection Society of NZ Inc supports AD11.4A.v 'Biodiversity Corridors'. The submitter considers biodiversity corridors must be ecologically functional. The submitter considers it is important that natural functioning must be paramount, otherwise biodiversity corridors will not function effectively. The submitter supports appropriate alignment with the Riparian Overlay.

**Decision Sought:** Retain 'Biodiversity Corridor' statement AD11.4A.v.

**Submission Point #8.4:** The Royal Forest and Bird Protection Society of NZ Inc supports in part the addition to explanations and reasons DO5.1.2.i relating to district wide policy DO5.1.2 Linkages and Corridors.

**Decision Sought:** The submitter seeks that the proposed text for DO5.1.2.i be as follows: *Rivers (and potentially wetlands) provide opportunity for continuous Biodiversity Corridors. Biodiversity corridors can also be established through existing vegetation corridors, and/or utilising the connectivity of publicly owned land.*

**Submission Point #8.5:** The Royal Forest and Bird Protection Society of NZ Inc supports the explanation and reasons paragraphs DO5.1.2.ii - DO5.1.2.iv relating to district wide policy DO5.1.2 Linkages and Corridors. The submitter considers Biodiversity Corridors are important units within the urban and peri-urban environment to assist with the reversal of declining biodiversity.

**Decision Sought:** Retain explanation and reasons paragraphs DO5.1.2.ii - DO5.1.2.iv relating to district wide policy DO5.1.2 Linkages and Corridors.

**Submission Point #8.6:** The Royal Forest and Bird Protection Society of NZ Inc supports the explanation and reasons paragraphs DO5.1.2.v relating to district wide policy DO5.1.2 Linkages and Corridors. The submitter considers Council has many opportunities and tools to assist with achieving long term management of these areas. Often, with appropriate input, overall management requirements reduce, and community involvement may assist.

**Decision Sought:** Retain explanation and reasons paragraphs DO5.1.2.v relating to district wide policy DO5.1.2 Linkages and Corridors.

(Note, the submission incorrectly referred to DO5.1.2.vi, - the change was confirmed with the submitter.)

**Submission Point #8.7:** The Royal Forest and Bird Protection Society of NZ Inc supports Method DO5.1.2.x relating to district wide policy DO5.1.2 Linkages and Corridors.

**Decision Sought:** Retain Method DO5.1.2.x relating to district wide policy DO5.1.2 Linkages and Corridors.

**Submission Point #8.8:** The Royal Forest and Bird Protection Society of NZ Inc supports, subject to amendments, Method DO5.1.2.xi relating to district wide policy DO5.1.2 Linkages and Corridors as it gives effect to Biodiversity Corridors.

**Decision Sought:** The submitter requests that the following is inserted at the end of Method DO5.1.2.xi: *and where environmental outcomes as a whole are protected.*

**Submission Point #8.9:** The Royal Forest and Bird Protection Society of NZ Inc supports Rule REr.59 'Vegetation Clearance' REr.59.1 h).

**Decision Sought:** Retain rule REr.59 'Vegetation Clearance' REr.59.1 h).

**Submission Point #8.10:** The Royal Forest and Bird Protection Society of NZ Inc supports Rule REr.59 'Vegetation Clearance' REr.59.3 as it gives effect to Biodiversity Corridors.

**Decision Sought:** Retain Rule REr.59 'Vegetation Clearance' REr.59.3.

**Submission Point #8.11:** The Royal Forest and Bird Protection Society of NZ Inc supports Rule REr.59 'Vegetation Clearance' REr.59.3 and Rule REr.59 'Vegetation Clearance' REr.59.3 xviii) on the basis that they give effect to Biodiversity Corridors

**Decision Sought:** Retain Rule REr.59 'Vegetation Clearance' REr.59.3 xviii).

**Submission Point #8.12:** The Royal Forest and Bird Protection Society of NZ Inc supports in part Rule REr.59 'Vegetation Clearance' REr.59.5 as it gives effect to Biodiversity Corridors.

**Decision Sought:** Include the following in REr.59.5: Vegetation is specifically protected in Biodiversity Corridors to ensure their function as *an ecosystem and* a corridor is not compromised through clearance.

**Submission Point #8.13:** The Royal Forest and Bird Protection Society of NZ Inc supports Rule RUr.25.1 g) as it gives effect to Biodiversity Corridors.

**Decision Sought:** Retain Rule RUr.25.1 Vegetation Clearance RUr.25.1 g).

(Note, the submission incorrectly referred to RUr.21.1 g), change confirmed with submitter)

**Submission Point #8.14:** The Royal Forest and Bird Protection Society of NZ Inc supports Rule RUr.25.3 xix) as it gives effect to Biodiversity Corridors.

**Decision Sought:** Retain Rule RUr.25.3 xix).

**Submission Point #8.15:** The Royal Forest and Bird Protection Society of NZ Inc supports in part rule RUr.25 'Vegetation Clearance' RUr.25.5 as it gives effect to Biodiversity Corridors.

**Decision Sought:** Include the following in RUr.25.5: Vegetation is specifically protected in Biodiversity Corridors to ensure their function as *'an ecosystem and'* a corridor is not compromised through clearance.

**Submission Point #8.16:** The Royal Forest and Bird Protection Society of NZ Inc supports general Rule W.2 b) as it supports the functional integrity of Biodiversity Corridors

**Decision Sought:** Retain general Rule W.2 b).

**Submission Point #8.17:** The Royal Forest and Bird Protection Society of NZ Inc supports in part Map 3 showing Biodiversity Corridors.

**Decision Sought:** Retain Biodiversity Corridors on Map 3 but allow opportunity to speak at hearing about Nelson Biodiversity Forum processes.

## **Submission Discussion and Reasons for Decision**

The Royal Forest and Bird Protection Society of NZ Inc was represented at the hearing by Debs Martin. Ms Martin did not have any issue with the recommendations in the Section 42A officers report. In relation to Submission Point 8.17, Ms Martin provided background and information on the Nelson Biodiversity Forum processes and Strategy. The Strategy was at a “macro” level, however it encouraged linkages between priority areas and strengthening of biodiversity on the fringes, waterways, public land and securing important areas, for instance through subdivision.

Many of the provisions referred to in these submissions were also proposed in PC13, which is now operative.

The submissions in support are accepted and are not further discussed here. The points discussed below are those that seek amendments, including to the now – operative provisions.

Submission Point 8.4 supported in part the changes to DO5.1.2.i but recommended additional text stating *‘Biodiversity Corridors can also be established through existing vegetation corridors, or utilising the connectivity of publicly owned land.’* The submitter’s additional text appears to be in response to the proposed modification of the operative text stating *‘Rivers (and potentially wetlands) provide opportunity for continuous Biodiversity Corridors’*. The reporting officer Mr Peterson advised me that, in hindsight, the reference to rivers and potentially wetlands should have been removed from the Plan as specifically mentioning one situation where Biodiversity Corridors could be established somewhat limits the other situations which will also be desirable and suitable. However the submission did not seek to remove the sentence about rivers so Mr Peterson recommended accepting the submitter’s suggestion, with a modification, to ensure that it forms a more balanced statement of where Biodiversity Corridors may be established. After considering this matter, I agree that the recommended amendment will appropriately include further situations where Biodiversity Corridors occur. The amendment is shown in the Amendment to the Proposed Plan Change below.

Submission Point 8.8 sought an addition to one of the methods for giving effect to district wide Policy DO5.1.2 Linkages and Corridors. The proposed method states: DO5.1.2.xi *‘Flexibility in development outcomes or design initiatives for land where accompanied by the protection, restoration or enhancement of Biodiversity Corridors or natural open space linkages.’* The submitter sought the addition of the words *‘...and where environmental outcomes as a whole are protected’*. I note that the method relates specifically to the issue of Biodiversity Corridors or natural open space linkages. This submission is not accepted. The suggested addition is of a general, non-specific nature which reduces the effectiveness of the method. The phrase *‘environmental outcomes’* is not defined within the context of PC17 and does not add anything in this case. Other sections of the operative Plan when read as a whole, along with the requirements of the RMA, set out the environmental outcomes that are to be achieved and are already applicable to this method.

Submission Point 8.12 sought the addition of the following amendment to proposed section REr.59.5 of the Vegetation Clearance rule *‘Vegetation is specifically protected in Biodiversity Corridors to ensure their function as an ecosystem and a corridor is not compromised through clearance’*. The first stated function of Biodiversity Corridors in section DO5.1.2.ii is to *‘protect...natural functioning of ecosystems...’*. The proposed definition also stated *‘..allows for biological processes within the corridor...’*. I am satisfied that the submitters requested addition improves the understanding of the intended purpose and function of Biodiversity Corridors. The amendment is shown in the Amendment to Proposed Plan Change section below.

Submission Point 8.15 sought the same change as discussed above for Submission Point 8.12. but in this case for Rule RUr.25.5. This rule is identical to REr.59 but applies to the Rural Zone. For the same reasons given the change sought by the submitter is accepted.

Submission Point 8.17 stated support for Biodiversity Corridors as shown on Map 3 of PC17 and sought the opportunity to speak at the hearing in relation to Nelson Biodiversity Forum processes.

### **Decision**

**Submission Point #8.1:** Accepted

**Submission Point #8.2:** Accepted

**Submission Point #8.4:** Accepted in part

**Submission Point #8.5:** Accepted

**Submission Point #8.6:** Accepted

**Submission Point #8.7:** Accepted

**Submission Point #8.8:** Rejected

**Submission Point #8.9:** Accepted

**Submission Point #8.10:** Accepted

**Submission Point #8.11:** Accepted

**Submission Point #8.12:** Accepted

**Further Submission Statement X4.1:** Rejected

**Further Submission Statement X5.3:** Rejected

**Further Submission Statement X6.1:** Rejected

**Further Submission Statement X7.4:** Rejected

**Submission Point #8.13:** Accepted

**Submission Point #8.14:** Accepted

**Submission Point #8.15:** Accepted

**Submission Point #8.16:** Accepted

**Submission Point #8.17:** Accepted in part

**Further Submission Statement X2.6, X2.7, X2.9 – X2.22:** Accepted

## AMENDMENTS TO PROPOSED PLAN CHANGE

### Submission Point 8.4, add the following sentence after proposed DO5.1.2.i

Biodiversity Corridors can also be established through existing vegetation corridors, desired connectivity routes (currently vegetated or not), or by utilising the connectivity of publicly owned land.

### Submission Points 8.12 and 8.15, amend proposed REr.59.5 and RUr.25.5.

'Vegetation is specifically protected in Biodiversity Corridors to ensure their function as an ecosystem and a corridor is not compromised through clearance'.

## DECISION #3

### Submitter 9: Department of Conservation

**Submission Point #9.1:** The Director-General of Conservation supported the proposed 'Biodiversity Corridor' and the associated rules.

**Decision Sought:** Amend the definition of Biodiversity Corridor in Chapter 2 'Meaning of Words' as follows: **'Biodiversity Corridor'** means a vegetated linear landscape element pathway of a minimum total width of 20m that allows natural for the flows of indigenous organisms and biological resources ~~along the corridor~~, and ~~allows~~ for biological processes within the corridor and connectivity between areas of ecological value.

**Submission Point #9.2:** The Director-General of Conservation supported the proposed 'Biodiversity Corridor' and the associated rules provided for in:

- a. Explanatory text in AD11.4A.v c);
- b. DO5.1.2.i-v and policies DO5.1.2.x and DO5.1.2.xi;
- c. Additions to rule REr.59.1, 59.3, 59.3 xviii and 59.5;
- d. Additions to rule RUr.25.1 f) and g), 25.3, 25.5, 78.2;
- e. W.4 Assessment Criteria; and
- f. The notations of Biodiversity Corridor on Map 3 Proposed Structure Plan, PC17Enner Glynn and Upper Brook Valley.

**Decision Sought:** Retain the provisions of PC17 noted above.

**Submission Point #9.3:** The Director-General of Conservation sought that PC17 be improved by adding further explanation of the situations when non-native vegetation may be used within biodiversity corridors. These situations could include exotic species used as a native tree nursing crop (such as tree lucerne).

**Decision Sought:** Add further text to explanatory text AD11.4A.v outlining the situations when non-native vegetation may be used within Biodiversity Corridors. These situations could include exotic species used as a native tree nursing crop (such as tree lucerne).

**Submission Point #9.4:** The Director-General of Conservation supported the use of eco-sourced indigenous vegetation within Biodiversity Corridors. One of the principles of the Terrestrial Biodiversity Action Plan is that 'the partners have agreed to develop the infrastructure



and systems to enable reliable eco-sourcing of indigenous plants for restoration planting'.

**Decision Sought:** In accordance with this principle the parts of the definition of 'Biodiversity Corridor' in MW17A that refers to native vegetation that been planted should be amended to refer to 'eco-sourced indigenous vegetation'.

### **Submission Discussion and Reasons for Decision**

In Submission Point 9.1 the submitter sought a number of changes to the definition for Biodiversity Corridors. It will be noted that the originally proposed definition in PC17 was also proposed in PC13, which is now operative. In effect, therefore, the further changes now sought are to the operative definition.

The suggested replacement of the word 'pathway' with 'linear landscape element' is not accepted as the proposed term is unnecessarily verbose. However 'pathway' is not the correct word to use. This is due to the connotations of public access and other uses which 'pathway' suggests. While public access is envisaged in suitable locations it is not the rule for all Biodiversity Corridor locations. I accept the recommendation of the reporting officer Mr Peterson that the term 'pathway' be changed to 'corridor' to more accurately reflect what is being defined. The only other change sought which is of any consequence is to add the term 'indigenous' to the definition. This change is also accepted as the intent of Biodiversity Corridors is to protect, enhance and restore indigenous biodiversity. The other suggested wording changes do not alter the meaning of the definition - some are accepted and some are rejected. The amendments are shown in the amendment to proposed Plan Change section below.

In Submission Point 9.2 the submitter stated their support for a number of sections of the Plan which relate to Biodiversity Corridors in particular. Many of these provisions are now operative, as they were also proposed in PC13. This support is accepted, to the extent incorporated in the amendments made in this Decisions Report.

In Submission Point 9.3 the submitter sought that additional text be added to section AD11.4A.v to outline situations where non-native vegetation may be used within Biodiversity Corridors – the example given is for species such as tree lucerne when used as a nursery crop for the establishment of native species. I do not consider any further explanation is required within the section stated by the submitter. The rule which provides for Biodiversity Corridors, Sch W, W.1 c), sets out that exotic vegetation can be used as a nursery crop and that planting within the Biodiversity Corridor only to be '*predominantly eco-sourced native vegetation indigenous to the area*'. This allows for the situation envisaged by the submitter and also allows for the example of non-native species being planted as a food source for birds as given by further submitters X4 and X5. To support this intent, and to respond in part to the request of the submitter, additional explanatory text is added to DO5.1.2.iv stating '*Biodiversity Corridors are to be planted in predominantly eco-sourced native vegetation indigenous to the area. Some non-native vegetation can be planted for purposes such as to act as a nursery crop for the establishment of the native species referred to, or as a food source for fauna that utilise the corridor provided non-natives do not dominate and otherwise comply with provisions of the relevant Biodiversity Corridor rules*'.

In Submission Point 9.4 the submitter requested that parts of the Biodiversity Corridor definition which refer to native vegetation should be amended to refer to '*eco-sourced indigenous vegetation*'. The submitter appears to be referring to the definition that was notified as part of Plan Change 13 'Marsden Valley'. The definition as notified in PC17 (and PC13 which is now operative) did not use the term '*native vegetation*' or '*eco-sourced indigenous vegetation*', however the term '*eco-sourced indigenous vegetation*' is used within proposed rule Sch.W, W.1 c) which sets out the requirements of Biodiversity Corridors. The submission is rejected, noting that PC17 as notified reflects the intent of the submission.

## **Decision**

**Submission Point #9.1:** Accepted in part

**Further Submission Statement X2.23:** Accepted in part

**Submission Point #9.2:** Accepted

**Further Submission Statement X2.24:** Accepted

**Submission Point #9.3:** Accepted in part

**Further Submission Statement X2.25:** Accepted in part

**Further Submission Statement X4.3:** Accepted

**Further Submission Statement X5.4:** Accepted

**Submission Point #9.4:** Rejected

**Further Submission Statement X2.26:** Rejected

## **AMENDMENTS TO PROPOSED PLAN CHANGE**

**Amend proposed definition of Biodiversity Corridor as follows:**

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

**Add to the end of proposed DO5.1.2.iv:**

'Biodiversity Corridors are to be planted in predominantly eco-sourced native vegetation indigenous to the area. Some non-native vegetation can be planted for purposes such as to act as a nursery crop for the establishment of the native species referred to, or as a food source for fauna that utilise the corridor provided non-natives do not dominate and otherwise comply with provisions of the relevant Biodiversity Corridor rules.'

## DECISION #4

### Submitter 20: Donna and David Butler

**Submission Point #20.2:** Donna and David Butler support the biodiversity corridor initiatives contained in the plan change.

**Decision Sought:** Retain Biodiversity Corridors as on planning maps.

### Submission Discussion and Reasons for Decision

The submitter stated their support for Biodiversity Corridors (and the indicative road and walkway and cycleway initiatives) and sought that they be retained within PC17. With some amendments, this Decision does retain those components of PC17.

### Decision

**Submission Point #20.2 (part relating to biodiversity corridors):** Accepted

**Further Submission Statement X2.34:** Accepted

**Further Submission Statement X4.4:** Rejected

**Further Submission Statement X5.1:** Rejected

**Further Submission Statement X7.5:** Rejected

**Further Submission Statement X11.10:** Rejected

**Further Submission Statement X12.10:** Rejected

### **AMENDMENT TO PROPOSED PLAN CHANGE:**

None – noting that there are changes to the Biodiversity Corridor provisions as a result of other submissions which are discussed throughout this topic.

## DECISION #5

### Submitter 14: Richard Sullivan

**Submission Point #14.1:** Richard Sullivan opposes the plan in its entirety, and part of the submission refers specifically to 'biodiversity corridors provided through a structure plan'. The reasons the plan is opposed are that the plan is inconsistent with previous plans and strategies and contrary to landowner wishes; and has unworkable biodiversity corridor connections affecting land development potential.

**Decision Sought:** Delete the plan in its entirety, including biodiversity corridors provided through a structure plan.

**Submitter 17: Chris Hurley and Irene Turner**

**Submission Point #17.1:** C. I. Hurley and I. L. T Turner oppose Biodiversity Corridors.

**Decision Sought:** Oppose Biodiversity Corridors.

**Submitter 13: Amy and Paul Shattock**

**Submitter 15: Ruth Kelly**

**Submitter 16: Lindy Kelly**

**Submitter 18: Glenn Stewart and Shelley t'Hooft**

**Submission Points #13.1, #15.1, #16.1, #18.2:** Amy and Paul Shattock, Ruth Kelly, Lindy Kelly and Glenn Stewart and Shelley t'Hooft oppose DO5.1.2.i, DO5.1.2.ii, DO5.1.2.v, Biodiversity Corridors, with the following issues being raised:

- a) The assertion that Biodiversity Corridors creating 'connectivity' between areas of native vegetation are valuable, is false and unproven.
- b) None of the arguments in the Section 32 report or the Plan Change document hold water and some are nonsense (eg that 'the corridors enable animals and plants to move between areas'...)
- c) With regard to the three primary functions of these 'corridors' on page 7 of the Plan Change document and to bush on the Kelly site, the first two functions are covered both by a covenant and the designation it as an Area of Special Significance. It does not need to also have the 'protection' of a Biodiversity Corridor. The third stated primary function is to 'increase the interaction between humans and the natural environment'. This would suggest that the Biodiversity Corridors will be just another means of letting city dwellers loose indiscriminately over private land. When each urban dweller is prepared to give up a portion of the land they live on for the general public to enjoy, then this will be fair and just. Meanwhile, a huge proportion of the country is covered with conservation land and parks, so that with our very small population, people are spoilt for choice. There is no need for people to also have free access over private land where people are trying to run businesses. No urban business would stand for it.
- d) PC17 is far from clear about important details such as who will own and maintain these Biodiversity Corridors. In respect of the Kelly land, the Section 32 report on page 5 states that 'any future desire to gain public access will be addressed through negotiation or purchase between the Council and the landowner'. We hope and trust you will abide by that.
- e) The concept of the Biodiversity Corridors is a nonsense and they need to be deleted. The concept of the Biodiversity Corridors is just an idea that's been dreamed up to justify taking over rural land that people don't want to pay for or look after but use for their enjoyment. I'm happy to be convinced otherwise.

**Decision Sought:** Oppose Biodiversity Corridors, plan sections DO5.1.2.i, DO5.1.2.ii and DO5.1.2.v: The Council continue to set aside walkways, parks and reserves with new residential subdivisions to provide areas of recreation for urban dwellers. If the Council sought more recreational rural land they should buy it, if it is for sale, then maintain it.

**Submission Discussion and Reasons for Decision**

Richard Sullivan and Chris Hurley and Irene Turner raised general concerns opposing biodiversity corridors.

Specific concerns in these submissions were raised about the Kelly property. I carried out a site inspection of the Kelly property on 12 December 2011, accompanied by Lindy Kelly and Council officers Reuben Peterson and Matthew Heale.

Amy Shattock presented verbal evidence at the hearing (which was copied to me after the Hearing in a written statement) on behalf of Paul Shattock and Lindy Kelly. Lindy Kelly was also present and gave evidence.

The submissions oppose Biodiversity Corridors in principle. The submitters questioned the values of Biodiversity Corridors and asserted that their value in creating connectivity between areas of native vegetation is *'false and unproven'*, and that none of the arguments in the Section 32 report or Plan Change document *'hold water and some are nonsense'*. There are other statements of a similar nature contained within the submissions, and this was also repeated in evidence at the Hearing.

Council's consultant ecologist Dr Simpson provided a report accompanying the section 42A report and responded to questions at the Hearing. In his report, and in light of the site visit, he discussed the indigenous habitat pattern in the New Zealand context and found that *'it is desirable to protect species, habitats and ecosystems and enhance the diversity of New Zealand's natural landscape by functionally linking adjacent natural areas whether protected or unprotected, across whole catchments. The Biodiversity Corridors help to achieve this goal.'* He stated that the Nelson district is no different from most other parts of New Zealand with regard to the pattern of natural ecosystems, and based on the observations carried out during the site visits he is of the view that the corridor locations proposed have the qualities suited for ecological enhancement.

Dr Simpson listed a number of values, or attributes that Biodiversity Corridors can exhibit. In summary, he stated:

- Corridors can provide habitat in itself but also link natural areas over adjacent properties, or within an entire district or region.
- They are not uniform but vary in ecological parameters such as wetness, light, soil, chemistry and texture, and hence provide differing niches for different species.
- Corridors are often located along streams.
- Corridors do not have to be along natural features in the landscape but could include roadsides, fence-lines, farm shelter systems and forestry woodlots.

In discussing if Biodiversity Corridors achieve their intended role Dr Simpson agreed with the submitter that scientific studies specifically measuring the impact on New Zealand appear to be few. He did however provide examples within New Zealand where corridors have been shown to provide habitat and linkage from one area to another. Overall Dr Simpson concluded that corridors are one way to achieve a viable ecological pattern, and that in the long term a pattern of interconnected natural areas is likely to be the most ecologically viable and functional.

I also received evidence at the Hearing on behalf of the Royal Forest and Bird Protection Society (Debs Martin) and Department of Conservation (Stephen Wynn Jones), in support of Biodiversity Corridors. Other evidence (for instance from Tony Quickfall on behalf of Marsden Park) referred to the Quality Planning Website (indigenous Biodiversity).

The Plan contains an existing (operative) Objective which is:

### *DO5.1 Natural Values*

*An environment within which natural values are preserved and enhanced and comprise an integral part of the natural setting.*

The most relevant policy, also part of the operative plan, is:-

#### *DO5.1.2 Linkages and Corridors*

*Promotion of linkages and corridors between areas of natural vegetation.*

Now - operative parts of the plan introduced by PC13 refer to Biodiversity Corridors, stating:

*DO5.1.2.ii Biodiversity Corridors are shown on various Structure Plans in association with areas identified for future urban growth or more intense development of Rural Zones. These have three primary functions:*

- *protection, enhancement or restoration of natural values and the capacity or natural functioning of ecosystems and their processes to support a range of life;*
- *protection, enhancement or restoration of the capacity for natural ecosystem processes (such as the migration of animals or dispersal of plants) to function between different parts of the environment ie connectivity between ecological areas;*
- *to increase the interaction between humans and the natural environment.*

I am satisfied from the above that the basis for Biodiversity Corridors already exists in the Plan through the operative provisions being Objective DO5.1 and Policy DO.1.2. Sections DO5.1.2.i, DO5.1.2.ii and DO5.1.2.v are also now part of the operative provisions through PC13. While they are also proposed in PC17 and are therefore subject to further change, I am satisfied that, as they are currently worded, they give effect to Part 2 of the RMA. They are also a method of giving effect to the Regional Policy Statement (RPS) as is required by Section 67 (3) and 75 (3) of the RMA. The relevant sections of the RPS are outlined in Attachment 1.

Finally, I am satisfied that the rules relating to Biodiversity Corridors are appropriate to give effect to the Objectives and Policies. In particular, now – operative rules introduced by PC 13 provide that indigenous vegetation is specifically protected in biodiversity corridors to ensure their function as a corridor is not compromised through clearance. In respect of subdivision, control is reserved over Biodiversity Corridors and connections defined by a Structure Plan or the planning maps. The submitters also raised specific concerns about the proposed Biodiversity Corridor on the Kelly property. The concerns are discussed below.

#### Is this an appropriate Biodiversity Corridor?

On my site visit to the Kelly property (accompanied by Lindy Kelly, and Council officers Matthew Heale and Reuben Peterson), and on hearing from the submitters, I was impressed with the past and continuing efforts made by Lindy Kelly, her family and others to rehabilitate the land. Indeed, the submitters are already, through their own efforts, responding to the Plan's intentions under Objective DO 5.1 and Policy DO 5.1.2.

I was advised in the officer's section 42A report that Council's consultant ecologist Dr Simpson carried out a site visit to the Kelly property and other areas of proposed Biodiversity Corridors in

the PC17 area on 6<sup>th</sup> July 2011. Dr Simpson also provided a report accompanying the section 42A report and responded to questions at the Hearing. I was also advised in the section 42A officer's report that the site was identified as an 'Area of Special Significance' in the 2006/2007 Survey of Areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna, which included an assessment of this site. The proposed Biodiversity Corridor seeks to link this larger area of habitat with Jenkins Creek and then to the other areas of native vegetation higher up the creek as referred to in the Ecological Significance Assessment Report.

The ecological assessment report found that the level of connectivity of this area was poor. The report stated '*This site is a considerable distance to other native vegetation, with the nearest sites apparently about 1km away, to the north (the Grampians) and to the south-east (further up Jenkins Creek)*'. The Biodiversity Corridors as notified are intended to address this identified connectivity issue in relation to the sites further up Jenkins Creek.

I am satisfied the area marked on the Kelly site as a Biodiversity Corridor meets the policy intention that seeks "*promotion of linkages and corridors between areas of natural vegetation.*"

#### Justification for a Biodiversity Corridor Identification

In respect of the primary functions of Biodiversity Corridors as recorded in DO5.1.2.ii, quoted above, the submitters stated that the first two bullet points are covered by a covenant. However I was advised that there is no covenant registered on the property which provides any protection to the bush block referred to, and this was not denied by the submitters at the Hearing.

Notwithstanding this, I have carefully considered whether "another method" of achieving the objective and satisfying the policy, would be to simply allow the submitters to continue their own programme of rehabilitation, without what they clearly see as the unreasonable imposition of a Biodiversity Corridor identification in the Plan.

In this respect and in relation to the third primary function given in DO5.1.2.ii, '*to increase the interaction between humans and the natural environment*', the submitters confirmed at the Hearing that they took this to mean public access will be given to their farm and place of business.

While the proposed Biodiversity Corridor provisions do allow for the provision of public access, this cannot occur as of right. The proposed Structure Plan shows where indicative walkways are located and none are shown along the Biodiversity Corridor into the Kelly property. Any public access would need to be offered, established through land purchase, or otherwise negotiated with the land owner. I note this has been pointed out in the Section 32 report and is contained in statements contained in PC17, specifically AD11.4A.vii which states that 'formation and management of public use of certain connections may be at odds with farming practices on adjoining land', that when establishing public access this will be in consultation with adjoining land owners and that a management regime will be established to minimise any adverse effects on adjoining land. I am satisfied that the statement "to increase the interaction between humans and the natural environment" incorporates public access where desirable and compatible with other goals but also refers the interaction people will experience with corridors bringing nature closer to their houses and parks.

With regard to potential demands for public ownership, PC17 does not specify the future ownership or management of Biodiversity Corridors. Section DO5.1.2.v states that '*there are a variety of management methods available to achieve the Council's objectives for natural values and biodiversity within urban and peri-urban subdivision design; for example consent notices, conservation or private covenants, esplanade and other reserves under the ownership and maintenance of the Council or other statutory body, or alternative design initiatives such as cluster development accompanied by preservation of natural open space or extension of tree planting into private property or the street network.*' PC17 intentionally retains this flexibility to ensure that all options are available and can be considered when establishing a Biodiversity

Corridor. This adds some uncertainty for land owners including, but not limited to, any of the examples given above.

The submitter was further concerned that a corridor would only offer the ability for pest species to travel along it and enter their bush block. Dr Simpson considered this and agreed with the submitter that this could occur. In his view this is part of the ongoing management required and that not to manage these areas would be ecologically inappropriate. He also stated that pest management is a ubiquitous reality and while the concerns are valid the increased difficulty did not outweigh the positive values of corridors. He also stated that all patches of bush, all farmland and plantation forests and indeed all urban areas require ongoing plant and animal pest management. From these statements it is apparent that the proposed Biodiversity Corridors, like any other areas will require ongoing management to minimise the infiltration by pest species (both animal and plant).

I am satisfied on the evidence that the potential adverse effects of identifying a Biodiversity Corridor on the Kelly land (and, indeed, generally in the PC17 area) are not as severe as the submitters believe. I consider that the identification is appropriate to ensure consistency with other similar areas that have been identified as Biodiversity Corridors, and to achieve certainty in relation to the encouragement of future enhancement of this area. I further consider that the Biodiversity Corridor identification may have positive effects, for instance through giving greater confidence in relation to inclusion in future biodiversity strategies and programmes.

In summary, I am satisfied that Biodiversity Corridors can provide the intended benefits sought by the operative Plan provisions and PC17. Biodiversity Corridors are an efficient solution to establishing a pattern of ecological connections throughout the PC17 area. Biodiversity Corridors are therefore retained, including the Biodiversity Corridor shown on the Kelly site.

## **Decision**

**Submission Point #13.1:** Rejected

**Further Submission Statement X2.59:** Accepted

**Further Submission Statement X11.4:** Rejected

**Further Submission Statement X12.4:** Rejected

**Submission Point #14.1:** Rejected

**Further Submission Statement X2.48:** Accepted

**Submission Point #15.1:** Rejected

**Further Submission Statement X2.30:** Accepted

**Further Submission Statement X11.6:** Rejected

**Further Submission Statement X12.6:** Rejected

**Submission Point #16.1:** Rejected

**Further Submission Statement X2.31:** Accepted

**Further Submission Statement X11.7:** Rejected



**Further Submission Statement X12.7:** Rejected

**Submission Point #17.1(part relating to biodiversity corridors):** Rejected

**Further Submission Statement X2.32:** Accepted

**Submission Point #18.2:** Rejected

**Further Submission Statement X2.33:** Accepted

#### **AMENDMENT TO PROPOSED PLAN CHANGE:**

None

### **DECISION #6**

#### **Submitter 17: Chris Hurley and Irene Turner**

**Submission Point #17.1:** Chris Hurley and Irene Turner oppose PC17 as the 20 metre minimum width for biodiversity corridors is considered too restrictive.

**Decision Sought:** Oppose the 20 metre minimum width.

#### **Submitter 2: Marsden Park Limited**

**Submission Point #2.2:** Marsden Park Limited opposes the minimum width of 20m proposed in PC17 for Biodiversity Corridors.

**Decision Sought:** Delete 20m minimum width stated for Biodiversity Corridors in the definition and explanation.

#### **Submission Discussion and Reasons for Decision**

Chris Hurley and Irene Turner consider the 20 metre minimum width for biodiversity corridors is too restrictive.

Marsden Park's interests are primarily in the Plan Change 13 area. I gained a general appreciation of the PC13 area on my site visit. Unlike the bulk of the PC17 area, PC13 is to be primarily residential.

Marsden Park requests that the 20m minimum width of Biodiversity Corridors is deleted. The submitter gave no reasons for their request in the submission. However further detail was given on behalf of the submitter at the Hearing by John McLaughlin and Tony Quickfall (planner). Mr McLaughlin stated his concern that what he had thought, through the PC13 process, was intended to be a walkability/ linkage objective had taken on a "new life" as a biodiversity corridor. He objected to imposing conditions on land that would potentially affect its value. He further considered that, if the corridors were to be imposed, that Council would need to be

prepared to pay for them. Mr Quickfall supported this concern in his evidence, and also raised a concern that the 20 metre width had not been justified in the Section 32, or any other reports. He outlined costs of providing for Biodiversity Corridors, including fencing.

Dr Philip Simpson – Ecologist provided evidence to the Hearing in which he discussed the width of Biodiversity Corridors. He stated that the proposed 20m width been cited in a number of corridor studies and that this width comes historically in the form of the ‘Queen’s Chain’. In his evidence, and again at the Hearing, Dr Simpson conceded that 20m was not a ‘magical’ figure but was an attempt to avoid excessive impact of the edge effect in linear habitats. Dr Simpson gave the following impacts of edge effects if a corridor is too narrow:

*The edge effect...‘... reduces the degree of internal bush habitat necessary for species susceptible to high light, exposure to wind and large variations in moisture and temperature, including frost. Drying of the forest floor compromises seedling establishment. The edge is also a site for weed establishment and the greater the light penetration the greater the opportunity for weed establishment within the bush.*

He also stated that *‘the wider the corridor the greater the range of specific habitats based on soil features, geology, moisture and slope.’* Overall he found that the ideal is to minimise the edge and maximise the interior.

Dr Simpson also stated that strict adherence to a particular width is not necessary or practical in all circumstances. There are instances where it would be desirable to reduce the corridor width. The reporting officer Mr Peterson agreed with that opinion and considered that the resource consent process provides the opportunity to consider these situations on a case by case basis. The proposed rules within Schedule W covering this area state that this consent would be a discretionary activity. The proposed rules in Schedule W relating to Biodiversity Corridors, and the general zone rules relating to vegetation clearance, also provide flexibility in what can occur within a Biodiversity Corridor as a permitted activity. Subject to certain controls, walkways, cycleways, utility service lines and structures, roads, property accesses, clearance of vegetation, and exotic vegetation is allowable within a Biodiversity Corridor.

The 20 metre width applies under the Plan definition of “Biodiversity Corridor”, which is:-

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

This definition is now part of the operative Plan, through PC13. However, as the definition is also proposed in PC17, it is subject to further change arising from submissions on PC17. Indeed, the section 42A officer’s report recommended changes to the definition, although not to the minimum 20m width component.

The notified PC17 Rule W.2 General Rules contains the following standard:-

*a) Subdivision design shall generally accord with the Structure Plan contained in Schedule W Figure 1.*

The Structure Plan, amongst other matters, identifies Biological Corridors.

The notified PC17 Rule W.3 Activity Status provides that any activity which does not meet one or more of the performance standards in Schedule W.2 a-c) 'General Rules' is a Discretionary activity.

As I understand these rules, any application that does not accord with the Structure Plan, for instance by not having a Biological Corridor with a 20m width (which would then, by reference to the definition, not be a Biological Corridor), would require discretionary activity consent under Rule W.3.

Rules I.2 and I.3 introduced by PC13 contain the same provisions. Importantly, however, those provisions are not part of PC17, and are now part of the operative plan.

I have carefully considered the submissions and evidence and concluded that a 20 metre width for Biodiversity Corridors is generally appropriate to ensure that the impacts of the 'edge effect' are minimised and that a functional corridor can be created. The 20 metre reference also provides some certainty to applicants and landowners in relation to the standard that will be adopted, for instance when Biological Corridors are assessed in relation to any subdivision application. That part of the Biological Corridor definition will therefore remain, as it is in the operative plan.

However, it is also evident that there are likely to be circumstances where a width of less than 20 metres is justified, and will still satisfy the purposes and intent of biological corridors. In that respect I consider that the proposed Discretionary Activity status for resource consent processing is unnecessary. It is possible to frame suitable restrictions on discretions. Replacement provisions have been drafted and are incorporated in this Decision. These provisions will allow for a case by case assessment of situations where it may be desirable and acceptable to reduce the width from 20 metres.

The submissions are therefore accepted in part. However, it should be noted that, as Rules I.2 and I.3 introduced by PC13 are not part of PC17, the Discretionary Activity status for resource consent processes in that area still applies.

## **Decision**

**Submission Point #2.2:** Accepted in Part, to the extent incorporated in amendments to the plan change provisions.

**Further Submission Statement X2.5:** Accepted in Part

**Submission Point #17.1 (part relating to width of biodiversity corridors):** Accepted in Part, to the extent incorporated in amendments to the plan change provisions.

**Further Submission Statement X2.32:** Accepted in Part

## AMENDMENTS TO PROPOSED PLAN CHANGE

Amend the Rules as follows:

Add at the end of proposed DO5.1.2.iv after addition noted in DECISION #3:

The resource consent process allows for the reduction in width of a Biodiversity Corridor to be considered where the intended functions of a Biodiversity Corridor are not compromised (see Policy Explanation and Reasons DO5.1.2.ii - Chapter 5 District Wide Objectives and Policies).

### W.3 Activity Status

#### W.3.1 Restricted Discretionary Activity

Reduction in width of a Biodiversity Corridor below the minimum of 20m (as specified by definition in Chapter 2 'Meaning of Words') is a restricted discretionary activity

Discretion restricted to:

- i) The effect of any reduction in width on the functions of the Biodiversity Corridor as identified in Policy Explanation and Reasons DO5.1.2.ii (Chapter 5 District Wide Objectives and Policies)

#### W.3.2 Discretionary Activity

Any activity which does not meet one or more of the performance standards in Schedule W.2 a-c) 'General Rules' is a Discretionary activity. This is aside from that relating to widths of Biodiversity Corridors provide for in W.3.1. Any activity in the scheduled area will also be assessed under the relevant rules as they apply to the zone and overlays in which the activity is located, with the most stringent activity status being applicable to the application. In determining whether to refuse consent, or grant consent subject to conditions, the consent authority will have regard to relevant assessment criteria listed in W.4. Relevant assessment criteria listed in W.4 apply to all activities requiring resource consent within the scheduled area.

Amend assessment criterion W.4 iv) as follows:

- iv) The required width of Biodiversity Corridors: including the effect of any reduction in width on the functions of Biodiversity Corridors.

## DECISION #7

### Submitter 11: Sharon Higgins and Tony Singleton

**Submission Point #11.4:** Sharon Higgins and Tony Singleton support in part DO5.1.2.iv. However, with reference to the three proposed Biodiversity Corridors (shown mapped in the submission) that will feature on their property are concerned with the requirement for a 20m minimum width in their unique situation where property boundaries run through the middle of

Biodiversity Corridors - will these corridors be able to remain in private ownership, will the developer only need to provide half of the corridor and the other half will get provided later from the neighbour when/if the property is developed.

**Decision Sought:** In respect of DO5.1.2.iv 'The width of corridors will vary for this reason: a minimum width of 20m is required.' remove the last part of the sentence, so that no minimum width is quoted, or add a clause stating that the minimum width of 20m can be reduced for Corridors 1 and 2 on the submitters' property. Biodiversity Corridors should allow walkway/cycleways to coexist within the overlay when there is no practical, viable alternative route available.

**Submission Point #11.5:** Sharon Higgins and Tony Singleton support in Part: AD11.4A.v c), that Biodiversity Corridors will as far as practical be aligned to any existing Riparian Overlay, however are concerned that the word 'align' could be open to interpretation. If this means 'Line up' as the dictionary defines 'align' that will mean for Corridors 1 and 3 on the submitters' land an additional 15m of land which would totally inhibit access through the floor of the valley.

**Decision Sought:** Amend AD11.4A.v c) Biodiversity Corridors to state will wherever practical include any existing Riparian Overlay.

**Submission Point #11.6:** Sharon Higgins and Tony Singleton seek that, where a Biodiversity Corridor and a cycleway align, the cycleway should be able to be included within the Corridor.

**Decision Sought:** Biodiversity Corridors to allow walkway/cycleways to coexist within the overlay when there is no practical, viable alternative route available.

### **Submission Discussion and Reasons for Decision**

I carried out a site inspection of the submitters' property on 12 December 2011, accompanied by Mr Singleton and Council officers Reuben Peterson and Matthew Heale.

Sharon Higgins and Tony Singleton attended the Hearing and spoke to their submission.

In Submission Point 11.4 the submitters sought removal of the required minimum width for a Biodiversity Corridor, with particular reference to the specific details of two proposed Biodiversity Corridors on their land. They also raised a number of questions relating to the proposed Biodiversity Corridor in their '*unique situation*'.

The desirability of maintaining a required minimum width for Biodiversity Corridors is discussed in Decision #6. I have accepted that, while a 20m width is generally appropriate, a lesser width could otherwise achieve the purpose of the corridor as a biodiversity linkage. I am satisfied that, as the instances where it may be desirable to reduce the width of the Biodiversity Corridor are wide ranging, it is not possible to write a permitted activity rule which sensibly accommodates these options, and (as amended) the restricted discretionary activity resource consent process will allow for these case by case circumstances to be considered. In response to the particular concerns of these submitters it will be noted that the following sentence is to be added at the end of proposed DO5.1.2.iv - *The resource consent process allows for the reduction in width of a Biodiversity Corridor to be considered where the intended functions of a Biodiversity Corridor are not compromised (see Policy DO5.1.2.ii (Chapter 5 District Wide Objectives and Policies)).* The amended assessment criteria state, W.4 iv) *The required width of Biodiversity Corridors, including the effect of any reduction in width on the functions of Biodiversity Corridors.* The submission is accepted in part, to the extent incorporated in these amendments (see also Decision #6).

I further note that the items shown on the Structure Plan (including Biodiversity Corridors) are to

be shown in 'general accordance' with their position on the Structure Plan. This allows for flexibility in the exact location of the corridor on the ground as a permitted activity and is explained in proposed Meaning of Words, Chapter 2 of the Plan and proposed plan provisions AD11.4A.viii.

With regard to the situation where the Biodiversity Corridor may straddle property boundaries, there will be cases where it will be desirable for a Biodiversity Corridor to effectively straddle a property boundary, particularly when there is natural feature such as a water course or gully system running along the boundary. I do not see this as a particular issue, noting that the 20m minimum width applies to the corridor irrespective of the position of property boundaries - not the part of the corridor each side of a property boundary.

In Submission Point 11.5 the submitters raised concerns about the term 'align' when used in the context of Biodiversity Corridors and the Riparian Overlay. The intent was that, where practicable, Biodiversity Corridors and the Riparian Overlay were located in the same place (effectively one overlain with the other to ensure there was only one corridor required as they usually serve a complimentary purpose). As the submitter pointed out 'align' usually means side by side and therefore they suggest the use of the term 'include'. I agree with the submitter. The submission is accepted. I am satisfied that removing the term 'align' and using 'include' in its place does not change the intent of this provision nor does it alter any planting that may occur along the waterway.

In Submission Point 11.6 the submitters requested that walkways/cycleways are able to be included within a Biodiversity Corridor where there is no practical, viable, or alternative route available. Plan Change 13 'Marsden Valley' introduced the concept of Biodiversity Corridors and through the decision making process this provision was amended to provide for walkways and cycleways to run along a Biodiversity Corridor provided a corresponding increase in width is provided. For example if a 1m wide walkway is included within a Biodiversity Corridor, its total width must be increased by 1m. For consistency between the two Plan Changes, I have concluded that the Biodiversity Corridor rule, Sch 1, 1.2 c), as it appears in the decision for Plan Change 13, should be incorporated into the PC17 provisions. This also partially satisfies the submission of Marsden Park Limited (submission 2.1, Decision #25) which noted there are conflicting provisions and duplication between the two Plan Changes and sought that this is rectified.

## **Decision**

**Submission Point #11.4:** Accepted in part

**Further Submission Statement X2.27:** Rejected

**Submission Point #11.5:** Accepted

**Further Submission Statement X2.28:** Rejected

**Submission Point #11.6 (part relating to biodiversity corridors):** Accepted

**Further Submission Statement X11.3:** Rejected

**Further Submission Statement X12.3:** Rejected

## AMENDMENT TO PROPOSED PLAN CHANGE

Amend the final sentence of proposed **AD11.4A.v c) Biodiversity Corridors** as follows:

Where these objectives can be met in proximity to a water way identified in the Plan, the Biodiversity Corridor will as far as practical be aligned to wherever practicable include any existing Riparian Overlay.

Substitute proposed **Sch W, W.2 c)** for operative rule **Sch I, I.2 c)**:

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

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

except that:

- iv) the formation and maintenance of walkways, cycleways, and the construction and maintenance of utility service lines and their structures are permitted within the Biodiversity Corridor provided they cross the corridor more or less at right angles, and
- v) the formation and maintenance of walkways and cycleways may also run along the corridor provided a corresponding increase in width is provided, and
- vi) the formation and maintenance of roads and required property accesses, where there is no practicable alternative, may transect any Biodiversity Corridor provided that they cross the corridor more or less at right angles, and
- vii) in the case of ii) and iii), exotic vegetation may be used as a nursery crop for the purpose of assisting with the establishment of the native vegetation referred to.

## Topic 2: Zoning and Landscape Overlay placement or extent

### DECISION #8

**Submitter 12: Kirsty Stewart**

**Submission Point #12.1** Kirsty Stewart supports PC17 on the basis that putting parts of Enner Glynn presently zoned Rural into lower, medium and high density small holdings is a sensible and practical way of allowing some growth without disturbing the pleasant rural

nature of the area.

**Decision Sought:** Retain Rural Small Holding Zoning as notified.

### **Submitter 13: Paul Shattock**

**Submission Point #13.2** Paul Shattock supports the proposed zoning and sections RU2.ii (b) and RUd.6: The submission states that Enner Glynn Road currently has little room for development and rezoning it into lower, medium and high density small holdings is an excellent way for there to be a small amount of development in the area whilst still retaining its rural outlook. This rezoning would be a good compromise for the current rural owners to be able to subdivide should they desire, but also for urban residents to be able to still have a pleasant outlook.

**Decision Sought:** Retain Rural Small Holding Zoning as notified.

### **Submitter 15: Ruth Kelly**

**Submission Point #15.2:** Ruth Kelly supports proposed PC17 and in particular RU2.ii b) & RU d.6. The submission states that putting parts of Enner Glynn presently zoned Rural into lower, medium and high density small holdings is a sensible and practical way of allowing some growth without disturbing the pleasant rural nature of the area. This should allay fears of some residents that the Enner Glynn Valley will be full of houses and lose its rural nature.

**Decision Sought:** Retain Rural Small Holding Zoning as notified.

### **Submitter 16: Lindy Kelly**

**Submission Point #16.2:** Lindy Kelly supports proposed PC17 and in particular RU2.ii b) & RU d.6. The submission states that putting parts of Enner Glynn presently zoned Rural into lower, medium and high density small holdings is a sensible and practical way of allowing some growth without disturbing the pleasant rural nature of the area. This should allay fears of some residents that the Enner Glynn Valley will be full of houses and lose its rural nature.

**Decision Sought:** Retain Rural Small Holding Zoning as notified.

### **Submitter 18: Glenn Stewart and Shelley t'Hooft**

**Submission Point #18.1:** Glenn Stewart and Shelley t'Hooft support proposed PC17 and in particular RU2.ii b) & RU d.6. The submission states that putting parts of Enner Glynn presently zoned Rural into lower, medium and high density small holdings is a sensible and practical way of allowing some growth without disturbing the pleasant rural nature of the area. This should allay fears of some residents that the Enner Glynn Valley will be full of houses and lose its rural nature. City dwellers do after all love to enjoy a bit of countryside without having to pay for it.

**Decision Sought:** Retain Rural Small Holding Zoning as notified.

### **Submission Discussion and Reasons for Decision**

The submitters have all stated their support for the Rural Zone – Small Holdings area proposed within Enner Glynn Valley. The reasons given are that this will allow for some growth without disturbing the rural nature or outlook of the area, and that this will allay the concern of some residents that the valley will be filled with houses and lose its character.



The reasons given reflect the reasons for the proposed zoning pattern and are accepted.

### **Decision**

**Submission Point #12.1:** Accepted

**Further Submission Statement X2.37:** Accepted

**Submission Point #13.2:** Accepted

**Further Submission Statement X2.38:** Accepted

**Submission Point #15.2:** Accepted

**Further Submission Statement X2.39:** Accepted

**Submission Point #16.2:** Accepted

**Further Submission Statement X2.40:** Accepted

**Submission Point #18.1:** Accepted

**Further Submission Statement X2.41:** Accepted

### **AMENDMENTS TO PROPOSED PLAN CHANGE:**

None

## **DECISION #9**

### **Submitter 3: Fulton Hogan Limited**

**Submission Point #3.2:** Fulton Hogan Limited opposes the rezoning of areas of former rural land to Higher Density Small Holdings areas as they bring residential use into closer proximity with the York Valley Quarry and may potentially lead to reverse sensitivity effects.

**Decision Sought:** The deletion of the zoning Residential and Higher Density Small Holdings where proposed by the change.

### **Submitter 4: Gibbons Holdings Limited**

**Submission Point #4.2:** Gibbons Holding Ltd opposes the rezoning of areas of former rural land to Higher Density Small Holdings areas as they bring residential use into closer proximity with the York Valley Quarry and may potentially lead to reverse sensitivity effects

**Decision Sought:** The deletion of the zoning Residential and Higher Density Small Holdings where proposed by the change.

## **Submission Discussion and Reasons for Decision**

I carried out a site inspection of the York Valley Quarry and the surrounding area on 12 December 2011, accompanied by Council officers Reuben Peterson and Matthew Heale. Particular arrangements had been made with the Quarry Management for access to the quarry, and also two demonstration blasts, which I heard from points around the quarry. In view of the particular arrangements made I considered it appropriate that I be accompanied on this part of the PC17 site visit by quarry representatives. In this situation, as with all other landowners who accompanied me on site visits, it was made clear that no information or evidence was to be given, and I am satisfied that requirement was respected.

The submitter was represented at the hearing by legal counsel Mr McFadden and witnesses Mark Lile (planner), Ray Muollo (Chief Executive of Gibbons Group and Bruce Taylor (Divisional Manager, Fulton Hogan Limited).

The submitters sought to delete all areas of Residential Zone and Rural Zone – Higher Density Small Holdings areas proposed by PC17. The reason given was the reverse sensitivity effects on the York Valley Quarry (145 Market Road) from the increased potential for housing in the vicinity. Evidence given at the Hearing made particular reference to the noise of blasts, with reference also being made to other noise, such as truck movements, and the possibility of fly rock.

I was advised in the s42A officer's report that one of the reasons zoning within the Upper Brook Valley was retained as is currently included in the operative Plan (ie Residential Zone in the lower section and Rural in the remainder) was to protect the Quarry (and Landfill) operations. The importance of the quarry, as a resource to Nelson, was recognised when PC17 was being prepared. The approach set out in Table 7 'Managing cross-boundary effects to Quarries and Landfill' of the Section 32 report considered managing future activities within proximity of the quarry (and landfill) by resource consent, against the option of using zoning as a buffering tool. This assessment determined that the use of zoning was the most efficient and effective method and was the most appropriate.

In relation to the submission points there are no areas of Residential Zone or Rural Zone – Higher Density Small Holdings area proposed under PC17 which are visible from the Quarry aside from a portion of land on and above the Brook Saddle. This is proposed to be Rural Zone – Higher Density Small Holdings area and a land area of approximately 5 ha running downward toward Enner Glynn Valley and away from the quarry site. The saddle is located approximately 700m from the Quarry 'as the crow flies'.

In the Rural Zone – Higher Density Small Holdings area sites are proposed to have an average area of 1ha with 2000m<sup>2</sup> minimum site area. I was advised that this would allow for a few houses within the area of land visible from the quarry. Because of this increased potential for housing to occur within sight of the quarry I have concluded it is appropriate to accept the officer's recommendation that the boundary of the Rural Zone – Higher Density Small Holdings area be revised to remove it (and the associated Services Overlay) from the visible parts of the saddle area. This is replaced by the Rural Zone. Accordingly, all opportunities for an increased level of residential development proposed by PC17 will be out of sight of the Quarry.

I was not assisted by any expert acoustic engineering advice at the Hearing. However I am satisfied that once an area of land is out of sight of the quarry by being behind a solid landform such as a hill or slope, and the distance is increased, the noise levels will be reduced to a level that will not result in significant adverse effects.

The wider areas of Residential Zoning and Rural Zone – Higher Density Small Holdings area proposed by PC17 are located in the Enner Glynn Valley and not visible from the Quarry. This

area is visually and acoustically screened from the quarry by the hills which separate the two areas. The zones concerned are located 700m from the quarry at the Brook Saddle, while the bulk of the remaining area is approximately 1.5 – 2.3km away on the southern side, and in the upper reaches of Enner Glynn Valley. I am satisfied that the proposed zoning of these areas may proceed.

### **Decision**

**Submission Point #3.2:** Accepted in part

**Submission Point #4.2:** Accepted in part

**Further Submission Statement X2.35 and X2.36:** Accepted in part

**Further Submission Statement X3.1 and X3.2:** Accepted in part

**Further Submission Statement X4.5 and X4.6:** Accepted

**Further Submission Statement X7.1 and X7.2:** Accepted

### **AMENDMENT TO PROPOSED PLAN CHANGE:**

Amend Map 2 – ‘Proposed NRMP Rezoning’ to reduce the extent of Rural Zone – Higher Density Small Holdings area and associated Services Overlay around the Brook Saddle.

## **DECISION #10**

### **Submitter 11: Sharon Higgins and Tony Singleton**

**Submission Point #11.3** Sharon Higgins and Tony Singleton support PC 17 in part, however as property owners of title Lots 1 & 2, DP3418 involved in PC17 seek that the section of Residential Zoning within this title should be included to take up all of the ridgeline as highlighted in Map 2 attached to the submission.

**Decision Sought:** Increase the Residential section to include the whole of the ridgeline, but leaving the south facing end in rural small holding that adjoins the neighbouring rural title as shown in attached Map 2. (see full submission for copy of map)

**Submission Point #11.8:** Sharon Higgins and Tony Singleton oppose PC17 Map 2 as far as it indicates areas of Landscape Overlay on Lots 1 & 2 DP3418.

#### **Decision Sought:**

Option 1: That the council reconsiders this area of land for landscape overlay designation and remove the overlay completely from this area. Shown in Map attached in submission as Option 1.

Option 2: That the council reduces the area to only the knob that is more visible as shown in attached map as Option 2.

(see full submission for copy of maps).

## **Submission Discussion and Reasons for Decision – Landscape Overlay**

I carried out a site inspection of the submitters' property on 12 December 2011, accompanied by Mr Singleton and Council officers Reuben Peterson and Matthew Heale.

The Landscape Overlay rules require that any application for subdivision, earthworks or buildings (in the Rural Zone) within the overlay is considered for the impact on the values the Landscape Overlay seeks to protect. It does not restrict development from occurring in the overlay but it does require a resource consent to enable the assessment and determination of the impact and appropriateness of a proposal to be considered. This approach is to give effect to the relevant provisions of the Regional Policy Statement (RPS) and in particular Objective NA1.2.2 '*A landscape which preserves and enhances the character of the natural setting and in which significant natural features are protected*' and Policy NA2.3.1 '*To preserve the natural character and vegetation cover of the backdrop to Nelson City*'. The Plan gives effect to this through district wide objective DO9.1 Landscape '*A landscape that preserves and enhances the character and quality of the setting of the city and in which its landscape components and significant natural features are protected.*'

In relation to the submitters concern about the proposed location of the Landscape Overlay a qualified landscape architect engaged by Council, Liz Gavin (nee Kidson), considered the submitters request and her report was attached to the section 42A officer's report. Ms Gavin reviewed the Plan provisions in relation to the Landscape Overlay and considered the overlays placement on a site visit to the submitter's property carried out on 6<sup>th</sup> July 2011. She noted that part of the Landscape Overlay previously proposed on the submitter's property had been removed prior to the notification of PC17 (this occurred as part of the decision making in relation to Plan Change 13 'Marsden Valley'). Ms Gavin stated that '*I am satisfied that the Landscape Overlay as amended through the hearing process for Plan Change 13 removed the area of low visibility from the Landscape Overlay*'. Further to this Ms Gavin stated, '*The map as it has been drawn protects the more sensitive areas which are more visible and are seen as part of the larger landscape which forms the green belt behind the Nelson/Stoke urban area. I subsequently have revisited the areas from where this area is visible (Whakatu Drive, Bolt Road, Parkers Road, and the coast) and am comfortable with the current location of the landscape line.*'

On my site visit on 12 December 2011 I was able to gain good views of the Nelson urban area from the site, and I subsequently gained a view back to the site from the Gracefield Street overpass area. Unfortunately, I was unable to obtain other views as the cloud closed in, and there were similar conditions over the following Hearing days. In view of the importance of this issue, and the zoning issue discussed below, I therefore asked for further photographic evidence to be provided to me, and that is attached at Attachment 3 to this Decision. I am satisfied that I have sufficient information to consider this matter.

It is evident that the subject area is in a visible part of the landscape, from a number of locations.

The Kidson Landscape Consulting, Landscape Assessment determined that the mid and upper slopes of Jenkins Hill have a low absorption capacity from a landscape point of view. I agree with that assessment. After carefully considering this matter I have concluded that the landscape overlay and associated boundary line proposed in PC17 is appropriate.

The submission is therefore rejected.

## **Submission Discussion and Reasons for Decision - Zoning**

I carried out a site inspection of the submitters' property on 12 December 2011, accompanied by Mr Singleton and Council officers Reuben Peterson and Matthew Heale.

The submitters attended the Hearing and gave evidence.

I was advised in the section 42A officer's report that the area suggested by the submitters to be included in a residential zoning was considered during consultation, however was not recommended to be changed because:

- The assessment of the mid and upper slopes of Jenkins Hill as having a low absorption capacity from a landscape point of view (Kidson Landscape Consulting, Landscape Assessment).
- The geotechnical assessment of the land stability being in the very high risk category (Terra Firma Engineering Ltd, Preliminary Geotechnical Development Assessment, August 2009).
- The location of the Fault Hazard Overlay in the upper part of this land.
- The desire from a planning (and visual) perspective to transition the density of development from residential scale sections and density to a lower density in the rural environment.

These factors are consistent with the Objectives and Policies relating to urban expansion in the Regional Policy Statement (RPS). This is discussed in Attachment 1 to this Decisions Report with the following being of particular relevance.

- Policy DH1.3.3 sets criteria for determining what is the most appropriate form of urban expansion. Two of these criteria are v) *susceptibility to natural hazards*, and x) *effects on internationally, nationally, or regionally significant natural features and landscapes*.
- Objective NA2.2.1 stated '*A landscape which preserves and enhances the character of the natural setting and in which significant natural features are protected*'. Related policy NA2.3.1 stated '*To preserve the natural landscape character and vegetation cover of the backdrop to Nelson City*'.

With consideration to these reasons given above, and the requirement of the RMA to 'give effect to' the RPS, the proposed zoning boundaries were developed. By locating the Residential Zone with higher potential densities further down the slope removes some of the potential for housing from the more sensitive areas. It also allows for an area of Rural Zone – Higher Density Small Holdings area to be located between the Residential Zone and the Rural Zone. This Small Holdings area has a 1ha average, 2000m<sup>2</sup> minimum site size requirement which allows for a reasonable level of development potential but starts to 'thin' the housing out before it meets the Rural Zone. It also allows for clustering of development which, with appropriate assessment and advice allows for properties to be located in areas which may avoid the sensitivities noted. The area of Rural Zone – Higher Density Small Holdings Area which would remain between the submitter's proposal and the Rural Zone above it is narrow and would not allow for the outcomes sought by the Higher Density Small Holdings Area.

Liz Gavin, a qualified landscape architect, considered this zoning request from the landscape perspective in a report provided with the section 42A officer's report. She stated that the density promoted by the proposed rules for Rural Small Holdings is the correct response for this area of land. The report concludes that:

*The area under question by the Higgins/Singleton submission is a small area of land with constraints associated with areas of steep uneven topography, small gullies and instability issues. The land is also at a high elevation and due to this visibility issues from the wider landscape including the coastal margin and major transport routes. Jenkins Hill forms an important green backdrop to the urban landscape, with development located at this high elevation being sensitive to change. The Rural Small Holdings rules promote development on those areas to absorb built form without adverse effects through clustering. Development provided for through Residential zoning would be at a greater scale without the same clustering provisions. Development at the Residential zone scale would more likely create an inappropriate level of development at a density unsuited to the underlying topography and landscape context.*

In relation to the reasons given by the reporting planner for not zoning the subject area residential, I was given a copy of the relevant Terra Firma Engineering Ltd risk map and note that the geotechnical assessment of the land stability being in the very high risk category does apply to the subject land, as well as adjoining land to be zoned residential. I am therefore not convinced, in the absence of further advice, that is a determining factor in a residential/ rural zone boundary. I am more satisfied with the reasoning regarding the desirability of transitioning the density of development from residential scale sections and density to a lower density in the rural environment, and that is a factor particularly relevant in relation to the visibility of the area.

It is accordingly the adverse effects of a higher density of development in the landscape that is the primary concern.

I have described the findings of my site visit and other information provided to me above. It is evident that the subject area is in a visible part of the landscape, from a number of locations. From some locations, the existing residentially zoned area is also visible.

The Kidson Landscape Consulting landscape assessment determined that the mid and upper slopes of Jenkins Hill have a low absorption capacity from a landscape point of view. I agree with that assessment. Adverse effects on the landscape will be exacerbated by development in that area, and particularly development of a higher density as would be possible in a residential zoning. After carefully considering this matter I have concluded that the zone boundary line proposed in PC17 is appropriate. It avoids higher density development extending into the more visible slopes of the hill, and also into areas that are visible from a wider range of locations than the current zone boundary permits.

The submission is therefore rejected.

### **Decision**

**Submission Point #11.3:** Rejected

**Further Submission Statement X11.2:** Accepted

**Further Submission Statement X12.2:** Accepted

**Submission Point #11.8:** Rejected

**Further Submission Statement X2.52:** Accepted

### **AMENDMENT TO PROPOSED PLAN CHANGE:**

Landscape Overlay – None

## DECISION #11

### Submitter 19: Mark Pyers

**Submission Point #19.1 and Decision Sought:** Mark Pyers seeks that his land be changed to higher density small holdings instead of lower density small holdings.

#### **Submission Discussion and Reasons for Decision**

The submitter requested that his land be changed from the proposed Rural Zone – Lower Density Small Holdings area to Rural Zone – Higher Density Small Holdings area. No reasons were given for this but it is assumed it is to allow for an increased ability to develop the property.

The submitter's property is approximately 8 ha and is located at the end of a right of way off Enner Glynn Road. The right of way serves 5 properties. The property is generally SSE facing and slopes down to the gully in the upper reaches of Enner Glynn Valley. The zoning pattern proposed by the Plan Change allowed for Rural Zone – High Density Small Holdings (1 ha average / 2000m<sup>2</sup> minimum site size) on the generally north facing hill slopes and down to Jenkins Stream including the valley floor. The south facing slopes are proposed to be Rural Zone – Lower Density Small Holdings area (3ha minimum site size). This was to recognise the more desirable development and servicing potential of the north facing slopes.

The Rural Zone – Higher Density Small Holdings area is also proposed to be included within the Services Overlay which requires that the sites are connected to reticulated servicing as a restricted discretionary activity or are serviced either on site or in a community scheme as a discretionary activity. Reticulation is likely to be uneconomic for the properties further up Enner Glynn Valley due to the distance from existing servicing and the relatively lower density of potential housing, the Council currently have no proposals to provide reticulated servicing in this area. I was advised in the section 42A officer's report that Philip Ruffell, Nelson City Council's Principle Adviser – Utilities, has confirmed that north facing sites are generally better than south facing sites for the provision of on-site services due to the improved evaporation and transpiration. As on site servicing is likely to be the method of providing for the servicing requirements of these properties it is not considered suitable to allow smaller site sizes on the south facing slopes which are less likely to be able to provide this servicing option successfully.

The level of density is also designed to retain some of the rural amenity of the valley. Most sites within the valley are subject to various development opportunities and constraints and should any of these opportunities be available which are not in keeping with the zoning applicable to an individual property or circumstance, then the landowner is able to apply for a resource consent. The consent process will allow for the consideration of the merits of the proposal.

For these reasons the submission is rejected and the current notified Rural Zone – Lower Density Small Holdings area is retained.

#### **Decision**

**Submission Point #19.1:** Rejected

**Further Submission Statement X11.8:** Accepted

**AMENDMENTS TO PROPOSED PLAN CHANGE:**

None

**DECISION #12**

**Submitter 20: Donna and David Butler**

**Submission Point #20.1:** Donna and David Butler seek an alteration to that part of the Upper Brook Valley that sits within the plan change boundaries and on the lower slopes of their property facing directly north down the Brook Valley so that it be re-zoned Rural (Higher density small holdings).

**Decision Sought:** Amend Planning maps to rezone an area of Upper Brook Valley as Rural (High density smallholdings). Area to be defined in consultation to avoid any risk of 'quarry sensitivity'.

**Submission Discussion and Reasons for Decision**

I carried out a site inspection of the submitters' property on 12 December 2011, accompanied by Council officers Reuben Peterson and Matthew Heale, and a representative of the York Quarry who was present to hear the quarry blast that was programmed for that particular site visit.

Dr David Butler gave evidence at the Hearing.

This area of land is zoned Rural in the operative Nelson Resource Management Plan. That zoning continues down to existing undeveloped Residential zoned land, which is also within the PC17 area.

The further submitters (X11 and X12), who own and operate the York Valley Quarry, have opposed the submitters request due to reasons of potential reverse sensitivity. The quarry operates in the Rural Zone under 'Schedule R, York Valley Quarry' with no expiry date specified, and also according to the reports when it was established, no foreseeable limit to the amount of material available for quarrying. It can comfortably be assumed that the quarry will be operating in this location for the foreseeable future within the bounds of Schedule R. In relation to potential reverse sensitivity issues Schedule R places noise control on the general operation of the quarry but not on blasting itself, and it requires dust control.

There is also a Council landfill currently operating in one gully which is out of sight of the land in question by the submitter but Council owns the land which extends over to the pastoral land in upper Brook Valley and this land is contained within designation DN1 'Refuse Disposal – York Valley Landfill', which allows for landfill activities. The gully closest to Brook Valley can be used for landfill purposes. This means the landfill is also a long term operation in this area and over time is likely to come closer to the submitters' land.

Both the quarry and the landfill are activities that are important to the functioning of Nelson City and to an extent the wider area. The location of these activities is relatively central to the Nelson area and yet they are not able to be viewed from many publicly accessible places and a



limited number of private residences. The range of noise from the quarry in particular is also limited by the orientation and topography of the site and surrounds.

The Resource Management Act 1991 sections 67 (3) and 75 (3) requires the Council to give effect to the Regional Policy Statement (RPS). Policy DH1.3.3 of the RPS sets criteria for determining the most appropriate form of urban expansion. One of these criteria is, iv) *existence of incompatible rural activities such as quarries or smelly activities*. Table 7 of the Section 32 report for PC17 determined that the most efficient and appropriate way of 'giving effect' to the RPS in this regard was to use zoning as a buffering tool against potential reverse sensitivity effects for both the Quarry and the Landfill activities in proximity to the land in question by the submitter and their neighbours.

The Nelson Resource Management Plan also includes a policy within Chapter 5 'District Wide Objectives and Policies' which states:

Policy DO15.1.2 limiting effects of urban expansion

*Proposals that involve urban expansion through more intensive subdivision and development should address any actual and potential adverse effects on adjacent and nearby activities and avoid, remedy or mitigate them.*

*Reason and Explanation*

*DO15.1.2.i Residential and commercial development near rural activities may give rise to conflicts, especially as a result of rural activities that cause smell, noise, or spray drift. The onus is on the developer to recognise and provide for these. Techniques include minimising the extent of the rural/urban interface and conditions at the interface that protect urban amenity...*

The approach recommended (retaining the use of zoning as a buffering tool, therefore requiring resource consents for any increased development density) achieves the intent of this district wide policy. The statement '*The onus is on the developer to recognise and provide for these (effects),*' can be carried out through the resource consent process, while the statement '*Techniques include minimising the extent of the rural/urban interface*' are being undertaken by PC17 approach.

The zoning pattern as appears in the operative Plan was therefore retained for the reasons of avoiding the potential for reverse sensitivity issues to arise both in relation to the quarry and the landfill in York Valley.

Liz Gavin (nee Kidson) of Kidson Landscape Consulting found in her Landscape Assessment report produced during the preparation of PC17 that this area is subject to reverse sensitivity issues from noise and adverse visual effects with the Quarry and the Landfill. Other matters which cumulatively play a role in determining the question of rezoning this area are the location of the fault lines in the area, restricted access to properties and the maintenance of rural character. These matters alone are not determinative of the zoning pattern but build an overall picture with the issue of reverse sensitivity being of primary importance.

With regard to the reverse sensitivity issue, the submitter made it clear to me in evidence that he did not consider blasting activities at the quarry to be a concern. He considered the blast that was conducted at the time of my site visit to be "probably the biggest in our experience".

I appreciated the opportunity to experience the noise effects from the blast that was conducted when visiting the Butler site. My perception was that the blast was not "loud", and I have some sympathy for the submitters' view that, at least at that level, the noise from blasts may not be considered a significant issue that would lead to an adverse effect such that the quarry operations may be compromised (reverse sensitivity). On the other hand, I gathered from my questions during the Hearing to Mr Taylor (Divisional Manager for Fulton Hogan Limited) that the extent of blast (4,000 tonnes in relation to what I heard at the Butler property) could be significantly greater.

I note that the Butler property is within the area that is notified in respect of a forthcoming blast, and I also note that blasting activities are not specifically controlled by the district plan. I am also conscious of the concern that the quarry is an important resource for the district and requires appropriate protection from adverse effects, including reverse sensitivity effects. Beyond that, I did not have the advantage of expert acoustic engineering advice from any party. I tend to agree with the point made in Mr Butler's evidence, that this was unfortunate. If it was not for other concerns, I may have considered it appropriate to adjourn the hearing and request that expert evidence be obtained.

There are, however, other issues that I am concerned about. The submission did not detail the area of land sought to be rezoned – the map provided in evidence was not in the submission and was not therefore available for other affected landowners to support or oppose. The submitters' property is separated from existing residential zoning by other rural zoning. There has been no investigation of the servicing or access requirements that I would need to be comfortable about before assessing the land as being suitable for a Rural (Higher density small holdings) zoning. There may also be geotechnical issues. The submitter acknowledged that he had not engaged expert investigation or advice on any of these matters.

I do not consider that it is necessary for this land to be zoned Rural (Higher density small holdings) to ensure consistency with the Objectives relevant to PC17. I also do not consider that it has been shown that zoning the land Rural (Higher density small holdings) would be consistent with the Objectives relevant to PC17, including those referred to above. For these reasons the submission is rejected.

I do not dismiss the possibility that a separate, more robust process based on necessary expert investigations and advice may conclude that a future change in zoning may be appropriate. That would, however, need to address at least the concerns referred to above.

I note at this point that the submitters made a further submission requesting that the Landscape Overlay on their site be reduced to accommodate the requested zoning change. Further submissions are not able to request new items or present new information beyond that raised in an original submission. There was no original submission relating to the Landscape Overlay on this site. The further submission is invalid and rejected.

## **Decision**

**Submission Point #20.1:** Rejected

**Further Submission Statement X3.5:** Rejected

**Further Submission Statement X11.9:** Accepted

**Further Submission Statement X12.9:** Accepted

## **AMENDMENT TO PROPOSED PLAN CHANGE:**

None

### Topic 3: Services: Stormwater, Wastewater, Potable water

#### DECISION #13

##### Submitter 5: Dugald and Janette Ley

**Submission Point #5.1:** Dugald and Janette Ley oppose PC17 for reasons of stormwater runoff issues. The submitters are concerned about what they see as the absence of any catchment drainage reports on the rezoning of this land from the rural state to that of a semi residential state. The submission states - Being downstream of this area then we will be affected and there is potential for flooding of not just us, but residents downstream in the Jenkins Creek catchment. The Structure Plan needs a storm water catchment plan design assessment to show how storm water flows predevelopment will be less after post development and noting climate change predictions. No detention areas are shown on the structure plan.

**Decision Sought:** Evidence to be produced prior to any hearing to address this matter (stormwater and drainage) and the stormwater report be made available to submitters. Delay this application until the above issues have been debated and resolved.

**Submission Point #5.5:** Dugald and Janette Ley oppose PC17 for reasons that the Section 32 report mentions that any new residential areas will require servicing with extensions of the existing wastewater reticulation system. The submission states that all other rural residential areas will be self sufficient in regard to services. Alignments for the extension of services have not been provided or for that matter detail on easements required over private land, these need to be shown on a structure plan which this application needs to show. Of a secondary matter is the wastewater downstream pipe upgrades. NCC Eng Guide 2010 stated that a 150mm sewer will service up to 150 households. There is no detail in the report, but from the NCC GIS layers it is evident that there is an existing 150mm dia main in Enner Glynn Rd which is likely to have already the maximum number of residences on that line. There is no detail of the timing of the enlargement of the existing pipe network or whether easements are in places over that line.

**Decision Sought:** Require a structure plan of the wastewater reticulation system showing alignment of the lines, details of the proposed downstream upgrades and cost share arrangements between the developers and NCC. Delay this application until the above issues have been debated and resolved.

**Submission Point #5.6:** Dugald and Janette Ley oppose PC17 for reasons that a new water main has been installed in Enner Glynn Road up to the intersection with Newman Drive. The submission states this looks like a 150mm main. Thereafter I believe there is a 25mm rider line heading up the valley. No mention been made of providing drinking water to this new area and for that matter Fire Fighting flows. It is fundamental to have both these and at the rate the Fire Service requires.

**Decision Sought:** A structure plan be required to show these services (drinking water and fire fighting supply) and that the new residential areas can be serviced and that there is available capacity in the NCC reticulation system. Delay this application until the above issues have been debated and resolved.

## **Submission Discussion and Reasons for Decision**

Mr Ley presented evidence at the Hearing and responded to questions. Council's Principal Adviser Utilities Phil Ruffell also responded to questions.

Submission Point 5.1 requested that evidence be provided which addresses the matter of stormwater and drainage in the Jenkins Creek catchment. I was advised in the section 42A officer's report that John McCartin of Natural Systems Design Limited was contracted to produce a report which gauges the effect of potential residential development on the various watercourses in three adjacent valleys on Nelson's south eastern fringe. One of these valleys is the Enner Glynn / Jenkins Creek catchment. The report considers the ability to manage stormwater discharge from any residential development of the area. Mitigation methods are suggested, such as retirement planting of areas of land which collectively would provide enough area to offset future residential development.

I was advised that the drainage and watercourse report based its calculation on an earlier estimate of approximately 110 ha of residential housing in the catchment. This has been reduced to the notified level of approximately 21 ha of Residential Zone with the remainder of the 350ha catchment in predominantly Rural Zone – Small Holdings areas and some in Rural Zone. The report stated that any development in the small holdings areas would be minor and *'...there would not be any stormwater reticulation needs; any areas of imperviousness will remain discrete and unconnected, allowing much internal buffering to occur'*. The report goes on to conclude that through the use of infiltration, planting and detention ponds the increased runoff of just over 1 cumec from 110ha of residential development would result. It also concludes that the increased runoff generated in the conventionally reticulated case could be offset or mitigated by planting new permanent bush for forest cover on 40ha.

Mr Ruffell confirmed that the report remained relevant and that he was happy with it.

As the drainage and watercourse report shows, it is possible to manage the runoff from approx 110ha of residential development. It is reasonable to assume that it will also be possible to manage the runoff from the reduced area of residential development (approx 21ha).

The submitters were concerned that no detention areas were shown in the Structure Plan. The drainage and watercourse report discussed detention areas and found that some maybe required at the base of side gullies where these meet the valley floor. I agree with the section 42A officer's report that it is inappropriate to show these on the Structure Plan as the location or existence of detention areas will be subject to the extent, location and type of development proposed, and what other mitigation measures are most suitable to an individual proposal. The Residential Zone and Rural Zone – Higher Density Small Holdings areas are located within the Services Overlay which indicates that services are inadequate in the area and require this to be addressed prior to subdivision occurring. It is appropriate that detention areas, or other mitigation of stormwater issues are addressed is at the consent stage when development details are known.

Submission Point 5.5 sought that a plan of the wastewater reticulation system showing alignment of the lines, downstream upgrades and costs share arrangements be provided. Submission Point 5.6 sought that the plan shows how drinking water and fire fighting water supply will be provided and that there is confirmation the new residential areas can be serviced through the NCC reticulation system. As discussed above, the Residential Zone and Rural Zone – Higher Density Small Holdings areas are located within the Services

Overlay which indicates that services are inadequate in the area and require this to be addressed prior to subdivision occurring. Mr Ruffell advised that the trunk sewer system downstream of the Enner Glynn / Newman Drive area is operating at design capacity in normal conditions and that work on this is programmed into Council's current Long Term Plan. He also advised that the areas of proposed Residential Zoning will require additional works to provide additional storage tanks and booster pumps to ensure that adequate volumes and pressures of water are available. The Services Overlay requires that detailed designs for provision of services will be considered at the time of preparing a subdivision consent application. This is the appropriate time to consider the details requested by the submitter due to the increased level of detail available at that time. The standard of these services will be determined by the requirements of the Nelson Resource Management Plan and the Land Development Manual. This approach is consistent with the discussion under the heading 'Services' pg 6, Section 32 Report, and the assessment in 'Table 6: Services and Access', pg 23 Section 32 Report.

I am satisfied that the matters raised in submissions have been appropriately considered by the Council, and that, as is the normal process, matters of detail can be considered at subsequent subdivision stages. The submissions are accordingly rejected.

### **Decision**

**Submission Point #5.1:** Accepted

**Further Submission Statement X2.42:** Accepted

**Submission Point #5.5:** Rejected

**Further Submission Statement X2.43:** Rejected

**Submission Point #5.6:** Rejected

**Further Submission Statement X2.44:** Rejected

### **AMENDMENT TO PROPOSED PLAN CHANGE:**

None

## **Topic 4: Roading connections, placement and traffic effects**

### **DECISION #14**

#### **Submitter 20: Donna and David Butler**

**Submission Point #20.2:** Donna and David Butler support the indicative road connecting Upper Brook Street to Landfill Road.

**Decision Sought:** Retain indicative road (Upper Brook Street to Landfill Road) - as on planning maps.

### **Submission Discussion and Reasons for Decision**

The submitter stated their support for the indicative road linking Brook Street and Landfill / Market Road sought that it is retained within PC17.

This Indicative Road improves connectivity within the wider road network by increasing route choices and efficiency. The reasons for seeking this road connection through PC17 are discussed in full in Decision #17.

### **Decision**

**Submission Point #20.2 (part relating to indicative road):** Accepted

**Further Submission Statement X2.34:** Accepted

### **AMENDMENT TO PROPOSED PLAN CHANGE:**

None

## **DECISION #15**

### **Submitter 5: Dugald and Janette Ley**

**Submission Point #5.2:** Dugald and Janette Ley oppose PC17 for reasons of increase in vehicle movements on Enner Glynn Valley Road and at the Waimea Road / The Ridgeway intersection potentially causing traffic issues.

**Decision Sought:** Evidence be produced to explain road upgrades proposed at this intersection (The Ridgeway / Waimea Road). The Plan Change needs to address road widening issues via designations or Notices of Requirement. The Plan Change needs a traffic assessment on the implications (for the PC17 area) of increased traffic on Waimea Road and Southern Link and to resolve these issues before it contemplates rezoning any further land. It needs a traffic assessment on roads leading from The Ridgeway to the subject zoned area. Delay this application until the above issues have been debated and resolved.

**Submission Point #5.3:** Dugald and Janette Ley oppose PC17 because existing roads are deemed to be substandard for the proposed rezoned land and it is alluded to that some form of cost share with the owners of the rezoned land be entered into, but no details are given of this.

**Decision Sought:** Details of, and cost shares from developers be addressed at this stage such that financial effects are known and can be factored into Long Term Council plans and budgets and the subsequent effects on ratepayers is advised. Delay this application until the above issues have been debated and resolved.

## **Submission Discussion and Reasons for Decision**

Mr Ley presented evidence at the Hearing and responded to questions. Council's Principal Adviser Transport and Roading Andrew James also responded to questions.

The submitter was concerned about the potential for traffic issues caused by increased traffic movements on Enner Glynn Valley Road and at the Waimea Road / The Ridgeway intersection. Mr James agreed with the submitter that the current roading and intersection configuration requires improvement to accommodate any increase in traffic volumes. Furthermore he stated that the Waimea Road / The Ridgeway intersection is one of 15 which require improvements based on current volumes. Mr James also agreed that detailed investigation will be required to determine the nature of these improvements. Where the submitter and Mr James' view differed is the timing of these detailed investigations. The submitter sought that upgrade information, including a traffic assessment considering increased traffic from the PC17, Waimea Road, and the possible 'Southern Link', be sought and considered prior to the Plan Change proceeding. Mr James considered that *'...given the likely pace of development it is considered the environment is likely to change considerably before any substantial growth is seen in the Enner Glynn valley, rendering any in-depth study at this time of little merit'*. He also noted that the growth projections from PC17 have been included in the Arterial Traffic Study (ATS). It can therefore be assumed that the outcome of the ATS has taken this into account and any mitigation required in relation to the ATS will be undertaken by the time development occurs.

In relation to the Waimea Road / The Ridgeway intersection, I was advised that design improvements have been scheduled for the last few years but had been deferred awaiting the outcomes of the ATS, PC17 and the effects of The Ridgeway link on traffic flows. Funding is allocated in the Long Term Plan to carry out the design and construction of improvements to this intersection.

It was acknowledged that The Ridgeway / Enner Glynn Road intersection will also require an upgrade based on the likely increase in traffic along the Ridgeway (following safety improvements to the Waimea Road intersection and growth in Marsden Valley) and as a result of PC17 increasing traffic volumes along Enner Glynn Road.

Mr James also considered that Enner Glynn Valley Road itself would require upgrading particularly around the bend 170m east of the intersection with Newman Drive and Enner Glynn Road. The view he presented at the Hearing was that, given the expected traffic volumes, it was not now proposed to realign the road but rather undertake some minor improvements, and possibly traffic calming devices.

I am satisfied that it is appropriate to consider any outstanding specific mitigation issues as part of future resource consent applications rather than attempt to determine these at this point. Due to the pattern of land holdings, the proposed zoning patterns, and the likely timing of the proposed connecting road from Marsden Valley to Enner Glynn Valley it will be some time before there is any significant increase in traffic using Enner Glynn Valley Road. This correlates with Mr James' view that a traffic study or any detailed design would be of little merit at this stage as the environment is likely to change considerably over that time. It is more efficient to design and carry out any improvements required at the time the need is generated. This view is supported by the fact the land proposed for rezoning is also proposed to be located within the Services Overlay requiring that any servicing requirements, including roading, need to be addressed at the time of planning for a subdivision.

For the same reasons, details of any cost sharing arrangements between developers and the Council are determined now and the impact on ratepayers is advised. I am satisfied that the

level of detail requested by the submitter extends beyond that which can be reasonably expected to be gained through PC17 process to rezone land. PC17 has been developed to provide a high level planned and integrated development pattern in the area. The appropriate time to consider detailed future development planning, including cost sharing, is at the time that planning for the development is being undertaken. This is when the timing, yield and costs of development are better known, and is the time when developers are sufficiently informed to enable a submission to the LTP to seek that a project to fund that growth (road upgrade in the case of this submission) is included. This allows for an informed discussion to be carried out once a specific development is proposed. By waiting until this stage traffic movements can be more accurately predicted and the current environment can be considered.

The submissions are rejected for the above reasons.

### **Decision**

**Submission Point #5.2:** Rejected

**Submission Point #5.3:** Rejected

### **AMENDMENT TO PROPOSED PLAN CHANGE:**

None

## **DECISION #16**

### **Submitter 7: Rosalie Barbara Higgins**

**Submission Point #7.1:** Rosalie Barbara Higgins opposes provisions AD11.4A viii, AD11.4A ix, Proposed Structure Plan Map 3, Meaning of Words 'Generally Accord' and any other matters within the PC17 that require a linking road between land in Plan Change 13 and Panorama Drive as shown on Planning Map 3, PC17.

### **Decision Sought:**

1. That the indicative road shown linking the McLaughlin land and Panorama Drive is deleted from the Structure Plan Map 3 of Plan Change 17.
2. If the Council insists that such a link road provides significant public benefit within urban design principles that it investigates an appropriate alignment and designates this as a public work in the NRMP with the financial responsibility to construct the road, with appropriate compensation for all losses.

Alternatively that:

1. The Council accepts and nominates that a residential lane as provided in the NCC Land Development Manual be located generally along the common boundary with the land in Plan Change 13 to the level of the saddle between both areas of land with gradients of up to 1 in 6.
2. That the right of way proposed be accepted as road to be vested in the Council.
3. That the costs of a footpath that could be constructed with the proposed right of way be met by the Council.

### **Submission Discussion and Reasons for Decision**



I carried out a site inspection of the submitters' property on 12 December 2011, accompanied by Council officers Reuben Peterson and Matthew Heale.

Rosalie Higgins attended the Hearing with Tony Alley (planner) who presented evidence. Council's Principal Adviser Transport and Roading, Andrew James, also responded to questions.

In response to the submitter seeking deletion of the indicative road I consider it reasonably necessary for the link to be retained. It would provide direct access, both for recreational and transport purposes, from Panorama Drive and Citrus Heights to the future urban area that is to occur through the operative Plan Change 13 for Marsden Valley. I am also satisfied that the "general accord" wording in PC17 allows flexibility in relation to the ultimate positioning of the link.

However I agree with the concern of the submitter that there would be an impact on the submitter if a full road standard was to be required when development of her land occurred. It is quite likely that would be in advance of the link road being provided, considering this is at "the back end" of the adjoining PC13 area. I am satisfied on the evidence that while the road would serve the development potential of the Higgins property, the extent of formation to provide for a connection will exceed that required solely to serve any future lots.

In this respect, I was informed in the section 42A officer's report that other plan changes currently notified by Council (including Plan Change 14 and the new Nelson City Council Land Development Manual 2010, formerly referred to as the Engineering Standards), provide for increased flexibility in roading construction standards, and subdivision design. This flexibility is achieved by having a variety of road formation options, and ensuring that alternative proposals for development which suits its context can be considered through the resource consent process. One of the roading formation options is a Residential Lane. I was further advised that the connection did not necessarily have to be formed and established at the time of development, but it must be provided for in the design i.e. the future connection cannot be prevented by way of subdivision layout, building placement or any other method.

In relation to the request that the plan change contain a note recording that a residential lane standard would be appropriate for this link, I agree with the reporting officer that this is not necessary or appropriate given that the Plan provisions already allow the flexibility for alternatives to be considered. So that this is clear, however, I would expect on the consideration of any future development application for the submitter's land that the requirement on the submitter would be confined to that component of access roading required to serve the subdivision of that site, subject to any further requirement (for instance reservation of a road reserve) necessary for construction of roading to fuller standards. I understood from the evidence, including from Mr James, that the component of access roading required to serve the subdivision of the site would be similar to that of a "residential lane", excluding a berm and public footpath.

I agree with Mr Peterson that there should be a consequential amendment (Schedule 1, Clause 10 (2) (b) (ii)) to retain consistency with Plan Change 13. A note will be placed on the Structure Plan map stating *'The representation on this map of a road or track does not necessarily indicate a right of public access'*.

## **Decision**

**Submission Point #7.1:** Accepted in part

**Further Submission Statement X1.1:** Rejected

**Further Submission Statement X2.45:** Accepted

## AMENDMENTS TO PROPOSED PLAN CHANGE:

### Amend the existing note on Map 3 to read:

- 1) 'The representation on this map of a road or track does not necessarily indicate a public right of way right of public access.'

## DECISION #17

### Submitter 14: Richard Sullivan

**Submission Point #14.1:** Richard Sullivan opposes PC17 in its entirety, including the provision for future roads provided through a structure plan'. The reasons the plan is opposed are that the plan is inconsistent with previous plans and strategies and contrary to landowner wishes and has an ill-considered proposed roading network; is disenfranchising for landowners; and has unworkable proposed roading connections affecting land development potential.

**Decision Sought:** Delete the plan in its entirety, including 'a network of, future roads provided through a structure plan'.

### Submitter 10: Tamika Simpson

**Submission Point #10.1:** Tamika Simpson opposes PC17, including reference to the proposed 'network of ... future roads ... provided through a structure plan. Tamika Simpson does not believe the 'connectivity' policy of the Council is sufficient reason to put a road through the top of the Brook Valley. The submission states that a road in the location proposed would turn what is currently a highly valued and valuable recreational destination into a hazardous traffic cut-through. The submitter states - We have repeatedly told the Council of our difficulties with trespassers which are in part created by NCC's 'ideas' for the future use of our land. Our dealings with NCC to date have not made us inclined to consider access to our land. Object to NCC telling us that they will use the Resource Management Act to impose this road condition on our use of our land. If this proposed road continues to be shown across the property we do not see any way we can or will pursue the use of our land for housing. The building of more roads for private cars is opposed - that is not the way to create a functioning and healthy environment for Nelson residents. The submitter seeks consideration of an alternative route through Blick Terrace and states - While we have been told this already been rejected because of cost, we have not seen the figures behind this judgement.

**Decision Sought:** No publication of any plans with future possible roads, walkways etc on any Simpson land. If the Council insists a road is necessary, consider an alternative route through Blick Terrace.

### Submission Discussion and Reasons for Decision

Richard Sullivan raised general concerns relating to proposed roads.

The PC17 Structure Plan illustrates "Indicative Roads" part of which traverse land owned by the Simpson's family interests. One of the Indicative Roads will provide a link between the Upper Brook Valley and Market Road/Bishopdale areas – a link that currently does not exist.

With regard to the promotion of road connections generally, Council's Land Development Manual 2010 (LDM) is operative and forms the basis for design and construction of all Nelson City's roads, drains, water supply and reserve areas. The LDM contains objectives which are relevant to the issue of connectivity. These are:

#### *4.1.1.1 Transport Network*

*b) To provide a permeable, connected and attractive transport network that encourages walking and cycling and minimises the number of short vehicle trips.*

*c) To provide a transport network that is efficient, affordable, legible, minimises travel time, supported access to public transport and contributes to limiting fossil fuel use.*

*e) To provide convenient linkages to citywide points of attraction and to local facilities both within and to adjacent neighbourhoods.*

The LDM also contains general comments in section 4.2.1 which relate to establishing a planned transport network.

#### *4.2.1 General*

- a) The planning and design of a transport network requires consideration of the movement of current and future road users, the provision of access to property and the valuable and unique areas of community space that roads provide.*
- b) At a planning level, these aspects must be considered together to achieve desirable outcomes for those moving through and within the transport network and the broader community, including residents and business.*
- c) Thoughtful planning of a transport network is extremely important. The location of roads within our communities exist for a very long time, usually much longer than adjacent activities. So the way roads are laid out and how they relate to the surrounding buildings and places a great impact on the amenity they provide and their long-term functional success.*
- d) An attractive and connected transport network can achieve a number of positive outcomes, including:
  - 1) Encouraging more people to walk and cycle to local destinations, thus improving their health and reducing reliance on the private motor vehicle as a form of transport;*
  - 2) Reducing vehicle movement reduces energy use and pollution and provides a safer and more efficient environment for the movement for all modes of transport;*
  - 3) Enabling the transport network to be more responsive and more ready to adapt to changes or intensification to land use over time; and*
  - 4) Generating more activity on the roads which leads to improved personal security, slower vehicle movements and more chance meetings. The latter strengthens communities and encourages a sense of pride in local environments.**
- e) A well designed transport network thus a crucial part to play in the delivery of sustainable communities.*

I agree with the points made by Mr James accompanying the section 42A officer's report, that

increased connectivity improves the efficiency and flow of the network by distributing traffic and diluting traffic volumes, provides increased passenger transport options, reduces fuel use, especially for service vehicles such as postal and waste services, improves connectivity between neighbourhoods and increases neighbourhood safety through the reduction of cul-de-sacs.

With regard to a road connection on the Blick Terrace route suggested in the Tamika Simpson submission, I was advised by Council's Principal Adviser Transport and Roding Andrew James that a preliminary assessment had been carried out of the alternative route suggested by the submitter. This desk top assessment showed that the route would be approximately 800m longer, rise 85 vertical meters higher, and traverse steeper land requiring the use of switch backs.

I agree that the connection route as shown in the Structure Plan for PC17 is a more suitable option as it is shorter, has less vertical rise and would traverse easier ground. It also has additional benefits of serving more potential residential properties and providing a connection from the upper end of Brook Street. In this respect Mr James noted that the connection would prove attractive to residents of the Brook to access Stoke and Tahunanui, thereby alleviating traffic pressures on the local network of Van Diemen, Brougham, Scotland, Seymour and Selwyn Place. He stated that this connection makes *'...good planning sense as well as providing local network improvements similar to the other connections proposed in PC17.'*

Mr Sullivan raised a number of issues regarding the through road connecting Brook Street to Market Road / Bishopdale, including:

- Incompatible with the current quiet, family-friendly, cul-de-sac nature of residential development in Upper Brook Street.
- Increasing noise and danger for residents, and reduce the value of their homes.
- The road will be expensive.
- New traffic routes subsidise private motor vehicles – if the problem is too much traffic, making more traffic possible is not the solution.
- Improved connectivity should not relate to physical movement of goods and people. It should relate to telecommunications, e-commerce and learning.
- An expensive and unwanted road is an unfair burden on ratepayers.
- Increase in trespassers due to the publication of proposed roads and tracks.
- Essentially locking away corridors (for roads) of land reduce the ability of landowners to develop how they want.

In relation to what I saw on my site visit, I questioned Mr James at the Hearing regarding the desirability of having a link road to Brook Street which appeared to me to be quite constrained in terms of its alignment, its narrow, residential environment. Mr James assured me that, while part of this route did not currently have a collector road status in the roading hierarchy, it was envisaged as a collector and had recently been upgraded with collector road status in mind. Although it was not a straight or fast road he was fairly confident that the road has been designed to appropriate collector road standards.

I also questioned Mr James at the Hearing regarding the process by which the Indicative Road through the submitter's land would be established (in response to the submitter's concern

regarding the use of the RMA for that purpose), and when that may occur. The following is a record of the questions and answers.

Commissioner *Part of this indicative road passes through undeveloped residentially zoned land ... would you expect that this indicative road would be taken into account when that area is developed?*

Mr James *yes, to have the link through*

Commissioner *so you might say there is some confidence in that part of the route; however my understanding is that the balance of the route passes through rural zoned land and there is a significant question over whether that land would be developed in the future, based on site size, - it is probably not of sufficient size to be subdivided. So given the currently proposed zoning pattern which is unlikely to involve any development over the route of the indicative road, apart for the residential bit, would that mean that the road is not going to happen unless the Council does a deal with the landowner and does it themselves?*

Mr James *yes and same applies with the landfill area bit. Money will need to come from the Council. Council could consider that a proportion of the road is required for growth and can be funded by development contributions although it would also be level of service improvements as it would offset the Church steps Seymour and Brougham route. These really are the only two routes that come from Stoke and Waimea Road into the Maitai and Brook Valleys and as development occurs up those valleys it's likely that those routes through town are going to get more and more congested and this is an opportunity to have a relief option to reduce congestion.*

Commissioner *is this part of the roading plan?*

Mr James *this is a long way off and a particular issue to the valley and Council has not done any formal strategic thinking on it. My point of view it is prudent to keep this option open for Council to consider it in the future, but certainly it is one that Council would have to fund to a considerable extent. Putting it all in mind and considering we are doing the 10 year programme at the moment, its not in that programme it would be unlikely that there would be any investigations into constructing it in the next 10 years.*

The future construction of the Indicative Road shown on the structure plan appears to be some years away, and, as it is not a designation and is unlikely to be established as a condition of development, its development will require public funding and landowner agreement. However, the Indicative Road also has an appropriate basis in illustrating the possibility of a future link. I have carefully considered this issue and concluded on balance that it is appropriate that a connected road network be shown on the structure plan, and that the current roading pattern is appropriate. On this point, therefore, the submitter's relief is rejected.

## **Decision**

**Submission Point #10.1 (part relating to indicative road):** Rejected

**Further Submission Statement X2.55:** Accepted

**Further Submission Statement X4.9:** Rejected

**Further Submission Statement X5.6:** Rejected

**Further Submission Statement X7.8:** Rejected

**Submission Point #14.1 (part relating to indicative road):** Rejected

**Further Submission Statement X2.48:** Accepted

## **AMENDMENT TO PROPOSED PLAN CHANGE:**

None

## **DECISION #18**

### **Submitter 11: Sharon Higgins and Tony Singleton**

**Submission Point #11.7:** Sharon Higgins and Tony Singleton support in part AD11.4A.v a), and Map 3 'Structure Plan': The submitters state that connectivity is important for any growing city, however the Indicative Road proposed by the Council linking Marsden Valley and Panorama Drive is unnecessary, costly and will provide little advantage in relation to the cost involved in implementing it. The Indicative Road connecting Marsden Park and Upper Enner Glynn Road is considered important and will result as a major link road for future residents in the Valley. However the submitters are concerned over the size of the road required due to being a link road - this could result in a size and type of road required to be of far higher standard than one initially required to service the development.

**Decision Sought:** Delete the proposed indicative road connection between Marsden Park and Panorama Drive OR the Council work with the developer, the land owner could provide land for the indicative connections at time of development and the Council can later form it to their requirements once a need arises.

### **Submission Discussion and Reasons for Decision**

The district plan provisions relating to road connectivity are recorded in Decision #17. I am satisfied on the evidence that the Indicative Road proposed by the Council linking Marsden Valley and Panorama Drive is necessary.

The issue of road connections and their potential effects on landowner's interests has been discussed in Decision #17 and is relevant to this submission point. I am satisfied that the Council can take a flexible approach to the provision of roading to ensure that it meets the context and function it is in. To this extent, the submission can be accepted in part.

## **Decision**

**Submission Point #11.7:** Accepted in part

**Further Submission Statement X1.2:** Rejected

**Further Submission Statement X2.47:** Accepted

**AMENDMENT TO PROPOSED PLAN CHANGE:**

None

## **Topic 5: Transmission Lines**

### **DECISION #19**

#### **Submitter 5: Dugald and Janette Ley**

**Submission Point #5.7:** Dugald and Janette Ley oppose PC17 on the basis that the site is crossed by heavy duty power lines and pylons and these alignments need to be protected and have suitable building/activity rules/constraints around them.

**Decision Sought:** Require the NZECP 34:2001 to be met, ie Code of Practice for Electrical Safety Distance 2001. Delay this application until the above issues have been debated and resolved.

#### **Submitter 6: Transpower New Zealand Limited**

**Submission Point #6.1:** Transpower supports in part the main thrust and intent of the Plan Change, however considers that the Plan Change could more appropriately give effect to the National Policy Statement on Electricity Transmission 2008 (NPSET) by including provisions that better:

- Recognise the benefits of the National Grid,
- Ensure and protect the ability for ongoing operation and maintenance of the network,
- Protect the existing network from issues of reverse sensitivity, and
- Do not unnecessarily constrain the potential to upgrade the existing network, if, and as, necessary.

Transpower seeks a more comprehensive approach to protecting its assets from a much broader range of future development.

**Decision Sought:**

1. Amend the Plan Change to make all required changes, including those detailed in this submission, to ensure:
  - That the National Policy Statement on Electricity Transmission 2008 (NPSET) is given effect to;
  - The sustainable management of the National Grid as a physical resource;
  - Appropriate provision for the ongoing operation and maintenance of the network, including ensuring that lines and support structures can be accessed;
  - That the existing network can be upgraded in order to meet growth in energy demand;
  - The protection of the existing network from issues of reverse sensitivity and the effects of others' activities; and
  - Appropriate provision for the planning and development of new lines.

2. Make any additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions.
3. Adopt any other such relief as to give effect to this submission.

**Submission Point #6.2:** Transpower supports in part providing for a Transmission Corridor with the Enner Glynn and Upper Brook Valley Structure Plan.

**Decision Sought:** See submission for the decisions requested by Transpower in regard to this submission point.

**Submission Point #6.3:** Transpower supports the provision for tree trimming associated with maintenance works. It is important that Transpower is able to undertake trimming and/or clearance activities of existing vegetation within its transmission corridor where it may pose a risk to the operation of the line as a result of flashovers. A flashover can be caused by vegetation coming into contact with the lines and may result in:

- An outage of electricity supply to communities, people and industry, or
- Mobile plant or trees to become live (and catch fire) resulting in safety risks to the public.

**Decision Sought:**

1. Rules REr.59.1, OSr.47.1 and RUr.25.1 be retained in the Plan Change without further amendment.
2. Provide for tree trimming associated with the operation and maintenance of network utilities. This can be achieved by retaining rules REr.59.1(h)(ii) and RUr.25.1(g)(ii) without further modification, as follows:

There is no clearance of vegetation within a Biodiversity Corridor unless it is an exotic species, or a species with a pest designation in the current Tasman-Nelson Regional Pest Management Strategy, and providing an exception for vegetation clearance required for:

- i) ...
- ii) the installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity and vegetation is reinstated after the activity been completed, or
- iii) ...

2. Make any additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions.
3. Adopt any other such relief as to give effect to this submission.

### **Submission Discussion and Reasons for Decision**

A letter dated 13 September 2011 was tabled at the hearing on behalf of Transpower indicating that Transpower accepted the recommendations in the section 42A officer's report. That report considered that issues raised by Transpower were not within the scope of PC17. It does appear that Transpower's issues have more general relevance and I note the detailed explanation given in the section 42A officer's report that there are already general provisions relating to the management of development near transmission line corridors in the Nelson Resource Management Plan. I agree that the issues raised by Transpower are not within the scope of PC17 to address and on this basis, the submission should be rejected. For similar reasons, with regard to the Dugald and Janette Ley submission I consider that, given the existing plan provisions, no corridor is required to be shown on the planning maps as the submitter suggests.



The submission by Transpower in support of the vegetation clearance rules (REr.59, OSr.47 and RUr.25), with specific reference to REr.59.1(h)(ii) and RUr.25.1(g)(ii) are recommended and are accepted.

## **Decision**

### **Submission Point #6.1: Rejected**

**Further Submission Statement X2.49: Rejected**

**Further Submission Statement X8.1: Accepted**

**Further Submission Statement X9.1: Accepted**

**Further Submission Statement X10.1: Accepted**

### **Submission Point #6.2: Rejected**

**Further Submission Statement X2.50: Rejected**

**Further Submission Statement X8.2: Accepted**

**Further Submission Statement X9.2: Accepted**

**Further Submission Statement X10.2: Accepted**

### **Submission Point #6.3: Accepted**

**Further Submission Statement X2.51: Accepted**

**Further Submission Statement X8.3: NA**

**Further Submission Statement X9.3: NA**

**Further Submission Statement X10.3: NA**

### **Submission Point #5.7: Rejected**

## **AMENDMENT TO PROPOSED PLAN CHANGE:**

None

## Topic 6: Walkway and cycleway connections

### DECISION #20

#### Submitter 14: Richard Sullivan

**Submission Point #14.1:** Richard Sullivan opposes the plan in its entirety, including 'a network of walkway/cycleways ... corridors provided through a structure plan'. The reasons the plan is opposed are that the plan is inconsistent with previous plans and strategies and contrary to landowner wishes; has an ill-considered proposed roading network; is disenfranchising for landowners; and has unworkable proposed roading connections affecting land development potential.

**Decision Sought:** Delete the plan in its entirety, especially 'a network of walkway/cycleways, ... provided through a structure plan'.

#### Submitter 10: Tamika Simpson

**Submission Point #10.1:** Tamika Simpson opposes Plan Change 17, the concerns including the proposed 'network of walkway/cycleways... provided through a structure plan'.

**Decision Sought:** No publication of any plans with future possible roads, walkways etc on any Simpson land.

#### Submission Discussion and Reasons for Decision

Richard Sullivan raised general issues relating to proposed walkways.

The PC17 Structure Plan illustrates "Indicative Walkways" some of which traverse land owned by the Simpson's family interests.

A Policy in the operative Plan is:

*DO10.1.7 - A safe network for pedestrian and bicycle traffic should be developed and maintained.*

The Explanation and Reasons given for this policy is:

*DO10.1.7.i This policy is consistent with the Regional Policy Statement. It seeks to promote traffic other than solely motor vehicle traffic. See also policy DO14.3.1 (roads and traffic) under 'Services'.*

Methods include:

*DO10.1.7.v Acquisition of walkways to create a network where adequate pedestrian access on existing roads and walkways is not available.*

*DO10.1.7.vi Establishment of new cycleways to create a safe cycling network.*

Further Methods proposed in PC17 include:

DO10.1.7.vii: *Provision of indicative walkways (which may in appropriate circumstances also perform a cycleways function) on Structure Plans or within the Planning Maps, as a matter for assessment and response through subdivision applications.*

DO10.1.7.viii: *Within the Rural Zone in particular, recognise and promote management practices and construction of public walkways and cycleways that minimise the potential for cross-boundary effects, in liaison with adjoining land owners.*

Part AD11.4A Structure Plans of PC17 states:-

*AD11.4A.v: Other information that may be shown on the Structure Plans includes the items below. Sections AD11.4A.v – AD11.4A.ix provide the definition and intent of these items:*

a) .....

b) *Walkways: The purpose of walkways on Structure Plans (these can also be cycleways where the terrain is suitable) is to promote recreational opportunity through off-road linkages within and surrounding the urban area, to provide for choice in transport modes, and to promote the safe and efficient movement of people and vehicles by resolving potential tensions between pedestrians, cyclists and motor vehicles.*

*AD11.4A.ix: The primary objective of indicative roads, walkways/cycleways or Biodiversity Corridors is connectivity. Compliance with the rules requires that connection is provided, within each stage of development, and to adjoining property boundaries at the appropriate stage, and is not restricted or prevented through the use of “spite strips” or other methods which could lead to adjoining land becoming landlocked or connectivity being compromised.*

New Policy RU1.3: Management of Effects of Connections on Structure Plans has been introduced by PC17, and reads:

*The provision for, and development of, road, walkway and cycleway linkages within Rural Zones where these have been identified on Structure Plans, at a time and in a manner that does not result in unreasonable reverse sensitivity effects with adjoining land use activities.*

#### *Explanation and Reasons*

*RU1.3.i: Indicative roads and walkways/cycleways have been identified on Structure Plans where these have been determined to be important in achieving enhanced transportation and recreational outcomes, both within rural areas and/or between urban neighbourhoods. It is not the intention that these unreasonably impact on farming, rural industry or other legitimate rural land use practices. The Council will work closely with land owners and developers to ensure the timely setting aside of land and/or construction of such linkages. Conversely, it is anticipated that land owners will not undertake works, activities or place structures within these potential corridors of a nature or in a manner that will compromise the attainment of those future connections.*

The submitter raised the issue of people trespassing on the Simpson property as people may assume right of public access due to indicative road and track routes being shown on published

Council maps.

The maps include the statement '*NOTE: The representation on this map of a road or track do not necessarily indicate a public right of way*' (through Decision #16 to be '*right of public access*'). Additionally the indicative roads are now shown as dashed red lines rather than solid as they were in earlier maps, the intent of this is to make them appear less prominent on a map, and more 'indicative'. PC17 also acknowledges the potential impact of public access on farming practices on adjoining land. AD11.4A.vii states '*...the formation and management of public use of certain connections, may...be at odds with farming practices on adjoining land. The Council will in those cases work with the land owners in determining the appropriate time and method to provide the items described in AD11.4A.v, (includes walkways) or to set aside land upon subdivision for those purposes. ... Any walkways / cycleways through the Rural Zone shown on a Structure Plan will only be opened by the Council for public use when the network connection has been secured to other walkways, cycleways or roads, or when otherwise agreed by the adjacent landowners. The Council must at that time, where requested and in consultation with adjacent land owners, set in place a management regime to minimise any adverse effects on adjoining land.*' I am satisfied that this section of PC17 clearly seeks to ensure that public access does not compromise activities that occur on adjoining land. This management regime could also include the appropriate signage and track or route design to minimise the risk of trespass occurring.

To strengthen this recognition of the impact on adjacent land uses in the Rural Zone, and to give it some regulatory weighting, a specific policy is proposed to be introduced to Chapter 12, Rural Zone which addresses reverse sensitivity effects arising from connections sought through a Structure Plan. The text of this provision stated:

*Policy RU1.3: Management of Effects of Connections on Structure Plans*

*The provision for, and development of, road, walkway and cycleway linkages within Rural Zones where these have been identified on Structure Plans, at a time and in a manner that did not result in unreasonable reverse sensitivity effects with adjoining land use activities.*

*Explanation and Reasons*

*RU1.3.i: Indicative roads and walkways/cycleways have been identified on Structure Plans where these have been determined to be important in achieving enhanced transportation and recreational outcomes, both within rural areas and/or between urban neighbourhoods. It is not the intention that these unreasonably impact on farming, rural industry or other legitimate rural land use practices. The Council will work closely with land owners and developers to ensure the timely setting aside of land and/or construction of such linkages. Conversely, it is anticipated that land owners will not undertake works, activities or place structures within these potential corridors of a nature or in a manner that will compromise the attainment of those future connections.*

*Methods:*

*RU1.3.ii: Exercise discretion when considering the timing of land to be set aside and/or constructed for road, walkway or cycleway purposes within those indicative alignments shown on a Structure Plan.*

*RU1.3.iii: Rules to avoid subdivision layout, structures or activities that may compromise the achievement of those indicative road, walkway or cycleway connections shown on a Structure Plan.*

*RU1.3.iv: For additional methods, refer Policy DO10.1.7.*

In terms of the existence of the proposed walkway / cycleway, I am satisfied that this forms a desirable connection between the Brook and Enner Glynn Valley and in the overall network of tracks proposed by PC17. The Indicative Walkway is not a designation and, considering that the land it runs through cannot (in relation to the district plan subdivision rules) easily be subdivided is unlikely to be established as a condition of development. It is accordingly likely that its development will require public funding and landowner agreement.

I discuss this matter further in Decision #21 that follows, but for the purposes of this submission, the submission is rejected.

## **Decision**

**Submission Point #10.1 (Indicative Walkways Component): Rejected**

**Further Submission Statement X2.55: Accepted**

**Further Submission Statement X4.9: Rejected**

**Further Submission Statement X5.6: Rejected**

**Further Submission Statement X7.8: Rejected**

**Submission Point #14.1 (Indicative Walkways Component): Rejected**

**Further Submission Statement X2.48: Accepted**

## **AMENDMENT TO PROPOSED PLAN CHANGE:**

None

## **DECISION #21**

### **Submitter 3: Fulton Hogan Limited**

**Submission Point #3.3:** Fulton Hogan Limited opposes the proximity of the proposed walkways to the quarries which can lead to cross boundary and reverse sensitivity effects, in that amblers and mountain bikers will not expect blasting to take place.

**Decision Sought:** The deletion of the walkway shown on the structure plan maps where it runs in close proximity to the quarry boundary.

## **Submitter 4: Gibbons Holdings Limited**

**Submission Point #4.3:** The proximity of the proposed walkways to the quarries can lead to cross boundary and reverse sensitivity effects, in that amblers and mountain bikers will not expect blasting to take place.

**Decision Sought:** The deletion of the walkway shown on the structure plan maps where it runs in close proximity to the quarry boundary.

### **Submission Discussion and Reasons for Decision**

I carried out a site inspection of the area on 12 December 2011, accompanied by officers Reuben Peterson and Matthew Heale and representatives of Fulton Hogan and Gibbons Group.

The submitter was presented at the hearing by legal counsel Mr McFadden and witnesses Mark Lile (planner), Ray Muollo (Chief Executive of Gibbons Group) and Bruce Taylor (Divisional Manager, Fulton Hogan Limited).

The key question in relation to this submission was posed in Mr Lile's evidence – whether the Quarry and public walkway are compatible i.e. can these activities co-exist in such close proximity? Mr Lile's conclusion was that the potential adverse effects of quarry activities, and in particular blasting (Mr Taylor also mentioned fly rock), were such that those effects should be avoided by deleting provision for a walkway, or moving it 500m from the quarry. As I understood the concerns of the submitters, the issue was that the blasting activity would be heard by users of the walkway, who could in their surprise lose their footing or fall off their bike, or simply complain that they should not have to hear that noise. There was also a concern about the possibility of people accessing the quarry – it is not fenced.

I was satisfied from questions put to Council officers at the Hearing that there was little room for movement of the Indicative Walkway as shown on the Structure Plan, for topographical reasons. If a walkway was to be established, then it is likely it would be close to the position shown on the Structure Plan.

As discussed in the previous submission, I am satisfied that the Indicative Walkway serves an appropriate purpose of providing a desirable connection between the Brook and Enner Glynn Valley and in the overall network of tracks proposed by PC17. It is the most practical route for forming the connection as it naturally follows the watercourse within this part of the Brook Valley as it leads toward the saddle with Enner Glynn Valley, and it also allows the route to be established on Council land as much as possible.

PC17 generally envisages that items on the Structure Plan will be established or provided for when the land is subdivided. The proposed walkway / cycleway is shown on three blocks of land where it is in close proximity to the quarry. One of the blocks is owned by Council, with the other two in private ownership. If these sites are not subdivided (the nearest to the quarry has a site area of 9.7ha while the minimum required site size for the Rural Zone is 15ha) then Council cannot require the walkway / cycleway to be formed or otherwise provided for. Any provision would therefore more likely be through negotiation and/or land purchase.

As noted in the discussion on the previous submission PC17 acknowledges the potential impact of public access on farming activities. The reporting officer recommended that this section be amended to reflect that it is relevant to all uses of adjoining land particularly those which may be at risk of reverse sensitivity issues with public access, and to demonstrate Council's intent to consult adjoining landowners to establish a management regime to minimise any risk or reverse sensitivity effect on adjoining activities. Possible methods for consideration would be track placement, warning signage and signals (e.g. siren), protective fencing (from rockfall), and

information.

I have carefully considered the evidence and submissions on this matter. The proposed Walkway will serve an appropriate purpose in providing for a future recreational link between the Brook and Enner Glynn Valley. There is also the potential for adverse effects, including reverse sensitivity effects, on the operation of the quarry.

It appears likely that the Walkway will only be established with the agreement of the property owners concerned. However, my reading of the Plan is that this would be possible even without the Walkway being shown on the Structure Plan (I see no rules that would require a resource consent for a Walkway itself, apart from the possibility of earthworks or works in a watercourse consents).

The options I have considered are:-

1. Deleting that part of the Walkway that extends northwards from its intersection with the other proposed Walkway heading in a westerly direction.
2. Leaving the Walkway as shown on the Structure Plan, but requiring a resource consent (probably a restricted discretionary activity with the submitters being defined as affected parties) for that length described in Option 1.
3. Adopting the relevant parts of PC17 as notified, with further amendments to ensure the interests of the submitters are taken into account.

I have concluded Option 3 is the most appropriate. Option 1 would significantly compromise the desirable intention of a walkway link between the Brook and Enner Glynn Valley. While arrangements could be made, as necessary between Council and landowners to achieve that link regardless of whether it is shown on the Structure Plan it is clearly appropriate to indicate those intentions on the Structure Plan, as will be the case for all other proposed walkways. Option 2 would give affected parties the certainty of involvement in a resource consent process – including an appeal right should that prove necessary. However, I do not consider that should prove to be necessary if Council takes an appropriate consultative approach before committing to final location selection and construction of a walkway, including any desirable mitigation measures (that I would expect would include appropriate signage).

In this respect I note that Part AD11.4A.vii of PC17 already contains the following intention - *Any walkways/cycleways through the Rural Zone shown on a Structure Plan will only be opened by the Council for public use when network connection has been secured to other walkways, cycleways or roads, or when otherwise agreed by the adjacent landowners. The Council must at that time, where requested and in consultation with adjacent land owners, set in place a management regime to minimise any adverse effects on adjoining land.* I have concluded this should be further strengthened by the following wording in the same section - *The Council acknowledges that the indicative connections may not directly serve or enhance a particular subdivision, for example where shown within a balance area. This, along with the formation and management of public use of certain connections, may also be at odds with farming, rural industry (including quarrying) or other legitimate rural land use practice activities on adjoining land. The Council will in those cases work with the land owners and any other landowners that may be affected in determining the appropriate time and method to provide the items described in AD11.4A.v or to set aside land upon subdivision for those purposes.*

There may be other mechanisms to ensure the interests of farming, rural industry (including quarrying) or other legitimate rural land use practice activities are taken into account, such as through possible amendments to Council's Land Development Manual. I encourage Council to

investigate and provide for such alternative methods.

The submissions are accepted in part, to the extent incorporated in these amendments.

### **Decision**

**Submission Point #3.3:** Accepted in part

**Further Submission Statement X2.53:** Accepted

**Further Submission Statement X3.4:** Accepted

**Submission Point #4.3:** Accepted in part

**Further Submission Statement X2.54:** Accepted

**Further Submission Statement X3.3:** Accepted

### **AMENDMENTS TO PROPOSED PLAN CHANGE:**

**Amend AD.11.4A.vii as follows:**

AD11.4A.vii: The Council acknowledges that the indicative connections may not directly serve or enhance a particular subdivision, for example where shown within a balance area. This, along with the formation and management of public use of certain connections, may also be at odds with ~~farming practices~~ farming, rural industry (including quarrying) or other legitimate rural land use practice activities on adjoining land. The Council will in those cases work with the land owners and any other landowners that may be affected in determining the appropriate time and method to provide the items described in AD11.4A.v or to set aside land upon subdivision for those purposes. In the interim, the objective will be to avoid activities and structures on the land which would compromise the future attainment of those connections or corridors. Any walkways/cycleways through the Rural Zone shown on a Structure Plan will only be opened by the Council for public use when network connection has been secured to other walkways, cycleways or roads, or when otherwise agreed by the adjacent landowners. The Council must at that time, where requested and in consultation with adjacent land owners, set in place a management regime to minimise any adverse effects on adjoining land.

### **RecommendationTo Council**

I recommend that the Nelson City Council investigate other methods to ensure the identification and appropriate management of possible reverse sensitivity effects arising from public walkways being established near farming, rural industry (including quarrying) or other legitimate rural land use practice activities, such as through possible amendments to Council's Land Development Manual.



**Submitter 5: Dugald and Janette Ley**

**Submission Point #5.4:** Dugald and Janette Ley support the principle of the proposed PC17 access and walkway links and seek a further link from the Enner Glynn Valley and thence to the Dun trail.

**Decision Sought:** Provide a direct link to the Jenkins Hill recreational area (owned by NCC) from the Enner Glynn Valley and thence to the Dun trail. Delay this application until the above issues have been debated and resolved.

**Submission Discussion and Reasons for Decision**

The general support for access and walkway links is acknowledged. I was advised in the section 42A officer's report that the further route requested, while serving a desirable purpose, had not been included in PC17 as it was not considered to be a primary route. Those which are shown represent important desired connections between catchments and complement existing networks. These are between Enner Glynn and both Marsden and Brook valleys, and from the Brook Saddle to Bishopdale generally along the ridgeline. There are other ways to access the Dun Trail and Jenkins Hill, one of which is using the newly developed Involution Track from Marsden Valley to the southern Jenkins Hill ridge and secondly through various routes off Brook Street. The current proposed connections in PC17 link these networks together via Enner Glynn Valley. No additional connection was recommended to be shown in PC17, however this did not restrict Council from negotiating access in the future should this be desired. Nor did it prevent Council accepting access if this is offered by a landowner in the future. I accept these recommendations and reject the submission accordingly.

**Decision**

**Submission Point #5.4:** Rejected

**Further Submission Statement X4.7:** Accepted

**Further Submission Statement X5.5:** Accepted

**Further Submission Statement X7.6:** Accepted

**AMENDMENT TO PROPOSED PLAN CHANGE:**

None

## DECISION #23

### Submitter 11: Sharon Higgins and Tony Singleton

**Submission Point #11.2:** Sharon Higgins and Tony Singleton support in part AD11.4A.vii 'Indicative Connections' and AD11.4A 'Structure Plan', however seek that walkway/cycle ways through the Rural Zone shown on a Structure Plan will only be opened by the Council for public use when network connection been secured to other walkways, cycleways or roads, or when otherwise agreed by the adjacent landowners. The Council must at that time, where requested and in consultation with adjacent land owners, set in place a management regime to minimise any adverse effects on adjoining land. By requiring that development proceeds in general accordance with the Structure Plan will ensure that individual landowners incrementally work in a co-ordinated and orderly way towards a planned and sustainable urban environment.

**Decision Sought:** Retain AD11.4A.vii 'indicative connections' and section AD11.4A 'Structure Plans'.

### Submission Discussion and Reasons for Decision

The submitter noted their support for proposed provisions AD11.4A.vii and AD11.4A which cover how Structure Plans and specifically the indicative connections are to be dealt with through the Plan. The proposed provisions are summarised by the statement included in AD11.4A.vii *'The Council must at that time (of opening a walkway / cycleway), where requested and in consultation with adjacent land owners, set in place a management regime to minimise any adverse effects on adjoining land'*. The support of these provisions is accepted.

### Decision

**Submission Point #11.2:** Accepted

### **AMENDMENT TO PROPOSED PLAN CHANGE:**

None

## DECISION #24

### Submitter 20: Donna and David Butler

**Submission Point #20.2:** Donna and David Butler support the walkway and cycleway initiatives contained in the plan change, and of the indicative road connecting Upper Brook Street to Landfill Road.

**Decision Sought:** Retain Biodiversity and indicative walkway connections - as on planning maps.

### **Submission Discussion and Reasons for Decision**

The submitters stated their support for the proposed walkway / cycleway connections and sought that they are retained within PC17. The proposed network of walkway / cycleway connections is desirable for the purposes of connectivity and promotion of physical activity. The support is accepted.

### **Decision**

**Submission Point #20.2 (as it relates to walkways):** Accepted

**Further Submission Statement X2.34:** Accepted

**Further Submission Statement X4.4:** NA

**Further Submission Statement X5.1:** NA

**Further Submission Statement X7.5:** NA

**Further Submission Statement X11.10:** Rejected

**Further Submission Statement X12.10:** Rejected

### **AMENDMENT TO PROPOSED PLAN CHANGE:**

None

## **Topic 7: Miscellaneous**

### **DECISION #25**

#### **Submitter 2: Marsden Park Limited**

**Submission Point #2.1:** Marsden Park Limited oppose PC17 in respect of its relationship with Plan Change 13 (Marsden Valley). Marsden Park Limited notes that parts of PC17 conflict with, or duplicate proposed changes under Plan Change 13 (Marsden Valley).

**Decision Sought:** Delete any duplication (since this is proposed under Plan Change 13) and clarify that any conflicting wording under PC17 is a replacement of wording proposed under Plan Change 13.

**Submission Point #2.3:** Marsden Park Limited seek consequential amendments may be required to give effect to their submissions.

**Decision Sought:** Make any necessary consequential amendments to give effect to Marsden Park Limited submissions.

## **Submission Discussion and Reasons for Decision**

The submitter stated that parts of PC17 conflict with, or duplicate proposed changes under Plan Change 13 (PC13). They seek that any duplication is deleted and clarify that any conflicting wording under PC17 is a replacement of wording proposed under PC13.

There are a number of provisions that were identical in PC13 and PC17, and that was inevitably, in my view, going to create some confusion. I was advised in the section 42A officer's report that this duplication and potential conflict arose through the specific circumstances of PC17. PC13 (originally a Private Plan Change application) and PC17 were developed as one until a request of a land owner (the original Private Plan Change proponent) sought that PC13 be separated and notified at an earlier date. As both Plan Changes were reliant on the same proposed Plan provisions these needed to be duplicated in case either Plan Change did not proceed or became subject to an appeal. This allowed each proposed Plan Change to 'stand alone' if required.

PC13 is now operative. As one would expect, through the PC13 process the originally notified provisions were in part modified. Further amendments are proposed to those same provisions in PC17. For all intents and purposes, these further amendments are amendments to the now-operative version of the PC13 provisions. I am confident that the Council staff have ensured that this process has not resulted in a conflict between what was decided in the PC13 decisions, and the decisions that are now made on PC17. At the end of the process, there will only be one set of provisions.

Overall the submission is recommended to be accepted in part. The duplication has not been deleted as requested, however, any conflicting wording under PC17 is a replacement of wording proposed under PC13.

### **Decision**

**Submission Point #2.1:** Accepted in part

**Submission Point #2.3:** Accepted in part

### **AMENDMENT TO PROPOSED PLAN CHANGE:**

See other parts of this Decision

## **DECISION #26**

### **Submitter 3: Fulton Hogan Limited**

**Submission Point #3.1:** Fulton Hogan Limited opposes PC17 due to Reverse Sensitivity effects. The submission considers that rezoning of areas of former rural land to Higher Density Small Holdings areas will bring residential use into closer proximity with the York Valley Quarry and may potentially lead to reverse sensitivity effects. The proximity of the proposed walkways to the quarries can also lead to cross boundary and reverse sensitivity effects, in that amblers and mountain bikers will not expect blasting to take place.

**Decision Sought:** The change specifically recognise the presence of the quarry and its

potential extent, and provide protection mechanisms for the retention of the ability to use the quarry and continue its extractions and operations in a way not further constrained by plan changes. The plan to contain preclusions from building (or having walkways) within 500 metres of existing and future quarrying activities.

#### **Submitter 4: Gibbons Holdings Limited**

**Submission Point #4.1:** Gibbons Holdings Limited opposes PC17 due to Reverse Sensitivity effects. The submission considers that rezoning of areas of former rural land to Higher Density Small Holdings areas will bring residential use into closer proximity with the York Valley Quarry and may potentially lead to reverse sensitivity effects. The proximity of the proposed walkways to the quarries can also lead to cross boundary and reverse sensitivity effects, in that amblers and mountain bikers will not expect blasting to take place.

**Decision Sought:** The change specifically recognise the presence of the quarry and its potential extent, and provide protection mechanisms for the retention of the ability to use the quarry and continue its extractions and operations in a way not further constrained by plan changes. The plan to contain preclusions from building (or having walkways) within 500 metres of existing and future quarrying activities.

#### **Submission Discussion and Reasons for Decision**

I carried out a site inspection of the area on 12 December 2011, accompanied by Council officers Reuben Peterson and Matthew Heale.

The submitter was represented at the hearing by legal counsel Mr McFadden and witnesses Mark Lile (planner), Ray Muollo (Chief Executive of Gibbons Group) and Bruce Taylor (Divisional Manager, Fulton Hogan Limited).

Mr Lile referred to other district plans that had a 500m building restriction zone. He considered a Restricted Discretionary Activity rule would be appropriate, and would expect the Quarry operators to be an affected party for any development proposed within the 500m “zone”.

The submitter is seeking that further recognition for the quarry is made through PC17. I agree with the reporting officer Mr Peterson that this is already provided for adequately in the Plan. The Plan currently recognises the competing demands of natural and physical resources which often have conflicting values to different sectors of the community. This is expressed in Chapter 3, ‘Resource Management Issues’ RI16 ‘Competing demands or values attributed to resources’. Of relevance to PC17 is Chapter 5, ‘District Wide Policy’, DO15.1.2 ‘Limiting the effects of urban expansion’ – *Proposals that involve urban expansion through more intensive subdivision and development should address any actual and potential adverse effects on adjacent and nearby activities and avoid, remedy or mitigate them*. In relation to this issue the Plan makes specific provision for quarrying as an activity through Scheduled Sites which protect existing quarries. Examples are Schedule R, York Valley Quarry, Schedule Q, Flaxmore Quarry – Market Road and Schedule S, Marsden Quarry. The Plan itself therefore appropriately recognises the importance of quarrying and the associated resource, and also provides for the existence of quarries through the relevant schedules.

With regard to reverse sensitivity effects, the existing Plan provisions are consistent with the Regional Policy Statement Policy DH1.3.3 which sets criteria for determining what is the most appropriate form of urban expansion. One of these criteria is, iv) *existence of incompatible rural activities such as quarries or smelly activities*. Table 7 of the Section 32 report for PC17 determined that the most efficient and appropriate way of ‘giving effect’ the RPS in this regard

was to use zoning as a buffering tool against potential reverse sensitivity effects for both the Quarry and the Landfill activities. Therefore the zoning pattern as appears in the operative Plan was retained for the reasons of avoiding the potential for reverse sensitivity issues to arise both in relation to the quarry and the landfill in York Valley and thereby giving effect to the RPS. This has been further modified in Decision #9 to remove all new development possibilities from areas visible from the quarry. PC17 therefore does not introduce any further change from the current provisions within 500m of the quarry, except in respect of the Indicative Walkway (discussed in Decision #21) and the Indicative Road, that was not the subject of a submission from these submitters.

The 'buffer zone concept' as described by the submitter is not a Plan method that was sought to be introduced by proposed Plan Change 17. I do not consider that to be an omission, considering the zoning around the "buffer area" of the quarry was not proposed to be changed. I was not made aware of any issues relating to existing activities, and Mr Taylor confirmed that there were very few complaints about quarry operations. I accordingly see no justification for further buffer controls and this submission is rejected.

### **Decision**

**Submission Point #3.1:** Rejected

**Further Submission Statement X2.57:** Rejected

**Submission Point #4.1:** Rejected

**Further Submission Statement X2.58:** Rejected

### **AMENDMENT TO PROPOSED PLAN CHANGE:**

None

## **DECISION #27**

### **Submitter 5: Dugald and Janette Ley**

**Submission Point #5.8:** Dugald and Janette Ley oppose PC17 as it is unclear what reserves (in Enner Glynn Valley) will be acquired by Nelson City for the benefit of residents, ie pocket reserves, and/or esplanade reserves beside Jenkins Stream.

**Decision Sought:** The Plan Change be clear on what reserves (in Enner Glynn Valley) will be acquired by Nelson City for the benefit of residents, ie pocket reserves, and/or esplanade reserves beside Jenkins Stream. Delay this application until the above issues have been debated and resolved.

### **Submission Discussion and Reasons for Decision**

The submitter sought that land the Council acquire for the public benefit, ie pocket parks, and/or esplanade reserves beside Jenkins Stream be known at this stage.

The request of the submitter in relation to the esplanade reserves is already provided in the

operative Plan. Appendix 6 'Riparian and Coastal Margin Overlays', Table 6.2 'Priority Values' stated that for the reach of Jenkins Creek between Newman Drive and Enner Glynn Road head (grid 027323885) the esplanade requirement shall be:

Residential Zone: Reserve 20m – both river banks

Small Holdings area: Strip 5m – both river banks

Rural Zone: Strip 5m – both river banks

In relation to public land for parks purposes such as pocket parks as suggested by the submitter, these will be considered, if required at the subdivision stage. It is inefficient to attempt to set out future park requirements when the final development pattern and density is not known. The submission is rejected accordingly.

### **Decision**

**Submission Point #5.8:** Rejected

**Further Submission Statement X4.8:** Accepted

**Further Submission Statement X5.7:** Accepted

**Further Submission Statement X7.7:** Accepted

### **AMENDMENT TO PROPOSED PLAN CHANGE:**

None

## **DECISION #28**

### **Submitter 8: Royal Forest and Bird Protection Society of NZ Inc**

**Submission Point #8.3:** Royal Forest and Bird Protection Society of NZ Inc support the additional reasons (DO5.1.i) to District Wide Objective DO5.1 'Natural Values'. This recognises and enhances opportunities under section 6 (c) of the RMA, as well as providing the opportunity for Nelson City Council to contribute to meaningful rehabilitation and restoration of indigenous biodiversity and natural features.

**Decision Sought:** Retain additional text to reasons DO5.1.i.

### **Submission Discussion and Reasons for Decision**

The submitter is supportive of a number of provisions of PC17. In this submission they note their support for the additional reasons (DO5.1.i) to District Wide Objective DO5.1 'Natural Values'. The submission is accepted.

### **Decision**

**Submission Point #8.3:** Accepted

**Further Submission Statement X2.8:** Accepted

### **AMENDMENT TO PROPOSED PLAN CHANGE:**

## DECISION #29

### Submitter 11: Sharon Higgins and Tony Singleton

**Submission Point #11.1:** Sharon Higgins and Tony Singleton oppose Maps showing the title deed boundary for their property incorrectly. A copy of Map 1 highlighting the correction is included in the submission (see full submission for copy of map and title deed).

**Decision Sought:** Amend maps numbered 28, 31, 34, 54, 55 and for the purpose of PC17 Maps 1, 2 and 3 to show the title deed boundary correctly.

#### Submission Discussion and Reasons for Decision

The submitters identified an error in the PC17 boundary that did not follow the boundary of their property accurately.

The error has been confirmed and is corrected in the maps accompanying this Decision. The current operative zoning and overlays are retained. These are Residential Zone, the Land Management Overlay, the Services Overlay and a portion of the Fault Hazard Overlay. The land concerned is also subject to Plan Change 13 'Marsden Valley' and is therefore currently covered by Schedule I applicable to that Plan Change. The PC17 boundary defines the boundary of proposed Schedule W. To retain consistency across property ownership the Schedule is changed to Schedule W as is proposed for the rest of the submitter's property. This change has been explained by Council staff to the adjacent land owner, who has confirmed their agreement with this change. The change is a correction of a minor error with no other parties considered to be affected due to the location of the land at question which on the boundary of two private properties and not located near to any other parties or to public land. The applicable zoning and overlays are not proposed to change as a result of this Decision and the applicable schedule provisions are the same.

As this submission impacts on an error which also appears in the operative Plan Change 13 maps Clause 20A 'Correction of operative policy statement or plan', RMA 1991, is used to correct this error. The text of this clause states '*A local authority may amend, without using the process in this Schedule, an operative policy statement or plan to correct any minor errors.*'

#### Decision

**Submission Point #11.1:** Accepted

#### **AMENDMENT TO PROPOSED PLAN CHANGE:**

Amend proposed Plan Change 17, Map 1, Proposed NRMP Overlays, Map 2 Proposed NRMP Zoning and Map 3, Proposed Structure Plan to follow the property boundary of Submitter 11 as per submission point 11.1.

Amend operative maps 1, 2 and 3 for Plan Change 13 'Marsden Valley Structure plan and Rezoning' as per that identified above under Schedule 1, Clause 20A, RMA 1991.



## DECISION #30

### Submitter 14: Richard Sullivan

**Submission Point #14.1:** Richard Sullivan opposes PC17 and refers in his submission to PC17 being inconsistent with previous plans and strategies and contrary to landowner wishes.

**Decision Sought:** Delete the plan in its entirety.

### Submission Discussion and Reasons for Decision

The submitter was concerned that the proposal is a significant change from previous plans which stated that any development would be initiated by landowners. I was advised in the section 42A officer's report that the plan referred to is the Nelson Urban Growth Strategy 2006 (NUGS) which states on page 12, section 4.3 that development of the area will be allowed through the private plan change and resource consent process. I was further advised that the initiative that led to the land owned by the submitter being included in PC17 was originally a private Plan Change application in Marsden Valley (PC13). Council made the decision to adopt the private application and broaden the scope to include Enner Glynn Valley and Upper Brook Valley to ensure consistency of zoning, servicing and linkages could be considered.

### Decision

**Submission Point #14.1 (overall plan component):** Rejected

**Further Submission Statement X2.48:** Accepted

### **AMENDMENT TO PROPOSED PLAN CHANGE:**

None

## DECISION #31

### **Consequential Change – Proposed Plan Change 14**

Amendments to Policy DO14.3.1 a) were notified in both Plan Change 17 and Plan Change 14. No submissions were received on this matter as part of Plan Change 17 but for consistency reasons this policy needs to be amended. This alteration will be of minor effect and will create an error in the plan if allowed to progress without alteration. Consequently this provision shall be amended, pursuant to clause 16 of Schedule 1 of the RMA, as follows:

### **Amend Policy DO14.3.1 (Roads and Traffic) under DO14.3 (Services):**

Subdivision and development should provide for:

- a) the integration of subdivision roads with the existing ~~and indicative future~~ road network in an efficient ~~and timely~~ manner, which reflects ~~expected traffic levels, connectivity in the road network where appropriate,~~ the function of the road and the safe and ~~convenient~~ well-integrated management of vehicles, cyclists and pedestrians, and

## ATTACHMENT 1: STATUTORY REQUIREMENTS

As Nelson City Council is a unitary authority the items in both Section 66 and 74 (1) are relevant.

### RMA Section 66

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.*

### RMA Section 74(1)

Section 74(1) of the RMA requires that a territorial authority prepare and change its district plan in accordance with:

- *Its functions under section 31, and*
- *Provisions of Part 2, and*
- *A direction given under section 25A(2), and*
- *Its duty under section 32, and any regulations.*

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

### RMA Section 30

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 PC17 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*

PC17 removes an area of Riparian Overlay from a tributary to Jenkins Creek. This was shown in the operative Plan for the purposes of public access only and was therefore not relevant to maintaining or enhancing the items listed above. PC17 also introduces Biodiversity Corridors to the area. The core purpose of these is stated in the proposed definition ‘...allows for natural flows of organisms and biological processes within the corridor and connectivity between areas of ecological value.’ In achieving this core purpose the proposed corridors can also assist Council in meeting the functions stated above. The reporting officer Mr Peterson considered that these changes, and PC17 as a

whole, were consistent with the Freshwater Plan as incorporated within the Nelson Resource Management Plan. I agree with that opinion.

### RMA Section 31

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:*
    - iii) *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.*

The reporting officer Mr Peterson considered PC17 is an appropriate response to Council's obligations under Section 31 of the Act. In general, I agree with that opinion. In particular PC17 establishes and utilises operative, objectives, policies and methods to achieve integrated management of the effects of the use, development, and protection of land and associated natural and physical resources within Enner Glynn and Upper Brook valleys (Sec 31 1) a)). It helps to avoid natural hazards, helps to prevent or mitigate any adverse effects of subdivisions, and maintains (and enhances) indigenous biological diversity (Sec 31 1) b). It achieves these functions by providing a pattern to achieve structured development in suitable areas while providing for the maintenance of indigenous biodiversity.

### RMA Part 2

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.*

Section 7 sets out other matters that all persons exercising powers under the Act shall have particular regard to. Of particular relevance to PC17 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,*

PC17 has been developed in conjunction with land owners in the PC17 area using a Structure Plan approach. The reasoning behind this was to develop a framework of Zoning, Overlays, connections and Plan provisions which would guide development of a future community centred on Marsden Valley. Previous to this the Nelson Urban Growth Strategy 2006 highlighted the potential for the PC17 (and neighbouring Valleys) to provide for some of Nelson’s predicted population growth.

The reporting officer Mr Peterson considered PC17 achieves the Council’s growth vision in a manner which meets the purpose and principles of the RMA. I agree with that opinion. The use and development of the land under PC17 can be carried out in a way which allows for growth but protects the land and the environment. Biodiversity Corridors and Riparian Overlays help protect air, water, soil and ecosystems in particular.

The zoning pattern, Overlays and Structure Plan take account of identified development constraints of the land (stability, topography, aspect, and amenity) and of surrounding land uses and connections which helps to avoid adverse effects on the environment.

PC17 provisions allow the physical resource of the land to be efficiently used to meet the reasonably foreseeable housing and land use needs of future generations. Ad hoc development and use with little guidance would change the character and values of the area and would result in an inferior outcome to planned and integrated development guided by a Structure Plan.

Also of relevance are the proposed connections, incorporating those shown for Schedule I, Marsden Valley, which enables residents to access future services in the Marsden Valley Suburban Commercial Zone and to travel conveniently between neighbourhoods. This assists in providing for residents social, economic and cultural wellbeing and their health and safety.

#### RMA Section 25A (1) and (2)

Section 25A (1) and (2) provide 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 PC17.

#### RMA Section 32

Before adopting for public notification any objective, policy, rule or other method promoted through PC17, Section 32 of the RMA imposes upon the Council a duty to consider alternatives, and assess their benefits and costs. When any changes are proposed objectives should be tested against Part 2 of the Act, while policies and rules are tested against the objectives.

A Section 32 assessment was prepared and made available as part of the public notification process of PC17. 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 PC17.

In terms of the direction of PC17 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, structure plan, and area overlays. This was because the use of zoning was seen to be 'transparent and consistent', and the Structure Plan was seen to be effective in achieving integrated planning, interconnectivity and service provision across property boundaries and would ensure that connections and final structure occurs in an integrated manner. The use of area overlays is also seen to be efficient and effective in managing, responding to and mitigating the effects of specific resource issues of a site in a manner consistent manner with existing methods in the Plan.

#### RMA Sections 66(2A) and 74(2)

Sections 66(2A), and 74(2), (2A) and (3) set out the matters that a territorial authority shall have regard to when changing its Plan. The relevant matters for the hearing were:

- Nga Taonga Tuku Iho Ki Whakatu Management Plan, June 2004, being the planning document recognised by an iwi authority and lodged with Council.
- Council has not had any regard to trade competition or the effects of trade competition when developing PC17.

## RMA Section 67

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.*

## RMA Section 75

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).*

## National Policy Statement

The National Policy Statement on Electricity Transmission (NPSET) was taken into account in developing PC17. 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. All Councils in New Zealand are required to initiate separate Plan Changes to give effect to NPSET by April 2012, where required. The NRMP already has a suite of rules that comprehensively manage electricity transmission in a manner that is consistent with NPSET. This holistic approach is considered to give a better and more comprehensive result than applying provisions to individual areas over time.

## Regional Policy Statement (RPS)

Sections 67 (3) and 75 (3) of the RMA require Council's to give effect to the RPS. The Nelson RPS became operative in 1997. It contains a number of objectives and policies relevant to PC17.

### (i) Chapter 6 Development and Hazards

*DH1.2 Objective DH1.2.1. To avoid, remedy, or mitigate any adverse effects of urban expansion on the sustainable management of natural and physical resources including rural land uses.*

*Policy 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;*

*iv) existence of incompatible rural activities such as quarries or smelly activities;*

*v) susceptibility to natural hazards;*

...

*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.*

PC17 involves limited urban expansion into areas which are currently used for rural purposes. The areas of proposed urban use are continuations of that same use (either existing or proposed in the case of upper Marsden Valley) outside of the PC17 boundaries. The remainder of the PC17 area consists of Rural and Rural Small Holdings zonings. This pattern enables continued rural activities, and the sustainable management of natural and physical resources. PC17 also uses zoning as a buffering tool to ensure that no additional residential development opportunities are created in the Upper Brook Valley, or the ridge above the Landfill, as this has the potential to result in reverse sensitivity issues with the existing quarry and landfill activities in York Valley. I agree with the Reporting Officer Mr Peterson that, without addressing these provisions of the RPS, the Plan would not give effect to the RPS as required by the RMA.

### (ii) Chapter 7 Natural and Amenity Values

*NA1.2 Objective NA1.2.1. Preservation or enhancement of amenity and conservation values.*

*NA2.2 Objective NA2.2.1. A landscape which preserves and enhances the character of the natural setting and in which significant natural features are protected.*

*Policy NA2.3.1. To preserve the natural landscape character and vegetation cover of the backdrop to Nelson City.*

Method NA2.4.2. *Council will introduce rules in its District Plan to restrict land use activities with the potential to impact on significant landscape and natural features.*

NA3.2 Objective NA3.2.1. *Protection of areas of significant indigenous flora and significant habitats of indigenous fauna.*

NA3.2 Objective NA3.2.2. *Restoration and rehabilitation of areas of significant indigenous vegetation and significant habitats of indigenous fauna, undertaken as appropriate.*

Policy NA3.3.5. *To maintain and protect corridors important to the movement of biota and to recognise the intrinsic values of ecosystems.*

Policy NA3.3.6. *To encourage the planting of indigenous flora species, and where possible of local genetic stock, when rehabilitation or restoration of these significant or priority natural areas is undertaken.*

NA5.2 Objective 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 Objective NA5.2.3. *Protection and enhancement of public access and recreational opportunity to and along riparian and coastal margins consistent with the protection of land ownership rights and conservation values.*

PC17 involves an increased level of development that could impact on the existing amenity values of the area and have the potential to adversely affect the conservation values, and the protection, restoration and rehabilitation of significant indigenous flora and significant habitat of indigenous fauna. To assist in giving effect to these objectives of the RPS (as required by Section 67 (3) and 75 (3) of the RMA) PC17 includes changes to the location of the Landscape Overlay, protection of stream and riparian margins and a zoning pattern that limits the extent of development on the visible mid and upper slopes of Jenkins Hill. Conservation values are preserved and enhanced through the introduction of Biodiversity Corridors (planted with predominantly eco-sourced indigenous vegetation) which enable native flora and fauna to travel between areas of habitat. They will also provide habitat themselves and enhance watercourses and gullies where appropriate. Biodiversity Corridors also allow for public access where appropriate and in conjunction with the Riparian Overlay. I agree with the Reporting Officer Mr Peterson that, without addressing these provisions of the RPS, the Plan would not give effect to the RPS as required by the RMA.

(iii) Chapter 14 Infrastructure

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

Policy IN2.3.1 *To promote the development of transportation systems which:*

- ii. Meet community needs for accessibility;*
- iii. Use energy efficiently;*
- iv. Discourage dispersed development;*



- v. *Avoid or reduce adverse effects on human health, water, soil, air and ecosystems; and*
- vi. *Are consistent with the provisions of Part II of the Act and the New Zealand Coastal Policy Statement.*

Policy IN2.3.5 *To encourage walking and cycling as alternatives to the use of private motorcars.*

Transport connections within PC17 area encourage a safe and efficient transport system by providing route options which connect communities, provide route choices to different destinations, allow for more feasible public transport options and more efficient movement of service vehicles. The provision of walking and where feasible cycling tracks will encourage transport by other means to occur. I agree with the Reporting Officer Mr Peterson that, without addressing these provisions of the RPS, the Plan would not give effect to the RPS as required by the RMA.

### Iwi Planning Documents

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.

The Iwi Management Plan contains objectives for urban planning and land management.

PC17 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 Riparian Overlay protection of Jenkins Stream and through the use of Biodiversity Corridors.

PC17 also helps to achieve the tangata whenua vision comprised of a number of desired outcomes in section 5.3.1 of the Nga Taonga Tuku Iho Ki Whakatu Management Plan. The outcomes specifically achieved are:

- Nga tangata (the people) are healthy and able to maintain a quality of life.
- Indigenous flora and fauna are maintained and enhanced for present and future generations.

The Structure Plan approach also assists in achieving these outcomes. The connections shown on the Structure Plan allow people to travel between areas conveniently and to recreate in their neighbourhood. Indigenous flora and fauna are maintained and enhanced through the proposed PC17 provisions.

### Any other relevant planning documents

The Nelson Biodiversity Strategy is relevant to PC17, particularly in relation to the proposed Biodiversity Corridor provisions and the requirements for eco-sourcing. The Strategy states as 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*'. One of the Terrestrial Environment Actions is to '*Develop the infrastructure and systems to enable reliable eco-sourcing of indigenous plants for restoration planting*'.

The Nelson Land Development Manual 2010 (LDM) is relevant in relation to the provision of infrastructure and the flexibility it introduces to infrastructure design, particularly in relation to roading and walkways.

The Long Term Plan (LTP) / Annual Plan is relevant in setting out funding and priorities for infrastructure provision.

## ATTACHMENT 2: AMENDMENTS TO NOTIFIED PLAN CHANGE

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

Within PC17:

- ‘Normal’ text applies to operative provisions which are to remain unchanged
- Black ‘Underline’ text applies to proposed new provisions at notification
- Black ‘~~Strikethrough~~’ text applies to operative provisions proposed to be deleted or amended as described at notification
- Red ‘double underline’ text applies to additions as a result of Decisions
- Red ‘~~double strikethrough~~’ text applies to deletions as a result of Decisions
- Green ‘underline with superscript<sup>PC13</sup>’ applies to text which occurs in a common Plan provision between Plan Change 13 ‘Marsden Valley Structure Plan and Rezoning’ and PC17 ‘Enner Glynn and Upper Brook Valley Structure Plan’ but which is only relevant to Plan Change 13.
- Green ‘double underline and double strikethrough’ applies to text which is added or deleted from Plan provisions common to Plan Change 13 and Plan Change 17. This is as a result of responding to submissions 2.1 and 2.3.
- ‘*Italic*’ text applies to instructions (therefore are non statutory)

### 1.1 Amendments to Text

#### VOLUME 1

##### Add to Chapter 2 (Meanings of Words):

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

Sub 9.1

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

**‘Generally Accord’.** For the purpose of interpretation of any rules relating to Structure Plans, the term “generally accord” shall mean that items shown on these plans must be provided for in the general locations shown within the development area and with linkages to each other or adjoining areas as shown in the Structure Plan except for the indicative education facility in Marsden Valley Schedule I (Clause I.6)<sup>PC13</sup>. It is not intended that the positions are exact or can be identified by scaling from the Structure Plan; it is intended that any connections between points are achieved or provided for with no restrictions. The final location will depend upon

detailed analysis of the physical suitability of an alignment (including the presence of existing natural features and ecological sensitive habitats such as streams where providing for Biodiversity Corridors), other servicing implications, appropriate location in respect of final residential development layout and amenity, and costing considerations. The key proviso is that the items on the Structure Plan must be provided for, and that any connections must occur or be able to occur in the future.

‘Structure Plan’ is a mapped framework to guide the development or redevelopment of a particular area by defining future development and land use patterns, areas of open space, the layout and nature of infrastructure (including transportation links), and other key features for managing the effects of development, often across land in multiple ownership **except that in the event that the indicative education facility in Marsden Valley Schedule I is not developed, then the lack of an education facility means the subdivision design is still generally in accord with the Marsden Valley structure plan**<sup>PC13</sup>. See AD11.4A ‘Structure Plans’ for further information.

**Replace the term ‘Outline Development Plan’ throughout the Nelson Resource Management Plan with the term ‘Structure Plan’. The term ‘Outline Development Plan’ is used in following locations in the Plan.**

Plan Chapter	Page number	Provision Reference	Notes
3	3-11	AD8.3 cc)	First bullet point
3	3-11	AD8.3.cc)	Second bullet point
3	3-12	AD8.3 dd)	First bullet point
5	5-58	DO14.3.1 c)	
5	5-59	DO14.3.1.iv	
7	7-14A	RE5.iii	
7	7-14B	RE5.2	
7	7-14B	RE5.2.i	
7	7-94	REr.107.2 l)	
7	7-94	REr.107.2 m)	
7	7-95A	REr.107.2 xiii)	
7	7-154	Sch.E E1	
7	7-154	Sch.E E2 ii)	
7	7-154	Sch.E E2 iii)	Four occurrences

7	7-155	Sch.E E.4 a)	
7	7-155	Sch.E E.4 c)	
7	7-155	Sch.E E.5	Four occurrences
7	7-156	Sch.E Map	Map Title
7	7-184	Sch.V V.1	
7	7-184	Sch.V V.2 ii)	
7	7-184	Sch.V V.2 note:	Three occurrences
7	7-184	Sch.V V.4 a)	
7	7-185	Sch.V V.4 c)	
7	7-185	Sch.V V.5	Four occurrences
7	7-186	Sch.V Map	Map title - change from 'Development Plan' to 'Structure Plan'
11	11-11A	OSs.5	* at end of table

**Add new AD11.4A, to Chapter 3 (Administration) of the NRMP, in relation to Structure Plans and associated linkages:**

#### **AD11.4A Structure Plans**

AD11.4A.i: Structure Plans are used to achieve the integrated management of the effects of developing larger areas of land, often held in multiple ownership, particularly in an urban or urban fringe context. A Structure Plan provides an overall plan to guide integration of those elements that will achieve a quality urban environment (ie streets, walkway/cycleway connections, open space and natural values, character and activities). These elements may also exist in areas of Rural zoning where they link more urban neighbourhoods or are adjacent to urban areas. ~~By~~ Requiring that development proceed in general accordance with the Structure Plan will ensure that individual landowners incrementally work in a co-ordinated and orderly way towards a planned and sustainable urban environment.

AD11.4A.ii: The Structure Plans are located either within Scheduled Sites for various locations and zones throughout the district, for example in the Residential and Rural Zone rules (Chapters 7 and 12), and/or in the planning maps contained in Volume 4 of the Plan. Structure Plans incorporated in the Nelson Resource Management Plan have the effect of a rule and must be complied with to the extent specified in the relevant rule.

AD11.4A.iii: A number of the specific resource management issues that may affect any future development area are covered by overlays on the planning maps, and to avoid duplication of spatial information these are not shown on the Structure Plans. Rules relevant to those

overlays are located in the rule table in the relevant zone. The zone and area maps, overlays, zone rules and Structure Plans, and schedules if relevant, need to be read together in determining the status of activities and issues that may impact on the pattern and intensity of development.

AD 11.4A.iv: The Structure Plans may include zones where the pattern and intensity of development that exists or is anticipated for an area and/or adjoining areas may assist in explaining the location, linkage and scale of transportation, service and other linkages across parcels of land within the Structure Plan area.

AD11.4A.v: Other information that may be shown on the Structure Plans includes the items below. Sections AD11.4A.v – AD11.4A.ix provide the definition and intent of these items:

- a) Indicative Roads: The purpose of indicative roads on Structure Plans is to achieve good integration between land use and transport outcomes, having regard to the intensity of development and providing a choice in transport routes where appropriate. They are also used to ensure road linkage between different physical areas or catchments (eg ie valleys) which will enhance transportation outcomes, contact between communities, access to key commercial services, amenities and community facilities, and the quality of the urban environment. They do not show the full roading network required to service any future development of the area. The indicative roads may potentially arise in a wider context than merely the Structure Plan area.
- b) Walkways: The purpose of walkways on Structure Plans (these can also be cycleways where the terrain is suitable) is to promote recreational opportunity through off-road linkages within and surrounding the urban area, to provide for choice in transport modes, and to promote the safe and efficient movement of people and vehicles by resolving potential tensions between pedestrians, cyclists and motor vehicles.
- c) Biodiversity Corridors: The purpose of Biodiversity Corridors is to contribute to natural values within, through, and beyond the urban environment, and assist where appropriate in meeting the open space, recreational, riparian, low impact storm water management, landscape setting and amenity objectives of quality urban design. In addition Biodiversity Corridors recognise and help preserve the cultural significance of water, native vegetation and native aquatic flora and fauna to Maori. Where these objectives can be met in proximity to a water way identified in the Plan, the Biodiversity Corridor will ~~as far as practical be aligned to wherever practicable include~~ any existing Riparian Overlay. “Biodiversity Corridor” is defined in Chapter 2 of the Plan.
- d) Greenspace: The purpose of ‘greenspace’ is to offset the surrounding residential development and ensure an open space, or vegetated network is created which is integral to the community in the area. ‘Greenspace’ and Biodiversity Corridors can exist together as they will often achieve compatible goals. In private ownership the ongoing maintenance is the responsibility of the developer and/or final owner, and the methodology for future management of these areas will need to form part of any subdivision proposal under which they are created. Council may purce some, or all, of this land for reserves purposes. “Greenspace” is defined in Chapter 2 of the Plan.<sup>PC13</sup>

Sub 1.3

Sub 11.5

AD11.4A.vi: Subdivision applications are to show how they provide for items on a Structure Plan including those listed in AD11.4A.v a)-e) <sup>PC13</sup>). In relation to location these items are generally shown “indicatively” on the Structure Plan as they show an intent rather than precise location for those features. These then form a matter of control which the Council will exercise as part of any subdivision consent process. It is intended that this provides an element of design flexibility to meet both the objectives of the Council and the developer, but while still achieving the overall objective of integrated and sustainable urban resource management and development.

AD11.4A.vii: The Council acknowledges that the indicative connections may not directly serve or enhance a particular subdivision, for example where shown within a balance area. This, along with the formation and management of public use of certain connections, may also be at odds with ~~farming practices~~ farming, rural industry (including quarrying) or other legitimate rural land use practice activities on adjoining land. The Council will in those cases work with the land owners and any other landowners that may be affected in determining determining the appropriate time and method to provide the items described in AD11.4A.v or to set aside land upon subdivision for those purposes. In the interim, the objective will be to avoid activities and structures on the land which would compromise the future attainment of those connections or corridors. Any walkways/cycleways through the Rural Zone shown on a Structure Plan will only be opened by the Council for public use when network connection been secured to other walkways, cycleways or roads, or when otherwise agreed by the adjacent landowners. The Council must at that time, where requested and in consultation with adjacent land owners, set in place a management regime to minimise any adverse effects on adjoining land.

AD11.4A.viii: For the purpose of interpretation of any rules relating to Structure Plans, the term “generally accord” shall mean that items shown on these plans must be provided for in the general locations shown, within the development area and linking to adjoining areas as shown in the Structure Plan except for the indicative education facility in Marsden Valley Schedule 1 (Clause 1.6). <sup>PC13</sup> if required. It is not intended that the positions are exact or can be identified by scaling from the Structure Plan. It is intended that connections between points are achieved or provided for with no restrictions, and are not restricted by interim land use activities and structures. The final location will depend upon detailed analysis of the physical suitability of an alignment (including the presence of existing natural features and ecological sensitive habitats such as streams where providing for Biodiversity Corridors), other servicing implications, appropriate location in respect of final residential development layout and amenity, and costing considerations. The key proviso is that the items on the Structure Plan must be provided for, and that any connections must occur or be able to occur in the future. The key proviso is the final location must be logical, and efficiently serve the catchments and destinations.

AD11.4A.ix: The primary objective of indicative roads, walkways/cycleways or Biodiversity Corridors is connectivity. Compliance with the rules requires that connection is planned for, or provided, within each stage of development, and to adjoining property boundaries at the appropriate stage, and is not restricted or prevented through the use of “site isolation strips” or other methods which could lead to adjoining land becoming landlocked or connectivity being compromised.

**Add to the end of DO5.1.i in the Reasons for Objective DO5.1 (Natural Values) in Chapter 5 District Wide Objectives and Policies:**

In relation to the urban area this means promoting an urban form that respects and works in harmony with the natural environmental features and patterns of an area. Good urban design practice can preserve natural areas and values by appropriate ecological design, and at the same time potentially increase usable green space within and adjoining urban developments.

**Add to the Explanations and Reasons for Policy DO5.1.2 (Linkages and Corridors) in Chapter 5 District Wide Objectives and Policies:**

DO5.1.2.i ~~Small pockets~~ Areas of indigenous vegetation are often too small to support viable populations of animal and plant species. Linking pockets together, or providing new links from larger areas of habitat, can provide significant improvements to the more than double the native birds biodiversity in either any of the two individual areas. This can also result in greater interaction between people and the environment and assist with the recognition of the cultural importance of native plantings. The maintenance of such connections is crucial to natural system sustainability and will enhance the Plan's ability to protect indigenous ~~wildlife and fauna biodiversity.~~ Rivers (and potentially wetlands) provide opportunity for continuous habitat Biodiversity Corridors. Biodiversity Corridors can also be established through existing vegetation corridors, desired connectivity routes (currently vegetated or not), or by utilising the connectivity of publicly owned land.

Sub 1.4

Sub 8.4

DO5.1.2.ii Biodiversity Corridors are shown on various Structure Plans in association with areas identified for future urban growth or more intense development of Rural Zones. These have ~~three~~ four primary functions:

- protection, enhancement or restoration of natural values and the capacity or natural functioning of ecosystems and their processes to support a range of life;
- protection, enhancement or restoration of the capacity for natural ecosystem processes (such as the migration of animals or dispersal of plants) to function between different parts of the environment ie connectivity between ecological areas;
- to increase the interaction between humans and the natural environment.
- recognition and assistance with preservation of the cultural significance of water, native vegetation and native aquatic flora and fauna to Maori

Sub 1.4

By improving biodiversity features in urban design, working with the natural characteristics of a site, and enhancing or emphasising natural features such as riparian areas and mature vegetation, Biodiversity Corridors may also have a positive impact on the quality of the urban and peri-urban environment by:

- integrating built development within its landscape setting;
- encouraging people to connect with and interact with their local natural environment;
- shaping community identity or a sense of place;



- providing amenity to neighbourhoods;
- protecting water bodies from the undesirable effects of land development ie earthworks and sedimentation
- assisting in the management of stormwater discharges through retention and low-impact stormwater treatment;
- inclusion of ~~passive~~ public use and access;
- enhancing open space values.

DO5.1.2.iii Biodiversity Corridors are intended to preserve habitat that functional connections with other existing natural communities. By showing Biodiversity Corridors on the planning maps / Structure Plans, there is potential to co-ordinate habitat preservation between properties and with regard to the wider ecosystem values. These corridors primarily recognise the presence of existing features of likely ecological value such as waterways and riparian margins, gullies, and existing trees or habitats, and the preservation, enhancement or restoration of inter-connectivity of these.

DO5.1.2.iv Biodiversity values can be integrated in urban and peri-urban environments at the three development stages of design, construction and post-construction. The Plan seeks that this is addressed as part of any application for subdivision consent, particularly for greenfield development. This requires an understanding of the site in terms of such matters as its water catchments, ecosystems type, and proximity to other existing and potential open space and conservation networks. Corridors and linkages should incorporate vulnerable areas such as waterways and reflect natural landscape connections where established, supported where possible and appropriate by human-made connections. Often streams and gullies will form natural boundaries within the landscape and therefore provide opportunity for restoration and access without unreasonably compromising development potential elsewhere. Areas must be large enough to maintain ecological processes for the health and integrity of the ecosystem and to buffer conflicting uses. The width of corridors will vary for this reason; a minimum width of 20m is required. Biodiversity Corridors are to be planted in predominantly eco-sourced native vegetation indigenous to the area. Some non-native vegetation can be planted for purposes such as to act as a nursery crop for the establishment of the native species referred to, or as a food source for fauna that utilise the corridor provided non-natives do not dominate and otherwise comply with provisions of the relevant Biodiversity Corridor rules. The resource consent process allows for the reduction in width of a Biodiversity Corridor to be considered where the intended functions of a Biodiversity Corridor are not compromised (see Policy Explanation and Reasons DO5.1.2.ii (Chapter 5 District Wide Objectives and Policies).

Sub 9.3

Sub 11.4

DO5.1.2.v Consideration also needs to be given to ~~the~~ a Biodiversity Corridor's long-term management. There are a variety of management methods available to achieve the Council's objectives for natural values and biodiversity within urban and peri-urban subdivision design; for example consent notices, conservation or private covenants, esplanade and other reserves under the ownership and maintenance of the Council or other statutory body, or alternative design initiatives such as cluster development accompanied by preservation of natural open space or extension of tree planting into private property or the street network.

**Add to the Methods to Policy DO5.1.2 (Linkages and Corridors) in Chapter 5 District Wide Objectives and Policies:**

DO5.1.2.x Provision of Biodiversity Corridors on Structure Plans or within the Planning maps, as a matter for assessment and response through subdivision applications.

DO5.1.2.xi Flexibility in development outcomes or design initiatives for land where accompanied by the protection, restoration or enhancement of Biodiversity Corridors or natural open space linkages.

**Add to the Methods to Policy DO10.1.3 (Expansion of the Road Network):**

DO10.1.7vii: Provision of indicative roads on Structure Plans or within the Planning Maps, as a matter for assessment and response through subdivision applications.

**Add to the Methods to Policy DO10.1.7 (Pedestrian and Bicycle Traffic):**

DO10.1.7vii: Provision of indicative walkways (which may in appropriate circumstances also perform a cycleways function) on Structure Plans or within the Planning Maps, as a matter for assessment and response through subdivision applications.

DO10.1.7.viii: Within the Rural Zone in particular, recognise and promote management practices and construction of public walkways and cycleways that minimise the potential for cross-boundary effects, in liaison with adjoining land owners.

**Amend Policy DO14.3.1 (Roads and Traffic) under DO14.3 (Services):**

Subdivision and development should provide for:

- b) the integration of subdivision roads with the existing ~~and indicative future~~ road network in an efficient ~~and timely~~ manner, which reflects ~~expected traffic levels, connectivity in the road network where appropriate,~~ the function of the road and the safe and ~~convenient~~ well-integrated management of vehicles, cyclists and pedestrians, and
- c) .....
- f) providing for, or avoiding impediment, to future road, walkway and cycleway linkages where these are shown indicatively on Structure Plans or within the Planning Maps.

**Chapter 7: Residential Zone**

**Add to REr.59.1**

REr.59.1 g) there is no clearance of indigenous forest, and

h) there is no clearance of vegetation within a Biodiversity Corridor (or area of greenspace shown in Schedule I)<sup>PC13</sup> unless it is an exotic species, or a species with a pest designation in

the current Tasman-Nelson Regional Pest Management Strategy, ~~and providing an exception for or is~~ vegetation clearance required for:

- i) the maintenance of State Highways, or
- ii) the installation and maintenance of utility service lines which cross (more or less at right angles) a Biodiversity Corridor (or area of greenspace shown in Schedule I)<sup>PC13</sup> including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity and vegetation is reinstated after the activity been completed, or
- iii) the formation or maintenance of roads and private vehicle access ways which cross (more or less at right angles) a Biodiversity Corridor (or area of greenspace shown in Schedule I)<sup>PC13</sup> to land where there is no viable alternative route available ~~and provided the clearance is no more than required to permit the activity,~~ or
- iv) the formation or maintenance of walkways or cycleways adjacent to, ~~running along (subject to provisions of W.2 c),~~ or crossing (more or less at right angles) a Biodiversity Corridor (or area of greenspace shown in Schedule I)<sup>PC13</sup> and provided the clearance is no more than required to permit the activity.

**Amend** REr.59.3 Vegetation clearance that contravenes a controlled standard is a restricted discretionary activity.

**Add** REr.59.3 xviii) the matters in Appendix 4 (marine ASCV overlay), and

xix) effects on the values and function of any Biodiversity Corridor.

**Add** to REr.59.5 Native vegetation is specifically protected in Biodiversity Corridors or area of greenspace shown in Schedule I<sup>PC13</sup>) to ensure their function as ~~an ecosystem and~~ a corridor, or 'green' area<sup>PC13</sup> is not compromised through clearance.

Sub 8.12

**Add to the Contents page for the Residential Zone:**

REr.106C Enner Glynn and Upper Brook Valley Structure Plan (Schedule W) – refer to Rural Zone Chapter 12

**Add a new rule REr.106C**

<u>REr.106C</u>	<u>REr.106C.1</u>	<u>REr.106C.2</u>	<u>REr.106C.3</u>	<u>REr.106C.4</u>	<u>REr.106C.5</u>
<u>Enner Glynn and Upper Brook Structure Plan (Schedule W)</u>	<u>Schedule W applies</u>	<u>Schedule W applies</u>	<u>Schedule W applies</u>	<u>Schedule W applies</u>	<u>Schedule W applies.</u>  <u>This schedule is found in Chapter 12 Rural Zone</u>

**Add to REr.107.2: Subdivision**

o) in respect of any site located within an area covered by any Schedule, its associated subdivision layout and design generally accords with the Structure Plan or as otherwise specified by the Schedule.

xvii) For areas subject to a Structure Plan, the matters contained on those including:

- the provision of adequate road, walkway and cycleway linkages, 'greenspace' and Biodiversity Corridors with appropriate connections within the subdivision and to adjacent land, as defined by the indicative routes shown in the Structure Plan or within the Planning Maps;
- any specific rules, schedules or other notations shown on the Structure Plan as applying to that land.

**Add to REr.107.4**

kk) the matters contained in any schedules or shown on the Structure Plan as applying to that land.

**VOLUME 2**

**Chapter 12: Rural Zone**

**Amend RUd.6 to read:**

... A Higher Density Small Holdings areas ~~have~~ been provided to the rear of the Residential ~~z~~Zone at Ngawhatu, Marsden and Enner Glynn Valleys, and adjoining the Rural farmland on the southern boundary of the land at Ngawhatu and near the entry to Marsden Valley. This zoning recognises the limited productive potential of these areas due to their topography and small size, and in the case of the Higher Density Small Holdings ~~area zone~~ in upper Marsden Valley,

the maintenance of the open character of this visible slope. The zoning also allows for clustering of housing to mitigate visual amenity effects, and/or enables a transition from Residential to Rural Zoning. The Small Holdings Area in Enner Glynn Valley will enable a level of development that is compatible with the rural amenity values of the valley, and did not impact on the important regional resources (the landfill site and quarry) in York Valley.

**Add a new Policy RU1.3: 'Management of Effects of Connections on Structure Plans' to Objective RU1 (Protect Resources and Capacities) with associated explanation, reasons and methods**

Policy RU1.3: Management of Effects of Connections on Structure Plans

The provision for, and development of, road, walkway and cycleway linkages within Rural Zones where these have been identified on Structure Plans, at a time and in a manner that does not result in unreasonable reverse sensitivity effects with adjoining land use activities.

Explanation and Reasons

RU1.3.i: Indicative roads and walkways/cycleways have been identified on Structure Plans where these have been determined to be important in achieving enhanced transportation and recreational outcomes, both within rural areas and/or between urban neighbourhoods. It is not the intention that these unreasonably impact on farming, rural industry or other legitimate rural land use practices. The Council will work closely with land owners and developers to ensure the timely setting aside of land and/or construction of such linkages. Conversely, it is anticipated that land owners will not undertake works, activities or place structures within these potential corridors of a nature or in a manner that will compromise the attainment of those future connections.

Methods:

RU1.3.ii: Exercise discretion when considering the timing of land to be set aside and/or constructed for road, walkway or cycleway purposes within those indicative alignments shown on a Structure Plan.

RU1.3.iii: Rules to avoid subdivision layout, structures or activities that may compromise the achievement of those indicative road, walkway or cycleway connections shown on a Structure Plan.

RU1.3.iii: For additional methods, refer Policy DO10.1.7.

**Amend RU2.ii(b) to read:**

...Parts of the Marsden and Enner Glynn Valley area have also been identified as a Rural Zone – Higher Density Small Holdings Area, because of the limited productive potential of these

areas due to their topography and small size, and in the case of upper Marsden Valley, the ability to cluster development to mitigate visual amenity effects in relation to the open rural character of the visible slopes. ~~Given its immediate proximity to the residential area of Stoke. This includes a combination of Lower, Medium and Higher Density Small holdings opportunity. The Medium Density Small Holdings Area been defined in part of the valley shown on the Planning Maps in Schedule T. This area was granted a resource consent in 1996 pursuant to the transitional District Plan for allotments of 1 hectare minimum with an average size of 2 hectares. The area was also subject to a reference on the proposed Plan with respect of the zoning of the land in the Plan. The scheduling of the area is the outcome of those appeals. It is a compromise that allows for reasonable development opportunities in the valley, while ensuring minimal impact on the rural and landscape character of Marsden Valley (see also Objective RU4).~~ The Higher Density Small Holdings Area, as it relates to land within Schedule I (Marsden Valley ~~eastern area Rural Zone – Higher Density Small Holdings Area~~), and Schedule V (Marsden Hills), Schedule E (Ngawhātu Residential Area) to the rear of the Residential Zone and adjoining part of the Rural Zoned farmland along the southern boundary, and Schedule W (Enner Glynn and Upper Brook Valley). ~~This area provides for allotments of an average of 1 ha, but with a minimum subdivision area of 2000m<sup>2</sup> subject to the provision of reticulated services.~~

#### **Amend RU2.1.i**

...There is opportunity to consider ~~groupings~~ clusters of dwellings, which may be appropriate in some situations for reasons of landscape amenity, stability or local servicing for example, provided that the general landscape character is not compromised.

#### **Amend Contents of Rural Zone Rule Table by adding:**

RUr.77B: Enner Glynn and Upper Brook Valleys (Structure Plan – Schedule W)

#### **Add to RUr.25.1 Vegetation Clearance**

RUr.25.1 f) there is no clearance of indigenous forest, and

g) there is no clearance of vegetation within a Biodiversity Corridor unless it is an exotic species, or a species with a pest designation in the current Tasman-Nelson Regional Pest Management Strategy, ~~and providing an exception for~~ or is vegetation clearance required for:

i) the maintenance of State Highways, or

ii) the installation and maintenance of utility service lines which cross (more or less at right angles) a Biodiversity Corridor including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity and vegetation is reinstated after the activity been completed, or

iii) the formation or maintenance of roads and private vehicle access ways which cross (more or less at right angles) a Biodiversity Corridor to land where there is no viable alternative route available, or

iv) the formation or maintenance of walkways or cycleways adjacent to, [running along \(subject to provisions of W.2 c\)](#), or crossing (more or less at right angles) a Biodiversity Corridor and provided the clearance is no more than required to permit the activity.

### **Add to RUr.25.3**

xviii) the matters in Appendix 4 (marine ASCV overlay), and

xix) effects on the values and function of any Biodiversity Corridor.

### **Add to RUr.25.5**

[Native](#) vegetation is specifically protected in Biodiversity Corridors to ensure their function as [an ecosystem and](#) a corridor is not compromised through clearance.

Sub 8.15

### **Add to RUr.27.1: Earthworks**

m) the earthworks did not compromise the achievement of an indicative road or walkway/cycleway shown on a Structure Plan

### **Add to RUr.27.2 (xviii)**

....., including future connectivity associated with an indicative road or walkway/cycleway shown on a Structure Plan

### **Add to RUr.27.3 (xxiv)**

....., including future connectivity associated with an indicative road or walkway/cycleway shown on a Structure Plan

### **Add to RUr.28.1: Buildings (All)**

i) the building does not compromise the achievement of an indicative road or walkway/cycleway shown on a Structure Plan

**Add to RUr.28.4: Assessment Criteria**

g) the effects on road and walkway/cycleway connectivity where the building is sited on or close to an indicative road or walkway/cycleway shown on a Structure Plan

**Add to RUr.28.5: Explanation**

It is expected that where a building is to be located on, or close to, an indicative road or walkway/cycleway, the developer will provide sufficient assurance that the building will not compromise the achievement of future connectivity generally in the alignment.

**Add a new rule RUr.77B**

<u>RUr.77B</u>	<u>RUr.77B.1</u>	<u>RUr.77B.2</u>	<u>RUr.77B.3</u>	<u>RUr.77B.4</u>	<u>RUr.77B.5</u>
<u>Enner Glynn and Upper Brook Structure Plan (Schedule W)</u>	<u>Schedule W applies</u>	<u>Schedule W applies</u>	<u>Schedule W applies</u>	<u>Schedule W applies</u>	<u>See Schedule W.</u>  <u>The Schedules for this Zone follow after the rule table.</u>

**Amend RUr.78.2 as follows:**

- e) The net area of every allotment is at least ~~is~~...
- iii) 1ha average size with a 5000m<sup>2</sup> minimum size except in Marsden Valley (Schedule F, Chapter 7, eastern area), Marsden Hills (Schedule V, Chapter 7), the south side of Enner Glynn Valley (Schedule W) and Ngawhatu where the minimum size is 2000m<sup>2</sup>, and except in Marsden Valley, (Schedule I, Chapter 7, western area) where the average size is 6000m<sup>2</sup> and the minimum size is 2000m<sup>2</sup> (all exceptions are <sup>PC13</sup> subject to the provision of reticulated services) in the Higher Density Small Holdings Area provided that any allotment to be created complies in all respects with the requirements of Appendix 14 (design standards),



## Delete RUr.78.2

~~h) In respect of Marsden Valley Schedule I, compliance with Schedule I rules requiring subdivision layout and design to generally accord with Schedule I, Figure 1 Structure Plan, located in Chapter 7 Residential Zone.~~

## Add New RUr.78.2

h) in respect of any site located within an area covered by any Schedule, its associated subdivision layout and design generally accords with the Structure Plan or as otherwise specified by the Schedule.

## Amend RUr.78.2 control reserved over:

iii) design and layout of the subdivision, and within Marsden Hills Rural Zone – Higher Density Small Holdings Area <sup>PC13</sup> ~~High Density Rural Small Holdings zone (Schedule V, Chapter 7) , Marsden Valley Rural Zone – Higher Density Small Holdings Area~~ <sup>PC13</sup> (Schedule I, Chapter 7) and Enner Glynn (Schedule W) Rural Zone – Higher Density Small Holdings Areas the design, utilization of clusters of development, with separated by open space separating clusters, rather than a design which allows dispersed development, and ...

## Delete RUr.78.2

~~xiii) in Sch.I Marsden Valley area the matters contained in Schedule I and Schedule I, Figure 1.~~

## Add to RUr.78.2 control reserved over:

xiii) For areas subject to a Structure Plan, the matters contained in those including:

- the provision of adequate road, walkway and cycleway linkages, 'greenspace' and Biodiversity Corridors with appropriate connections within the subdivision and to adjacent land, as defined by the indicative routes shown in the Structure Plan or within the Planning Maps;
- any specific rules, schedules or other notations shown on the Structure Plan as applying to that land;
- the timing for land to be set aside and/or timing of construction of indicative roads, walkways and cycleways as it relates to the needs of the subdivision, connectivity objectives for the wider environment, and mitigating cross boundary effects for existing rural productive activities.

## Amend RUr.78.4 bb)

bb) In Marsden Hills (Schedule V, Chapter 7), Marsden Valley (Schedule I, Chapter 7) and Ngawhatu Higher Density Small Holdings Areas, and between the Enner Glynn Valley and Bishopdale and the Upper Brook Valley (Schedule W), the extent of the provision of pedestrian

and cycle linkages between Open Space areas, Residential and Rural Zone - High Density Small Holdings Area neighbourhoods, and neighbouring land, to ensure over time pedestrian and/or cycleway links connect up to the Barnicoat Walkway and extending between and within the Ngawhatu, and Marsden, Enner Glynn, Upper Brook and York Valleys or as otherwise indicatively shown on Structure Plans.

#### **Amend RUr.78.4:**

cc) In the Marsden Hills (Schedule V), Marsden Valley (Schedule I), Enner Glynn (Schedule W) and...

#### **Delete RUr.78.4**

~~dd) in the Marsden Valley (Schedule I), the provision for walking and cycling linkages with adjacent areas, including public roads, residential zones and recreation areas.~~

#### **Add to RUr.78.4: Assessment criteria**

dd) For those areas subject of a Structure Plan, the extent to which any proposal and/or development is in general accordance with the Structure Plan in a Schedule

#### **Add to RUr.78.4: Assessment criteria**

ee) The timing for which land is to be set aside and/or construction of indicative roads, walkways and cycleways, taking into account the foreseeable future need for physical connectivity and the use of adjoining land.

#### **Amend RUr.78.5**

For the Marsden Hills Higher Density Small Holdings Area Schedule V (Chapter 7 Residential Zone) applies in addition to the zone rules. In Marsden Valley Schedule I (Eastern Rural Zone – Higher Density Small Holdings Area only<sup>PC13</sup>, Chapter 7 Residential Zone), the Marsden Hills (Schedule V), and Enner Glynn (Schedule W) and Ngawhatu ....

## Add a new Schedule W (Enner Glynn and Upper Brook Valley)

### Sch. W Enner Glynn and Upper Brook Valley

#### W.1 Application of the Schedule

This Schedule applies to the area shown as Sch. W on Planning Maps 28, 31 and 55 within Enner Glynn and the Upper Brook Valleys, being that area generally bounded to the south by Schedule I 'Marsden Valley', east by the Rural Zone (Barnicoat Range), north by the York Valley, and west by the existing Residential Zone boundary.

The purpose of this Schedule is to ensure that subdivision and development proceeds in general accordance with the Structure Plan accompanying this Schedule (see Figure 1 of this Schedule) and to incorporate specific rules in addition to the standard Plan rules. Schedule W is referred to specifically under rules REr.106C, RUr.77B, and RUr.78, as it relates to subdivision rules and assessment criteria within the Residential and Rural Zones, and with associated policy and explanation in Volumes 1 and 2 of the Plan.

All activities provided for in the Residential Zone and Rural Zone rule tables as permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activities, and supporting Objectives and Policies shall apply to their respective zones in the Schedule W area, except if subject to variations set out in this Schedule and Schedule W, Figure 1, Structure Plan.

#### W.2 General Rules

a) Subdivision design shall generally accord with the Structure Plan contained in Schedule W Figure 1.

b) No buildings are permitted within Biodiversity Corridors (see Meanings of Words, Chapter Two) as indicatively shown on Schedule W Figure 1.

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

- i) existing native and/or exotic vegetation, or
- ii) predominantly eco-sourced native vegetation indigenous to the area and ecosystem type as proposed in a planting and maintenance plan forming part of any application for subdivision consent, or
- iii) predominantly eco-sourced native vegetation indigenous to the area and ecosystem type to be planted to replace any existing vegetation removed from within the corridor;  
except that:
- iv) the formation and maintenance of walkways, cycleways, and the construction and maintenance of utility service lines and their structures are permitted within the Biodiversity Corridor provided they cross the corridor more or less at right angles, and

Sub 11.6

- v) the formation and maintenance of walkways and cycleways may also run along the corridor provided a corresponding increase in width is provided, and
- vi) the formation and maintenance of roads and required property accesses, where there is no practicable alternative, may transect any Biodiversity Corridor provided that they cross the corridor more or less at right angles, and
- vii) in the case of ii) and iii), exotic vegetation may be used as a nursery crop for the purpose of assisting with the establishment of the native vegetation referred to.

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

Sub 11.6

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

~~except that:~~

- ~~iv) the formation and maintenance of roads, walkways, cycleways and the construction and maintenance of utility service lines and their structures are permitted within the Biodiversity Corridor provided they cross the corridor more or less at right angles, and~~
- ~~v) the formation and maintenance of required property accesses where there is no practicable alternative may transect any Biodiversity Corridor provided that the property access crosses the corridor more or less at right angles and the total width of the Biodiversity Corridor is increased by the width of the access for 10m back from each side of the access crossing point, and~~
- ~~vi) in the case of ii) and iii), exotic vegetation may be used as a nursery crop for the purpose of assisting with the establishment of the native vegetation referred to.~~

### **W.3 Activity Status**

#### **W.3.1 Restricted Discretionary Activity**

Reduction in width of a Biodiversity Corridor below the minimum of 20m (as specified by definition in Chapter 2 'Meaning of Words') is a restricted discretionary activity

Sub 2.2  
and  
17.1

Discretion restricted to:

- i) The effect of any reduction in width on the functions of the Biodiversity Corridor as identified in Policy Explanation and Reasons DO5.1.2.ii (Chapter 5 District Wide Objectives and Policies)

#### **W.3.2 Discretionary Activity**

Any activity which does not meet one or more of the performance standards in Schedule W.2 a-c) 'General Rules' is a Discretionary activity. This is aside from that relating to widths of Biodiversity Corridors provide for in W.3.1. Any activity in the scheduled area will also be assessed under the relevant rules as they apply to the zone and overlays in which the activity is

located, with the most stringent activity status being applicable to the application. ~~In determining whether to refuse consent, or grant consent subject to conditions, the consent authority will have regard to relevant assessment criteria listed in W.4. Relevant assessment criteria listed in W.4 apply to all activities requiring resource consent within the scheduled area.~~

### **W.3.1 Subdivision**

The general rules set out in W.2 shall apply to subdivision applications. The relevant provisions of the Plan's Residential and Rural Zone rule tables shall also apply individually to land within those zones. A subdivision application will take on the most stringent activity status as determined by the relevant rules triggered, ~~be whether they are~~ from this Schedule or the relevant zone rule table. Relevant assessment criteria listed in W.4 apply to all subdivision consent applications within the scheduled area.

### **W.4 Assessment Criteria**

These assessment criteria relate to issues specific to activities within the Schedule W area. All other relevant assessment criteria of zone rules triggered are also to be considered.

- i) The extent to which any proposal and / or development is in general accordance with Schedule W and with associated Structure Plan (Schedule W Figure 1).
- ii) Ability to cluster development to mitigate visual amenity in the Rural Zone – Higher Density Small Holdings Areas.
- iii) Opportunities to mitigate any cross- boundary effects.
- iv) The required width of Biodiversity Corridors; ~~including the effect of any reduction in width on the functions of Biodiversity Corridors.~~
- v) The proposed ownership, maintenance and management regime for Biodiversity Corridors and 'greenspace' areas,<sup>PC13</sup> and the effect different alternatives have on subdivision layout and design, and on the values of those spaces.
- vi) Compliance with the relevant local and national legislation in relation to existing high voltage transmission lines.
- vii) Any assessment criteria for other relevant rules triggered by ~~a proposal application,~~ or referred to in this schedule under cross-reference to the appropriate Zone rule table ~~also~~ apply.

Sub 2.2  
and  
17.1

### **W.5 Explanation**

The Nelson Urban Growth Strategy 2006 (NUGS) identified the Stoke Foothills, between the residential boundary and the Barnicoat Range, as being generally suitable for accommodating some of the future residential growth of Nelson.

The Ngawhatu and Marsden Valleys and intervening land south and to the boundary of Enner Glynn or is in the process of being zoned for residential or rural small holdings use. The provision of Structure Plans, the purpose of which is to guide and achieve the integrated management of the effects of development, been common to those planning outcomes, including as they provide for linkages between neighbourhoods and the valley catchments.

Schedule W completes the structure plan process for land between the Ngawhatu and the Upper Brook Valleys.

Landscape values, topography, rural amenity and regionally significant quarry and landfill resources have been the key determinants of the potential of this area to accommodate growth. The Residential Zone in the Upper Brook Valley been retained, and in the Enner Glynn Valley the existing Residential Zone boundary been expanded to include land at the top of Panorama Heights, near the entrance to the valley and adjoining Marsden Valley (Schedule I) in the upper part of the Valley. A majority of the land in Schedule W is Rural Zone – Higher and Lower Density Small Holdings Area, providing an opportunity for a combination of higher and lower density rural small holding properties.

This Schedule and Structure Plan are to ensure that residential and rural small holdings development provided for in the Enner Glynn and Upper Brook Valleys progresses in a manner that achieves an integrated and planned system of walkways, roading, Biodiversity Corridors and servicing across and between properties and valleys in and adjoining the Structure Plan area.

## **1.2 Amendments to Planning Maps**

### **VOLUME 4**

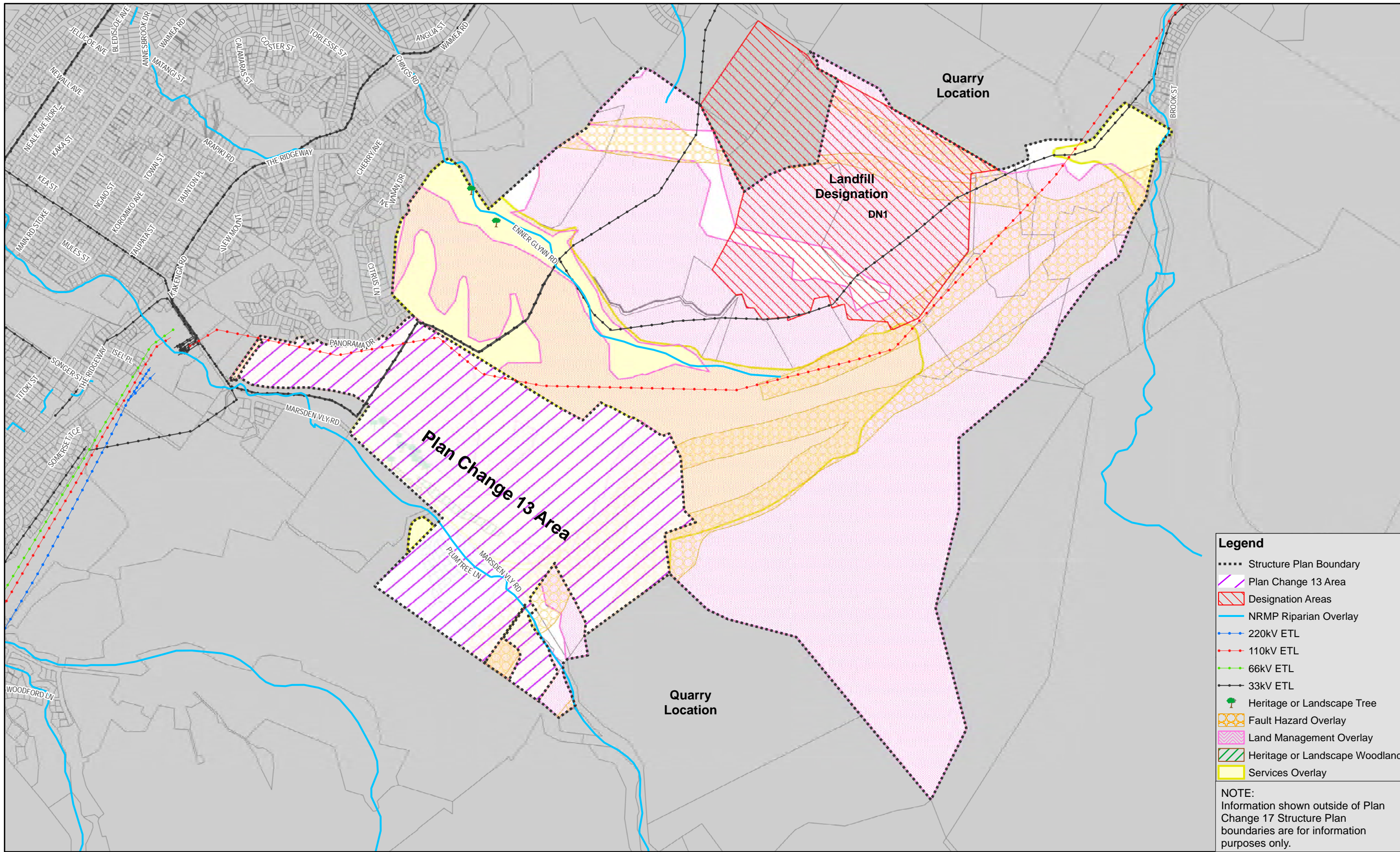
Amend **Planning Maps 28, 31, 34, 54 and 55 (left hand side)** by showing revised overlay provisions **as shown on map 1 attached**, and to include additional land in Marsden Valley that is part of Schedule I and its related rules. File 1151635

Amend **Planning Maps 28, 31, 34, 54 and 55 (right hand side)** by rezoning **as shown on map 2 attached**, and to include additional land in Marsden Valley that is part of Schedule I and its related rules. File 1151636

### **VOLUME 2**

**Add Map 3** – Structure Plan to new Schedule. W – Rural Zone. File 1151634



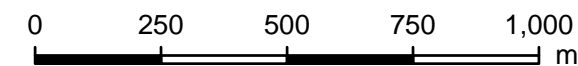


# Plan Change 17 - Enner Glynn and Upper Brook Valley Structure Plan

## Map 1 - Proposed NRMP Overlays - Decisions



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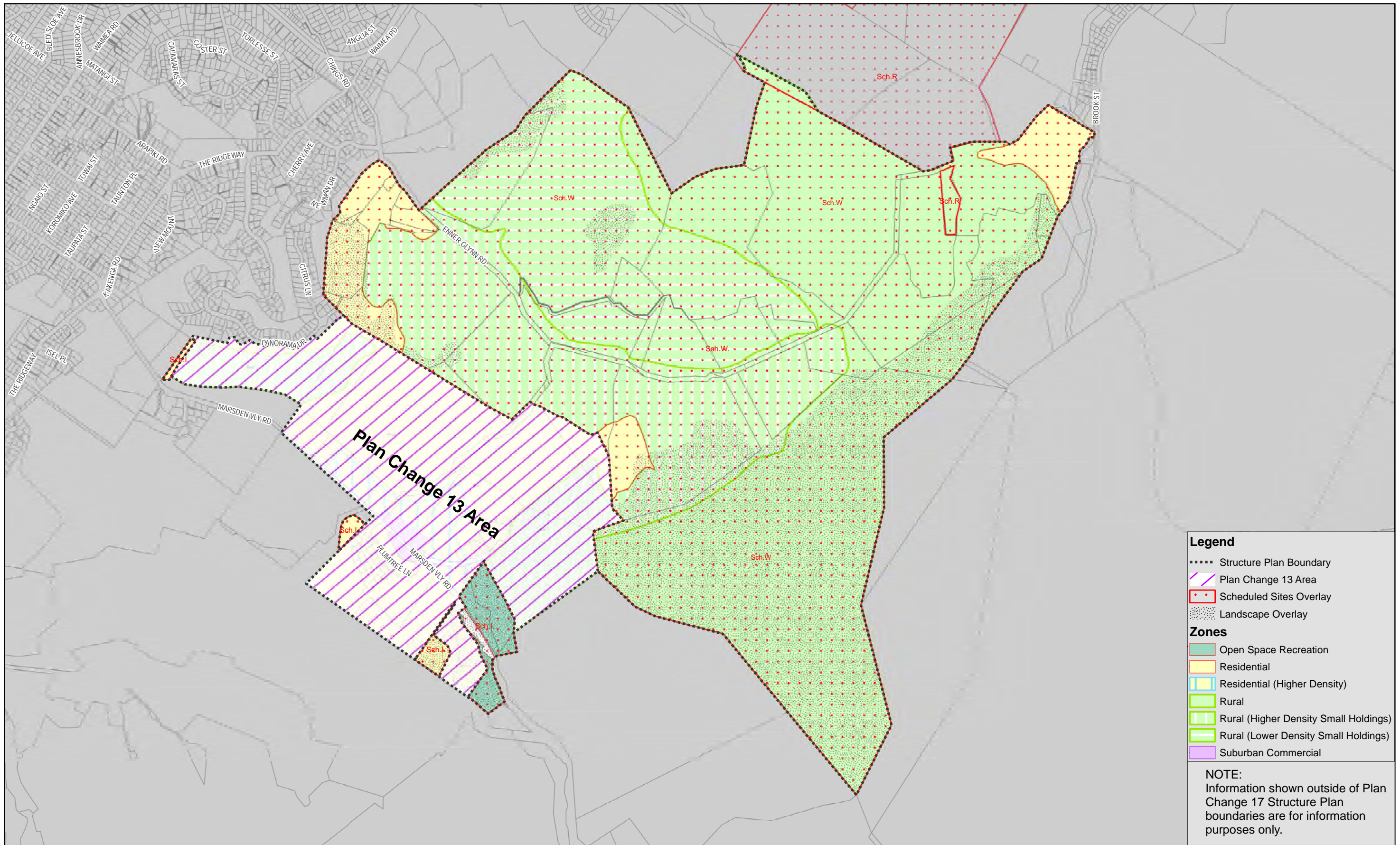
Scale 1:15,000



Issued July 2012

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**Legend**

- ..... Structure Plan Boundary
- Plan Change 13 Area
- Scheduled Sites Overlay
- Landscape Overlay

**Zones**

- Open Space Recreation
- Residential
- Residential (Higher Density)
- Rural
- Rural (Higher Density Small Holdings)
- Rural (Lower Density Small Holdings)
- Suburban Commercial

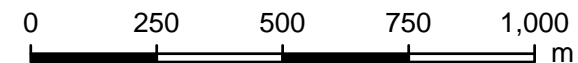
**NOTE:**  
 Information shown outside of Plan Change 17 Structure Plan boundaries are for information purposes only.

# Plan Change 17 - Enner Glynn and Upper Brook Valley Structure Plan

## Map 2 - Proposed NRMP Zoning - Decisions



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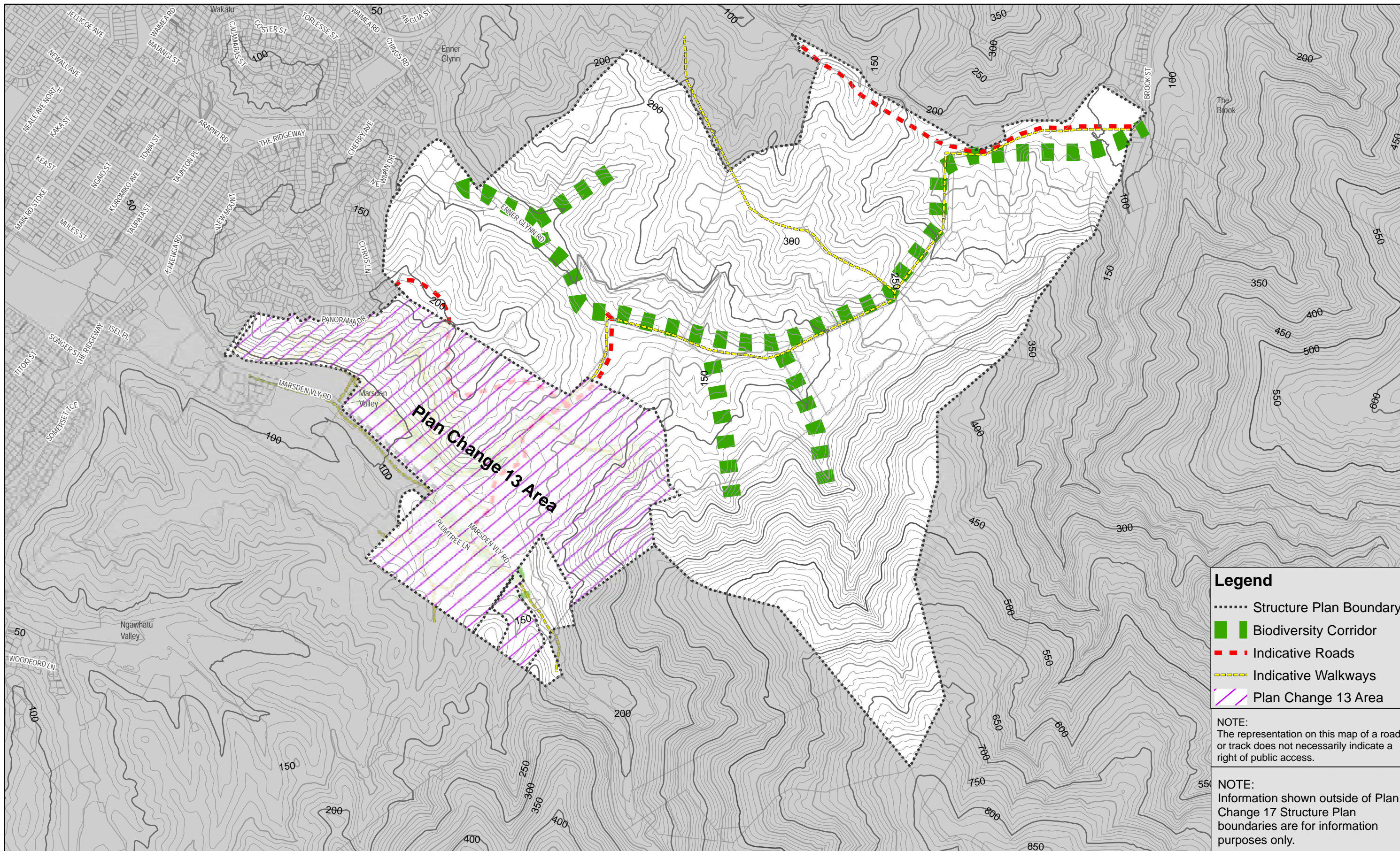
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**Legend**

- ..... Structure Plan Boundary
- █ Biodiversity Corridor
- - - - - Indicative Roads
- - - - - Indicative Walkways
- █ Plan Change 13 Area

NOTE:  
The representation on this map of a road or track does not necessarily indicate a right of public access.

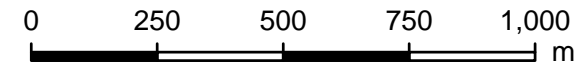
NOTE:  
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# Plan Change 17 - Enner Glynn and Upper Brook Valley Structure Plan

## Map 3 - Proposed Structure Plan - Decisions



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## ATTACHMENT 3: PHOTOGRAPHS (IN RELATION TO SUBMISSION 11)



**Photo 1:** View from Gracefield Street overpass. Photo provided by Reuben Peterson. Dotted line is where intervening topography is in the foreground. All land above dotted line is included in the Landscape Overlay





**Photo 2:** View from Whakatu Drive before Beatson Road. Photo provided by Reuben Peterson. Dotted line is where intervening topography is in the foreground. All land above dotted line is included in the Landscape Overlay





**Photo 2a:** Same location as Photo 2, but with a zoom lens. Photo provided by Reuben Peterson. Dotted line is where intervening topography is in the foreground. All land above dotted line is included in the Landscape Overlay





**Photo 3:** View from 3 Pinnacle Place. Photo provided by Reuben Peterson. Fixed line is location of lower extent of the landscape overlay.





**Photo 4:** View from Parkers and Beatty Street. Photo provided by Reuben Peterson. Dotted line is where intervening topography is in the foreground. All land above dotted line is included in the Landscape Overlay





**Photo 5:** From 101 Bolt Road. Photo provided by Reuben Peterson. Fixed line is location of lower extent of landscape overlay, dotted line is where intervening topography is in the foreground. All land above dotted line is included in the Landscape Overlay





**Photo 6:** Aerial Photo (not recent) showing lower extent of landscape overlay around Jenkins Hill. Photo provided by Reuben Peterson. NOTE ONLY overlay of JENKINS HILL shown. There is landscape overlay in the foreground and background also.





**Photo 7:** View From the Back Beach. Taken by Liz Kidson on Canon 400 ESO lens representing 50mm.

**NOTE:** Fixed line is location of lower extent of landscape overlay, dotted line is where intervening topography is in the foreground. All land above dotted line is included in the Landscape Overlay.





**PLAN CHANGE 17 REFERENCE PHOTOS:**

Photo location plan

Image © 2011 GeoEye  
 © 2011 Whereis Sensis Pty Ltd  
 41° 18' 14.53" S 173° 13' 49.02" E elev 10 m

SITe  
 Google earth  
 Eye alt 6.59 km