

NELSON CITY COUNCIL

**Nelson Resource Management Plan**

Proposed Plan Change 13:

Marsden Valley Re-Zoning and Structure Plan Project

**Part B: Plan Amendments**

**PLAN TEXT**  
**Volume 1**

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

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

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

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

**MW.67A ‘Generally Accord’.** For the purpose of interpretation of any rules relating to Structure or Outline Development Plans, the term “generally accord” shall mean that items shown on these plans must be provided for in the general locations shown within the development area and with linkages to each other or adjoining areas as shown in the Structure or Outline Development Plan. It is not intended that the positions are exact or can be identified by scaling from the Structure Plan or Outline Development Plan; it is intended that any connections between points are achieved or provided for with no restrictions. The final location will depend upon detailed analysis of the physical suitability of an alignment (including the presence of existing natural features and ecological sensitive habitats such as streams where providing for biodiversity corridors), other servicing implications, appropriate location in respect of final residential development layout and amenity, and costing considerations. The key proviso is that the items on the Structure or Outline Development Plan must be provided for, and that any connections must occur or be able to occur in the future.

**MW.68A ‘Greenspace’** are areas of open or vegetated space which are residentially zoned, and are shown on structure or outline development plans. Roading, servicing, walkways and cycleway connections are permitted to cross ‘greenspace’ provided all other relevant Plan provisions are satisfied.

**MW.135A ‘Outline Development Plan’** *see Structure Plan.*

**MW.198A ‘Structure Plan or Outline Development Plan’** is a mapped framework to guide the development or redevelopment of a particular area by defining future development and land use patterns, areas of open space, the layout and nature of infrastructure (including transportation links), and other key features for managing the effects of development, often across multiple ownership. See AD11.4A ‘Structure and Outline Development Plans’ for further information.

**Amend AD11.3.10 Road Overlays**

...Road Alignments shown in the Proposed Road Overlay are indicative not intended to show the exact location of the proposed road boundaries only.

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

#### **AD11.4A Structure Plans and Outline Development Plans**

AD11.4A.i: Structure Plans or Outline Development Plans are used to achieve the integrated management of the effects of developing larger areas of land, often held in multiple ownership, particularly in an urban or urban fringe context. A Structure Plan or Outline Development Plan provides an overall plan to guide integration of those elements that will achieve a quality urban environment (ie streets, walkway connections, open space and natural values, character and activities), and through development being in general accordance with the Structure or Outline Development Plan ensures that individual landowners incrementally work in a co-ordinated and orderly way towards a planned and sustainable urban environment.

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

AD11.4A.iii: A number of the specific resource management issues that may affect any future development area are covered by overlays on the planning maps, and to avoid duplication of spatial information these are not shown on the Structure Plans or Outline Development Plans. Rules relevant to those overlays are located in the rule table in the relevant zone. The zone and area maps, overlays, zone rules and Structure Plans or Outline Development Plans, and schedules if relevant, need to be read together in determining the status of activities and issues that may impact on the pattern and intensity of development.

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

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

- a) Roads: The purpose of roads on Structure or Outline Development Plans is to achieve good integration between land use and transport outcomes, having regard to the intensity of development and providing a choice in transport routes where appropriate. They are also used to ensure road linkage between different physical areas or catchments (ie valleys) which will enhance transportation outcomes, contact between

communities, access to key commercial services, amenities and community facilities, and the quality of the urban environment. They do not show the full roading network required to service any future development of the area. The roads (shown indicatively) may potentially arise in a wider context than merely the Structure Plan or Outline Development Plan area.

- b) Walkways: The purpose of walkways on Structure or Outline Development Plans (these can also be cycleways where the terrain is suitable) is to promote recreational opportunity through off-road linkages within and surrounding the urban area, to provide for choice in transport modes, and to promote the safe and efficient movement of people and vehicles by resolving potential tensions between pedestrians, cyclists and motor vehicles.
- 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. “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. The ownership of this land is by default private. In private ownership the ongoing maintenance is the responsibility of the developer and/or final owner, and the methodology for future management of these areas will need to form part of any subdivision proposal under which they are created. Council may purchase some, or all, of this land for reserves purposes, with its decision based on a scheme plan presented as part of an application for subdivision consent. “Greenspace” is defined in Chapter 2 of the Plan

AD11.4A.vi: Subdivision applications are to show how they provide for items on a structure plan including those listed in AD11.4A.v a)-d). In relation to location these items are generally shown “indicatively” on the Structure or Outline Development Plan as they show an intent rather than precise location for those features. These then form a matter of control which the Council will exercise as part of any subdivision consent process. It is intended that this provides an element of design flexibility to meet both the objectives of the Council and the developer, but while still achieving the overall objective of integrated and sustainable urban resource management and development.

AD11.4A.vii: For the purpose of interpretation of any rules relating to Structure or Outline Development Plans, the term “generally accord” shall mean that items shown on these plans must be provided for in the general locations shown, within the development area and linking to adjoining areas if required. It is not intended that the positions are exact or can be identified by scaling from the Structure Plan or Outline

Development Plan, it is intended that connections between points are achieved or provided for and are not restricted. The final location will depend upon detailed analysis of the physical suitability of an alignment (including the presence of existing natural features and ecological sensitive habitats such as streams where providing for biodiversity corridors), other servicing implications, appropriate location in respect of final residential development layout and amenity, and costing considerations. The key proviso is the final location must be logical, and efficiently serve the catchments and destinations.

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

**Add to the end of DO5.1.i in the Reasons for Objective DO5.1 (Natural Values) in Chapter 5 District Wide Objectives and Policies:**

In relation to urban area this means promoting an urban form that respects and works in harmony with the natural environmental features and patterns of an area. Good urban design practice can preserve natural areas and values by appropriate ecological design, and at the same time potentially increase usable green space within urban developments.

**Add to the Explanations and Reasons for Policy DO5.1.2 (Linkages and Corridors) in Chapter 5 District Wide Objectives and Policies:**

DO5.1.2.i ~~Small pockets~~ Areas of indigenous vegetation are often too small to support viable populations of animal and plant species. Linking pockets together, or providing new links from larger areas of habitat, can provide significant improvements to the more than double the native birds biodiversity in either any of the two individual areas. ~~This can also result in greater interaction between people and the environment.~~ The maintenance of such connections is crucial to natural system sustainability and will enhance the Plan’s ability to protect indigenous ~~wildlife and fauna~~ biodiversity. Rivers (and potentially wetlands) provide opportunity for continuous ~~habitat~~ biodiversity corridors.

DO5.1.2.ii Biodiversity corridors are shown on various Structure Plans and Outline Development Plans in association with areas identified for future urban growth. These have three primary functions:

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

By improving biodiversity features in urban design, working with the natural characteristics of a site, and enhancing or emphasising natural features such as riparian areas and mature vegetation, biodiversity corridors may also have a positive impact on the quality of the urban environment by:

- integrating built development within its landscape setting;
- encouraging people to connect with and interact with their local natural environment;
- shaping community identity or a sense of place;
- providing amenity to neighbourhoods;
- protecting water bodies from the undesirable effects of land development ie earthworks and sedimentation
- assisting in the management of stormwater discharges through retention and low-impact stormwater treatment;
- inclusion of passive public use and access;
- enhancing open space values.

DO5.1.2.iii Biodiversity corridors are intended to preserve habitat that has functional connections with other existing natural communities. By showing biodiversity corridors on the planning maps / structure plans, there is potential to co-ordinate habitat preservation between properties and with regard to the wider ecosystem values. These corridors primarily recognise the presence of existing features of likely ecological value such as waterways and riparian margins, gullies, and existing trees or habitats, and the preservation, enhancement or restoration of inter-connectivity of these.

DO5.1.2.iv Biodiversity values can be integrated in urban environments at the three development phases of design, construction and post-construction. The Plan seeks that this is addressed as part of any application for subdivision consent, particularly for greenfield development. This requires an understanding of the site in terms of such matters as its water catchments, ecosystems type, and proximity to other existing and potential open space and conservation networks. Corridors and linkages should incorporate vulnerable areas such as waterways and reflect natural landscape connections where established, supported where possible and appropriate by human-made connections. Often streams and gullies will form natural boundaries within the landscape and therefore provide opportunity for restoration and access without unreasonably compromising development potential elsewhere. Areas must be large enough to maintain ecological processes for the health and integrity of the ecosystem and to buffer conflicting uses. The width of corridors will vary for this reason; a minimum width of 20m is required.

DO5.1.2.v Consideration needs also to be given to their long-term management. There is a variety of methods for this, and to achieve the Council's objectives for natural values and biodiversity within urban subdivision design, for example consent notices, conservation or private covenants, esplanade and other reserves under the ownership and maintenance of the Council or other statutory body, or alternative design initiatives such as cluster development accompanied by preservation of natural open space or extension of tree planting into private property or the street network.

**Add to the Methods to Policy DO5.1.2 (Linkages and Corridors) in Chapter 5 District Wide Objectives and Policies:**

DO5.1.2.x Provision of biodiversity corridors on Structure Plans, Outline Development Plans and/or within the Planning maps, as a matter for assessment and response through subdivision applications.

DO5.1.2.xi Flexibility in development outcomes or design initiatives for land where accompanied by the protection, restoration or enhancement of biodiversity corridors or natural open space linkages.

**Amend REd.8 to read**

In Marsden Valley, there is provision for some on the valley floor, for higher density residential development Low density residential development in the Valley, a small Suburban Commercial Zone, and for residential development on the hills surrounding the valley provided consideration is given to the landscape context of the area. ,with There is also provision...

**Amend**

**RE1.4.i to read:**

...The Glen and the Marsden Valley Residential Area (covered by Schedule I) have has a lower building coverage limit to recognise their the rural setting.

The Marsden Valley residential Area (covered by Schedule I) is also recognises for the rural character of the area in which it is located, A lower density of residential development is therefore considered important (see objective RE4).

The lower density residential area north and west of the cemetery in Marsden Valley is intended to provide a transition from the residential Zones at the entrance to the valley, to recognise the current rural character of the wider valley landscape and promote a level of serviced development that is generally compatible with the Marsden Valley Residential Area in Schedule I, which it in part adjoins (see objective RE5).

**Amend Objective RE4 Marsden Valley (Schedule I) to read:**

Subdivision and development within the Marsden Valley Residential Area (Schedule I) that does not adversely affect the rural and landscape character of the Marsden Valley. Subdivision and development of Marsden Valley (Schedule I area) that results in a high level of residential amenity built around a village centre as the focal point.

Amend Reasons RE4.i The Nelson Urban Growth Study 2006 (NUGS) identified the Stoke Foothills, including Marsden Valley, as suitable for accommodating some of the future residential growth of Nelson. This Schedule and Structure Plan are to ensure residential development can be achieved to give effect to the direction provided by NUGS, while respecting the landscape features of the valley. It will allow for an integrated and planned system of walkways, roading and servicing across multiple properties.

This objective and following policy applies only to the Marsden Valley Residential Area affected by Schedule I in the Plan, and not other residentially zoned land elsewhere in the valley.

**Insert new Policy RE4.1 (note deletion of existing RE4.1 follow)**

**Policy RE4.1 Marsden Valley Development (Schedule I area)**

Development of Marsden Valley shall generally accord with the Structure Plan for this area, as identified in Schedule I, Figure 1.

**Explanation and reasons**

RE4.1.i Development of Marsden Valley which generally accords with the Structure Plan (Schedule I) will ensure this area is integrated with adjacent developments, provides a sense of community centred on the suburban commercial area as a focal point, and can achieve best practice urban design outcomes. This approach ensures continuity of public amenity such as walkways, reserves and open spaces, and ensures integrated servicing and roading patterns. The Structure Plan has been designed in accordance with urban design principles which take into account the landforms and landscape amenity values of the valley and surrounding hills. This will help meet the future residential needs of Nelson through a mix of residential and rural housing densities with an overall layout guided by a Structure Plan.

**Methods**

RE4.1.ii Schedule Marsden Valley to ensure integrated development and servicing in accordance with a Structure Plan.

RE4.1.iii Specific rules within the Schedule which control the adverse effects of development.

RE4.1.iv Development of Marsden Valley in accordance with best practice urban design.

RE4.1.v Zoning and subdivision rules which provide sufficient flexibility to achieve the desired urban design outcomes.

**Delete Policy RE4.1 Marsden Valley Road Corridor**

**Delete Policy RE4.2 (development density in Marsden Valley).**

**Amend Policy RE4.3 vegetation as follows**

**RE4.32 Vegetation**

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

**Explanation and Reasons**

RE4.32.i ~~Chings Flat is flanked to the west and east by watercourses. The study suggested that if Further planting occurred adjacent to these water courses they would~~ Vegetation planting and protection will provide a strong and attractive landscape setting for residential development and ~~would~~ will also act to reduce the visual effect of that development within the Marsden Valley. The Study also advocates the establishment of biodiversity corridors, 'greenspace', a landscape strip along the north-eastern side of Marsden Valley Road, 20m esplanade reserves along each bank of the Poormans Valley Stream to and a subdivision and roading design which allows for additional planting will enable this to be achieved and to will



strengthen recreational linkages and biodiversity within the valley. It will also help to provide a transition from Residential to Rural Zones.

A number of established trees ~~within the area known as Homestead Flat~~ (on the north eastern side of Marsden Valley Road) that are considered to be.....

### **Add new method**

RE4.2.iv Structure Plans, Outline Development Plans or other Plan provisions requiring the provision of ‘greenspace’ and biodiversity corridors at time of subdivision.

**Delete** policy RE4.4 Land Recontouring

**Relocate** REe to end of policy section, after Objective RE5

**Amend** REr.23.5 and REr.24.5 as follows

Paragraph commencing ‘The Lower Density Area...slope stability constraints), and Ardilea Ave in Stoke, and the Marsden Valley Residential Area (see Schedules I and V) and land...’

Paragraph commencing ‘The Higher Density Area includes The Wood, an area of both Ngawhatu and Marsden Valleys adjacent to the Suburban Commercial Zones, and an area...’

Paragraph commencing ‘The ability to apply for a reduction of up to 10% in the minimum area allocated to a residential unit is provided for as a discretionary activity ~~(except in the Marsden Valley Residential Area) where any departure from the minimum standard is a Non-complying Activity)~~ (Schedule I). A specific building...’

Paragraph commencing ‘Exceeding the specified coverage by up to 10% is provided for as a discretionary activity ~~(except within the Marsden Valley Residential Area where any departure from the minimum standard is a Non-Complying Activity)~~ (see Schedule I). As with site size...’

**Add** to REr.59.1 Vegetation Clearance

REr.59.1 g) there is no clearance of indigenous vegetation, and

h) there is no clearance of vegetation within a biodiversity corridor unless it is a exotic species, or a species with a pest designation in the current Tasman-Nelson Regional Pest management Strategy, and providing an exception for vegetation clearance required for:

- i) maintenance of State Highways, or
- ii) the installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity and vegetation is reinstated after the activity has been completed, or
- iii) forming or maintaining vehicle access ways to land where there is no viable alternative access route available.

**Amend** REr.59.3 Vegetation clearance that contravenes a controlled standard is a restricted discretionary activity.

**Add** REr.59.3 xviii) the matters in Appendix 4 (marine ASCV overlay), and xix) effects on the values and function of any biodiversity corridor.

**Add** to REr.59.5 Vegetation is specifically protected in biodiversity corridors to ensure their function as a corridor is not compromised through clearance.

**Amend** REr.106 Marsden Valley ~~Residential Area~~-(Scheduled Site – Sch I)

**Amend** contents page. REr.106 Marsden Valley ~~Residential Area~~-(Scheduled Site – Sch I)

**Amend** REr.107.2 to add the following:

n) In respect of Marsden Valley Schedule I, compliance with Schedule I rules requiring subdivision layout and design to generally accord with Schedule I, Figure 1 Structure Plan.

Control reserved over...

c) provision of services and:

xvii) For areas subject to a Structure Plan or Outline Development Plan, the matters contained on those including:

- the provision of adequate road, walkway and cycleway linkages, ‘greenspace’ and biodiversity corridors with appropriate connections within the subdivision and to adjacent land, as defined by the indicative routes shown in the Structure Plan, Outline Development Plan or within the Planning Maps;
- any specific rules, schedules or other notations shown on the Structure Plan or Outline Development Plan as applying to that land.

**Add** to REr.107.4 jj) For Marsden Valley Schedule I area the extent to which any proposal and / or development is in general accordance with Schedule I and with the associated Structure Plan (Schedule I Figure 1).

**Amend** REr.107.4 ii) in Marsden Valley and the land between this and Enner Gylnn and Ngawhatu Valleys, the extent of provision for pedestrian and cycle linkages between open space areas, residential neighbourhoods, and neighbouring land to ensure over time pedestrian and cycle links connect up to the Barnicoat Walkway and between the valleys in accordance with Schedule I and Schedule V.

**Amend** REr.107.5 final paragraph ‘See Schedule I for Marsden Valley. ~~Residential Area.~~

**Delete** Schedule I Marsden Valley Residential Area and **replace** with the following new schedule (Sch.I Marsden Valley)

## **Sch.I Marsden Valley**

### **I.1 Application of the Schedule**

This Schedule applies to the area shown as Sch.I on Planning Maps 28, 31, 34, 54 and 55 within Marsden Valley; generally bounded to the south by Schedule U ‘Marsden Plateau Landscape Area’ and Schedule V ‘Marsden Hills’, east by the Rural Zone, north by the Marsden Valley / Enner Glynn Valley ridge and west by the existing Residential Zone boundary.

The purpose of this Schedule is to ensure that subdivision and development proceeds in general accordance with the structure plan accompanying this Schedule (see Figure 1 of this Schedule) and to incorporate specific rules in addition to the standard Plan rules. Schedule I is referred to under rules REr.106, REr107, RUr77, RUr.78, SCr.70A and SCr.71, as it relates to subdivision rules and assessment criteria within the Residential, Rural and Suburban Commercial Zones, and with associated policy and explanation in Volumes 1 and 2 of the Plan.

All activities provided for in the Residential Zone, Suburban Commercial Zone, Open Space and Recreation Zone, and Rural Zone Rule tables as permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activities, and supporting Objectives and Policies shall apply to their respective zones in the Schedule I area, except if subject to variations set out in this Schedule and Schedule I Structure Plan Figure 1.

### **I.2 General Rules**

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

b) No buildings are permitted within ‘greenspace’ areas, or biodiversity corridors (see Meanings of Words, Chapter Two) as indicatively shown on Schedule I Structure Plan Figure 1.

c) Biodiversity Corridor locations shall generally accord with that shown on the Structure Plan contained in Schedule I Figure 1.

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

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

e) Where practicable, and inclusive of the critical linkages shown on the Structure Plan, subdivision design shall incorporate a network of walking and cycle links between roads, and from roads to open spaces (reserves, 'greenspace' or biodiversity corridors).

f) No buildings are permitted within 5m of the Marsden Valley Road Reserve legal boundary (north east side) for the frontage length as shown in Schedule I Structure Plan, Figure 1. Vehicle crossings in this setback area are to have a minimum separation distance of 40m.

g) For the Marsden Valley Suburban Commercial Zone SCr.39.1 b) shall be replaced by 'Any activity located more than 50m from the Residential Zone boundary, which involves the sale of liquor for consumption on the premises may be open for the sale of liquor only during the following hours: daily 7am to 1am the following day, Monday to Saturday, and 7am to 11pm on Sundays.'

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

i) Buildings and structures located in the Marsden Valley Suburban Commercial Zone which exceed 8m in height but are less than 12m in height are a restricted discretionary activity. Any building over 12m in height is a discretionary activity.

Discretion restricted to:

- i) design, scale and appearance in relation to building height and external walls.
- ii) proximity to, and effect on, adjacent zones
- iii) effect on public open space within, or adjacent to the suburban commercial zone
- iv) contribution to achieving the overall design principles of the Marsden Valley Suburban Commercial area (see I.5)

Resource consent applications for restricted discretionary activities under Sch.I.2 i) will be considered without notification, or obtaining written approval of affected persons, under Section 94 of the Act.

### **I.3 Activity Status**

Any activity which does not meet one or more of the performance standards in Schedule I.2 a-h) 'General Rules' is a Discretionary activity. Any activity in the scheduled area not triggering Schedule I.2 'General Rules' will be assessed under the relevant rules (and consent status) as they apply to the zone and overlays in which the activity is located.

#### **I.3.1 Subdivision**

The general rules set out in I.2 shall apply to subdivision proposals. The relevant provisions of the Plan's Residential, Rural, Open Space and Recreation, and Suburban Commercial Zone rule tables shall also apply individually to land within those zones.

A subdivision application will take on a consent status as determined by the relevant rules triggered, be they from this Schedule or the relevant zone rule table.

#### **I.4 Assessment Criteria**

These assessment criteria relate to issues specific to the Schedule I area. All other relevant assessment criteria of zone rules triggered are also to be considered.

- i) The extent to which any proposal and / or development is in general accordance with Schedule I and with associated Structure Plan (Schedule I Figure 1).
- ii) Mitigation of the actual or potential effects of activities or subdivision design on landscape values.
- iii) Integration and compatibility with adjoining activities, including future activities permitted due to the zoning of land.
- iv) Opportunities to mitigate any cross-boundary effects.
- v) The method/s of ongoing retention and protection of identified vegetation within the scheduled area.
- vi) Ability to cluster development to mitigate visual amenity in the Rural - Higher Density Small Holdings Zone areas.
- vii) The required width of biodiversity corridors.
- viii) The proposed ownership, maintenance and management regime for biodiversity corridors and 'greenspace' areas, and the effect different alternatives have on subdivision layout and design, and on the values of those spaces.
- ix) Any likely presence of, and disturbance to, any archaeological sites.
- x) Compliance with the relevant local and national legislation in relation to existing high voltage transmission lines.
- xi) An activity type, building and/or outdoor space design, or subdivision design's contribution to achieving the overall design principles of the Marsden Valley Suburban Commercial area.
- xii) Use of design techniques to add interest to external walls of buildings facing onto public space or residentially zoned land.
- xiii) Any assessment criteria for other relevant rules triggered by an application, or referred to in this schedule under cross-reference to the appropriate Zone rule table apply.

#### **I.5 Marsden Valley Suburban Commercial Zone Overall Design Principles**

The key design principles sought for the Marsden Valley Suburban Commercial Zone to create an urban village environment which supports the surrounding community and provides opportunities for meeting commercial and social needs are:

- i. Proximity of different activities which enables a degree of walkability.
- ii. Quality public spaces that are active and provide for a variety of users, and are pedestrian friendly in scale and amenity, and easy to get around and through.
- iii. High quality of design and finish of buildings and structures with a sense of distinctiveness through the use of colour, height, roof forms, materials, layout and circulation.
- iv. Active frontages and avoidance of visible blank walls.

- v. Safe and comfortable outdoor environments through people presence and “eyes on the street”.
- vi. Adaptable buildings able to be used and reused for a variety of different activities.
- vii. Well designed and efficient living environments which have good access to sun, pleasant outlooks, and are appropriate to the location.
- viii. Good quality working environments that are efficient and which have easily accessed recreational facilities.
- ix. Activities which promote a quality urban environment with a focus on meeting basic commercial and social needs of the nearby residents but also allowing for some appropriate commercial and employment uses serving people from a wider catchment.
- x. Building and open space design, layout and orientation which responds well to, and integrates with, adjacent zones and uses.
- xi. Building and open space design, layout and orientation which builds on the site’s relationship with Poorman Valley Stream and the protected woodland to the north.
- xii. The compatibility of different activities with the zone to each other and to adjoining zones.

## **I.6 Explanation**

The Nelson Urban Growth Study 2006 (NUGS) identified the Stoke Foothills, including Marsden Valley, as suitable for accommodating some of the future residential growth of Nelson. This Schedule and Structure Plan are to ensure residential development can be achieved to give effect to the direction provided by NUGS, while respecting the landscape features of the valley. It will allow for an integrated and planned system of walkways, roading and servicing across multiple properties. Marsden Valley has been identified as having important landscape features which require consideration and protection when planning development in the area. Of importance from a landscape perspective are the prominent slope at the head of Marsden Valley and along the slopes of Jenkins Hill, and the upper ridgeline and shoulder slopes separating Marsden and Enner Glynn Valley’s.

Established trees along the Marsden Valley Road frontage contribute to the Valley’s character and also to the attractive amenity, a 5m wide landscape strip is required along the north-east frontage with Marsden Valley Road to retain some of this character. Some of the existing vegetation (for example, the stand of kanuka identified as a Landscape Woodland) is seen as important in helping define the overall landscape of Marsden Valley and for softening built development, and have been protected. Esplanade reserves, biodiversity corridors, parks and ‘greenspace’ areas all provide opportunity to retain and enhance vegetation in the Scheduled I area. Biodiversity corridors and ‘greenspace’ are shown in indicative locations on the structure plan. These serve to provide corridors for biodiversity to occupy and travel through, ultimately creating a network which allows passage from one area of habitat to another. The ‘greenspace’ areas are often located in conjunction with the biodiversity corridors and can achieve the same end result but their primary purpose is to offset the Residential Zoning and ensure an open space, or vegetated network is created which is integral to the community in this area.

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

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

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

An indicative school site (primary or secondary) is shown on the Structure Plan to signal that a school is considered to be an activity which could help to create a viable community in Marsden Valley. This would allow the option for children to be educated within walking distance of their homes and in the community in which they live. The facilities of any school could potentially be a shared resource for use by the community. Any application for the establishment of a school will be assessed through the standard rules and provisions for the Zone in which it is located. This indicative school site notation, and associated plan text, shall expire 5 years after the date Plan Change 13 becomes operative.

The Higher Density Rural Small Holdings Zone included in the Schedule I area, covers two areas of land of low productive value, but which retain landscape, open space and amenity characteristics. A higher density of development than the standard Rural Zone is provided for in recognition of the limits on productive use and to provide consistency with zoning on the foothills of the Barnicoat Range.

**Delete** existing Structure Plan Sch.I Figure 1

**Insert** new Structure Plan Sch.I Figure 1

## **Volume 2, Chapter 9 (Suburban Commercial)**

**Amend** SCd to read as follows:

SCd.1 This Zone includes the suburban commercial areas at Stoke, Marsden Valley, Ngawhatu...

SCd.7 The Marsden Valley Suburban Commercial Zone services the residents and visitors within Marsden Valley and surrounding area. Schedule I (see Chapter 7, Residential Zone) provides for an increased height limit (through resource consent) for this particular area to allow for varied building heights and roof forms to create an urban village environment which supports the surrounding community and provides

opportunities for meeting commercial and social needs. Additional restrictions control various activity types, liquor sale hours and active frontages to help to create the urban environment desired.

**Renumber** existing SCd.7 as SCd.8

### **Add new Objective**

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

#### Reasons:

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

#### **policy**

##### **SC3.1 building and outdoor space design**

*Promotion of variety, modulation, active frontages, and creativity in building and outdoor space design which is at a human scale.*

#### Explanations and Reasons:

SC3.1.i Buildings of a uniform design, with blank walls, a lack of interaction with the street or public places, or of a dominating scale can detrimentally affect the spaces and areas to be used by people. To ensure a successful urban village is developed it is essential that the buildings and outdoor spaces are designed in such a way as to support this.

#### Methods

SC3.1.ii Rules to control buildings over a certain height

SC3.1.iii Assessment criteria to ensure buildings which trigger a resource consent are assessed against their compliance with the general design principles for the Marsden Valley Suburban Commercial Zone.

#### **Policy**

##### **SC3.2 mixed use**

*[To enable a mix of activities (primarily commercial (retail and office) and residential) within the zone which supports the creation of a successful urban village area, adds vibrancy, and provides a wide choice of places to live, work and play.*

#### Explanations and Reasons:

SC3.2.i Suburban commercial zones provide an opportunity for mixed use activities, for example retail on the ground floor and residential or offices above. This mix of uses has a number of benefits including: increased vibrancy of these centres; wider



range of living options; reduced travel dependence; increased surveillance of public spaces and a larger customer base for retailers.

#### Methods

SC3.2.ii Rules which permit mixed uses (retail, office and residential)

SC3.2.iii Rules which limit the establishment of activities which may be detrimental to creation of a successful urban village.

**Add new rule** SCr.69B Marsden Valley (Schedule Site – Sch. I)

SCr.69B.1 Schedule Sch. I (Residential Zone) applies.

SCr.69B.2 Schedule Sch. I (Residential Zone) applies.

SCr.69B.3 Schedule Sch. I (Residential Zone) applies.

SCr.69B.4 Schedule Sch. I (Residential Zone) applies.

SCr.69B.5 Schedule Sch. I applies. Schedule I follows after the Residential Zone rule table (Chapter 7)

**Add to** SCr.71.2 h) In respect of Marsden Valley Schedule I, compliance with Schedule I rules requiring subdivision layout and design to generally accord with Schedule I, Figure 1 Structure Plan, located in Chapter 7 Residential Zone.

**Add** SCr.71.2 control reserved over section,

xiv) in Sch.I Marsden Valley area the matters contained in Schedule I and Schedule I, Figure 1.

**Add prior to existing Sch.L:** Sch I Marsden Valley

For provisions relating to Schedule I see Chapter 7, Residential Zone

**Amend** contents page

SCr.69B Marsden Valley (Scheduled Site – Sch I)

SCr.70 Nayland Road Commercial Area (Scheduled Site: - Sch. J L)

## **Volume 2, Chapter 11 (Open Space and Recreation)**

**Add to** OSr.47.1 Vegetation Clearance

OSr.47.1 f) there is no clearance of indigenous vegetation, and

g) there is no clearance of vegetation within a biodiversity corridor unless it is a exotic species, or a species with a pest designation in the current Tasman-Nelson Regional Pest management Strategy, and providing an exception for vegetation clearance required for:

i) maintenance of State Highways, or

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

iii) forming or maintaining vehicle access ways to land where there is no viable alternative access route available.

**Add** OSr.47.3 xviii) the matters in Appendix 4 (marine ASCV overlay), and xix) effects on the values and function of any biodiversity corridor.

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

**Add after FWr.25**

### **Schedule Open Space and Recreation Zone**

Sch I Marsden Valley

For provisions relating to Schedule I see Chapter 7, Residential Zone

### **Volume 2, Chapter 12 (Rural)**

**Amend RUd.6 to read:**

A Higher Density Small Holdings areas ~~has~~ have been provided to the rear of the Residential ~~z~~Zone at Ngawhatu and Marsden Valleys, and adjoining the Rural farmland on the southern boundary of the land at Ngawhatu and near the entry to Marsden Valley. This zoning recognises the limited productive potential of this area due to its topography and small size, and in the case of the Higher Density Small Holdings zone in upper Marsden Valley, the maintenance of the open character of this visible slope. The zoning also allows for clustering of housing to mitigate visual amenity effects, and enables a transition from Residential to Rural Zoning.

**Amend** RU2.ii(b) to read:

...Part of the Marsden Valley area has also been identified as a Rural – Higher Density Small Holdings Area, because of its limited productive potential of this area due to its topography and small size, and in the case of upper Marsden Valley, the ability to cluster development to mitigate visual amenity effects in relation to the open rural character of the visible slopes. ~~Given its immediate proximity to the residential area of Stoke. This includes a combination of Lower, Medium and Higher Density Small holdings opportunity. The Medium Density Small Holdings Area has been defined in part of the valley shown on the Planning Maps in Schedule T. This area was granted a resource consent in 1996 pursuant to the transitional District Plan for allotments of 1 hectare minimum with an average size of 2 hectares. The area was also subject to a reference on the proposed Plan with respect of the zoning of the land in the Plan. The scheduling of the area is the outcome of those appeals. It is a compromise that allows for reasonable development opportunities in the valley, while ensuring minimal impact on the rural and landscape character of Marsden Valley (see also Objective RU4). The Higher Density Small Holdings Area, as it relates to land within Schedule I (Marsden Valley), and Schedule V (Marsden Hills), Schedule E (Ngawhatu Residential Area) to the rear of the Residential Zone and adjoining part of the Rural Zoned farmland along the Southern boundary. This area provides for...~~

**Delete** final paragraph of RU2.ii b) starts with ‘In Ngawhatu to the rear...’

**Amend** RU2.1.i ...There is opportunity to consider ~~groupings~~ clusters of dwellings, which may be appropriate in some situations for reasons of landscape amenity, stability or local servicing for example, provided that the general landscape character is not compromised.

**Amend** RU2.1.iA ‘For objectives and policies relevant to the Rural Small Holdings Zone (Schedule I) refer to RE4 Marsden Valley (Schedule I), Chapter 7. See also objective RU4’

**Amend** RU2.1.iB ‘Clustering of development ~~with open space separating clusters in the Higher Density Rural Small Holdings zone with open space separating clusters in Schedule I (Marsden Valley), and on the in Schedule V (Marsden Hills), in the Higher Density Rural Small Holdings zone within Schedule V,~~ is encouraged in order to avoid dispersed development dominating the land form.’

**Amend** RU2.2.iA ‘For objectives and policies relevant to the Rural Small Holdings Zone (Schedule I) refer to RE4 Marsden Valley (Schedule I), Chapter 7. See also Objective RU4’

**Delete** RU4 Marsden Valley (Schedule I), including RU4.1 – RU4.6

**Insert** RU4 Marsden Valley (Schedule I)

For objectives and policies relevant to the Rural Small Holdings Zone (Schedule I) refer to RE4 Marsden Valley (Schedule I), Chapter 7.

**Delete the following in RUr.20 Permitted Activities General**

RUr.20.1 e) the activity is not an industrial or commercial activity, which is located within the High Density Small Holdings Area ~~or within the Marsden Valley Small Holdings Area~~. Here REr.21 (Home Occupations) applies.

**Add** to RUr.25.1 Vegetation Clearance

RUr.25.1 f) there is no clearance of indigenous vegetation, and

g) there is no clearance of vegetation within a biodiversity corridor unless it is a exotic species, or a species with a pest designation in the current Tasman-Nelson Regional Pest management Strategy, and providing an exception for vegetation clearance required for:

- i) maintenance of State Highways, or
- ii) the installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity and vegetation is reinstated after the activity has been completed, or
- iii) forming or maintaining vehicle access ways to land where there is no viable alternative access route available.

**Add** 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 Vegetation is specifically protected in biodiversity corridors to ensure their function as a corridor is not compromised through clearance.

Amend RUr.77 ~~Marsden Valley Small Holdings Area~~ (Schedule Site – Sch. ~~FI~~)

RUr.77.1 ...Sch. ~~FI~~.

RUr.77.2 ...Sch. ~~FI~~.

RUr.77.3 ...Sch. ~~FI~~.

RUr.77.4 ...Sch. ~~FI~~.

RUr.77.5 See Schedule Sch. ~~FI~~. ~~The schedules for this Zone follow after the rule table.~~ Schedule I follows after the Residential Zone rule table (Chapter 7)

**Amend** contents page

RUr.77 Marsden Valley ~~Small Holdings Area~~ (Schedule Site – ~~FI~~)

Amend **RUr. 78 as follows:**

RUr.78.2

e) The net area is...

iii) 1ha average size with a 5000m<sup>2</sup> minimum size except in Marsden Valley (Schedule ~~FI~~, Chapter 7), Marsden Hills...

**Add** RUr.78.2 h) In respect of Marsden Valley Schedule I, compliance with Schedule I rules requiring subdivision layout and design to generally accord with Schedule I, Figure 1 Structure Plan, located in Chapter 7 Residential Zone.

**Amend** RUr.78.2 control reserved over section,

iii) design and layout of the subdivision, and within Marsden Hills ~~High Density Rural Small Holdings zone~~ (Schedule V, Chapter 7) and Marsden Valley (Schedule I, Chapter 7) Rural – Higher Density Small Holdings Zone the design, utilization of clusters of development, with separated by open space separating clusters<sup>PC13</sup>, rather than a design which allows dispersed development, and

**Add** RUr.78.2 control reserved over section,

xiii) in Sch.I Marsden Valley area the matters contained in Schedule I and Schedule I, Figure 1.

**Delete** RUr.78.4 z)

**Delete** RUr.78.4 aa)

**Amend** RUr.78.4 bb) In Marsden Hills (Schedule V, Chapter 7), Marsden Valley (Schedule I, Chapter 7) and Ngawhatu Higher Density Small Holdings Areas, the extent of the provision of pedestrian and cycle linkages between Open Space area, Residential and High Density Small Holdings neighbourhoods, and neighbouring land, to ensure over time pedestrian and/or cycleway links connect up to the Barnicoat Walkway and extending between and within the Ngawhatu and Marsden Valleys, and Enner Glynn Valleys or as otherwise indicatively shown on Structure Plans or Outline Development Plans.

RUr.78.4  
cc) In the Marsden Hills (Schedule V), Marsden Valley (Schedule I), and...

dd) In the Marsden Valley (Schedule I), the provision for walking and cycling linkages with adjacent areas, including public roads, residential zones and recreation areas.

RUr.78.5  
In the Small Holdings Area an average...~~For the Marsden Valley Small Holdings Area, Schedule T applies.~~

**Delete** paragraph in RUr.78.5 starting with ‘In the Ngawhatu Higher Density Small Holdings area, the average lot size is...’

For the Marsden Hills Higher Density Small Holdings Area Schedule V (Chapter 7 Residential Zone) applies in addition to the zone rules. In Marsden Valley Schedule I (Chapter 7 Residential Zone), the Marsden Hills....

**Delete Sch.T Marsden Valley Small Holdings Area**

**Add** Sch I Marsden Valley

For provisions relating to Schedule I see Chapter 7, Residential Zone

**Volume 3 (appendices)**

**Amend AP2.1.1.ii**

W = Woodland (references to numbered woodlands and map symbology will be progressively updated).

**Amend** the following

**Appendix 2 Heritage Trees**

Category	Street No.	Address	Location	Type	Tree Name (latin)	Tree Name (common)	No. of trees
Landscape		Marsden Valley (road frontage)	Sch.I, Residential Zone	<del>GW</del>	<del>Woodland (W1)</del>	Mixed exotic	10
Heritage		Marsden Valley ( <del>road frontage</del> )	Sch.I Residential Zone	S	Cedrus deodara	Himalayan Cedar	1
Landscape		Marsden Valley ( <del>ridgeline</del> ) <u>(on minor ridge NE of, and parallel to Marsden Valley Road)</u>	Sch.I Residential Zone	W	Woodland (W2)	Woodland Mixed native species predominantly Kanuka = <u>excluding the conifer windbreak</u>	

Category	Street No.	Address	Location	Type	Tree Name (latin)	Tree Name (common)	No. of trees
Landscape		Marsden Valley	Sch.I Residential Zone & <del>Sch.T Rural Zone</del>	S	Tilia species	Lime	1
Landscape		Marsden Valley	Sch.I Residential Zone & <del>Sch.T Rural Zone</del>	S	Alnus cordata	Italian Alder	1
Landscape		Marsden Valley	Sch.I Residential Zone & <del>Sch.T Rural Zone</del>	S	Sequoiadendron giganteum	Californian Big Tree	1
Landscape		Marsden Valley	Sch.I Residential Zone & <del>Sch.T Rural Zone</del>	S	Picea species	Spruce	1
Landscape		Marsden Valley	Sch.I Residential Zone & <del>Sch.T Rural Zone</del>	S	Zelkova serrata		1
Landscape		Marsden Valley	Sch.I Residential Zone & <del>Sch.T Rural Zone</del>	S	Quercus rubra	Red Oak	1
Landscape		Marsden Valley	Sch.I Residential Zone & <del>Sch.T Rural Zone</del>	S	Betula nigra	River Birch	1
Landscape		Marsden Valley	Sch.I Residential Zone & <del>Sch.T Rural Zone</del>	S	Taxodium distichum	Swamp Cyprus	1
Landscape		Marsden Valley	Sch.I Residential Zone & <del>Sch.T Rural Zone</del>	S	Quercus rubra	Red Oak	1
Landscape		Marsden Valley	Sch.I Residential Zone & <del>Sch.T Rural Zone</del>	S	Alnus cordata	Italian Alder	1
Landscape		Marsden Valley	Sch.I Residential Zone & <del>Sch.T Rural Zone</del>	S	<del>Taxodium distichum</del> Metasequoia glyptostroboides	Swamp Cyprus - Dawn Redwood	1
Landscape		Marsden Valley	Sch.I Residential Zone & <del>Sch.T Rural Zone</del>	S	Betula species	Big Leaf Birch	1

Category	Street No.	Address	Location	Type	Tree Name (latin)	Tree Name (common)	No. of trees
Landscape		Marsden Valley	Sch.I Residential Zone & <del>Sch.T Rural Zone</del>	S	Betula species	Birch	1

## **PLANNING MAPS**

### **Volume 4**

Amend **Planning Maps 28, 31, 34, 54 and 55 (left hand side)** by showing revised overlay provisions as shown on **map 1 attached (Marsden Valley area)**

Amend **Planning Maps 28, 31, 34, 54 and 55 (right hand side)** by rezoning as shown on **map 2 attached (Marsden Valley area)**

Volume 1 - Maps

Delete **Figure 1 of Schedule I (Residential Zone)** and replace with the structure plan –**map 3 attached**

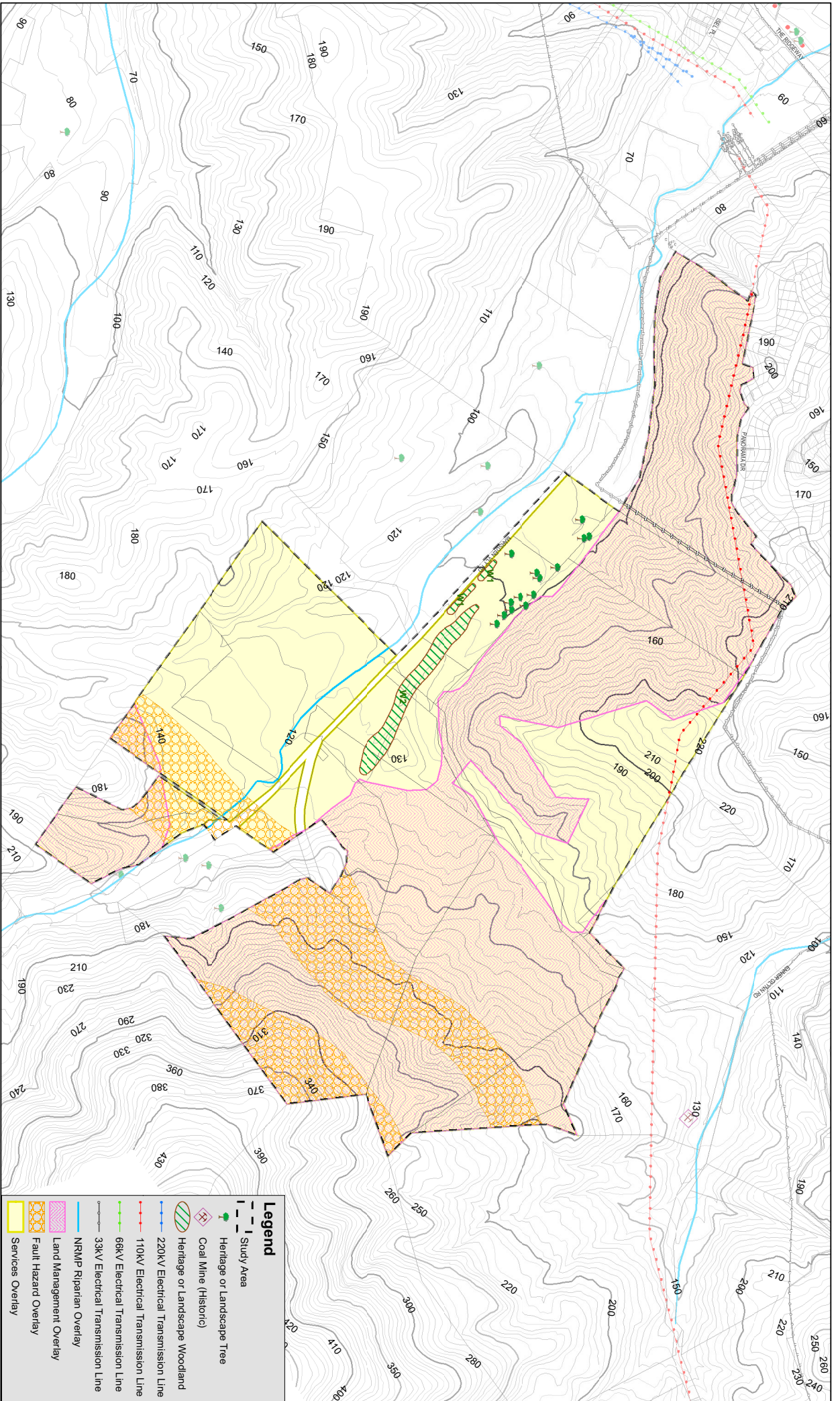
Volume 2 - Maps

Delete **Figure 1 of Schedule T (Rural Zone)**



# Plan Change 13 - Marsden Valley Rezoning

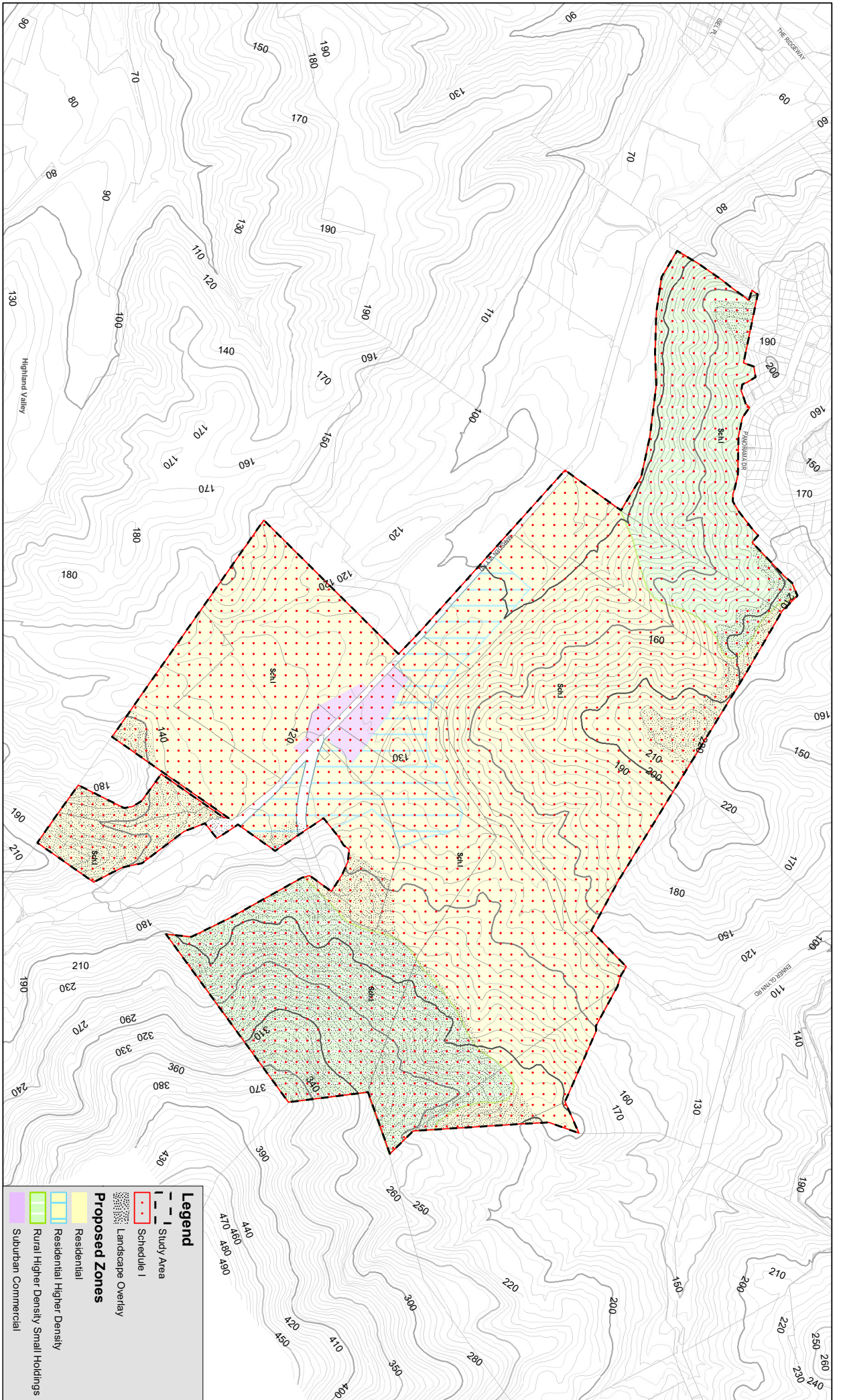
## Map 1 - Proposed NRMMP Overlays



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# Plan Change 13 - Marsden Valley Rezoning



**Legend**

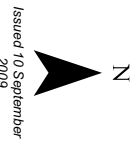
- Study Area
- Schedule 1
- Landscape Overlay

**Proposed Zones**

- Residential
- Residential Higher Density
- Rural Higher Density Small Holdings
- Suburban Commercial



Scale 1:17,500

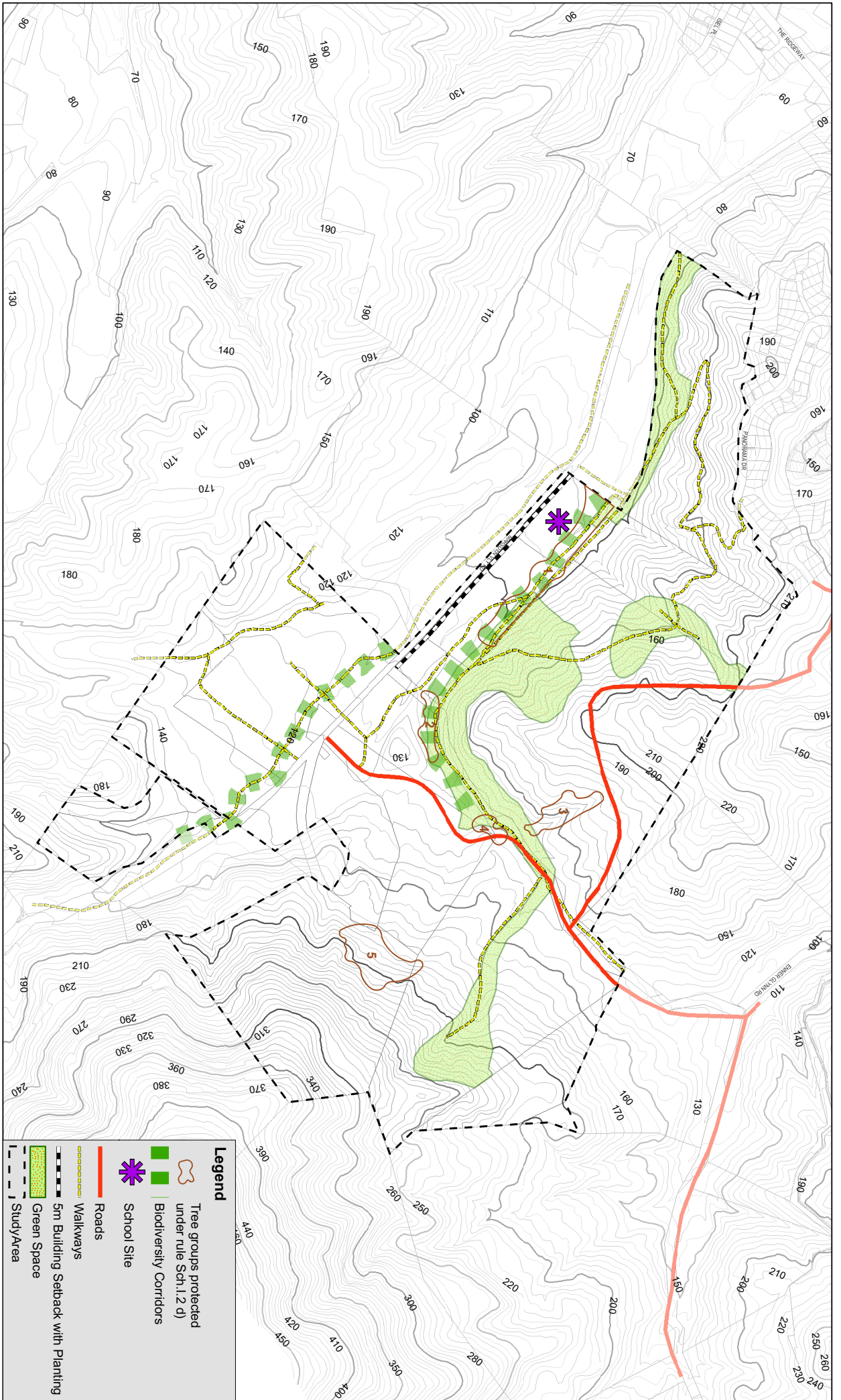


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# Plan Change 13 - Marsden Valley Rezoning

## Map 3 - Proposed Structure Plan



Legend	
	Tree groups protected under rule Sch.1.2 (d)
	Biodiversity Corridors
	School Site
	Roads
	Walkways
	5m Building Setback with Planting
	Green Space
	Study Area

Scale 1:17,500

0 100 200 300 400 500 m

Issued 10 September 2009

N

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