

# NELSON CITY COUNCIL

## **Nelson Resource Management Plan**

Proposed Plan Change 17  
Enner Glynn and Upper Brook Valley Rezoning and  
Structure Plan

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

**Date of hearing**  
14 and 15 September 2011





# Table of Contents

|  |           |
|--|-----------|
| <b>Part A</b>  | <b>7</b>  |
| <b>1. INTRODUCTION</b>                                     |           |
| Reporting Officer  | 7         |
| Resource Management Issues                                 | 7         |
| Overview of proposal                                       | 8         |
| Purpose of this Officer Report                             | 9         |
| Structure of Report  | 9         |
| <b>2. CONSULTATION</b>                                     | <b>10</b> |
| <b>3. OVERVIEW OF PROPOSED PLAN CHANGE</b>                 | <b>11</b> |
| Site and Locality  | 11        |
| Scope of the proposed Plan Change                          | 11        |
| General Approach   | 12        |
| <b>4. NOTIFICATION, SUBMISSION AND FURTHER SUBMISSIONS</b> | <b>15</b> |
| Notification   | 15        |
| Submissions Overview                                       | 16        |
| <b>5. STRUCTURE AND ASSESSMENT OF ISSUES (PART B)</b>      | <b>18</b> |
| <b>6. STATUTORY CONSIDERATIONS</b>                         | <b>18</b> |
| Resource Management Act 1991                               | 19        |
| Regional Policy Statement                                  | 23        |
| Iwi Planning Documents                                     | 25        |
| Any other relevant planning documents                      | 26        |
| <b>7. CONCLUSION</b>                                       | <b>26</b> |
| <b>Part B</b>  | <b>29</b> |
| <b>SUBMITTER INDEX</b>                                     | <b>29</b> |

|  |           |
|--|-----------|
| <b>RECOMMENDATIONS ON SUBMISSIONS</b>  | <b>35</b> |
| Topic 1: Plan provisions on Biodiversity and Eco-sourcing  | 35        |
| Topic 2: Zoning placement and extent   | 65        |
| Topic 3: Services: Stormwater, Wastewater, Potable Water   | 75        |
| Topic 4: Roading connections, placement and traffic effects  | 79        |
| Topic 5: Transmission Lines  | 93        |
| Topic 6: Landscape Overlay – Placement and extent  | 99        |
| Topic 7: Walkway and cycleway connections  | 101       |
| Topic 8: Miscellaneous   | 111       |
| <br>   |           |
| <b>PART B, APPENDICES</b>  |           |
| <u>Appendix 1</u> , Liz Gavin (nee Kidson), Kidson Landscape Consulting Ltd, Plan Change 17 – Enner Glynn and Upper Brook Valley Structure Plan – Evidence regarding landscape issues raised in submissions, 15 August 2011.   | 121       |
| <u>Appendix 2</u> , Dr Philip Simpson, Nelson City Council Plan Change 17: Biodiversity Corridors  | 129       |
| <u>Appendix 3</u> , Nelson City Council, 2006/2007 Survey of Areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna – Ecological Significance Assessment Report.<br>Site Number: 135 'Enner Glynn Bush'<br>Surveyed by Michael North, August 2007 | 137       |
| <u>Appendix 4</u> , John McCartin, Natural Systems Design Limited, Marsden Valley to the Brook Structure Plan – Drainage and Watercourse Impacts Assessment Report, 10 March 2009.   | 155       |
| <u>Appendix 5</u> , Andrew James – Proposed Plan Change 17, 13 July 2011-09-02   | 163       |
| <u>Appendix 6</u> , Britta Hietz – Pedestrian and Cycle links: Nelson East, 22 March 2010  | 169       |
| <u>Appendix 7</u> , Reuben Peterson – Photos from York Valley Quarry Site Visits 9 August and 26 August 2011   | 173       |
| <u>Appendix 8</u> , Titles for Sharon Higgins (149 Enner Glynn, Lot 1 – 2, DP 3418, Identifier NL94/91) and Edna McLaughlin, John McLaughlin and Glasgow Harley Trustee Limited (Lot 3 – 4 DP 3418 and Part Lot 26 – 27 DP 210, Identifier NL94/92)                                | 177       |
| <u>Appendix 9</u> , Map showing requested area of Residential Zoning from Submission 11.3 Sharon Higgins and Tony Singleton.<br>Map showing requested Landscape Overlay modifications from Submission 11.8 Sharon Higgins and Tony Singleton.                                      | 183       |
| <u>Appendix 10</u> , Schedule R, York Valley Quarry, Nelson Resource Management Plan Designation DN 1, York Valley Landfill, Nelson Resource Management Plan   | 187       |

## Part C

### RECOMMENDED AMENDMENTS TO NOTIFIED PLAN CHANGE

195

## Related Documents

Plan Change 17: Proposed Plan Amendments

Plan Change 17: Section 32 Report, including addendum to Section 32 Report

Plan Change 17: Summary of Decisions Requested

These documents are available online at:

<http://www.nelsoncitycouncil.co.nz/proposed-plan-change-17/> or by contacting Council on 03 5460200



# PART A

## PROPOSED PLAN CHANGE 17 - Enner Glynn and Upper Brook Valley Rezoning and Structure Plan

### 1. INTRODUCTION

#### Reporting Officer

- 1.1. My name is Reuben Peterson. I am employed by Nelson City Council in the role of Planning Adviser. I have been with the Council for 8 years, 4 as a Consents Planner and the remainder in my current role.
- 1.2. I have a Bachelor of Resource Studies (Hons) from Lincoln University.
- 1.3. I have been involved in this Plan Change from the beginning and have led the process through the notification period.
- 1.4. Written evidence in response to specific submission points is provided by Liz Kidson – Landscape Architect and Dr Philip Simpson – Ecologist, both of whom will be present at the hearing. Their reports are attached as Part B, Appendix 1 and 2 respectively.
- 1.5. Also available are Nelson City Council staff Andrew James, Manager of Transportation, Phil Ruffell, Utilities Manager, and Britta Hietz, Planning Adviser. Each of these people have provided their expert opinion in relation to the submission points relevant to their field, will attend the relevant submitter's presentations and are available to answer questions of the Commissioners.

#### Resource Management Issues

- 1.6. The Section 32 Resource Management Act 1991 (RMA) report states '*The principle issue giving rise to 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 submissions made on the proposed Plan Change and discussed in Part B of this report.
- 1.7. Chapter 4 'Resource Management Issues' of the Nelson Resource Management Plan (the Plan) includes existing operative issues. The proposed Plan Change does not add to or alter any of these issues within the Plan. The operative issues of particular relevance to the issue statement above and to this proposed Plan Change are:

## **RI5 Landscape, seascape and open space values**

*RI5.1.i Adverse visual effects on the remote backdrop to the District through structures, tracking, land clearance, and planting technique.*

*RI5.1.ii Adverse visual effects on key landscape and open space features within the urban area resulting from development on ridgelines, in important view shafts or encroaching on riparian open space.*

## **RI6 Natural Features**

*RI6.1.i Degradation of the integrity and extent of natural features under development pressure involving, for example, clearance of indigenous vegetation, drainage of wetlands, watercourse disturbances, human occupation and pollution.*

*RI6.1.ii Degradation of the natural character of rivers and the coastal environment.*

## **RI11 Efficient use of natural and physical resources**

*RI11.1.i Balancing the potential adverse effects of highly efficient and intensive land use on amenity and other matters against inefficient use of physical resources such as infrastructure.*

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

## **RI16 Competing demands or values attributed to resources**

*RI16.1.ii Environmental conflicts between activities, for example, commercial development encroaching into inner city residential areas, or urban sprawl into rural areas.*

*RI16.1.iv Land use conflicts arising from 'public' values held over private property, for example landscape values or heritage values.*

*RI16.1.vi Recognition of the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, and of the principles of the Treaty of Waitangi.*

## **Overview of Proposal**

- 1.8. Proposed Plan Change 17 is a continuation of the structure plan work initiated in Marsden Valley under Plan Change 13 – Marsden Valley Rezoning and Structure Plan. Proposed Plan Change 17 considers the resource management issues outlined above and provides a 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. The proposed Plan Change reviews zoning patterns to provide for levels of rural and residential development that are suitable for the location and the context in which it exists. It is accompanied by consideration of the existence and location of Nelson Resource Management Plan (The Plan) overlays in the area, and connections such as roads, walkways / cycleways and Biodiversity Corridors.
- 1.9. Proposed Plan Change 17 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.

## **Purpose of this Officer Report**

- 1.10. This officer report has been prepared under Section 42A of the Resource Management Act 1991 (RMA) to assist:
- the Hearing Committee in making its recommendations to Nelson City Council on the submissions and further submissions to Proposed Plan Change 17 – Enner Glynn and Upper Brook Valley Rezoning and Structure Plan to the Nelson Resource Management Plan (the Plan);
  - the submitters and further submitters who requested to be heard, by providing, prior to the hearing, a staff evaluation of decisions requested in submissions.
- 1.11. The evaluations and recommendations presented in the report are based on the information available prior to the hearing, including that contained in the submissions and further submissions. In evaluating the submissions and further submissions, the matters considered include whether a decision requested:
- falls within the functions of Nelson City Council under the RMA;
  - will enhance the ability of the Plan to achieve the purpose of the RMA;
  - will improve a policy, rule or other method so that it is more efficient and effective for achieving the relevant objectives;
  - will improve the Plan in relation to such matters as its lawfulness, clarity, accuracy, effectiveness, and coherence.
  - falls within the scope of the Proposed Plan Change.

## **Structure of Report**

- 1.12. The report is divided into the following sections:

### **Part A**

- Introduction
- Background and Consultation
- Overview of Proposed Plan Change
- Notification and Submissions
- Assessment of Issues
- Statutory Assessment
- Conclusions

### **Part B**

- Submitter Index
- Recommendations on Submissions
- Appendices

### **Part C**

- Recommended amendments to notified Plan Change.

## 2. CONSULTATION

- 2.1. A full summary of the process up until notification of the proposed Plan Change is set out in Section's 2.1 'Background to Issue', 3.0 'Approach to Plan Change' and 4.0 'Consultation' of the Section 32 Report.
- 2.2. A summary of the consultation and Plan Change process up until notification is set out below:
- Marsden Valley private Plan Change request adopted by Council, with resolution to investigate expanding the scope to include Enner Glynn and Upper Brook Valley's (July 2008)
  - Council resolves to widen scope of the proposed Plan Change to include Enner Glynn and Upper Brook Valley (October 2008)
  - Letter, timeline, information and map sent to landowners (November 2008)
  - Site visits (February 2009)
  - Newsletter 1 released with information on the process, feedback invited (April 2009)
  - Council receives request to notify areas of Marsden Valley subject to the original private Plan Change request ahead of the wider land area now included in the project scope. Resolution of Council accepts request (July 2009)
  - Newsletter 2 released with further information to keep people up to date, and to provide copies of the discussion maps, feedback invited (July 2009)
  - Public meeting to discuss proposals of zoning, with particular focus on Enner Glynn and Upper Brook Valley project (23 July 2009)
  - Ongoing consultation with individual landowners – Enner Glynn and Upper Brook valleys.
  - Newsletter 3 released with further information for landowners and updated copies of the discussion maps, feedback invited (March 2010)
  - Notification (25 September 2010)
- 2.3. Throughout this process, other parties were consulted as required under Clause 3 of Schedule 1 of the RMA, including the Minister for the Environment, and tangata whenua of the area.
- 2.4. Since notification and in preparation of this Officer's Report further site visits have been carried out to better understand the nature of the submissions. These were on: - 6<sup>th</sup> July 2011 to assess Landscape Overlay and Biodiversity Corridor issues raised by submitters, - 8<sup>th</sup> August 2011 to visit the York Valley Quarry, - 26<sup>th</sup> August 2011 to observe blasting at the quarry from both the Council forestry road to the clean water reservoir on Brook and Enner Glynn Saddle and from David and Donna Butler's property.

### 3. OVERVIEW OF PROPOSED PLAN CHANGE

#### Site and Locality

- 3.1. The land subject to this proposed Plan Change is diverse and is primarily located in two distinct catchments. The Enner Glynn Valley catchment connects with the Enner Glynn suburb and on to Stoke; while 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.
- 3.2. Enner Glynn Valley narrows from soon after the Newman Drive turn off. This is considered to be the start of the valley proper and is where the proposed Plan Change boundary commences. The valley is narrow along its length, with high ridges on either side, the steep slopes of which almost meet at the road in the valley floor. The valley floor contains Jenkins Stream and the gravel Enner Glynn Road, with limited grazing land. The lower part of the valley contains some private dwellings on the valley floor and the lower slopes. Scattered private residences are located in the valley, primarily on the upper parts of the south facing slopes and at the head of the valley.
- 3.3. The upper part of Enner Glynn Valley broadens out and climbs gently to the saddle with Marsden Valley and more steeply to the saddle with Brook Valley. The head of the valley climbs increasingly steeply up the slopes of Jenkins Hill which forms the prominent backdrop to the area. The central and upper parts of these slopes are generally in scrub and regenerating bush while the lower slopes are in pasture interspersed with trees and other vegetation.
- 3.4. The Brook Valley is visually separate from Enner Glynn Valley. The lower portion is gentle land accessed by private right of way from the Brook Valley Road just below the campground. This part of the valley is wider than the lower central part which is outside of the Plan Change area. The valley climbs and narrows towards the saddle with Enner Glynn Valley. There are some private residences in the valley and the land is generally in pasture interspersed with trees and other vegetation.
- 3.5. The Brook Valley also continues up to the saddle with York Valley which contains the quarry operations (outside of the proposed Plan Change area) around the saddle and the Nelson City Council landfill on the Bishopdale side of the saddle. York Valley itself is partially within the Plan Change area and contains the two uses mentioned above, plus pine plantations which have been recently logged. There is residential housing in Bishopdale at the mouth of the valley and outside of the Plan Change area. The land between York Valley and Enner Glynn Valley is elevated and generally farmed or planted in pine.
- 3.6. The individual parcels of land in Marsden Valley that are subject to this proposed Plan Change are isolated from the remainder of this proposed Plan Change area but form part of the wider structure plan development.
- 3.7. Maps showing the area subject to this proposed Plan Change, including the proposed Zoning, Overlays and the Structure Plan are included in the notified version of the Plan amendments. The amended maps as per officer's recommendations, based on submissions received, are contained in Part C of this report.

#### Scope of the proposed Plan Change

- 3.8. The scope of the proposed Plan Change is set out in full in the Plan Change documentation as notified. This 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)

## **General Approach**

- 3.9. Nelson City Council completed the Nelson Urban Growth Strategy 2006 (NUGS) which considered areas of Nelson which could be suitable for accommodating future residential growth. 'The Stoke Foothills', of which Enner Glynn and the upper Brook valleys are a part, was identified as one of these areas. The valleys, and the saddles and plateaus in between were all recognised as being suitable for some level of development as they can be serviced, and they are close to existing infrastructure and communities.
- 3.10. It was recognised that the current operative zoning pattern does not provide for the level of development envisaged through NUGS.
- 3.11. A structure plan approach to providing for growth has been undertaken to ensure that a planned and integrated zoning pattern is established and appropriately applied throughout the area. The development of this structure plan also incorporated Marsden Valley to the south which was initiated by a private Plan Change application. The purpose of broadening this application out to include Enner Glynn and Upper Brook Valley was to ensure that zoning, overlays, connections and servicing was considered on a wider scale than just the land subject to this Plan Change. The Marsden Valley portion of the Structure Plan was notified as Plan Change 13 (now operative), while the Enner Glynn and Upper Brook Valley portion forms this proposed Plan Change 17.
- 3.12. The approach to the zoning pattern was to ensure that land was zoned to allow for the level of residential density suitable to the location. The land subject to this plan change had a number of constraints which limits the potential density, and as a result a large portion of the area is shown as 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 through out the plan change area.
- 3.13. While spatially Plan Change 17 is limited to the Enner Glynn and Upper Brook valleys, and portions of Marsden Valley not included in the scope of Plan Change 13 – Marsden Valley, it does include some 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. Plan Change 17 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 will enhance the understanding and implications of structure planning as a regulatory method.

- 3.14. All relevant Plan zoning, overlays and connections are included in this Plan Change 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.
- 3.15. The structure plan as proposed will be 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 will include rules specific to this site.
- 3.16. The Section 32 report contains a description of the options considered for providing the approach outlined above, while the associated Plan Amendments document contains the changes as proposed to appear in the Plan text. A summary of these proposed changes is provided below.

### **Meaning of Words**

- 3.17. New definitions have been included in order to define terms introduced into the Plan by way of this proposed Plan Change. These include:
  - 3.17.1. 'Biodiversity Corridor' describes the purpose and minimum width expected of a Biodiversity Corridor.
  - 3.17.2. 'Eco-sourced' definition relates to plants that are grown from seeds of propagules collected from naturally occurring vegetation in a locality close to where they are replanted.
  - 3.17.3. 'Generally Accord' is defined as a specific term in relation to the implementation of structure plans or outline development plans. It sets out that items shown must be provided for, but that their locations 'generally accord' with that shown.
  - 3.17.4. 'Structure Plan or Outline Development Plan' explains that these plans are a mapped framework showing land use patterns, areas of open space, infrastructure and is often across properties of multiple ownership. Both terms are grouped here as meaning the same thing because earlier plan changes have used the term outline development plan while this plan change uses structure plan.

### **Administration**

- 3.18. A new section is included in the Administration chapter to provide guidance and explanation on the use of structure plans and outline development plans with the Plan. It also further explains how to use and interpret items shown on these plans, such as Roads, Walkways, and Biodiversity Corridors.

### **Objectives and Policies**

- 3.19. District wide objectives and policies: The proposed Plan Change provisions are considered to fit within the current district wide objectives and policies, therefore the proposed changes relate to the reasons, explanations, and methods only. These are with the purpose of providing explanation and reasoning for how the new concept of 'Biodiversity Corridors' fits into the current Plan objectives and policies. Changes also relate to the provision of connections for pedestrians, cycles and vehicles. As the proposed Plan Change involves rezoning and

developing a Structure Plan for a wide area of land covering a number of issues many of the existing District Wide objectives and policies within the Plan are relevant. Specific objectives and policies relevant to submission points will be highlighted in the Officer's Comment sections in Part B of this report.

#### Zone specific objectives and policies

- 3.20. Rural: Amendments to the explanations and reasons for the existing objectives and policies are proposed to ensure accuracy of statements within the Plan. The zoning and structure plan changes proposed have resulted in some text becoming redundant whilst improved clarity is desired in others. A new policy is inserted to provide direction within the Plan around managing reverse sensitivity effects between new connections and existing land uses.

#### **Rules**

- 3.21. There are changes to existing rules within the Residential and Rural Zones, plus new rules specifically relating to the Plan Change area which are contained within the schedule for the area.

#### Residential Zone:

- 3.22. REr.59 'Vegetation Clearance': Additions to include proposed Biodiversity Corridors in the scope of this rule which enables the clearance of vegetation to be managed.
- 3.23. REr.106C 'Enner Glynn and Upper Brook (Structure Plan – Schedule W)' is a new rule to specifically refer to the new schedule applying to the area.
- 3.24. REr.107 'Subdivision – General': Additions to the subdivision rule to ensure that the provisions within schedules and structure plans are provided at the time of subdivision.

#### Rural Zone

- 3.25. RUr.25 'Vegetation Clearance'. Additions to include proposed biodiversity corridors in the scope of this rule which enables the clearance of vegetation to be managed.
- 3.26. RUr.27 'Earthworks'. Changes to the rule to ensure earthworks do not compromise the achievement of an indicative road or walkway / cycleway shown in a Structure Plan.
- 3.27. RUr.28 'Buildings (all)'. Changes to the rule to ensure buildings do not compromise the achievement of an indicative road or walkway / cycleway shown in a Structure Plan.
- 3.28. RUr.77B 'Enner Glynn and Upper Brook (Structure Plan – Schedule W)' is a new rule to specifically refer to the new schedule applying to the area.
- 3.29. RUr.78 'Subdivision - General'. Additions to the subdivision rule to ensure that the provisions within schedules and structure plans are provided at the time of subdivision.
- 3.30. Schedule W 'Enner Glynn and Upper Brook Valley': The proposed provisions contained within Schedule W are the main body of rules which specifically relate to the land area subject to this Plan Change. All other relevant zone rules still apply unless specifically stated otherwise. This approach was taken as Schedules are a common method used in the Plan to provide a specific set of rules which are only applicable to the area concerned. The area subject to this Plan Change has a specific set of rules proposed for two reasons:

- To incorporate the zoning pattern and specific connections shown on the associated Structure Plan.

- To introduce a suite of Plan provisions which modify the outcomes generally expected in the relevant zones elsewhere in the district.

3.31. The rules contained in Schedule W:

- 3.31.1. require that subdivision design shall generally accord with the Structure Plan. This ensures that the desired pattern of development is achieved regardless of how it is staged, or who carries it out.
- 3.31.2. prevent buildings from being constructed within the Biodiversity Corridors.
- 3.31.3. Provide for the Biodiversity Corridors, in particular relating to the type of vegetation expected and to the activities that can occur within a Biodiversity Corridor.

## Planning Maps

- 3.32. Planning Maps 28, 31, 34, 54 and 55 (left hand side) show the revised overlay information and includes additional land within Marsden Valley that is to be subject to Schedule I and its related rules.
- 3.33. Planning Maps 28, 31, 34, 54 and 55 (right hand side) show the revised zoning and the Landscape Overlay and includes additional land within Marsden Valley that is to be subject to Schedule I and its related rules.
- 3.34. The revised Schedule W Structure Plan map is inserted into Chapter 12, Rural Zone.

## 4. NOTIFICATION, SUBMISSIONS AND FURTHER SUBMISSIONS

### Notification

- 4.1. The proposed Plan Change was publicly notified on 25 September 2010, with submissions closing on 3 December 2010. Twenty submissions were received.
- 4.2. 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.
- 4.3. In the case of Submission 18 this was 1.5 hours late (0 working days late), Submission 19 was received 5 December, 9pm (0 working days late) and Submission 20 was received 17 January 2011 (15 working days late).
- 4.4. As submissions closed 5pm Friday 3<sup>rd</sup> December 2010 and Submissions 18 and 19 were both received prior to the start of the business on Monday 6<sup>th</sup> December 2010 there was no possible disadvantage to any other party or to the process I recommend that pursuant to Section 37 of the RMA 1991, the Hearing Committee recommend to Council that it grants a waiver of time to accept the late submissions for consideration in the Plan Change process.
- 4.5. Submission 20 was received 15 working days late and the following reasons were given by the submitter:  
  
*Note: It is noted that this submission is late given that documentation led us to believe that we were unable to submit on this matter, e.g. 'The reader should be aware that operative provisions that are not proposed to be changed are unable to be submitted on' (proposed plan amendments p. 2) which also appeared on the submission form. No zoning change was proposed for the Upper Brook Valley. We have received clarification from staff that our submission is relevant and we appreciate the opportunity to submit and hope that this late submission is accepted. Lateness in no way reflects any lack of interest in the issue.*
- 4.6. The submission has been summarised in the 'Summary of Decisions Requested Document' notified on 22 January 2011 as: Submission 20.1 *Amend Planning*

maps to rezone an area of Upper Brook Valley as Rural (High Density Small Holdings). Area to be defined in consultation to avoid any risk of 'quarry sensitivity', and Submission 20.2 Retain Biodiversity corridors, indicative walkways and indicative road (Upper Brook Street to Landfill Road) – as on planning maps.

- 4.7. This late submission was received prior to the notification of decisions requested and therefore all parties had the ability to lodge a further submission on the issue, and in my view this caused no delay or disadvantage to any party. I therefore recommend that this late submission is also included in the granting of a waiver of time under Section 37 of the RMA 1991 as per section 4.4 above.
- 4.8. A summary of the decisions requested was notified on 22 January 2011 and closed on 4 February 2011, 12 further submissions were received.

### Submissions Overview

- 4.9. The table below provides list of the submissions and further submissions received:

| Submission Number | Submission Name                                    | Further Submission Number | Further Submission Name           |
|-------------------|--|---------------------------|-----------------------------------|
| 1                 | Tiakina Te Taiao Ltd                               | X1                        | Marsden Park Limited              |
| 2                 | Marsden Park Limited                               | X2                        | Dugald and Janette Ley            |
| 3                 | Fulton Hogan Limited                               | X3                        | Donna Kay Butler                  |
| 4                 | Gibbons Holdings Limited                           | X4                        | Lindy Kelly                       |
| 5                 | Dugald and Janette Ley                             | X5                        | Kirsty Stewart                    |
| 6                 | Transpower New Zealand Limited                     | X6                        | Ruth Kelly                        |
| 7                 | Rosalie Barbara Higgins                            | X7                        | Amy and Paul Shattock             |
| 8                 | Royal Forest and Bird Protection Society of NZ Inc | X8                        | Richard Sullivan                  |
| 9                 | Department of Conservation                         | X9                        | Rosalie Higgins                   |
| 10                | Tamika Simpson                                     | X10                       | Sharon Higgins and Tony Singleton |
| 11                | Sharon Higgins and Tony                            | X11                       | Gibbons Holdings Limited          |

|    |                                   |
|----|-----------------------------------|
|    | Singleton                         |
| 12 | Kirsty Stewart                    |
| 13 | Amy and Paul Shattock             |
| 14 | Richard Sullivan                  |
| 15 | Ruth Kelly                        |
| 16 | Lindy Kelly                       |
| 17 | C. I. Hurley and I. L. T Turner   |
| 18 | Glenn Stewart and Shelley t'Hooft |
| 19 | Mark Pyers                        |
| 20 | David and Donna Butler            |

|     |                      |
|-----|----------------------|
|     |                      |
| X12 | Fulton Hogan Limited |

4.10. The general breakdown of submissions is:

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

4.11. Main issues in support are:

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

4.12. The main issues in opposition are:

- 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

- 4.13. As has been discussed in Section 1.8 of this report proposed Plan Change 17 'Enner Glynn and Upper Brook Valley Re-zoning and Structure Plan' is related to Plan Change 13 'Marsden Valley Re-zoning and Structure Plan'. This relationship has resulted in some Plan provisions being included in both Plan Changes and the decision making process for Plan Change 13 (now operative) and the further consultation and development of proposed Plan Change 17 introduced some areas of these provisions which are now inconsistent between the two Plan Changes. It is intended that, within the scope of submissions, any conflict between the two is resolved through proposed Plan Change 17. This issue is raised by Submitter 2 'Marsden Park Limited' and is discussed in Planning Officer Comment #33 in Part B of this report.

## **5. STRUCTURE OF ASSESSMENT OF ISSUES (PART B)**

- 5.1. In Part B to this report I address each of the submission points raised. The submission points are grouped by topic. Within this topic grouping each point made by individual submitters is included along with relevant further submissions. I then discuss the submission points made and make a recommendation on each item. Recommendations for amendments, additions or deletion to text have been made. These are generally shown with the proposed text as per Plan Change 17 shown as it appeared at notification, ie. text to be removed ~~struck through~~, and text to be added underlined. The recommended amendments as a result of submissions are shown as text to be removed ~~struck through~~, and text to be added underlined.
- 5.2. In some cases a submission point or the recommendation covers multiple topics. In these cases I provide cross references and notes to explain where further, or otherwise relevant, discussion occurs. If in doubt the full submission or further submission shall prevail.
- 5.3. For ease of reference an index of submission and further submission points is provided at the start of Part B.
- 5.4. The Topics are:
- Topic 1: Plan Provisions on Biodiversity & Eco-Sourcing
  - Topic 2: Zoning placement or extent
  - Topic 3: Services: Stormwater, Wastewater, Potable water
  - Topic 4: Roading connections, placement and traffic effects
  - Topic 5: Transmission Lines
  - Topic 6: Landscape Overlay - Placement and extent
  - Topic 7: Walkway and cycleway connections
  - Topic 8: Miscellaneous

## **6. STATUTORY CONSIDERATIONS**

- 6.1. The relevant statutory considerations are set out below, with my assessment of the proposed Plan Change. As Nelson City Council is a unitary authority the items in both Section 66 and 74 (1) are relevant.

### **Resource Management Act 1991, Section 66**

- 6.2. Section 66 of the RMA requires that a regional council prepare and change its regional plan in accordance with:

- *Its functions under section 30, and*
- *Provisions of Part 2, and*
- *A direction given under section 25A(1), and*
- *Its duty under section 32, and any regulations.*

### **Resource Management Act 1991, Section 74(1)**

- 6.3. 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.*
- 6.4. An assessment of the consistency of the Plan Change with each provision identified is carried out below.

### **Section 30**

- 6.5. Section 30 outlines the functions of a regional council for the purpose of giving effect to the RMA in its region. Of specific relevance to this proposed Plan Change is:
- c) the control of the use of land for the purpose of:*
- ii) the maintenance and enhancement of the quality of water in water bodies and coastal water.*
- iiia) the maintenance and enhancement of ecosystems in water bodies and coastal water*
- 6.6. The proposed Plan Change 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. The proposed Plan Change 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. Additionally I consider that these changes and the proposed Plan Change as a whole is consistent with the Freshwater Plan as incorporated within the Nelson Resource Management Plan.

### **Section 31**

- 6.7. 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.*

6.8. I consider the proposed Plan Change is an appropriate response to Council's obligations under Section 31 of the Act. In particular it 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.

## **Part 2**

6.9. 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.*

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

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

6.11. This proposed Plan Change has been developed, in conjunction with land owners in the Plan Change 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 Plan Change area (and neighbouring Valleys) to provide for some of Nelson's predicted population growth.

6.12. In my opinion the proposed Plan Change achieves this growth vision in a manner which meets the purpose and principles of the RMA. The use and development of the land under this proposed Plan Change 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.

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

6.14. The proposed Plan Change provisions allows 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.

6.15. 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.

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

6.16. Section 25A (1) and (2) provides for a Minister to direct a regional council or territorial authority to prepare a Plan, a Plan Change or a variation. No direction has been given by a Minister and therefore this provision is not relevant to this Plan Change.

## Section 32

- 6.17. Before adopting for public notification any objective, policy, rule or other method promoted through this proposed Plan Change, 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.
- 6.18. A Section 32 assessment was prepared and made available as part of the public notification process of this proposed Plan Change. This assessment is carried out through considering the benefits, costs, effectiveness and efficiency, and risk of acting or not acting if there is uncertainty or insufficient information for the main components of the proposed Plan Change.
- 6.19. In terms of the direction of this proposed Plan Change the Section 32 assessment found that the most appropriate and efficient way of providing for, and managing the effects of growth was through a combination of zoning, 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.

## Section 66(2A) and 74(2)

- 6.20. Section 66(2A), and 74(2), (2A) and (3) sets out the matters that a territorial authority shall have regard to when changing its Plan. The relevant matters for this hearing are:
- Nga Taonga Tuku Iho Ki Whakatu Management Plan, June 2004, being the planning document recognised by an iwi authority and lodged with Council. This is discussed further in Section 6.37 – 6.41.
  - Council has not had any regard to trade competition or the effects of trade competition when developing this Plan Change.

## Section 67

- 6.21. 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.*

## Section 75

6.22. 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

6.23. The National Policy Statement on Electricity Transmission (NPSET) has been taken into account in developing this Plan Change. Specifically, the NPSET requires local authorities to give effect to Policies 10 and 11, which require them to manage adverse effects caused by development near high-voltage transmission lines. Nelson City Council is required to initiate a separate Plan Change which gives effect to NPSET by April 2012. The Plan Change will cover all areas affected by transmission lines. This holistic approach is considered to give a better and more comprehensive result than applying provisions to individual areas over time.

## Regional Policy Statement (RPS)

6.24. The Nelson RPS became operative in 1997. It contains a number of objectives and policies relevant to the Plan Change which are contained in:

- Chapter 6 Development and Hazards; and
- Chapter 7 Natural and Amenity Values; and
- Chapter 14 Infrastructure.

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

### (i) Chapter 6 Development and Hazards

6.26. 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.*

6.26.1. *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 of smelly activities;*

*v) susceptibility to natural hazards;*

...

6.26.2. 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.*

6.27. The proposed Plan Change 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 Plan Change boundaries. The remainder of the Plan Change area consists of Rural and Rural Small Holdings zonings. This pattern enables continued rural activities, and the sustainable management of natural and physical resources. This matter has been further discussed in sections 6.11 – 6.15 of this report. The proposed Plan Change 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. Without addressing these provisions of the RPS it is considered that the Plan would not give effect to the RPS as required by the RMA.

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

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

6.29. 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.*

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

6.29.2. 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.*

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

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

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

6.31.2. 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.*

6.32. 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.*

- 6.33. 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.*
- 6.34. The proposed Plan Change 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) the proposed Plan Change 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. Without addressing these provisions of the RPS it is considered that the Plan would not give effect to the RPS as required by the RMA.

### **(iii) Chapter 14 Infrastructure**

- 6.35. 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.*
- 6.35.1. Policy IN2.3.1 *To promote the development of transportation systems which:*
- i. Meet community needs for accessibility;*
  - ii. Use energy efficiently;*
  - iii. Discourage dispersed development;*
  - iv. Avoid or reduce adverse effects on human health, water, soil, air and ecosystems; and*
  - v. Are consistent with the provisions of Part II of the Act and the New Zealand Coastal Policy Statement.*
- 6.35.2. Policy IN2.3.5 *To encourage walking and cycling as alternatives to the use of private motorcars.*
- 6.36. Transport connections within the proposed Plan Change 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. Without addressing these provisions of the RPS it is considered that the Plan would not give effect to the RPS as required by the RMA.

### **Iwi Planning Documents**

- 6.37. 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.

- 6.38. The Iwi Management Plan has objectives for urban planning and land management.
- 6.39. This proposed Plan Change supports identified tangata whenua values as stated in the Nga Taonga Tuku Iho Ki Whakatu Management Plan. In particular Value 5.2.3 'Protecting indigenous habitats, biodiversity and associated matauranga' is supported by the Riparian Overlay protection of Jenkins Stream and through the use of Biodiversity Corridors.
- 6.40. The proposed Plan Change also helps to achieve the tangata whenua vision comprised of a number of desired outcomes in section 5.3.1 of the Nga Taonga Tuku Iho Ki Whakatu Management Plan. 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.
- 6.41. The Structure Plan approach 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 provisions stated in section 6.34 of this report.

#### **Any other relevant planning documents**

- 6.42. The Nelson Biodiversity Strategy is relevant to the proposed Plan Change, particularly in relation to the proposed Biodiversity Corridor provisions and the requirements for eco-sourcing. The Strategy states Goal 1, Active Protection of Native Biodiversity, '*Nga taonga tuku iho (the treasured resources), native species and natural ecosystems of Nelson/Whakatu are protected and restored*'. To support this it states, as one of its Terrestrial Environment Actions, to '*Develop the infrastructure and systems to enable reliable eco-sourcing of indigenous plants for restoration planting*'.
- 6.43. 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. The LDM is discussed in relation to individual submission points in part B of this report.
- 6.44. The Long Term Plan (LTP) / Annual Plan is discussed in relation to individual submission points due to its role in setting funding and priority for infrastructure provision.
- 6.45. The relationship to the Nelson Urban Growth Strategy has been discussed in sections 3.9 to 3.11 of this document.

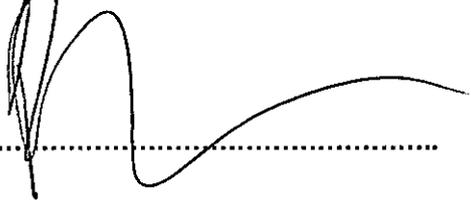
#### **7. CONCLUSION**

- 7.1. This report provides a statutory and effects based assessment of proposed Plan Change 17 'Enner Glynn and Upper Brook Valley Rezoning and Structure Plan'. I have described the general approach and the background and consultation leading to the development of this Plan Change. I have also assessed it against the statutory requirements under the RMA and have concluded that it meets all the relevant matters.
- 7.2. Three submissions to this proposed Plan Change were received after the specified closing date for submissions. As per the discussion and reasons in Sections 4.2 to 4.6 I recommend that pursuant to Section 37 of the RMA 1991, the Hearing Committee recommend to Council that it grants a waiver of time to

accept the late submissions (Submissions 18, 19 and 20) for consideration in the Plan Change process.

- 7.3. I acknowledged the various concerns, and suggestions for improvement, outlined in the submissions and further submissions, and have commented on those and made specific recommendations in Part B of this Report.
- 7.4. A number of recommended amendments to the Plan Change are outlined in Part B.
- 7.5. With those amendments, and with any other changes that may be required following presentations by the submitters, I am of the opinion that the package of measures embodied in proposed Plan Change 17 will provide a workable and realistic planning response to this resource management issue in Nelson (see section 1.6 and 1.7 of this report for the identification of issues).

**Author: Reuben Peterson**

Signed: 

Date: 2/9/11

**Peer Reviewed: Matt Heale**

Signed: 

Date: 2/9/11



# PART B

## SUBMITTER INDEX

| Submitter 1: Tiakina te Taiao Ltd |       |             |  |                           |  |
|-----------------------------------|-------|-------------|--|---------------------------|--|
| Submission Point                  | Topic | Page Number |  | Further Submissions       |  |
| 1.1                               | 1     | 35          |  | X2.1                      |  |
| 1.2                               | 1     | 35          |  | X2.2, X4.2,<br>X5.2, X7.3 |  |
| 1.3                               | 1     | 36          |  | X2.3                      |  |
| 1.4                               | 1     | 36          |  | X2.4                      |  |

| Submitter 2: Marsden Park Limited |       |             |  |                     |  |
|-----------------------------------|-------|-------------|--|---------------------|--|
| Submission Point                  | Topic | Page Number |  | Further Submissions |  |
| 2.1                               | 8     | 111         |  |                     |  |
| 2.2                               | 1     | 39          |  | X2.2                |  |
| 2.3                               | 8     | 111         |  |                     |  |

| Submitter 3: Fulton Holdings Limited |       |             |  |                            |  |
|--------------------------------------|-------|-------------|--|----------------------------|--|
| Submission Point                     | Topic | Page Number |  | Further Submissions        |  |
| 3.1                                  | 8     | 112         |  | X2.57                      |  |
| 3.2                                  | 2     | 65          |  | X2.35, X3.1,<br>X4.5, X7.1 |  |
| 3.3                                  | 7     | 101         |  | X2.53, X3.4                |  |

| Submitter 4: Gibbons Holdings Limited |       |             |  |                     |  |
|---------------------------------------|-------|-------------|--|---------------------|--|
| Submission Point                      | Topic | Page Number |  | Further Submissions |  |

|     |   |     |  |                            |  |
|-----|---|-----|--|----------------------------|--|
| 4.1 | 8 | 112 |  | X2.58                      |  |
| 4.2 | 2 | 65  |  | X2.36, X3.2,<br>X4.6, X7.2 |  |
| 4.3 | 7 | 101 |  | X2.54, X3.3                |  |

| Submitter 5: Dugald and Janette Ley |       |             |  |                     |  |
|-------------------------------------|-------|-------------|--|---------------------|--|
| Submission Point                    | Topic | Page Number |  | Further Submissions |  |
| 5.1                                 | 3     | 75          |  | X2.42               |  |
| 5.2                                 | 4     | 79          |  |                     |  |
| 5.3                                 | 4     | 79          |  |                     |  |
| 5.4                                 | 7     | 104         |  | X4.7, X5.5,<br>X7.6 |  |
| 5.5                                 | 3     | 75          |  | X2.43               |  |
| 5.6                                 | 3     | 75          |  | X2.44               |  |
| 5.7                                 | 5     | 93          |  |                     |  |
| 5.8                                 | 8     | 115         |  | X4.8, X5.7,<br>X7.7 |  |

| Submitter 6: Transpower New Zealand Limited |       |             |  |                             |  |
|---|-------|-------------|--|-----------------------------|--|
| Submission Point                            | Topic | Page Number |  | Further Submissions         |  |
| 6.1   | 5     | 94          |  | X2.49, X8.1,<br>X9.1, X10.1 |  |
| 6.2   | 5     | 95          |  | X2.50, X8.2,<br>X9.2, X10.2 |  |
| 6.3   | 5     | 95          |  | X2.51, X8.3,<br>X9.3, X10.3 |  |

| Submitter 7: Rosalie Higgins |       |             |  |                     |  |
|------------------------------|-------|-------------|--|---------------------|--|
| Submission Point             | Topic | Page Number |  | Further Submissions |  |
| 7.1                          | 4     | 80          |  | X1.1, X2.45         |  |

| Submitter 8: Royal Forest and Bird Protection Society of New Zealand Incorporated |       |             |  |                                     |  |
|---|-------|-------------|--|-------------------------------------|--|
| Submission Point  | Topic | Page Number |  | Further Submissions                 |  |
| 8.1   | 1     | 40          |  | X2.6                                |  |
| 8.2   | 1     | 40          |  | X2.7                                |  |
| 8.3   | 8     | 116         |  | X2.8                                |  |
| 8.4   | 1     | 40          |  | X2.9                                |  |
| 8.5   | 1     | 41          |  | X2.10                               |  |
| 8.6   | 1     | 41          |  | X2.11                               |  |
| 8.7   | 1     | 41          |  | X2.12                               |  |
| 8.8   | 1     | 41          |  | X2.13                               |  |
| 8.9   | 1     | 42          |  | X2.14                               |  |
| 8.10  | 1     | 42          |  | X2.15                               |  |
| 8.11  | 1     | 42          |  | X2.16                               |  |
| 8.12  | 1     | 42          |  | X2.17, X4.1,<br>X5.3, X6.1,<br>X7.4 |  |
| 8.13  | 1     | 43          |  | X2.18                               |  |
| 8.14  | 1     | 43          |  | X2.19                               |  |
| 8.15  | 1     | 44          |  | X2.20                               |  |
| 8.16  | 1     | 44          |  | X2.21                               |  |
| 8.17  | 1     | 44          |  | X2.22                               |  |

| Submitter 9: Department of Conservation |       |             |  |                      |  |
|---|-------|-------------|--|----------------------|--|
| Submission Point                        | Topic | Page Number |  | Further Submission   |  |
| 9.1                                     | 1     | 46          |  | X2.23                |  |
| 9.2                                     | 1     | 46          |  | X2.24                |  |
| 9.3                                     | 1     | 47          |  | X2.25, X4.3,<br>X5.4 |  |
| 9.4                                     | 1     | 47          |  | X2.26                |  |

| Submitter 10: Tamika Simpson |       |             |                  |                            |             |
|------------------------------|-------|-------------|------------------|----------------------------|-------------|
| Submission Point             | Topic | Page Number | Submission Point | Topic                      | Page Number |
| 10.1                         | 4, 7  | 83          |                  | X2.55, X4.9,<br>X5.6, X7.8 |             |

| Submitter 11: Sharon Higgins and Tony Singleton |       |             |  |                     |  |
|---|-------|-------------|--|---------------------|--|
| Submission Point                                | Topic | Page Number |  | Further Submissions |  |
| 11.1  | 8     | 116         |  |                     |  |
| 11.2  | 7     | 106         |  |                     |  |
| 11.3  | 2     | 67          |  | X11.2,<br>X12.2     |  |
| 11.4  | 1     | 49          |  | X2.27               |  |
| 11.5  | 1     | 49          |  | X2.28               |  |
| 11.6  | 1, 7  | 50, 106     |  | X11.3,<br>X12.3     |  |
| 11.7  | 4     | 88          |  | X1.2, X2.47         |  |
| 11.8  | 6     | 99          |  | X2.52               |  |

| Submitter 12: Kirsty Stewart |       |             |  |                     |  |
|------------------------------|-------|-------------|--|---------------------|--|
| Submission Point             | Topic | Page Number |  | Further Submissions |  |
| 12.1                         | 2     | 69          |  | X2.37               |  |

| Submitter 13: Amy and Paul Shattock |       |             |  |                           |  |
|-------------------------------------|-------|-------------|--|---------------------------|--|
| Submission Point                    | Topic | Page Number |  | Further Submissions       |  |
| 13.1                                | 1     | 52          |  | X2.59,<br>X11.4,<br>X12.4 |  |
| 13.2                                | 2     | 69          |  | X2.38                     |  |

| Submitter 14: Richard Sullivan |            |             |  |                     |  |
|--------------------------------|------------|-------------|--|---------------------|--|
| Submission Point               | Topic      | Page Number |  | Further Submissions |  |
| 14.1                           | 1, 4, 7, 8 | 117         |  | X2.48               |  |

| Submitter 15: Ruth Kelly |       |             |  |                           |  |
|--------------------------|-------|-------------|--|---------------------------|--|
| Submission Point         | Topic | Page Number |  | Further Submissions       |  |
| 15.1                     | 1     | 57          |  | X2.30,<br>X11.6,<br>X12.6 |  |
| 15.2                     | 2     | 69          |  | X2.39                     |  |

| Submitter 16: Lindy Kelly |       |             |  |                           |  |
|---------------------------|-------|-------------|--|---------------------------|--|
| Submission Point          | Topic | Page Number |  | Further Submissions       |  |
| 16.1                      | 1     | 58          |  | X2.31,<br>X11.7,<br>X12.7 |  |

|      |   |    |  |       |  |
|------|---|----|--|-------|--|
| 16.2 | 2 | 70 |  | X2.40 |  |
|------|---|----|--|-------|--|

| Submitter 17: Chris Hurley and Irene Turner |       |             |  |                     |  |
|---|-------|-------------|--|---------------------|--|
| Submission Point                            | Topic | Page Number |  | Further Submissions |  |
| 17.1  | 1     | 60          |  | X2.32               |  |

| Submitter 18: Glen Stewart and Shelley t'Hooft |       |             |  |                     |  |
|--|-------|-------------|--|---------------------|--|
| Submission Point                               | Topic | Page Number |  | Further Submissions |  |
| 18.1   | 2     | 70          |  | X2.41               |  |
| 18.2   | 1     | 61          |  | X2.33               |  |

| Submitter 19: Mark Pyers |       |             |  |                     |  |
|--------------------------|-------|-------------|--|---------------------|--|
| Submission Point         | Topic | Page Number |  | Further Submissions |  |
| 19.1                     | 2     | 71          |  | X11.8,<br>X12.8     |  |

| Submitter 20: David and Donna Butler |         |             |  |  |  |
|--------------------------------------|---------|-------------|--|--|--|
| Submission Point                     | Topic   | Page Number |  | Further Submissions                              |  |
| 20.1                                 | 2       | 72          |  | X3.5, X11.9,<br>X12.9                            |  |
| 20.2                                 | 1, 4, 7 | 62, 89, 108 |  | X2.34, X4.4,<br>X5.1, X7.5,<br>X11.10,<br>X12.10 |  |

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

**Submitter 1: Tiakina Te Taiao Ltd**

## Support in part

**Submission Point #1.1:** Tiakina supports the inclusion of such a term (Biodiversity Corridor) but wants to have the cultural value of water and native plants recognized as being an essential aspect of biodiversity.

**Decision Sought:** Support for Biodiversity Corridors but wants to have the cultural value of water and native plants recognized as being an essential aspect of biodiversity.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.1**

## Support Submission Point #1.1

Enhancement of the corridor will encourage bird life and invertebrates and allows for a green link from the hills down into the residential area and other reserve areas.

## Support

**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:** Tiakina supports the encouragement of 'eco-sourcing' as this will enable better growth of original native species important to Maori.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.2**

## Support Submission Point #1.2

Enhancement of the corridor will encourage bird life and invertebrates and allows for a green link from the hills down into the residential area and other reserve areas.

**Further Submitter X4: Lindy Kelly**

**Statement X4.2**

## Oppose Submission Point #1.2

Concerns with Biodiversity Corridor provisions summarised as:

- The value of Biodiversity Corridors is unproven.
- Corridor would make it hard to control other pests from coming in to bush areas.
- Uncertainty in ownership and management.
- Impossible to farm effectively and safely with public having access across the land.
- Eco-sourcing is short sighted and you should be able to reintroduce original vegetation even if the current seed source is not available locally.

**Further Submitter X5: Kirsty Stewart**

**Statement X5.2**

## Oppose Submission Point #1.2

Concerns with Biodiversity Corridor provisions summarised as:

- Uncertainty in ownership and management.
- Safety concerns with public having access across the land.

**Oppose Submission Point #1.2**

We believe that 'eco-sourcing' is limiting and hence not beneficial in the promotion of native flora and fauna. We categorically reject that the proposal of Landscape Overlay, Biodiversity Corridors and Eco-sourcing will actually achieve the proposed outcomes. We would require evidence of this before we considered these across our property and further more we will not accept them in their current form. There is huge ambiguity in this plan as to who will pay for the management, development and maintenance of these areas.

**Support in part**

**Submission Point #1.3:** Plan Change Section AD11.4A v Biodiversity Corridors also have 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:** Plan Change Section AD11.4A v Biodiversity Corridors. Those cultural values associated with rivers, the value of the water (mauri) and the native plantings and fish life that make up that natural diversity need to be included in this statement.

**Support Submission Point #1.3**

Enhancement of the corridor will encourage bird life and invertebrates and allows for a green link from the hills down into the residential area and other reserve areas.

**Support in part**

**Submission Point #1.4:** Plan Change Section DO5.1.2.i and DO5.1.2 ii: The cultural values need to be included in such statements about these 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 include another fourth function, "recognition and protection of cultural significance of water, native vegetation, fish to Maori"

**Support Submission Point #1.4**

Enhancement of the corridor will encourage bird life and invertebrates and allows for a green link from the hills down into the residential area and other reserve areas.

**PLANNING OFFICER COMMENT #1**

**Tiakina Te Taiao Ltd**

**Submission point #1.1, #1.2, #1.3 and #1.4**

The submitter (Tiakina te Taiao Ltd) states their support for Biodiversity Corridors, Eco-sourcing and associated proposed changes. In conjunction with stating their support the submitter also requests that the cultural value of water, native vegetation and fish is recognized as being an essential aspect of biodiversity.

The further submitters note their support for the four submission points, with the exception of submission

point 1.2 in which opposition to the concept of eco-sourcing is stated.

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 the proposed Plan Change. These do not include recognition of cultural values as requested by the submitter.

In considering this request by the submitter I have reviewed 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 strategies 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 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 the Resource Management Act 1991, Part 2, Sec 6 e) which instructs 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, including the RMA, clearly set out Council's responsibilities and direction and I consider that the Biodiversity Corridor provisions are one of the appropriate places to demonstrate this within the Plan. I therefore recommend accepting the submission and that the 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 submitter X2 supports all points made by the submitter and in line with my recommendation above this support is accepted. Further submitters X4, X5 and X7 state their opposition to Biodiversity Corridors generally, with further submitters X4 and X7 also specifically stating their opposition to the requirement for eco-sourcing of plants within Biodiversity Corridors. The general opposition to Biodiversity Corridors will be discussed in the further submitters original submission points on this topic (see Planning Officer Comment #6), while the question of eco-sourcing is discussed as follows. The 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 it is relevant to this topic.

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 this proposed Plan Change 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 Goal 1, Active Protection of Native Biodiversity, *'Nga taonga tuku iho (the treasured resources), native species and natural ecosystems of Nelson/Whakatu are protected and restored'*. To support this it states, as one of its Terrestrial Environment Actions, to *'Develop the infrastructure and systems to enable reliable eco-sourcing of indigenous plants for restoration planting'*. 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 has commented on eco-sourcing in his evidence (attached as Part B, Appendix 2). He considers 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 gives 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 consider that eco-sourcing is proven 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.

## RECOMMENDATION

**Submission Point #1.1:** Accept

**Further Submission Statement X2.1:** Accept

**Submission Point #1.2:** Accept

**Further Submission Statement X2.2:** Accept

**Further Submission Statement X4.2:** Reject

**Further Submission Statement X5.2:** Reject

**Further Submission Statement X7.3:** Reject

**Submission Point #1.3:** Accept

**Further Submission Statement X2.3:** Accept

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

**Further Submission Statement X2.4:** Accept

## AMENDMENT TO PROPOSED PLAN CHANGE:

Amend proposed AD11.4A.v 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 any existing Riparian Overlay. "Biodiversity Corridor" is defined in Chapter 2 of the Plan.

Amend DO5.1.2.i:

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.

Amend proposed 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 assisting with preservation of the cultural significance of water, native vegetation and native aquatic flora and fauna to Maori

#### Submitter 2: Marsden Park Limited

##### Oppose

**Submission Point #2.2:** Opposition to the minimum width of 20m proposed in Plan Change 17 for Biodiversity Corridors.

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

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.5**

##### Oppose Submission Point #2.2

20m is the absolute minimum width to plant up or encourage as a green corridor.

This width shall be separate from any road construction and should include the water way be it free flowing or ephemeral stream.

#### PLANNING OFFICER COMMENT #2

**Marsden Park Ltd**

**Submission point #2.2**

The submitter requests that the 20m minimum width of Biodiversity Corridors is deleted. The submitter gives no reasons for their request.

Dr Philip Simpson – Ecologist has provided evidence in which he discusses the width of Biodiversity Corridors. This is attached as Part B, Appendix 2. Dr Simpson states that the proposed 20m width has been cited in a number of corridor studies and that this width comes historically in the form of the ‘Queen’s Chain’. He does concede that 20m is not a ‘magical’ figure but is an attempt to avoid excessive impact of the edge effect in linear habitats. Dr Simpson gives 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 states that *‘the wider the corridor the greater the range of specific habitats based on soil features, geology, moisture and slope.’* Overall he finds that the ideal is to minimize the edge and maximize the interior.

Dr Simpson also states 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. In my opinion 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.

In summary I consider a minimum width for Biodiversity Corridors is required to ensure that the impacts of the 'edge effect' are minimised and that a functional corridor can be created. The resource consent process allows for case by case assessment of situations where it may be desirable and acceptable to reduce the width in places. I therefore recommend that the submission is rejected. The further submission supports the retention of a 20m minimum width and therefore I recommend that it is accepted.

#### **RECOMMENDATION**

**Submission Point #2.2:** Reject

**Further Submission Statement X2.5:** Accept

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

Nil

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

##### **Support**

**Submission Point #8.1:** Support definition for 'Biodiversity Corridor' as it provides clarity as to what comprises a 'biodiversity corridor'. Important to retain a reasonable width, and to emphasise that it must relate to natural flows and processes.

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

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.6**

##### **Support Submission Point #8.1**

Generally support views of submitter.

##### **Support**

**Submission Point #8.2:** Support for AD11.4A.v 'Biodiversity Corridors'. Biodiversity corridors must be ecologically functional. Support the notion that where appropriate in meeting other objectives. It is important that the natural functioning must be paramount, otherwise biodiversity corridors will not function effectively. We support the appropriate alignment with the Riparian Overlay.

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

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.7**

##### **Support Submission Point #8.2**

Generally support views of submitter.

##### **Support in part**

**Submission Point #8.4:** Support 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:** Amend proposed text for DO5.1.2.i 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.

**Support Submission Point #8.4**  
Generally support views of submitter.

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**Support**

**Submission Point #8.5:** Support explanation and reasons paragraphs DO5.1.2.ii - DO5.1.2.iv relating to district wide policy DO5.1.2 Linkages and Corridors. 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.

**Support Submission Point #8.5**  
Generally support views of submitter.

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**Support**

**Submission Point #8.6:** Support explanation and reasons paragraphs DO5.1.2.v relating to district wide policy DO5.1.2 Linkages and Corridors. 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, submission incorrectly referred to DO5.1.2.vi, change confirmed with submitter.

**Support Submission Point #8.6**  
Generally support views of submitter.

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**Support**

**Submission Point #8.7:** Support 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.

**Support Submission Point #8.7**  
Generally support views of submitter.

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**Support in part**

**Submission Point #8.8:** Support in part Method DO5.1.2.xi relating to district wide policy DO5.1.2 Linkages and Corridors. Although we support the intention of this point (Method DO5.1.2.xi), we request that it be amended.

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

**Support Submission Point #8.8**

Generally support views of submitter.

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**Support**

**Submission Point #8.9:** Support rule REr.59 'Vegetation Clearance' REr.59.1 h). This supports the integrity of Biodiversity Corridors

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

**Support Submission Point #8.9**

Generally support views of submitter.

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**Support**

**Submission Point #8.10:** Support rule REr.59 'Vegetation Clearance' REr.59.3. Gives effect to Biodiversity Corridors

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

**Support Submission Point #8.10**

Generally support views of submitter.

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**Support**

**Submission Point #8.11:** Support rule REr.59 'Vegetation Clearance' REr.59.3. Gives effect to Biodiversity Corridors Support rule REr.59 'Vegetation Clearance' REr.59.3 xviii). Gives effect to Biodiversity Corridors

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

**Support Submission Point #8.11**

Generally support views of submitter.

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**Support in part**

**Submission Point #8.12:** Support in part rule REr.59 'Vegetation Clearance' REr.59.5.

**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.

**Support Submission Point #8.12**

Generally support views of submitter.

**Further Submitter X4: Lindy Kelly**

**Statement X4.1**

**Oppose Submission Point #8.12**

Concerns with Biodiversity Corridor provisions summarised as:

- The value of Biodiversity Corridors is unproven.
- Corridor would make it hard to control other pests from coming in to bush areas.
- Uncertainty in ownership and management.
- Impossible to farm effectively and safely with public having access across the land.
- Corridor and clearance provisions could result in the corridor being a 'seed bed' for weeds.

**Further Submitter X5: Kirsty Stewart**

**Statement X5.3**

**Oppose Submission Point #8.12**

Concerns with Biodiversity Corridor provisions summarised as:

- Uncertainty in ownership and management.
- Impossible to farm effectively and safely with public having access across the land.
- Corridor and clearance provisions could result in the corridor being a 'seed bed' for weeds.

**Further Submitter X6: Ruth Kelly**

**Statement X6.1**

**Oppose Submission Point #8.12**

I am against the imposition of Biodiversity Corridors on the Kelly Family farm. It is already mostly in trees. The enforcement of such a penalty on our family who are already contributing generously to the recreational needs of the community would be totally unjust and unwarranted.

**Further Submitter X7: Amy and Paul Shattock**

**Statement X7.4**

**Oppose Submission Point #8.12**

We categorically reject that the proposal of Landscape Overlay, Biodiversity Corridors and Eco-sourcing will actually achieve the proposed outcomes. We would require evidence of this before we considered these across our property and further more we will not accept them in their current form. There is huge ambiguity in this plan as to who will pay for the management, development and maintenance of these areas.

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**Support**

**Submission Point #8.13:** Support rule RUr.25.1 g) which supports the integrity of Biodiversity Corridors

**Decision Sought:** Retain rule RUr.25.1 Vegetation Clearance RUr.25.1 g). Note, submission incorrectly referred to RUr.21.1 g), change confirmed with submitter.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.18**

**Support Submission Point #8.13**

Generally support views of submitter.

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**Support**

**Submission Point #8.14:** Support rule RUr.25.3 xix) as it give effect to Biodiversity Corridors

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

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.19**

**Support Submission Point #8.14**

Generally support views of submitter.

**Support in part**

**Submission Point #8.15:** Support in part rule RUr.25 'Vegetation Clearance' RUr.25.5

**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.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.20**

**Support Submission Point #8.15**

Generally support views of submitter.

**Support**

**Submission Point #8.16:** Support general rule W.2 b) as it supports functional integrity of Biodiversity Corridors

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

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.21**

**Support Submission Point #8.16**

Generally support views of submitter.

**Support in part**

**Submission Point #8.17:** Support in part for 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.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.22**

**Support Submission Point #8.17**

Generally support views of submitter.

**PLANNING OFFICER COMMENT #3**

**Royal Forest and Bird Protection Society of NZ Inc**

**Submission point #8.1 to #8.17 (excluding #8.3 – see Topic 8)**

The submitter is supportive of a number of provisions of the proposed Plan Change. Specifically this relates to those provisions involving Biodiversity Corridors. The submitter has also made some suggestions for amendments to the proposed wording.

The submissions in support are recommended to be accepted and are not further discussed here. The points discussed below are those that seek amendments to the proposed Plan Change.

Submission point 8.4 supports in part the changes to DO5.1.2.i but recommends 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'*. 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 some what limits the other situations which will also be desirable and suitable. However the submission has not sought to remove the sentence about rivers so I recommend accepting the submitter's suggestion, with a modification, to ensure that it forms a more balanced statement of where Biodiversity Corridors maybe established. My recommended amendment includes further situations where Biodiversity Corridors occur and is shown in the Amendment to Proposed Plan Change section below.

Submission point 8.8 seeks an addition to one of the methods for giving effect to district wide Policy DO5.1.2 Linkages and Corridors. The proposed method currently 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 seeks the addition of the words *'...and where environmental outcomes as a whole are protected'*. I do not recommend accepting this as the method relates specifically to the issue of Biodiversity Corridors or natural open space linkages. The suggested addition is of a general, non-specific nature which I believe reduces the effectiveness of the method. The phrase *'environmental outcomes'* is not defined within the context of this proposed Plan Change 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 seeks 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 states *'...allows for biological processes within the corridor...'*. The submitters requested addition is recommended to be accepted as it improves the understanding of the intended purpose and function of Biodiversity Corridors. The recommended amendment is shown in the Amendment to Proposed Plan Change section below.

One further submitter (X2) states their general support for the submission while further submitters X4, X5, X6 and X7 state their general opposition to Biodiversity Corridors. These points will be discussed in the further submitters original submission points on this topic as they are not relevant to this submission point (see Planning Officer Comment Box #6). These points in general opposition are recommended to be rejected in the context of this submission point.

Submission point 8.15 seeks the same change as discussed above for submission point 8.12 but 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 recommended to be accepted.

Submission point 8.17 states their support for Biodiversity Corridors as shown on Map 3 of the proposed Plan Change but in addition seeks the opportunity to speak at the hearing in relation to Nelson Biodiversity Forum processes. This is appropriate where it relates to the points raised in the submission. Any statements beyond this would be at the discretion of the chair of the hearing panel.

## **RECOMMENDATION**

**Submission Point #8.1:** Accept

**Submission Point #8.2:** Accept

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

**Submission Point #8.5:** Accept

**Submission Point #8.6:** Accept

**Submission Point #8.7:** Accept

**Submission Point #8.8:** Reject

**Submission Point #8.9:** Accept

**Submission Point #8.10:** Accept

**Submission Point #8.11:** Accept

**Submission Point #8.12:** Accept

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

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

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

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

**Submission Point #8.13:** Accept

**Submission Point #8.14:** Accept

**Submission Point #8.15:** Accept

**Submission Point #8.16:** Accept

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

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

**AMENDMENT 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 Point 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'.

**Submitter 9: Department of Conservation**

**Support in part**

**Submission Point #9.1:** The Director-General of Conservation supports 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' with a minimum total width of 20m, that allows for the flow of indigenous organisms and biological resources, and for biological processes within the corridor and connectivity between areas of ecological value.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.23**

**Support Submission Point #9.1**

Generally support views of submitter.

**Support**

**Submission Point #9.2:** The Director-General of Conservation supports 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, Plan Change 17 Enner Glynn and Upper Brook Valley.

**Decision Sought:** Retain the provisions of Proposed Plan Change 17 noted above.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.24**

**Support Submission Point #9.2**

Generally support views of submitter.

**Support in part**

**Submission Point #9.3:** The proposed plan change would 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).

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.25**

**Support Submission Point #9.3**

Generally support views of submitter.

**Further Submitter X4: Lindy Kelly**

**Statement X4.3**

**Support Submission Point #9.3**

If you go ahead with Biodiversity Corridors, and I've explained elsewhere why I don't want them on my farm, I would support some non-native species being planted as a food source for birds, such as the tree lucerne but also trees that are rich in fruits and berries.

**Further Submitter X5: Kirsty Stewart**

**Statement X5.4**

**Support Submission Point #9.3**

If you go ahead with Biodiversity Corridors (on your own land - I've explained elsewhere why I don't want them on my family farm), I would support some non-native species being planted as a food source for birds, such as the tree lucerne but also trees that are rich in fruit and berries.

**Support in part**

**Submission Point #9.4:** 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 has been planted should be amended to refer to 'eco-sourced indigenous vegetation'.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.26**

**Support Submission Point #9.4**  
Generally support views of submitter.

**PLANNING OFFICER COMMENT #4**

**Department of Conservation**  
**Submission point #9.1 to #9.4**

Submission point 9.1. The submitter seeks a number of changes to the proposed definition for Biodiversity Corridors, not all of which are highlighted in their submission through the use of underlining. For clarity I will reproduce the proposed definition below showing all changes requested from that notified.

*'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.~~*

The suggested replacement of the word 'pathway' with 'linear landscape element' is not accepted as the proposed term is unnecessarily verbose, however I do accept that '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 recommend that the term 'pathway' is 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 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 recommended to be accepted and some are declined. The recommended amendments are shown in the amendment to proposed Plan Change section below. The submission point is recommended to be accepted in part.

Submission point 9.2. The submitter states their support for a number of sections of the Plan which relate to Biodiversity Corridors in particular. This support is accepted and the provisions are recommended to be retained, with the exception of any amendments that are recommended as a result of other submission points. The further submitter generally supports the views of the submitter.

Submission point 9.3. The submitter seeks that additional text is added to the 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 has 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 I recommend that 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*'.

Submission point 9.4. The submitter requests 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' rather than that which is notified as part of this proposed Plan Change (they have been submitters on both Plan Changes). The definition as notified in Proposed Plan Change 17 does not use the term '*native vegetation*' or '*eco-sourced indigenous vegetation*', and in my view does not require it. 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, but it is my opinion that the proposed Plan Change as notified reflects the intent of the submission.

**RECOMMENDATION**

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

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

**Submission Point #9.2:** Accept

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

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

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

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

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

**Submission Point #9.4:** Reject

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

**AMENDMENT TO PROPOSED PLAN CHANGE:**

**Amend proposed definition of Biodiversity Corridor to: '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'.**

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

**Support in part**

**Submission Point #11.4:** Support in part: DO5.1.2.iv 'The width of corridors will vary for this reason: a minimum width of 20m is required.' As a property owner involved in this Plan Change 17 we are concerned with the requirement for a 20m minimum width. I have attached a copy of Map 3 with my submission and highlighted the three proposed Biodiversity Corridors that will feature on our property. (see full submission for copy of map).

**Decision Sought:** 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 that states that the minimum width of 20m can be reduced for Corridors 1 and 2. DO5.1.2.iv Clarification on how our unique situation will be over come when property boundaries will 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. Biodiversity Corridors should allow walkway/cycleways to coexist within the overlay when there is no practical, viable alternative route available.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.27**

**Oppose Submission Point #11.4**

Disagree that corridor planting needs to be encroached along waterway medians.

**Support in part**

**Submission Point #11.5:** Support in Part: AD11.4A.v c) Biodiversity Corridors will as far as practical be aligned to any existing Riparian Overlay. AD11.4A.v c) 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 an additional 15m of

land, this would totally inhibit access through the floor of the valley. We invite the commissioners to come for a site visit to view these proposed Biodiversity Corridors to further enable them to consider our concerns.

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

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.28**

**Oppose Submission Point #11.5**

Disagree that corridor planting needs to be encroached along waterway medians

**Support in part**

**Submission Point #11.6:** Where a Biodiversity Corridor and a cycleway align, the cycleway should be able to be included within the Corridor.

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

**Further Submitter X11: Gibbons Holdings Limited**

**Statement X11.3**

**Oppose Submission Point #11.6**

The further submitter opposes the submission to the extent that this may increase the number of walkways / cycleways that will be in close proximity to the quarry boundary. Proposed walkways / cycleways and Biodiversity Corridors that are in close proximity to the quarry could lead to cross boundary and reverse sensitivity effects.

**Further Submitter X12: Fulton Hogan Limited**

**Statement X12.3**

**Oppose Submission Point #11.6**

The further submitter opposes the submission to the extent that this may increase the number of walkways / cycleways that will be in close proximity to the quarry boundary. Proposed walkways / cycleways and Biodiversity Corridors that are in close proximity to the quarry could lead to cross boundary and reverse sensitivity effects.

**PLANNING OFFICER COMMENT #5**

**Sharon Higgins and Tony Singleton**

**Submission point #11.4 to #11.6**

Submission point 11.4. The submitter seeks a 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 raise 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 Planning Officer Comment #2. Evidence is provided by Dr Philip Simpson (attached as Part B, Appendix 2) stating that to avoid excessive 'edge effects' a 20m minimum width should be retained. He does however highlight that strict adherence to a particular width is not necessary or practical. In some cases a width of less than 20m might be required to allow for sensible fencing, access or stock movement. In my view it is desirable to maintain some flexibility to ensure that the Biodiversity Corridor requirement can be varied to allow it to fit in with the practical requirements of land use and topography. 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. Therefore I recommend the discretionary activity resource consent process is retained as the time where these case by case circumstances are most suitably considered. To demonstrate that the width of Biodiversity Corridors can be considered for reduction in individual circumstances through the resource consent process I recommend that additional wording is added to the proposed Plan Change. I suggest adding the following sentence 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. This maybe appropriate in some circumstances due to practical constraints of land use and topography. Examples are to allow for fencing, access or stock movement. It is anticipated that this would only occur in the area where the specific constraint exists after which the Biodiversity Corridor would revert to its full required width at a minimum.'* I also recommend a change to the relevant assessment criteria to state, W.4 iv) *The required width of Biodiversity Corridors; including the effect of any reduction in width on the values of the Biodiversity Corridor which is considered due to practical constraints of land use and topography.*

These recommended changes do not directly achieve the relief sought by the submitter, but I believe does help resolve their concerns. Therefore the submission is recommended to be accepted in part. I also note at this point 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.

The submitters also have a concern about the location of property boundaries in relation to the proposed Biodiversity Corridor routes. I understand this to relate to areas where a proposed 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. Again I consider this situation is best dealt with through the resource consent process (if the minimum width cannot be provided on one property) and may involve discussion and negotiations with both landowners.

Submission point 11.5. The submitter raises 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 has pointed out 'align' usually means side by side and therefore they suggest the use of the term 'include'. I agree with the submitter and recommend the submission is accepted and wherever practicable Biodiversity Corridors will include any existing Riparian Overlay.

The further submitter X2 opposes the submitter by stating they disagree that corridor planting needs to be encroached along waterway medians. In my opinion removing the term 'align' and using 'include' in its place does not change the intent of this provision nor does it alter the any planting that may occur along the waterway.

Submission point 11.6. The submitter requests 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, and to meet the request of the submitter I recommend that the Biodiversity Corridor rule, Sch I, I.2 c) as it appears in the decision for Plan Change 13 be incorporated in proposed Plan Change 17. This also partially satisfies the submission of Marsden Park Limited (submission 2.1, Planning Officer Comment #33) which notes there are conflicting provisions and duplication between the two Plan Changes and seeks that this is rectified.

The further submitters (X11 and X12) oppose this submission to the extent that this may increase the number of walkways / cycleways in close proximity to the quarry boundary. Planning Officer Comment #27 discusses the further submitter's original submissions on this issue and recommends that the walkway / cycleway be retained. This being the case only one walkway / cycleway would be required in the location of concern to the further submitters and the recommendations here mean that this may be located within the Biodiversity Corridor. The further submissions are therefore recommended to be rejected.

## **RECOMMENDATION**

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

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

**Submission Point #11.5:** Accept

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

**Submission Point #11.6:** Accept

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

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

**AMENDMENT TO PROPOSED PLAN CHANGE:**

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

**Add at the end of proposed DO5.1.2.iv after addition noted in Planning Officer Comment #4:**

The resource consent process allows for the reduction in width of a Biodiversity Corridor to be considered. This may be appropriate in some circumstances due to practical constraints of land use and topography. Examples are to allow for fencing, access or stock movement. It is anticipated that this would only occur in the area where the specific constraint exists after which the Biodiversity Corridor would revert to its full required width at a minimum.

**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 I Figure 1. Biodiversity Corridors (see definition Chapter 2, Meaning of Words) shall consist of:

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

except that:

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

**Amend assessment criteria W.4 iv):**

The required width of Biodiversity Corridors; including the effect of any reduction in width on the values of the Biodiversity Corridor which is considered due to practical constraints of land use and topography.

**Submitter 13: Amy and Paul Shattock**

**Oppose**

**Submission Point #13.1:** Oppose. DO5.1.2.i, DO5.1.2.ii, DO5.1.2.v.

- a) The assertion that Biodiversity Corridors create 'connectivity' between areas of native vegetation is rather ambiguous and unproven. None of the arguments in the Section 32 report or the Plan Change document are credible and seem to be based on flimsy unfounded reasoning. For

- example: 'The corridors enable animals and plants to move between areas'...
- b) The plan has stated the three primary functions of these 'corridors' on page 7 of the Plan Change document. The first two functions on the plan change are currently covered by a covenant on the Kelly Family Bush and also through the designation already has as an Area of Special Significance. As these two function seems to be superfluous it does not need to be required under 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 more people (presumably urban dwellers) over private land and through business operations. We absolutely disagree to this function. 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.
  - c) Given the ambiguity of the Biodiversity Corridors we disagreed to these being put in place.
  - d) The ambiguity around who will maintain these biodiversity corridors is another reason we disagree to these.
  - e) To conclude, we do not want 'Biodiversity Corridors' on the Kelly Farm.
  - f) You stated in your Section 32 report on page 5, about the Kelly bush, 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.

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

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.59**

**Oppose Submission Point #13.1**

Esplanade reserve provision should be taken as for the most part Jenkins Creek is over 3m wide at its full winters flow.

**Further Submitter X11: Gibbons Holdings Limited**

**Statement X11.4**

**Support Submission Point #13.1**

The further submitter supports the submission to the extent of opposing Biodiversity Corridors in close proximity to the quarry boundary which could lead to cross boundary and reverse sensitivity effects.

**Further Submitter X12: Fulton Hogan Limited**

**Statement X12.4**

**Support Submission Point #13.1**

The further submitter supports the submission to the extent of opposing Biodiversity Corridors in close proximity to the quarry boundary which could lead to cross boundary and reverse sensitivity effects.

**PLANNING OFFICER COMMENT #6**

**Amy and Paul Shattock**

**Submission point #13.1**

Submitters #13 Amy and Paul Shattock, #15 Ruth Kelly, #16 Lindy Kelly, and #18 Glenn Stewart and Shelley t'Hooft have made similar submissions in relation to Biodiversity Corridors, particularly as they relate to the Kelly family land. The following discussion relates to all submitters referenced above.

The submitters have raised a number of points why they consider that Biodiversity Corridors are not required to be shown on their land and state that the decision requested is *'if the Council wants more recreational rural land they should buy it, if its for sale, then maintain it'*.

I will discuss what I see to be the main points raised in the submissions in the following sections.

Justification and Value of Biodiversity Corridors: The submitters have questioned the values of Biodiversity Corridors and have stated that the assertion that they create 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. I have sought the expertise of Dr Philip Simpson – Ecologist to provide advice on whether Biodiversity Corridors can provide the benefits intended through this proposed Plan Change. His evidence is included as Part B, Appendix 2.

Dr Simpson carried out a site visit to the Kelly property and other areas of proposed Biodiversity Corridors in the Plan Change 17 area on 6<sup>th</sup> July 2011. In his report, and in light of the site visit, he discusses the indigenous habitat pattern in the New Zealand context and finds 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 states 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 lists a number of values, or attributes that Biodiversity Corridors can exhibit. These are contained in his attached evidence and I provide the following summary.

- 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 agrees with the submitter that scientific studies specifically measuring the impact on New Zealand appear to be few. He does however provide examples within New Zealand where corridors have been shown to provide habitat and linkage from one area to another. Overall Dr Simpson concludes 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.

Functions of a Biodiversity Corridor: The proposed Biodiversity Corridors are 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, as discussed in Planning Officer Comment #1 and Part A, Section 6.28 – 6.36) set out the goal of maintaining and protecting corridors and utilising 'local genetic stock' in planting.

The proposed Plan Change sets out three primary functions of Biodiversity Corridors, these are:

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.

The submitters have stated that the first two are covered by a covenant and the status the area has as a 'Area of Special Significance', and that they see the third as '*...just another means of letting city dwellers loose indiscriminately over private land*'.

I have searched the title of the property and note that there is no covenant registered on the property which provides any protection to the bush block referred to. I understand that it is the future intent of Lindy Kelly (Submitter 16) to have a covenant registered on the title in favour of the neighbouring property but that this has not yet occurred. Even if a covenant is registered on the title (which is not enforceable by Council) it does not replicate the first two primary functions of the proposed Biodiversity Corridor. Additionally the functions stated relate to the proposed Biodiversity Corridor and not to the existing bush block. The proposed Plan Change does not alter the status or protection of the Kelly Family Bush Block.

The submitter has also noted that this is an 'Area of Special Significance'. This is apparently a reference to the 2006/2007 Survey of Areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna which included an assessment of this site. The ecological significance assessment report is attached as Part B, Appendix 3. Inclusion of the site in this survey does not increase its protection, and I note as for covenants above the Biodiversity Corridor provisions do not seek to change the status or protection of the bush block. Of note in relation to connectivity the ecological assessment report found that the level of connectivity of this area was poor. The report states '*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 addresses this identified connectivity issue in relation to the sites further up Jenkins Creek.

In relation to the third primary function given, '*to increase the interaction between humans and the natural environment*', the submitters appear to have taken this to mean public access will be given to their farm and place of business. While it is true that the proposed Biodiversity Corridor provisions do allow for the provision of public access this cannot occur as of right. The proposed Structure Plan clearly 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. As the submitter acknowledges this has been pointed out in the Section 32 report and is contained in statements contained in the proposed Plan Change, 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' and 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. 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.

Viability of the bush block: The submitter mentions the statement in the proposed Plan Change, DO5.1.2.i '*Areas of indigenous vegetation are often too small to support viable populations of animal and plant species*'. They then state that their bush block of nearly 7 hectares is quite 'viable' on its own. I note that the Ecological Significance Assessment Report referred to above states the bush block is approximately 2.5ha which I have confirmed through analysis of aerial photos. I have clarified with the submitter and the 7 hectares refers to the wider area that the family has been clearing and planting over the years and not just the area of more established bush referred to in the Ecological Significance Assessment Report. The viability statement made by the submitter may be true but the submitter has not considered the sentence that follows the one they refer to which states '*Linking pockets together, or providing new links from **larger areas of habitat** can provide significant improvements to the biodiversity in any of the individual areas*' (my emphasis). I consider that the second sentence is the most relevant to this situation. 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.

Movement of pest species: The submitter is concerned that a corridor would only offer the ability for pest species to travel along it and enter their bush block. Dr Simpson has considered this and agrees 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 states that pest management is a ubiquitous reality and while the concerns are valid the increased difficulty does not outweigh the positive values of corridors. He also states 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). Council offers assistance with this type of management, application for this assistance can be discussed with Council's Land Management Adviser, Lynne Hall.

Certainty of provisions: Some of the submissions noted above also raise the issue of the ambiguity of the proposed Biodiversity Corridor provisions. I agree that the proposed Plan Change does not specify the future ownership or management of Biodiversity Corridors. In fact it states in proposed section DO5.1.2.v 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.*' The proposed Plan Change intentionally retains this flexibility to ensure that all options are available and can be considered when establishing a Biodiversity Corridor. I acknowledge that this adds some uncertainty for land owners but I consider this ensures the opportunity is available for the best

outcome for any given situation to be determined, including, but not limited to, any of the examples given above.

**Summary:** In my view the evidence provided by Dr Simpson shows that Biodiversity Corridors can provide the intended benefits of this proposed Plan Change. I also consider that the notified provisions relating to Biodiversity Corridors have been carefully considered and developed through consultation and development processes of this Plan Change and represent the most efficient solution to establishing a pattern of ecological connections through out the area. Overall I recommend that Biodiversity Corridors are retained, and in particular the Biodiversity Corridor shown in the Kelly family and is retained as shown in the proposed Plan Change.

**Further Submissions:** Further submission X2.59 opposes the submission and seeks that an Esplanade Reserve is able to be taken along Jenkins Creek as it's full winter flow is over 3m wide. This Plan Change proposes no changes to the Riparian Overlay running along Jenkins Creek. The operative provisions of Appendix 6 of the Plan state varying widths of Esplanade Reserves and Strips will be required dependant on the location; widths of the reserve or strip vary from 5m to 20m on both river banks. The further submission is accepted as the Plan provisions are not sought to be changed either through the submission or under the proposed Plan Change itself. Further submissions X11.4 and X12.4 support the submission to the extent of opposing Biodiversity Corridors in close proximity to the quarry boundary which could lead to cross boundary and reverse sensitivity effects. The reverse sensitivity effects are discussed under the further submitters original submission points, see Planning Officer Comment #12.

## RECOMMENDATION

**Submission Point #13.1:** Reject

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

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

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

## AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

## Submitter 14: Richard Sullivan

### Oppose

**Submission Point #14.1:** I oppose the plan in its entirety, especially 'a network of walkway/cycleways, future roads and biodiversity corridors provided through a structure plan'. The reasons that I oppose the plan is it is:

- inconsistent with previous plans and strategies and contrary to landowner wishes;
- ill-considered proposed roading network;
- disenfranchising for landowners; and
- unworkable proposed roading and biodiversity corridor connections affecting land development potential.

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

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.48**

### Oppose Submission Point #14.1

Indicative roads are valid forms of protecting links to communities and benefits to the health and safety of individuals. Indicative roads are just that, an indication of a link in that general location. With the new NCC land development manual plus NZS 4404 2010 this gives flexibility in road and footpath / cycleway designs, these designs can be left until subdivision stage. Biodiversity Corridors provide vital links and are required to be protected and enhanced.

**PLANNING OFFICER COMMENT #7**

**Richard Sullivan**

**Submission point #14.1**

The submitter outlines their opposition to the proposed Plan Change as a whole with the 'network of walkways / cycleways, future roads and Biodiversity Corridors' being of a particular concern. A variety of reasons and comments on the implications of these items are outlined in the full submission. As the submission covers a number of topics in an interrelated way this submission point will be discussed in full, with recommendations, under Topic 8 'Miscellaneous', which includes submissions which cover a variety of topics.

**Submitter 15: Ruth Kelly**

**Oppose**

**Submission Point #15.1:** Oppose DO5.1.2.i, DO5.1.2.ii, DO5.1.2.v, Biodiversity Corridors.

- a) The assertion that Biodiversity Corridors creating 'connectivity' between areas of native vegetation are valuable, is false and unproven. 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'...)
- b) You have stated the three primary functions of these 'corridors' on page 7 of the Plan Change document. With respect to our bush, the first two functions are covered both by a covenant and the designation it has 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. I completely object to that. 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.
- c) I think that the concept of the Biodiversity Corridors is just a nonsense.
- d) Since you are far from clear about important details such as who will own and maintain these Biodiversity Corridors, I don't see how you can ask ratepayers to agree to the idea.
- e) To conclude, I don't want 'Biodiversity Corridors' on our farm. My mother already plants hundreds of trees each year and looks after them. Our family don't have to be made to do it.
- f) You stated in your Section 32 report on page 5, about our bush, 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.

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

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.30**

**Oppose Submission Point #15.1**

Disagree as corridors are required but these areas may be offset by reserve fund contributions and works at time of subdivision.

**Further Submitter X11: Gibbons Holdings Limited**

**Statement X11.6**

**Support Submission Point #15.1**

The further submitter supports the submission to the extent of opposing Biodiversity

Corridors in close proximity to the quarry boundary which could lead to cross boundary and reverse sensitivity effects.

**Further Submitter X12: Fulton Hogan Limited**

**Statement X12.6**

**Support Submission Point #15.1**

The further submitter supports the submission to the extent of opposing Biodiversity Corridors in close proximity to the quarry boundary which could lead to cross boundary and reverse sensitivity effects.

**PLANNING OFFICER COMMENT #8**

**Ruth Kelly**

**Submission point #15.1**

This submission point, and further submissions are discussed under Planning Officer Comment #6. In relation to the opposing further submission X2.30 I am in agreement that corridors are required and note that reserve fund contributions at time of subdivision are one of the many options available to be considered when establishing Biodiversity Corridors. If any Biodiversity Corridor is to be purchased by the Council as part of, or in conjunction with, the reserves network (as per Section 12 Reserves and Landscaping of the Land Development Manual 2010) then it would be appropriate to utilise reserve fund contributions for this.

**RECOMMENDATION**

**Submission Point #15.1:** Reject

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

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

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

**AMENDMENT TO PROPOSED PLAN CHANGE:**

Nil

**Submitter 16: Lindy Kelly**

**Oppose**

**Submission Point #16.1:** Oppose Biodiversity Corridors, DO5.1.2.i, DO5.1.2.ii and DO5.1.2.v

- a) The assertion that Biodiversity Corridors creating 'connectivity' between areas of native vegetation are valuable, is false and unproven. 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'...)
- b) You have stated the three primary functions of these 'corridors' on page 7 of the Plan Change document. With respect to our bush, the first two functions are covered both by a covenant and the designation it has 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. I completely object to that. First you try to take my bush by claiming a 'riparian right' over it where there is no permanent stream, then you try to plan a walkway through it so you don't have to buy it and now it seems you are trying to do the same with these absurd 'Biodiversity Corridors'. 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.
- c) I think that the concept of the Biodiversity Corridors is just a vague concept 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.
  - d) Since you are far from clear about important details such as who will own and maintain these Biodiversity Corridors, I don't see how you can ask ratepayers to agree to the idea.
  - e) To conclude, I don't want 'Biodiversity Corridors' on my farm. I already plant hundreds of trees each year and look after them. I don't have to be made to do it.
  - f) You stated in your Section 32 report on page 5, about my bush, that 'any future desire to gain public access will be addressed through negotiation or purchase between the Council and the landowner'. I hope and trust you will abide by that.

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

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.31**

**Oppose Submission Point #16.1**

Disagree as corridors are required but these areas may be offset by reserve fund contributions and works at time of subdivision.

**Further Submitter X11: Gibbons Holdings Limited**

**Statement X11.7**

**Support Submission Point #16.1**

The further submitter supports the submission to the extent of opposing Biodiversity Corridors in close proximity to the quarry boundary which could lead to cross boundary and reverse sensitivity effects.

**Further Submitter X12: Fulton Hogan Limited**

**Statement X12.7**

**Support Submission Point #16.1**

The further submitter supports the submission to the extent of opposing Biodiversity Corridors in close proximity to the quarry boundary which could lead to cross boundary and reverse sensitivity effects.

**PLANNING OFFICER COMMENT #8**

**Lindy Kelly**

**Submission point #16.1**

This submission point and further submissions are discussed under Planning Officer Comment #6. In relation to the opposing further submission X2.31 I am in agreement that corridors are required and note that reserve fund contributions at time of subdivision are one of the many options available to be considered when establishing Biodiversity Corridors. If any Biodiversity Corridor is to be purchased by the Council as part of, or in conjunction with, the reserves network (as per Section 12 Reserves and Landscaping of the Land Development Manual 2010) then it would be appropriate to utilise reserve fund contributions for this.

**RECOMMENDATION**

**Submission Point #16.1:** Reject

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

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

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

**AMENDMENT TO PROPOSED PLAN CHANGE:**

Nil

**Submitter 17: C. I. Hurley and I. L. T Turner**

**Oppose**

**Submission Point #17.1:** Oppose Biodiversity Corridors. A 20 metre minimum width is too restrictive

**Decision Sought:** Oppose Biodiversity Corridors. A 20 metre minimum width is too restrictive.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.32**

**Oppose Submission Point #17.1**

Disagree as corridors are required but these areas may be offset by reserve fund contributions and works at time of subdivision.

**PLANNING OFFICER COMMENT #9**

**C. I. Hurley and I. L. T Turner**

**Submission point #17.1**

The submitter states their opposition to Biodiversity Corridors and as a reason states that the minimum 20m width is too restrictive.

Planning Officer Comment #2 contains discussion over the necessity to state a minimum width and why this should be 20m. This discussion concludes that a minimum width for Biodiversity Corridors is required to ensure that the impacts of the 'edge effect' are minimised and that a functional corridor can be created. The resource consent process (as a discretionary activity) allows for case by case assessment of situations where it may be desirable and acceptable to reduce the width in places. This should help to address the submitters concern that Biodiversity Corridors width requirement is too restrictive. While I acknowledge that a resource consent is still required to allow consideration of the suitability of any reduction in width I note that it will usually be a subdivision consent which triggers the need to consider Biodiversity Corridors in the first place and therefore a resource consent process is already required.

In relation to the submitter considering that the minimum 20m width requirement I point out that the proposed rules in Schedule W relating to Biodiversity Corridors, and the general zone rules relating to vegetation clearance, 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. Therefore many activities can occur within a Biodiversity Corridor without the need for a resource consent.

Planning Officer Comment #6 contains discussion on the proposal for Biodiversity Corridors in a more general sense. This discussion concludes that Biodiversity Corridors are desirable to improve connectivity between natural areas. See Planning Officer Comment #6 for the full discussion and reasoning.

I recommend that Biodiversity Corridors are retained and the minimum width remains at 20 m to minimise the 'edge effect' and allow the creation of a functional corridor; therefore I recommend the submission is rejected.

In relation to the opposing further submission X2.32 I am in agreement that corridors are required and note that reserve fund contributions at time of subdivision are one of the many options available to be considered when establishing Biodiversity Corridors. If any Biodiversity Corridor is to be purchased by the Council as part of, or in conjunction with, the reserves network (as per Section 12 Reserves and Landscaping of the Land Development Manual 2010) then it would be appropriate to utilise reserve fund contributions for this.

## RECOMMENDATION

**Submission Point #17.1:** Reject

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

## AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

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

#### Oppose

**Submission Point #18.2:** Oppose Biodiversity Corridors, DO5.1.2.i, DO5.1.2.ii and DO5.1.2.v

- a) The assertion that Biodiversity Corridors creating 'connectivity' between areas of native vegetation are valuable, is false and unproven. 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'...)
- b) You have stated the three primary functions of these 'corridors' on page 7 of the Plan Change document. With respect to our bush, the first two functions are covered both by a covenant and the designation it has 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. I completely object to that. First you try to take my bush by claiming a 'riparian right' over it where there is no permanent stream, then you try to plan a walkway through it so you don't have to buy it and now it seems you are trying to do the same with these absurd 'Biodiversity Corridors'. 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.
- c) I think that 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.
- d) Since you are far from clear about important details such as who will own and maintain these Biodiversity Corridors, I don't see how you can ask ratepayers to agree to the idea.
- e) To conclude, I don't want 'Biodiversity Corridors' on my farm. I already plant hundreds of trees each year and look after them. I don't have to be made to do it.

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

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.33**

#### Oppose Submission Point #18.2

Disagree as corridors are required but these areas may be offset by reserve fund contributions and works at time of subdivision.

**PLANNING OFFICER COMMENT #10**  
Glenn Stewart and Shelley t'Hooft

## Submission point #18.2

This submission point is discussed under Planning Officer Comment #6. In relation to the opposing further submission X2.33 I am in agreement that corridors are required and note that reserve fund contributions at time of subdivision are one of the many options available to be considered when establishing Biodiversity Corridors. If any Biodiversity Corridor is to be purchased by the Council as part of, or in conjunction with, the reserves network (as per Section 12 Reserves and Landscaping of the Land Development Manual 2010) then it would be appropriate to utilise reserve fund contributions for this.

### RECOMMENDATION

**Submission Point #18.2:** Reject

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

### AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

## Submitter 20: Donna and David Butler

### Support

**Submission Point #20.2:** We are very supportive of the biodiversity corridor and 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 corridors, indicative walkways and indicative road (Upper Brook Street to Landfill Road) - as on planning maps.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.34**

**Support Submission Point #20.2**

**Further Submitter X4: Lindy Kelly**

**Statement X4.4**

**Oppose Submission Point #20.2**

Concerns with Biodiversity Corridor provisions summarised as:

- The value of Biodiversity Corridors is unproven.
- Corridor would make it hard to control other pests from coming in to bush areas.
- Uncertainty in ownership and management.
- Impossible to farm effectively and safely with public having access across the land.

**Further Submitter X5: Kirsty Stewart**

**Statement X5.1**

**Oppose Submission Point #20.2**

Concerns with Biodiversity Corridor provisions summarised as:

- The value of Biodiversity Corridors is unproven.
- Corridor would make it hard to control other pests from coming in to bush areas.
- Uncertainty in ownership and management.

**Further Submitter X7: Amy and Paul Shattock**

**Statement X7.5**

**Oppose Submission Point #20.2**

We categorically reject that the proposal of Landscape Overlay, Biodiversity Corridors

and Eco-sourcing will actually achieve the proposed outcomes. We would require evidence of this before we considered these across our property and further more we will not accept them in their current form. There is huge ambiguity in this plan as to who will pay for the management, development and maintenance of these areas.

**Further Submitter X11: Gibbons Holdings Limited**

**Statement X11.10**

**Oppose Submission Point #20.2**

The proximity of some of the proposed Biodiversity Corridors and walkways / cycleways to the quarry could lead to cross boundary and reverse sensitivity effects.

**Further Submitter X12: Fulton Hogan Limited**

**Statement X12.10**

**Oppose Submission Point #20.2**

The proximity of some of the proposed Biodiversity Corridors and walkways / cycleways to the quarry could lead to cross boundary and reverse sensitivity effects.

**PLANNING OFFICER COMMENT #11**

**Donna and David Butler**

**Submission point #20.2**

The submitter states their support for Biodiversity Corridors (and the indicative road and walkway and cycleway initiatives) and seeks that they are retained within the proposed Plan Change.

While this submission point has received five opposing further submissions, and one in support, I recommend that the support of the submitter is accepted and the proposed Plan Change provision relating to Biodiversity Corridors is retained. The issues raised in the further submissions are discussed in the original submissions made by the further submitter parties with the appropriate response to them stated there.

Note this submission is repeated in Topic 4 'Roading connections, placement and traffic effects' and Topic 7 'Walkway and cycleway connections' due to the relevance to those topics.

**RECOMMENDATION**

**Submission Point #20.2:** Accept

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

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

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

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

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

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

**AMENDMENT TO PROPOSED PLAN CHANGE:**

Nil – note that there are changes to the Biodiversity Corridor provisions as a result of other submissions which are discussed throughout this topic.



## Topic 2: Zoning placement or extent

### Submitter 3: Fulton Hogan Limited

#### Oppose

**Submission Point #3.2:** The rezoning of areas of former rural land to Higher Density Small Holdings areas 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

#### Oppose

**Submission Point #4.2:** The rezoning of areas of former rural land to Higher Density Small Holdings areas 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.

### Further Submitter X2: Dugald and Janette Ley

Statement X2.35 and X2.36

#### Support Submission Point #3.2

Under the topic 'zoning' we agree that once the traffic issues have been resolved then the appropriate zoning should be some form of rural-residential small holdings - therefore we support the submitters.

### Further Submitter X3: Donna Kay Butler

Statement X3.1 and X3.2

#### Oppose Submission Point #3.2

The Quarry is demanding undue influence over the interests of other affected landowners in this plan change. Other key industries (eg. Port and Airport) operate in close proximity to residential let alone high density small holdings.

### Further Submitter X4: Lindy Kelly

Statement X4.5 and X4.6

#### Oppose Submission Point #3.2

The tiny part of our farm, along Enner Glynn Road that is being proposed to be put into higher density small holdings - about 5 lots, is nowhere near the quarry so does not pose any of the threats or inconvenience to the business as stated in the submission.

### Further Submitter X7: Amy and Paul Shattock

Statement X7.1 and X7.2

#### Oppose Submission Point #3.2

The small part of our farm, along Enner Glynn Road that is being proposed to put into higher density small holdings - about 5 lots, is nowhere near the quarry so does not pose any of the threats or inconvenience to the business as stated in the submission.

### PLANNING OFFICER COMMENT #12

Fulton Hogan Limited

Submission point #3.2

Gibbons Holdings Limited #4.2

The submitter seeks to delete all areas of Residential Zone and Rural Zone – Higher Density Small Holdings areas proposed by this Plan Change. The reason given is the reverse sensitivity effects on the York Valley Quarry (145 Market Road) from the increased potential for housing in the vicinity. In relation to what would cause the reverse sensitivity effects the submitter states that blasting carried out by the quarry could be of concern to users of the proposed walkway / cycleway. In relation to residential uses the submitter does not specify the likely cause of the reverse sensitivity concerns, for the purposes of this response, and in developing the proposed Plan Change I make the assumption that these could arise from noise (blasting and general quarry operation), visibility of the quarry, and potentially dust. Quarry traffic does not use roading within the proposed Plan Change area.

In relation to the reverse sensitivity issue I note 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, is recognised. This approach is set out in Table 7 ‘Managing cross-boundary effects to Quarries and Landfill’ of the Section 32 report. This 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 this Plan Change 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 has 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. This would allow for a few houses (it is not possible to give a conclusive number due to the range of possible boundary configurations but 3 – 4 would be conceivable) within the area of land visible from the quarry. Under the operative Rural zoning of this land it is only likely that 1 house could be built here due primarily to the 15 ha site size requirement. Note that there are other possible constraints to building and development of this land which have not been considered here. Because of this increased potential for housing to occur within sight of the quarry I recommend 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 would be replaced by the Rural Zone to which the Services Overlay does not apply. While I have no formal qualification in the field of acoustics it is my experience that sound is reduced both with distance and with shielding from the noise source, particularly when this occurs through landform and solid structures such as acoustic walls. Therefore 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 are expected to be reduced. In addition all the opportunities for an increased level of residential development proposed by this Plan Change would then be out of sight of the Quarry as well.

In relation to the wider areas of Residential Zoning and Rural Zone – Higher Density Small Holdings area proposed by this Plan Change I do not agree with the submitter that they should be removed. The majority of this is located in the Enner Glynn Valley and not visible from the Quarry. It 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. The advice I have received from landowners in Enner Glynn Valley is that they have heard blasting from the Quarry in the past but did not consider it to be loud and they did not indicate that it was of any concern to them.

## **RECOMMENDATION**

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

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

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

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

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

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

**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.

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

**Support in part**

**Submission Point #11.3** Support in Part: As property owners of title Lots 1 & 2, DP3418 involved in Plan Change 17 we feel 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. (see full submission for copy of map)

**Decision Sought:** We would like to see the proposed Residential section increase 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)

**Further Submitter X11: Gibbons Holdings Limited**

**Statement X11.2**

**Oppose Submission Point #11.3**

Increased Residential zoning in close proximity to the quarry may lead to cross boundary and reverse sensitivity effect. The quarry is a regional strategic asset and any adverse effects due to changes in zoning cannot constitute sustainable management of any of the resources involved.

**Further Submitter X12: Fulton Hogan Limited**

**Statement X12.2**

**Oppose Submission Point #11.3**

Increased Residential zoning in close proximity to the quarry may lead to cross boundary and reverse sensitivity effect. The quarry is a regional strategic asset and any adverse effects due to changes in zoning cannot constitute sustainable management of any of the resources involved.

**PLANNING OFFICER COMMENT #13**

**Sharon Higgins and Tony Singleton**

**Submission point #11.3**

The submitter states their support in part for this proposed Plan Change as it relates to Residential zoning. They request that the Residential Zone is amended to include all of a ridge on their property (149 Enner Glynn Road) going up to their property boundary. See Part B, Appendix 9 or the full submission for a copy of a map showing the area suggested.

The area suggested by the submitter was considered for its potential to be zoned Residential and this had been previously requested by the submitter during consultation. The reasons that it was not included originally, and is not now recommended to be changed are:

- 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 Part A, Section 6.26 – 6.34 of this 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 states '*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 states '*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 (nee Kidson) has considered this zoning request from the landscape perspective and has carried out a site visit of the area. Ms Gavins report is attached as Part B, Appendix 1. She states 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 which has 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 has 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 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.*

Taking these factors into consideration I recommend that the area of proposed Residential Zone of concern to the submitter remains as notified. This does not rule out the ability for these areas to be more densely developed in the future through the resource consent process. This process allows for the key issues of landscape impact, stability and rural character to be addressed as a discretionary activity.

The further submitters have stated their opposition to the requested increase in Residential Zone extent. The further submissions are accepted to the extent that they do not support increased extent of Residential Zone, but they are not accepted for the reasons of reducing the potential for reverse sensitivity with the York Valley Quarry. For further discussion on this topic see Planning Officer Comment # 12.

## **RECOMMENDATION**

**Submission Point #11.3:** Reject

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

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

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

**Submitter 12: Kirsty Stewart**

**Support**

**Submission Point #12.1** Support: 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.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.37**

**Support Submission Point #12.1**

Under the topic 'zoning' we agree that once the traffic issues have been resolved then the appropriate zoning should be some form of rural-residential small holdings - therefore we support the submitters.

**Submitter 13: Amy and Paul Shattock**

**Support**

**Submission Point #13.2** Support zoning and sections RU2.ii (b) and RUd.6: Enner Glynn Road zoning currently has little room for development. By 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

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.38**

**Support Submission Point #13.2**

Under the topic 'zoning' we agree that once the traffic issues have been resolved then the appropriate zoning should be some form of rural-residential small holdings - therefore we support the submitters.

**Submitter 15: Ruth Kelly**

**Support**

**Submission Point #15.2:** Support Zoning, in particular RU2.ii b) & RU d.6

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.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.39**

**Support Submission Point #15.2**

Under the topic 'zoning' we agree that once the traffic issues have been resolved then the appropriate zoning should be some form of rural-residential small holdings - therefore we support the submitters.

**Submitter 16: Lindy Kelly**

**Support**

**Submission Point #16.2:** Support Zoning, in particular RU2.ii b) & RU d.6

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.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.40**

**Support Submission Point #16.2**

Under the topic 'zoning' we agree that once the traffic issues have been resolved then the appropriate zoning should be some form of rural-residential small holdings - therefore we support the submitters.

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

**Support**

**Submission Point #18.1:** Support Zoning, in particular RU2.ii b) & RU d.6

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.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.41**

**Support Submission Point #18.1**

Under the topic 'zoning' we agree that once the traffic issues have been resolved then the appropriate zoning should be some form of rural-residential small holdings - therefore we support the submitters.

**PLANNING OFFICER COMMENT #14**

**Kirsty Stewart**

**Submission point #12.1**

**Amy and Paul Shattock**

**Submission point #13.2**

**Ruth Kelly**

**Submission point #15.2**

**Lindy Kelly**

**Submission point #16.2**

**Glenn Stewart and Shelley t'Hooft**

**Submission point #18.1**

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 I recommend that the submissions in support be accepted.

**RECOMMENDATION**

**Submission Point #12.1:** Accept

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

**Submission Point #13.2:** Accept

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

**Submission Point #15.2:** Accept

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

**Submission Point #16.2:** Accept

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

**Submission Point #18.1:** Accept

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

**AMENDMENT TO PROPOSED PLAN CHANGE:**

Nil

**Submitter 19: Mark Pyers**

**Support in part**

**Submission Point #19.1 and Decision Sought:** Can my block be changed to higher density small holdings instead of lower density small holdings?

**Further Submitter X11: Gibbons Holdings Limited**

**Statement X11.8**

**Oppose Submission Point #19.1**

Increased Rural (Higher Density Small Holdings) zoning in close proximity to the quarry may lead to cross boundary and reverse sensitivity effects.

**Further Submitter X12: Fulton Hogan Limited**

**Statement X12.8**

**Oppose Submission Point #19.1**

Increased Rural (Higher Density Small Holdings) zoning in close proximity to the quarry may lead to cross boundary and reverse sensitivity effects.

**PLANNING OFFICER COMMENT #15**

**Mark Pyers**

**Submission point #19.1**

The submitter requests that their land be changed from the proposed Rural Zone – Lower Density Small Holdings area to Rural Zone – Higher Density Small Holdings area. No reasons are given for this but I assume 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.

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. Philip Ruffell, Nelson City Council's Principle Adviser – Utilities, confirms 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.

I recommend that the submission is rejected and the current notified Rural Zone – Lower Density Small Holdings area be retained.

The further submitters have stated their opposition to the requested change to Rural Zone – Higher Density Small Holdings area. The further submissions are accepted to the extent that they do not support increased extent of this area, but they are not accepted for the reasons of reducing the potential for reverse sensitivity with the York Valley Quarry. For discussion on this topic see Planning Officer Comment # 12.

## RECOMMENDATION

**Submission Point #19.1:** Reject

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

**Further Submission Statement X12.8:** Accept

## AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

### Submitter 20: Donna and David Butler

#### Support in part

**Submission Point #20.1:** We seek an alteration such that part of the Upper Brook Valley that sits within the plan change boundaries should be re-zoned Rural (Higher density small holdings). This area is the lower slopes facing directly north down the Brook Valley which includes the lower part of our property.

**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'.

**Further Submitter X3: Donna Kay Butler**

**Statement X3.5**

#### Support Submission Point #20.1

We support the original submission and we request the reduction in Landscape Overlay to accommodate this.

**Further Submitter X11: Gibbons Holdings Limited**

**Statement X11.9**

#### Oppose Submission Point #20.1

Increased Rural (Higher Density Small Holdings) zoning in close proximity to the

quarry may lead to cross boundary and reverse sensitivity effects.

**Further Submitter X12: Fulton Hogan Limited**

**Statement X12.9**

**Oppose Submission Point #20.1**

Increased Rural (Higher Density Small Holdings) zoning in close proximity to the quarry may lead to cross boundary and reverse sensitivity effects.

**PLANNING OFFICER COMMENT #16**

**Donna and David Butler**

**Submission point #20.1**

The submitter requests that the lower slopes of land facing directly north down the Brook Valley (including the lower part of their property) is re-zoned Rural Zone – Higher Density Small Holdings area.

This area of land is zoned Rural in the operative Nelson Resource Management Plan. This continues down to existing undeveloped Residential Zone land which is also within the proposed Plan Change 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 Resource Management Act 1991 sections 67 (3) and 75 (3) require Council's to give effect to the Regional Policy Statement (RPS). Policy DH1.3.3 of the RPS 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 the proposed Plan Change 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 in proximity to the land in question by the submitter and their neighbours. 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. Liz Gavin (nee Kidson) of Kidson Landscape Consulting found in her Landscape Assessment report produced during the preparation of the Plan Change that this area is subject to reverse sensitivity issues from noise and adverse visual effects with the Quarry and the Landfill. I have also observed quarry operations, including blasting being carried out, and agree with Ms Gavin's assessment.

The quarry operates in the Rural Zone under 'Schedule R, York Valley Quarry' and has no expiry date specified, and also according to the reports when it was established, no real limit to the amount of material available for quarrying. Therefore I make the assumption that the quarry will be operating in this location for the foreseeable future within the bounds of Schedule R. The schedule is attached as Part B, Appendix 10. 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.

The landfill is 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 designation is attached as Part B, Appendix 10. The gully closest to Brook Valley can be used for landfill purposes when existing gullies are filled. 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.

An increase in the number of houses possible, beyond that permitted by the current zoning, within the area subject to the possibility of reverse sensitivity may be possible in certain locations and with certain conditions but I consider this best dealt with through the resource consent process. At the consent stage specific details of building placement, orientation, numbers, acoustic insulation and any mitigation measures would be known and could be accurately assessed for their suitability in minimising reverse sensitivity issues. As a discretionary activity consent this would allow Council to determine if neighbouring properties or the operators of the quarry should be involved in the process through limited or full notification of the consent. I therefore recommend that no changes are made to the zoning in this location from that which was notified.

This recommendation is supported by the RPS policy DH1.3.3 as noted above which notes the existence of incompatible rural activities. 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 this proposed Plan Change approach.

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. Note that these items alone are not determinative of the zoning pattern but build an overall picture with the issue of reverse sensitivity being of primary importance.

The submitter has also made a further submission supporting their original submission. In addition they request that the Landscape Overlay is reduced to accommodate the requested zoning change. Further submissions are not able to request new items or present new information beyond that raised in the original submission. The Landscape Overlay extent was not raised in the original submission. However should the commissioners consider it should form part of the Plan Change hearing considerations then the following discussion applies.

Liz Gavin (nee Kidson) of Kidson Consulting Limited has reviewed the Landscape Overlay position as was notified in this proposed Plan Change. Report attached as Part B, Appendix 1. Ms Gavin recommends that the Landscape Overlay is reduced in extent in the area subject to the Butler's further submission. As she states this is due to the lack of visibility of this area from the Central Business District, coast or major transportation routes which are the main criteria set in the Plan for determining the Landscape Overlay position.

The Landscape Overlay does not prevent development of an area, it simply ensures that consideration is carried out as to the possible impact of any proposal on the landscape values of the area and ensures that, if required, appropriate mitigation is put in place. The removal of the proposed Landscape Overlay would mean there are no specific controls in place to ensure that landscape values are protected in this area.

The further submissions in opposition to an increased zoning density by the quarry owner and operator are accepted.

#### **RECOMMENDATION**

**Submission Point #20.1:** Reject

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

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

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

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

Nil

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

**Submitter 5: Dugald and Janette Ley**

## Oppose

**Submission Point #5.1:** Stormwater runoff issues.

I have yet to see any catchment drainage reports on the rezoning of this land from the rural state to that of a semi residential state. I deem that 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:** I ask that the evidence be produced prior to any hearing to address this matter (stormwater and drainage) and the stormwater report be made available to submitters.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.42**

**Support Submission Point #5.1**

Agree with this submitter.

## Oppose

**Submission Point #5.5:** The Section 32 report mentions that any new residential areas will require servicing with extensions of the existing wastewater reticulation system. 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 states 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:** I ask for 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.

Overall decision requested: Delay this application until the above issues have been debated and resolved.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.43**

**Support Submission Point #5.5**

Agree with this submitter.

## Oppose

**Submission Point #5.6:** It is noted that a new water main has been installed in Enner Glynn Road up to the intersection with Newman Drive. This looks like a 150mm main. Thereafter I believe there is a 25mm rider line heading up the valley. No mention has 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:** I ask that a structure plan be provided 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.

Overall decision requested: Delay this application until the above issues have been debated and resolved.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.44**

**Support Submission Point #5.6**

Agree with this submitter.

**PLANNING OFFICER COMMENT #17**

**Dugald and Janette Ley**

**Submission point #5.1, #5.5, and #5.6**

The submitter requests that more information is provided outlining stormwater runoff and servicing requirements of future development in the Enner Glynn Valley area. In particular this relates to providing a stormwater and drainage report on the area, showing details of wastewater reticulation systems including cost share arrangements between the developers and NCC, and a providing a plan which shows that drinking water and fire fighting supply for the new residential areas can be provided.

Submission point 5.1 requests that evidence be provided which addresses the matter of stormwater and drainage in the Jenkins Creek catchment. As the submitter states *'The Structure Plan needs a stormwater catchment plan design assessment to show how storm water flows predevelopment will be less after development and noting climate change predictions'*.

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 is titled *'Marsden Valley to the Brook Structure Plan, Drainage and Watercourse Impacts Assessment report, 10 March 2009'* and a copy has been provided to submitter 5 and is attached to this Officers Report as Part B, Appendix 4. 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.

The drainage and watercourse report has 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 states 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. 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.

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

In the submitters reasoning they state that no detention areas are shown in the Structure Plan. The drainage and watercourse report discusses detention areas and finds that some maybe required at the base of side gullies where these meet the valley floor. 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. The process for undertaking this is discussed in Planning Officer Comment #18.

Submission Point 5.5 seek that a plan of the wastewater reticulation system showing alignment of the lines, downstream upgrades and costs share arrangements is provided. Submission Point 5.6 seeks 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 has been discussed in the paragraph 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. Phillip Ruffell, Nelson City Council's Principle Advisor Utilities has 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 advises 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. The request of the submitter is therefore recommended to be rejected.

**RECOMMENDATION**

**Submission Point #5.1:** Accept

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

**Submission Point #5.5:** Reject

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

**Submission Point #5.6:** Reject

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

**AMENDMENT TO PROPOSED PLAN CHANGE:**

Nil



# Topic 4: Roading connections, placement and traffic effects

Submitter 5: Dugald and Janette Ley

## Oppose

**Submission Point #5.2:** Increase in vehicle movements on Enner Glynn Valley Road and at the Waimea Road / The Ridgeway intersection potentially causing traffic issues.

**Decision Sought:** I ask that 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 Plan Change 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.

Overall decision requested: Delay this application until the above issues have been debated and resolved.

## Oppose

**Submission Point #5.3:** Existing roads are deemed by us 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 we see no details of this.

**Decision Sought:** I ask that details of, and cost shares from developers are 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.

Overall decision requested: Delay this application until the above issues have been debated and resolved.

## PLANNING OFFICER COMMENT #18

Dugald and Janette Ley

Submission point #5.2, and #5.3

The submitter is 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. The potential traffic issues raised by the submitter have been considered by Andrew James, Nelson City Council's Principle Adviser – Transport. Mr James' report is included as Part B, Appendix 5. Mr James agrees with the submitter that the current roading and intersection configuration requires improvement to accommodate any increase in traffic volumes. Furthermore he states that the Waimea Road / The Ridgeway intersection is one of 15 which require improvements based on current volumes. Mr James also agrees that detailed investigation will be required to determine the nature of these improvements. Where the submitter and Mr James' view differ is the timing of these detailed investigations. The submitter seeks that upgrade information, including a traffic assessment considering increased traffic from the Plan Change area, Waimea Road, and the possible 'Southern Link', be sought and considered prior to the Plan Change proceeding. Mr James considers 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 notes that the growth projections from proposed Plan Change 17 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, design improvements have been scheduled for the last few years but had been deferred awaiting the outcomes of the ATS, this Plan Change and the effects of The Ridgeway link on traffic flows. Funding is allocated in the Long Term Plan for the 2011/2012 financial year to carry out the design and construction of improvements to this intersection.

It is 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 this proposed Plan Change increasing traffic volumes along Enner Glynn Road.

Mr James also considers Enner Glynn Valley Road itself would require upgrading particularly around the

bend 170m east of the intersection with Newman Drive and Enner Glynn Road. In his view this would be the costliest section and involve earthworks, retaining and possibly land purchase.

As Mr James states it is seen to be more appropriate to consider any outstanding specific mitigation issues as part of future resource consent applications rather than attempt to determine these at this point. In my view 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 means 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, shall be addressed at the time of planning for a subdivision.

Works to facilitate the future road upgrade (Enner Glynn Road as per this submission, but applicable to any extension or increase of service capacity to address the Services Overlay requirements) can either be funded through the Long Term Plan (LTP) or by the developer. For works to be funded through the LTP developers can either:

1. Wait for the project to be programmed into the capital works programme and included in the LTP as part of Council's prioritisation process, or
2. Make a submission to the LTP / Annual Plan to get works scheduled earlier to match their intended development timetable, or
3. Fund the work themselves.

This leads into the submitter's final point that the details of any cost sharing arrangements between developers and the Council are determined now and the impact on ratepayers is advised. In my view the level of detail requested by the submitter goes far beyond that which can be reasonably expected to be gained through this proposed Plan Change process to rezone land. The proposed Plan Change 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 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.

Overall I consider that development of the area, resulting in increased traffic movements, will be appropriately mitigated prior to the effect being generated. In my view it is not appropriate to attempt to determine this at this Plan Change stage and should be carried out at the time of detailed future development planning when the impacts can be more accurately predicted. The Long Term Plan process allows the opportunity for developers to seek funding for this and it to be considered by Council and the public.

## **RECOMMENDATION**

**Submission Point #5.2:** Reject

**Submission Point #5.3:** Reject

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

Nil

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

### **Oppose**

**Submission Point #7.1:** I am opposed to the above provisions (AD11.4A viii, AD11.4A ix, Proposed Structure Plan Map 3, Meaning of Words 'Generally Accord') and any other matters within the Proposed Plan Change 17 that will require me to provide a linking road between land in Plan Change 13 and

Panorama Drive as shown on Planning Map 3, Plan Change 17 with the residential subdivision of my land more particularly Lot 5, DP 410388.

**Decision Sought:**

The decisions I seek from the Council are:

1. That the indicative road shown linking the McLaughlin land and Panorama Drive across my land 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, and appropriately compensates me for all losses I am likely to suffer.

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 of my land 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 my subdivision may proceed with the right of way I have proposed but this 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.

This provides the Council with the opportunity to widen the lane as necessary on the McLaughlin land. The Council may have to designate part of the McLaughlin land for that purpose. If the above matters are met by the Council my opposition to Plan Change 17 will be satisfied.

**Further Submitter X1: Marsden Park Limited**

**Statement X1.1**

**Support Submission Point #7.1**

There is no direct benefit to Marsden Park and there may be alternative options available.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.45**

**Oppose Submission Point #7.1**

Indicative roads are valid forms of protecting links to communities and benefits to the health and safety of individuals. Indicative roads are just that, an indication of a link in that general location. With the new NCC land development manual plus NZS 4404 2010 this gives flexibility in road and footpath / cycleway designs, these designs can be left until subdivision stage.

**PLANNING OFFICER COMMENT #19**

**Rosalie Barbara Higgins**

**Submission point #7.1**

The submitter is concerned about the existence of the indicative road across their land showing a link from Panorama Drive to the Enner Glynn / Marsden Valley saddle. Their decision sought provides the alternatives of deleting the indicative road (their preference), Council carries out the investigation and retains financial responsibility as a public work (including compensation to the land owner), alternatively that Council allows the use of a Residential Lane along the common boundary with land considered under Plan Change 13 (McLaughlin boundary). The submitter suggests that following this Residential Lane option would allow them to construct access to a Right of Way standard with gradients up to 1 in 6 and have this vested as road with Nelson City Council. They suggest that the costs of any footpath are met by Council and that if we wish to widen the formation, this could occur across the boundary with the McLaughlin land.

As the road crosses over the boundary between two different plan change areas the submitter also raised this issue through the Plan Change 13 submission process where their request was to *'reject the proposal for a road through Higgins land linking to Panorama Drive'*. The plan changes (13 and 17) were developed together, particularly in the early stages and this resulted in connections (indicative roads, and walkway / cycleways) which crossed the boundary between the two to provide for an integrated and connected future

development of the wider area.

In response to the preferred option of the submitter to delete the indicative road I consider that a road connection in this location is desirable as it provides increased connectivity between, and within communities. 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. Connections between different areas also improve the efficiency of servicing an area, for example rubbish and recycling collection and postal delivery. I acknowledge there will be an impact on the private land owners in relation to considering the provision of the desired road connection, however, the stated community benefits are considered to outweigh the costs. The retention of this proposed connection is supported by Andrew James, Nelson City Council's Principle Adviser Transport and Rooding, who has also advised through the Plan Change 13 hearing that there would be little, if any, upgrades required to the existing road network through forming this road connection. Mr James' report is attached as Part B, Appendix 5.

This desire to improve connectivity of the transport network gives effect to the objectives and policies of the Regional Policy Statement as is discussed in Section 6.35 and 6.36 of Part A of this report. These state that the objective is to achieve a *'safe and efficient land transport system'* which *'meets community needs for accessibility'*, and *'uses energy efficiently'* and *'discourages dispersed development'*. The Nelson Resource Management Plan contains a district wide objective and related policies consistent with this statement; DO10.1 land transport *'A land transport system that is safe, efficient and sustainable, and which avoids, remedies or mitigates its adverse environmental effects'*. Nelson City Council Land Development Manual 2010 also includes objectives of connectivity and a planned transport network which are set out in Planning Officer Comment #20.

In determining that it is desirable to retain the proposed connection I now consider the submitters other suggested alternatives. The option of Council carrying out the investigation and retaining financial responsibility as a public work (including compensation to the land owner) has not been pursued, and is not recommended as it is an inefficient way of providing the connection. It relies on knowing the subdivision design of the land in question and does not provide for any cost sharing options between the Council and the developer. My preferred option is along the lines of the alternative Residential Lane option suggested by the submitter. This ensures that the subdivision design will be known at the time of planning a connection and it allows for financial responsibility to be fairly apportioned.

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 the Residential Lane, and varieties of this which can be considered through the resource consent process. This planning framework will therefore enable an option such as that suggested by the submitter to occur but what cannot be achieved is that Council *'accepts and nominates'* this option at this point, as the submitter requests. My recommendation is to retain the flexibility that the planning framework will provide and not *'lock'* in any particular option at this point.

In considering any consent application it is recognised that while the road would serve the development potential of the Higgins property, the extent of formation to provide for a connection is likely to exceed that required solely to serve any future lots. This is suggested by the submitter when it is stated that they would form to a right of way standard and Council could improve on this in the future. This further suggests sharing the costs of this between land owners and Council to recognise the dual benefits. This can be considered as part of development planning through the Long Term Plan (LTP) process.

The indicative road connection is dealt with through the proposed Plan Change as follows. Schedule W, rule W.2 a) states that subdivision design shall generally accord with the Structure Plan. A subdivision that does not *'generally accord'* with the Structure Plan would be considered as a discretionary activity consent. Chapter 2 Meanings of Words, defines *'generally accord'* as meaning that items *'...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'*. It goes onto say that *'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 ... 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*'. This does two things. Firstly it notes that it is the connection that is important, not necessarily exactly where the road is placed. This provides flexibility to the developer to work out a route that suits them and Council. Secondly it states that the connection does not necessarily have to be formed and established at time of development, but it must be provided for in the design i.e. the future connection cannot be prevented by way of subdivision layout, building placement or any other method.

Overall I consider that the alternative suggested by the submitter can be achieved through the planning framework being established but that this cannot be explicitly 'nominated' through this Plan Change. The submission point is recommended to be accepted in part for this reason.

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

Further submission X1.1 is recommended to be rejected. They support the submitter in removing the indicative road and states there may be alternative options available. The indicative road connection is already shown to the boundary on the operative Plan Change 13, on land owned by the further submitter. While alternative options may be available these will need to be considered through the resource consent process if they are not in general accordance with the items shown on the Structure Plan.

Further submission X2.45 opposes the removal of the indicative road and state these are valid forms of protecting links to communities and benefits to the health and safety of individuals. This further submission is recommended to be accepted.

## **RECOMMENDATION**

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

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

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

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

Amend existing note on Map 3: 1) 'The representation on this map of a road or track does not necessarily indicate a ~~public right of way~~ right of public access'.

## **Submitter 10: Tamika Simpson**

### **Oppose**

**Submission Point #10.1:** I oppose proposed Plan Change 17. The main reason I oppose the plan change is because of the proposed 'network of walkway/cycleways, future roads and biodiversity corridors provided through a structure plan. I do not believe 'connectivity' policy of NCC is sufficient reason to put a road through the top of the Brook Valley. A road in the location proposed would turn what is currently a highly valued and valuable recreational destination into a hazardous traffic cut-through. I oppose the building of more roads for private cars - that is not the way to create a functioning and healthy environment for Nelson residents.

### **Decision Sought:**

If NCC insists a road is necessary, why not properly consider what members of my family and I have suggested as an alternative route through Blick Terrace? While we have been told this has already been rejected because of cost, we have not seen the figures behind this judgement.

I also oppose the publication of any plans with future possible roads, walkways etc on any Simpson land. We have repeatedly told NCC 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.

I 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 my parents property we do not see any way we can or will pursue the use of our land for housing.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.55**

**Oppose Submission Point #10.1**

An indicative road is shown connecting the Brook Valley with Bishopdale. No doubt this will also include a walkway and one is also shown connecting the Enner Glynn Valley and the Brook Valley. These are vital links to communities and allow for dual exit routes out of communities should blockage of one route eventuate.

**Further Submitter X4: Lindy Kelly**

**Statement X4.9**

**Support Submission Point #10.1**

A farm is a place of business. Plan Change does not place walkways / cycleways across the quarry and landfill operations. A farm should be respected in the same way.

**Further Submitter X5: Kirsty Stewart**

**Statement X5.6**

**Support Submission Point #10.1**

A farm is a place of business. Plan Change does not place walkways / cycleways across the quarry and landfill operations. A farm should be respected in the same way.

**Further Submitter X7: Amy and Paul Shattock**

**Statement X7.8**

**Support Submission Point #10.1**

A farm is a place of business. Plan Change does not place walkways / cycleways across the quarry and landfill operations. A farm should be respected in the same way.

**PLANNING OFFICER COMMENT #20**

**Tamika Simpson**

**Submission point #10.1**

The submitter opposes the proposed Plan Change, with the main reason given is because of the proposed 'network of walkway/cycleways, future roads and biodiversity corridors provided through a structure plan'. In the submitter's 'Decision Sought' section they request that if a connecting road (Brook Street to Market Road) is considered necessary a potential route from Blick Terrace be properly considered. They also do not wish any plans to be published that show indicative roads, walkways etc on land owned by the Simpson family. In addition they express specific concern about the Council using the Resource Management Act to impose the road condition on our use of our land.

In my response I will discuss each item identified in the 'Decision Sought' section of the submission individually.

Consider road connection on the Blick Terrace route. As has been noted by Andrew James, Nelson City Council's Principal Adviser – Transport and Roading (evidence attached as Part B, Appendix 5) a preliminary assessment of the alternative route suggested by the submitter. This desk top assessment showed that this route would be approximately 800m longer, rise 85 vertical meters higher, and traverse steeper land requiring the use of switch backs. It would also serve fewer potential residential properties and be less effective in its connection function as it connects midway down the Brook Valley rather than from the upper end. In my opinion the connection route as shown in the Structure Plan for the proposed Plan Change 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 terms of establishing a connection at all, Mr James has confirmed that this connection makes '*...good planning sense as well as providing local network improvements similar to the other connections proposed in this Plan Change.*' In relation to connections in the proposed Plan Change generally Mr James states

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. He notes further 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.

The regulatory backing to this desire to improve connectivity of the transport network is related to the objectives and policies of the Regional Policy Statement as is discussed in Section 6.35 and 6.36 of Part A of this report. These state that the objective is to achieve a *'safe and efficient land transport system'* which *'meets community needs for accessibility'*, and *'uses energy efficiently'* and *'discourages dispersed development'*. The Nelson Resource Management Plan contains a district wide objective and related policies consistent with this statement; DO10.1 land transport *'A land transport system that is safe, efficient and sustainable, and which avoids, remedies or mitigates its adverse environmental effects'*.

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, supports 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 has 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 has a crucial part to play in the delivery of sustainable communities.*

I consider that providing the ability to achieve a connection road in the future will help to achieve the transport objectives of the Land Development Manual and Objective DO10.1 'Land Transport' of the Nelson Resource Management Plan which seeks 'A land transport system that is safe, efficient and sustainable, and which avoids, remedies or mitigates its adverse environmental effects'.

In summary the portion of the submission relating to an alternative connection from Blick Terrace, and the opposition to a connection at all, is recommended to be rejected.

Showing indicative roads, walkways etc on land owned by the Simpson family. The submitter raises the issue of people trespassing on their property as people may assume right of public access due to indicative road and track routes being shown on published Council maps. This issue has been raised by the submitter during earlier rounds of consultation and amendments have been made to the maps which now state the roads and walkways are 'indicative' and the maps include the statement 'NOTE: The representation on this map of a road or track does not necessarily indicate a public right of way'. See Planning Officer Comment #19 for amendments to this statement for consistency with Plan Change 13 – namely that 'public right of way' is changed to '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'.

In terms of the existence of the proposed walkway / cycleway, it forms a desirable connection between the Brook and Enner Glynn Valley and its importance in forming a link in the overall network of tracks is explained by Britta Hietz – Planning Adviser Nelson City Council in her memo dated 22 March 2010 and attached as Part B, Appendix 6. For the reasons of connectivity and encouragement of physical activity I recommend that the proposed connection is retained. (note that Ms Hietz refers to a walkway to the Kelly's Bush – this no longer forms part of proposed Plan Change 17).

The proposed Plan Change 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 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.*' This section of the proposed Plan Change 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 states:

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

I recommend that the walkway / cycleway connection between The Brook Valley and Enner Glynn Valley should be retained and identified on the Structure Plan for the reasons given above, the protection and recognition in the currently notified Plan Change, and in the memo referenced.

Using the Resource Management Act to impose road condition. The submitter considers Council should not use the Resource Management Act (RMA) provisions to establish the proposal for an indicative road on their property. The RMA gives the Council the ability to use the provisions of the First Schedule to undertake Plan Changes. In carry out this function Council is guided by Part 2 Purpose of Principles of the RMA. Part 2, Section 5, states the purpose of the Act is to promote the sustainable management of natural and physical resources. Section 5 (2) goes onto state that 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:

- a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Section 30 (1) (gb) specifically sets out that every regional council shall have the function for the purpose of giving effect to the Act of, '*the strategic integration of infrastructure with land use through objectives, policies and methods*'.

It is my opinion that the approach undertaken for this proposed Plan Change represents sound planning practice which achieves the purpose of the RMA. The approach taken for this proposed Plan Change involved the development of a structure plan over a wide area to guide future development and growth in an integrated and managed way. A key feature to this, which meets the reasonably foreseeable needs of future generations and represents '*strategic integration of infrastructure with land use*', was to indicate future connections. In this case the indicative road referred to by the submitter. Therefore I conclude that it is appropriate to use the RMA for the purpose of establishing the indicative road connection within this proposed Plan Change.

**RECOMMENDATION**

**Submission Point #10.1:** Reject

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

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

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

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

**AMENDMENT TO PROPOSED PLAN CHANGE:**

Nil

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

**Support in part**

**Submission Point #11.7:** Support in Part AD11.4A.v a), and Map 3 'Structure Plan': Connectivity is important for any growing city. 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. This connection needs to be removed from the Council's Structure Plan. Indicative Road connecting Marsden Park and Upper Enner Glynn Road. This connection is important and will result as a major link road for future residents in the Valley. As a property owner directly involved in the forming of this road (if development was to proceed) I am 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:** My preferred amendment would be for the Council to delete the proposed indicative road connection between Marsden Park and Panorama Drive out entirely from the proposed Structure Plan.

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.

**Further Submitter X1: Marsden Park Limited**

**Statement X1.2**

**Support Submission Point #11.7**

There is no direct benefit to Marsden Park and there may be alternative options available.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.47**

**Oppose Submission Point #11.7**

Indicative roads are valid forms of protecting links to communities and benefits to the health and safety of individuals. Indicative roads are just that, an indication of a link in that general location. With the new NCC land development manual plus NZS 4404 2010 this gives flexibility in road and footpath / cycleway designs, these designs can be left until subdivision stage.

**PLANNING OFFICER COMMENT #21  
Sharon Higgins and Tony Singleton  
Submission Point #11.7**

The submitter notes their partial support for the road connection between Marsden Valley and Upper Enner Glynn Valley as they consider connectivity is important for any growing city and that it would result in a major link road for future residents in the valley. They do not support the connecting road from Panorama Drive to the Marsden / Enner Glynn Saddle and state it is unnecessary, costly and will provide little advantage in relation to the cost in implementing it. They seek that this road is removed from the Plan Change or that Council works with the developer to provide the connection.

The issue of the Panorama to Marsden / Enner Glynn saddle connection has been discussed in Planning Officer Comment #19 and is relevant to this submission point. The discussion in Planning Officer Comment #19 explains how the Council takes a flexible approach to the provision of roading to ensure that it meets the context and function it is in. It also explains that Council would recognise the dual role of a connecting road, to service development and to provide a through route.

The discussion in Planning Officer Comment #19 is also of relevance to the Marsden Valley and Upper Enner Glynn Valley connection. In my opinion the flexibility and Council approach outlined will allow for the submitters alternative suggestion of the land owner and Council working together to achieve the connection to occur.

The submission is recommended to be accepted in part as I consider the submitters alternative suggestion can occur, however the Panorama Drive to Marsden / Enner Glynn saddle connection is not recommended to be removed.

## RECOMMENDATION

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

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

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

## AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

### Submitter 14: Richard Sullivan

#### Oppose

**Submission Point #14.1:** I oppose the plan in its entirety, especially 'a network of walkway/cycleways, future roads and biodiversity corridors provided through a structure plan'. The reasons that I oppose the plan is it is:

inconsistent with previous plans and strategies and contrary to landowner wishes;

ill-considered proposed roading network;

disenfranchising for landowners; and

unworkable proposed roading and biodiversity corridor connections affecting land development

potential.

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

### Further Submitter X2: Dugald and Janette Ley

### Statement X2.48

#### Oppose Submission Point #14.1

Indicative roads are valid forms of protecting links to communities and benefits to the health and safety of individuals. Indicative roads are just that, an indication of a link in that general location. With the new NCC land development manual plus NZS 4404 2010 this gives flexibility in road and footpath / cycleway designs, these designs can be left until subdivision stage. Biodiversity Corridors provide vital links and are required to be protected and enhanced.

## PLANNING OFFICER COMMENT #22

Richard Sullivan

Submission point #14.1

The submitter outlines their opposition to the proposed Plan Change as a whole with the 'network of walkways / cycleways, future roads and Biodiversity Corridors' being of a particular concern. A variety of reasons and comments on the implications of these items are outlined in the full submission. As the submission covers a number of topics in an interrelated way this submission point will be discussed in full, with recommendations, under Topic 8 Miscellaneous, which includes submissions covering a variety of topics.

### Submitter 20: Donna and David Butler

#### Support

**Submission Point #20.2:** We are very supportive of the biodiversity corridor and 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 corridors, indicative walkways and indicative road (Upper Brook Street to Landfill Road) - as on planning maps.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.34**

**Support Submission Point #20.2**

**Further Submitter X4: Lindy Kelly**

**Statement X4.4**

**Oppose Submission Point #20.2**

Concerns with Biodiversity Corridor provisions summarised as:

- The value of Biodiversity Corridors is unproven.
- Corridor would make it hard to control other pests from coming in to bush areas.
- Uncertainty in ownership and management.
- Impossible to farm effectively and safely with public having access across the land.

**Further Submitter X5: Kirsty Stewart**

**Statement X5.1**

**Oppose Submission Point #20.2**

Concerns with Biodiversity Corridor provisions summarised as:

- The value of Biodiversity Corridors is unproven.
- Corridor would make it hard to control other pests from coming in to bush areas.
- Uncertainty in ownership and management.

**Further Submitter X7: Amy and Paul Shattock**

**Statement X7.5**

**Oppose Submission Point #20.2**

We categorically reject that the proposal of Landscape Overlay, Biodiversity Corridors and Eco-sourcing will actually achieve the proposed outcomes. We would require evidence of this before we considered these across our property and further more we will not accept them in their current form. There is huge ambiguity in this plan as to who will pay for the management, development and maintenance of these areas.

**Further Submitter X11: Gibbons Holdings Limited**

**Statement X11.10**

**Oppose Submission Point #20.2**

The proximity of some of the proposed Biodiversity Corridors and walkways / cycleways to the quarry could lead to cross boundary and reverse sensitivity effects.

**Further Submitter X12: Fulton Hogan Limited**

**Statement X12.10**

**Oppose Submission Point #20.2**

The proximity of some of the proposed Biodiversity Corridors and walkways / cycleways to the quarry could lead to cross boundary and reverse sensitivity effects.

**PLANNING OFFICER COMMENT #23**

**Donna and David Butler**

**Submission point #20.2**

These comments relate to the indicative road portion of the submission. The remaining components of the submission (Biodiversity Corridors and Walkways and cycleways) are discussed in topics 1 and 7 respectively.

The submitter states their support for the indicative road linking Brook Street and Landfill / Market Road (and the Biodiversity Corridors and walkway and cycleway initiatives) and seeks that it is retained within the proposed Plan Change.

I recommend that the support of the submitter is accepted and the proposed Plan Change provision relating to the indicative road is retained. The indicative road is sought to improve connectivity and to improve the wider road network by increasing route choices and efficiency. The reasons for seeking this road connection through the proposed Plan Change are discussed in full in Planning Officer Comment #20.

Of the six further submissions only the one in support from Dugald and Janette Ley is of relevance to the indicative road component of the submission dealt with under this topic.

Note this submission is repeated in Topic 1 'Plan Provisions on Biodiversity and Eco-Sourcing' and Topic 7 'Walkway and cycleway connections' due to the relevance to those topics.

## **RECOMMENDATION**

**Submission Point #20.2:** Accept

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

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

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

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

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

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

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

Nil



# Topic 5: Transmission Lines

**Submitter 5: Dugald and Janette Ley**

## **Oppose**

**Submission Point #5.7:** The site is crossed by heavy duty power lines and pylons, these alignments need to be protected and have suitable building/activity rules/constraints around them.

**Decision Sought:** It is surprising that a corridor for 'no development' has not been shown on the maps and one would assume that Transpower will submit on this and require the NZECP 34:2001 to be met, ie Code of Practice for Electrical Safety Distance 2001.

Overall decision requested: Delay this application until the above issues have been debated and resolved.

## **PLANNING OFFICER COMMENT #24**

**Dugald and Janette Ley**

**Submission point #5.7**

The submitter notes the importance of the Transpower transmission lines that run across the Plan Change area and seeks that the application (proposed Plan Change) is delayed. While not directly stated this is assumed to be to allow for Transpower's needs to be considered with the potential for a 'no development' area

The submitter effectively defers to the Transpower submission which is discussed in Planning Officer Comment #25 below.

In relation to the submitters statement that a 'no development' corridor has not been shown I need to explain how development near transmission line corridors are dealt with under the Nelson Resource Management Plan.

Chapter 5 'District Wide Objectives and Policies', includes under section DO14 'Subdivision and Development' the objective DO14.4 'Network Utilities':

*Efficient use of network utilities infrastructure while avoiding, remedying, or mitigating the adverse effects of utilities on their surrounding environments.*

and the related policy DO14.4.2 Transmission lines

*Reduce the potential risks associated with high voltage transmission lines by encouraging the location of these away from urban areas and by ensuring residential development is not located near such lines.*

The methods stated are to have rules in each zone controlling the proximity of residential development to transmission lines, the depiction of transmission lines on the Planning Maps and assessment criteria on applications.

The relevant rule for the Rural Zone is RUr.42 'Buildings near transmission lines' which requires that *residential units, or education facilities (including any preschool or day care centre) must not be located within 20m of any existing above ground, or within 10m of any existing underground, electricity transmission line with a capacity greater than or equal to 66kV.*

The relevant lines across the proposed Plan Change 17 area are a 33kV line owned by Tasman Energy, and a 110kV line owned by Transpower. The provisions outlined above relate to the 110kV line therefore requiring a 20m setback from the line. No setback is required from the 33kV line. The rule also notes that the New Zealand Electrical Code of Practise (NZECP) 34:2001 also must be met and in some cases can require a greater separation distance than is specified by the rule.

In addition to the rule stated and the NZECP 34:2001 I am aware that Transpower has easements over at least some of the properties over which their line passes. This easement restricts activities which can occur within it.

Taking these existing plan provisions into account it is my recommendation that no corridor is required to be shown on the planning maps as the submitter suggests.

As the submitter notes Transpower has submitted on this proposed Plan Change and a response to their submission is included in Planning Officer Comment #25 below. Items within that discussion are also

relevant to this submission point.

## RECOMMENDATION

**Submission Point #5.7:** Reject

## AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

### Submitter 6: Transpower New Zealand Limited

#### Support in part

**Submission Point #6.1:** Transpower supports the main thrust and intent of the Plan Change, however it considers that the Plan Change could more appropriately give effect to the 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.

#### Further Submitter X2: Dugald and Janette Ley

Statement X2.49

#### Support Submission Point #6.1

Major overhead powerlines are a strategic asset that needs protection for the importance of national supply. Development under and around them needs to be controlled.

#### Further Submitter X8: Richard Sullivan

Statement X8.1

#### Oppose Submission Point #6.1

My reason for this is due to the unworkability of the plan change if this is included. Adding another 64 metre wide exclusion zone on top of the others guarantees that the plan will never be implemented.

#### Further Submitter X9: Rosalie Higgins

Statement X9.1

#### Oppose Submission Point #6.1

I oppose the fact the Transpower are trying to secure more land through this plan change. This is not a district plan matter, negotiate land easements with land owners and compensate accordingly.

**Further Submitter X10: Sharon Higgins and Tony Singleton**      **Statement X10.1**

**Oppose Submission Point #6.1**

I oppose the fact that Transpower are trying to increase their easement from the 20m corridor they purchased from us in 2005 to 32m in this plan change. Transpower should negotiate with the land owner and purchase the additional 24m they feel they need to protect their asset and their liability.

---

**Support in part**

**Submission Point #6.2:** 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.

**Further Submitter X2: Dugald and Janette Ley**      **Statement X2.50**

**Support Submission Point #6.1**

Major overhead powerlines are a strategic asset that needs protection for the importance of national supply. Development under and around them needs to be controlled.

**Further Submitter X8: Richard Sullivan**      **Statement X8.2**

**Oppose Submission Point #6.1**

My reason for this is due to the unworkability of the plan change if this is included. Adding another 64 metre wide exclusion zone on top of the others guarantees that the plan will never be implemented.

**Further Submitter X9: Rosalie Higgins**      **Statement X9.2**

**Oppose Submission Point #6.1**

I oppose the fact the Transpower are trying to secure more land through this plan change. This is not a district plan matter, negotiate land easements with land owners and compensate accordingly.

**Further Submitter X10: Sharon Higgins and Tony Singleton**      **Statement X10.2**

**Oppose Submission Point #6.1**

I oppose the fact that Transpower are trying to increase their easement from the 20m corridor they purchased from us in 2005 to 32m in this plan change. Transpower should negotiate with the land owner and purchase the additional 24m they feel they need to protect their asset and their liability.

---

**Support**

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

Accordingly, Transpower requests that rules REr.59.1, OSr.47.1 and RUr.25.1 are retained in the Plan Change without further amendment. This rule permits vegetation clearance for the installation and

maintenance of utility service lines.

1. 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) with out 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 has 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.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.51**

**Support Submission Point #6.1**

Major overhead powerlines are a strategic asset that needs protection for the importance of national supply. Development under and around them needs to be controlled.

**Further Submitter X8: Richard Sullivan**

**Statement X8.3**

**Oppose Submission Point #6.1**

My reason for this is due to the unworkability of the plan change if this is included. Adding another 64 metre wide exclusion zone on top of the others guarantees that the plan will never be implemented.

**Further Submitter X9: Rosalie Higgins**

**Statement X9.3**

**Oppose Submission Point #6.1**

I oppose the fact the Transpower are trying to secure more land through this plan change. This is not a district plan matter, negotiate land easements with land owners and compensate accordingly.

**Further Submitter X10: Sharon Higgins and Tony Singleton**

**Statement X10.3**

**Oppose Submission Point #6.1**

I oppose the fact that Transpower are trying to increase their easement from the 20m corridor they purchased from us in 2005 to 32m in this plan change. Transpower should negotiate with the land owner and purchase the additional 24m they feel they need to protect their asset and their liability.

**PLANNING OFFICER COMMENT #25  
Transpower New Zealand Limited  
Submission point #6.1, #6.2 and # 6.3**

The submitter (Transpower) raises a number of points in relation to the protection of the high voltage transmission network, the National Grid. These revolve around appropriately recognising the National Grid and giving effect to the National Policy Statement on Electricity Transmission 2008 (NPSET) and to recognise the requirements of the National Environmental Standards for Electricity Transmission Activities 2009 (NESETA). The NPSET requires that a Plan Change is initiated to give effect to it by April 2012. A third point of the submitter is their stated support for the rules which allow for vegetation clearance for the purpose of installing and maintaining utility service lines.

Submission points 6.1 and 6.2: Nelson City Council is required to develop a Plan Change, in consultation with Transpower. Transpower recognises this in their submission but still considers it important that these matters are considered now in relation to the transmission line across the proposed Plan Change 17 area. They also state that if there are any inconsistencies arising from this suggested approach that they can be properly addressed through the latter Plan Change.

I accept that it would be possible to clear up any possible inconsistencies in the latter Plan Change but this would appear to be an inefficient process. The intent of Council is to develop a Plan Change which gives effect to the NPSET and to do this in an integrated way across the district. This will ensure that any issues which arise can be dealt with consistently and that all areas will be considered through a single Plan Change development, hearing and decision making process. It is my view that it would be unfair to landowners to expect them to react to a proposal such as that sought by the submitter under this Plan Change, and to then potentially have that changed under a second Plan Change developed in accordance with NPSET.

I note that the proposed Plan Change as notified did not include, nor signal that it was to give effect to the NPSET, or to amend the electricity transmission line provisions of the Plan. To seek to add these provisions to the proposed Plan Change through the submission period does not allow the opportunity for other parties, not currently involved in the process, to submit on the matter. In my view other landowners outside of the proposed Plan Change area could be expected to have a legitimate interest in the matter as it would demonstrate how Council intends to give effect to the NPSET and potentially have established a precedent. This would then be relevant to their properties in the Plan Change required to be initiated by April 2012.

There is one further submission in support and three in opposition for each submission point. The supporting further submission is recommended to be rejected for the reasons given above while those in opposition are recommended to be accepted. The reason for accepting is not necessarily due to agreement with the further submitters as this issue will be need to be addressed in a future Plan Change to the Nelson Resource Management Plan and is therefore a valid district plan matter through the RMA. It is because the implied outcome sought is recommended to be provided through this proposed Plan Change; simply no additional corridor or other provisions is recommended to be provided at this stage.

In summary to give effect to the NPSET for this specific area would be inefficient as there will be another Plan Change dealing with the same issue notified by April 2012, and secondly I consider that the request of the submitter is not within the scope of the proposed Plan Change.

Submission point 6.3: The submission 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 to be accepted. The further submissions on this point which are in opposition appear to be general further submission points which more specifically relate to submission points 6.1 and 6.2 to do with the additional corridor width.

## **RECOMMENDATION**

### **Submission Point #6.1: Reject**

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

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

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

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

### **Submission Point #6.2: Reject**

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

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

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

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

**Submission Point #6.3:** Accept

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

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

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

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

**AMENDMENT TO PROPOSED PLAN CHANGE:**

Nil

# Topic 6: Landscape Overlay - Placement and extent

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

## **Oppose**

**Submission Point #11.8:** Plan Change 17 Map 2 indicates areas of Landscape Overlay. We are property Owners of Lots 1 & 2 DP3418 and would like to see the Landscape Overlay removed from these titles.

## **Decision Sought:**

Option 1: We ask that the council reconsiders this area of land for landscape overlay designation and remove the overlay completely from this area. Shown in Map 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. We would like the council to consider Option 1 but if this is unreasonable then we would like the council to then consider reducing the size of the overlay to that shown in Option 2. (see full submission for copy of maps).

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.52**

## **Oppose Submission Point #11.8**

The Landscape Overlay is appropriate in the location shown on the planning maps. Outstanding backdrop views need to be protected even on foreground hill slopes.

## **PLANNING OFFICER COMMENT #26**

**Sharon Higgins and Tony Singleton**

**Submission point #11.8**

The submitter puts forward two options in relation to the proposed area of Landscape Overlay shown on their property at 149 Enner Glynn Road. As the first preference they would like to see it removed from their titles (Lots 1 & 2, DO3418), alternatively they seek that the overlay is reduced in extent to an area as shown on an attachment to their submission, and in Part B, Appendix 9. This is to ensure only the more visible 'knob' is included in the overlay.

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) which are discussed in part A, Section 6.28 – 6.34 of this report. In particular this relates to 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 Liz Gavin (nee Kidson) has considered the submitters request and her report on this matter is attached as Part B, Appendix 1. Ms Gavin has reviewed the Plan provisions in relation to the Landscape Overlay and has considered the overlays placement on a site visit to the submitter's property carried out on 6<sup>th</sup> July 2011. She also notes that part of the Landscape Overlay previously proposed on the submitter's property has been removed prior to the notification of proposed Plan Change 17 (this occurred as part of the decision making in relation to Plan Change 13 'Marsden Valley'). Ms Gavin states that 'I am satisfied that the Landscape Overlay as amended through the hearing process for Plan Change 13 has removed the area of low visibility from the Landscape Overlay'. Further to this Ms Gavin states, '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.'*

Based on the evidence of Ms Gavin, and my own personal observations, I recommend that the Landscape Overlay remain as notified on the submitter's property.

**RECOMMENDATION**

**Submission Point #11.8:** Reject

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

**AMENDMENT TO PROPOSED PLAN CHANGE:**

Nil

# Topic 7: Walkway and cycleway connections

**Submitter 3: Fulton Hogan Limited**

## Oppose

**Submission Point #3.3:** 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.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.53**

## Oppose Submission Point #3.3

An indicative road is shown connecting the Brook Valley with Bishopdale. No doubt this will also include a walkway and one is also shown connecting the Enner Glynn Valley and the Brook Valley. These are vital links to communities and allow for dual exit routes out of communities should blockage of one route eventuate.

**Further Submitter X3: Donna Kay Butler**

**Statement X3.4**

## Oppose Submission Point #3.3

The proposed walkway is for the benefit of the wider Nelson community and should not be hijacked by vested interests.

**Submitter 4: Gibbons Holdings Limited**

## Oppose

**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.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.54**

## Oppose Submission Point #4.3

An indicative road is shown connecting the Brook Valley with Bishopdale. No doubt this will also include a walkway and one is also shown connecting the Enner Glynn Valley and the Brook Valley. These are vital links to communities and allow for dual exit routes out of communities should blockage of one route eventuate.

**Further Submitter X3: Donna Kay Butler**

**Statement X3.3**

## Oppose Submission Point #4.3

The proposed walkway is for the benefit of the wider Nelson community and should not be hijacked by vested interests.

## PLANNING OFFICER COMMENT #27

**Fulton Hogan Limited**

**Submission point #3.3**

**Gibbons Holdings Limited**

**Submission point #4.3**

The submitters seek the removal of the proposed walkway / cycleway where it runs in close proximity to the quarry boundary. The stated reason is due to reverse sensitivity effects, with particular reference to

'amblers and mountain bikers' who will not expect blasting to take place. These submitters represent the owner of the land and the operator of the York Quarry.

I have carried out two site visits to the quarry, one in November 2008 during the initial development of the proposed Plan Change and secondly on 8 August 2011 for the purpose of responding to submissions, and one to the forestry road leading to the clean water reservoir on the Brook / Enner Glynn Saddle on 26<sup>th</sup> August 2011. This third site visit was for the purpose of observing blasting being carried out at the Quarry. Selected photographs taken during the second and third site visits are attached as Part B, Appendix 7, photo 1 is from the third site visit while photos 2, 3 and 4 are from the second. Of relevance to this submission point are those showing the approximate location of the proposed walkway / cycleway. The area of concern to the submitter appears to be where the walkway / cycleway would potentially run along the valley area below the quarry land. This is shown on photo number 1 and 2. The concern expressed in the submission relates to the unexpected nature of the blasting and the '*...extremely close proximity to the landfill area and practically adjoining the quarry*'. During the second site visit Bruce Taylor, Divisional Manager, Quarries, Excavators and Transport, Fulton Hogan Ltd advised that part of his concern was the proposed proximity of the walkway / cycleway to the quarry boundary and therefore the potential safety concerns of the quarry operators not being aware of who is in the area at the time of blasting. While no specific safety concern was noted the risk was '*if something went wrong*'. The submission itself raises the unexpected nature of the blasting. Photo 1 shows the indicative location of the walkway / cycleway (in the lower part of the valley, lower centre right of the photo) relative to the quarry face. In my observation of the blasting I noted that it was preceded by a warning siren, the blast was loud, (a 'crack', followed by a rumble of rock fall) but it was not as 'impulsive' as gunfire for example, this was followed by a second 'all clear siren'. The sound of machinery operating afterward was also noticeable.

The submitter has acknowledged that the location of the proposed walkway / cycleway is required by the proposed Plan Change to '*generally accord*' with that shown in the Structure Plan. Therefore it does not have to be located exactly where shown on the Structure Plan. As stated in the proposed Meaning of Words section of the Plan Change it is, amongst other things, achieving the connection and the physical suitability of the alignment that is important. This allows for some scope during the establishment of the walkway / cycleway to find an exact location which can achieve the desired connection but which addresses the concerns expressed by the submitter.

The proposed walkway / cycleway forms a desirable connection between the Brook and Enner Glynn Valley and its importance in forming a link in the overall network of tracks is explained by Britta Hietz – Planning Adviser Nelson City Council in her memo dated 22 March 2010 and attached as Part B, Appendix 6. (Note that Ms Hietz refers to a walkway to the Kelly's Bush Block – this no longer forms part of proposed Plan Change 17). For the reasons of connectivity and encouragement of physical activity I recommend that the proposed connection is retained. In relation to the placement on the Structure Plan the proposed walkway / cycleway is shown in this location for two main reasons. Firstly 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 secondly it allows the route to be established on Council land as much as possible. The proposed Plan Change 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. In either case the exact placement of the walkway / cycleway could be moved away from the watercourse in this location and therefore would not be immediately adjoining the quarry boundary.

The proposed Plan Change 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 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.*' This section of the proposed Plan Change clearly seeks to ensure that public access does not compromise activities that occur on adjoining land. The focus of the section is however currently on farming activities while it broadens out towards the end to all activities. I recommend that this section is 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. The recommended amendments are shown below. By including this amendment within the section noted clearly demonstrates Councils intent to consult adjoining landowners to establish a management regime to minimise any risk or reverse sensitivity effect on adjoining activities. Based on my observations of blasting being carried out, and the indicative location of the walkway / cycleway I believe that it is possible to appropriately manage public access near to the quarry. Possible methods for consideration would be track placement, warning signage and signals (eg siren), protective fencing (from rockfall), and information. In my view this would ensure that people knew if they hear the siren then they can expect a blast to follow, and in my opinion this would then be a matter more of interest than of shock or disturbance. The effect on a user of a track is different to that of an occupier of a residential dwelling due to the more transient and discretionary nature of the track user, they are not there all the time and can easily choose not to be there at all.

The intent of the proposed Plan Change as noted in the paragraph above is strengthened and given statutory weight through the proposed Policy RU1.3 Management of Effects of Connections on Structure Plans. The text of which is reproduced in Planning Officer Comment #20. This states that the policy direction of Council is that the establishment of connections through Structure plans will not result in unreasonable reverse sensitivity effects with adjoining land use activities.

This recommendation does not address the submitter's request that walkways are either deleted or moved at least 500m from existing and future quarry activities but it does demonstrate that Council is aware of the potential sensitivities and intends to address these through the detail of track placement and management when consultation on its establishment is carried out. Due to this awareness, and provision for addressing reverse sensitivity concerns I recommend the submission is accepted in part.

The further submissions are both in support of public access and connectivity. As my recommendation is to retain the proposed connection these further submissions are recommended to be accepted.

## **RECOMMENDATION**

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

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

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

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

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

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

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

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 or other legitimate rural land use practice activities~~ 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 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.

**Submitter 5: Dugald and Janette Ley**

**Support**

**Submission Point #5.4:** Access and walkway links. It is noted and agreed that these links to Marsden Valley and Brook Valley are needed to connect communities and for active recreation for the residents.

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

**Further Submitter X4: Lindy Kelly**

**Statement X4.7**

**Oppose Submission Point #5.4**

NCC should buy any land for a walkway if the owners are willing to sell it. It is nearly impossible to run a safe and efficient farming business with townspeople marching all over it.

**Further Submitter X5: Kirsty Stewart**

**Statement X5.5**

**Oppose Submission Point #5.4**

If landowners want to sell land to the NCC for them to develop a walkway that would be acceptable. However if they want to continue to farm their land then they should be allowed to. NCC can develop more walkways on their own land. It is nearly impossible to run a safe, effective farming business with people walking through the property.

**Further Submitter X7: Amy and Paul Shattock**

**Statement X7.6**

**Oppose Submission Point #5.4**

Unless the NCC is prepared to buy the land for a walkway, so the Nelsonians who wish to use it are then paying for its purchase and upkeep and providing the landowner wishes to sell then this isn't a bad idea. On the other hand we consider it an extremely bad idea and would be interested in the legalities of a landowner who didn't wish to sell and this is foisted on them.

**PLANNING OFFICER COMMENT #28**

**Dugald and Janette Ley**

**Submission point #5.4**

The submitter notes that the connections proposed to Marsden and Brook Valleys (from Enner Glynn valley) are needed to connect communities and for active recreation of the residents. They request that an additional link is shown up Jenkins Hill to ultimately connect with the Dun Trail. The further submitter accept this but only if the land owner is willing to sell the land for this purpose.

While the connection requested would be desirable should the opportunity arise it has not been included in the proposed Plan Change as it was not considered to be a primary route. Those which are shown represent important desired connections between catchments and compliment 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 this Plan Change link these networks together via Enner Glynn Valley. No additional connection is recommended to be shown in this proposed Plan Change but this does not restrict Council from negotiating access in the future should this be desired. Nor does it prevent Council accepting access if this is offered by a landowner in the future. These options are in line with that suggested by the further submitters.

**RECOMMENDATION**

**Submission Point #5.4:** Reject

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

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

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

**AMENDMENT TO PROPOSED PLAN CHANGE:**

Nil

**Submitter 10: Tamika Simpson**

**Oppose**

**Submission Point #10.1:** I oppose proposed Plan Change 17. The main reason I oppose the plan change is because of the proposed 'network of walkway/cycleways, future roads and biodiversity corridors provided through a structure plan. I do not believe 'connectivity' policy of NCC is sufficient reason to put a road through the top of the Brook Valley. A road in the location proposed would turn what is currently a highly valued and valuable recreational destination into a hazardous traffic cut-through. I oppose the building of more roads for private cars - that is not the way to create a functioning and healthy environment for Nelson residents.

**Decision Sought:**

If NCC insists a road is necessary, why not properly consider what members of my family and I have suggested as an alternative route through Blick Terrace? While we have been told this has already been rejected because of cost, we have not seen the figures behind this judgement.

I also oppose the publication of any plans with future possible roads, walkways etc on any Simpson land. We have repeatedly told NCC 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.

I 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 my parents property we do not see any way we can or will pursue the use of our land for housing.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.55**

**Oppose Submission Point #10.1**

An indicative road is shown connecting the Brook Valley with Bishopdale. No doubt this will also include a walkway and one is also shown connecting the Enner Glynn Valley and the Brook Valley. These are vital links to communities and allow for dual exit routes out of communities should blockage of one route eventuate.

**Further Submitter X4: Lindy Kelly**

**Statement X4.9**

**Support Submission Point #10.1**

A farm is a place of business. Plan Change does not place walkways / cycleways across the quarry and landfill operations. A farm should be respected in the same way.

**Further Submitter X5: Kirsty Stewart**

**Statement X5.6**

**Support Submission Point #10.1**

A farm is a place of business. Plan Change does not place walkways / cycleways across the quarry and landfill operations. A farm should be respected in the same way.

**Further Submitter X7: Amy and Paul Shattock**

**Statement X7.8**

### Support Submission Point #10.1

A farm is a place of business. Plan Change does not place walkways / cycleways across the quarry and landfill operations. A farm should be respected in the same way.

#### PLANNING OFFICER COMMENT #29

Tamika Simpson

Submission point #10.1

All aspects of this submission point (including the walkways component) are discussed in Topic 4, Planning Officer Comment #20.

#### RECOMMENDATION

See Planning Officer Comment #20

#### AMENDMENT TO PROPOSED PLAN CHANGE:

See Planning Officer Comment #20

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

##### Support

**Submission Point #11.2:** Support AD11.4A.vii 'Indicative Connections' and AD11.4A 'Structure Plan': Any 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 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. 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'.

##### Support in part

**Submission Point #11.6:** Where a Biodiversity Corridor and a cycleway align, the cycleway should be able to be included within the Corridor.

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

#### Further Submitter X11: Gibbons Holdings Limited

#### Statement X11.3

##### Oppose Submission Point #11.6

The further submitter opposes the submission to the extent that this may increase the number of walkways / cycleways that will be in close proximity to the quarry boundary. Proposed walkways / cycleways and Biodiversity Corridors that are in close proximity to the quarry could lead to cross boundary and reverse sensitivity effects.

#### Further Submitter X12: Fulton Hogan Limited

#### Statement X12.3

##### Oppose Submission Point #11.6

The further submitter opposes the submission to the extent that this may increase the number of walkways / cycleways that will be in close proximity to the quarry boundary. Proposed walkways / cycleways and Biodiversity Corridors that are in close proximity to the quarry could lead to cross boundary and reverse sensitivity effects.

**PLANNING OFFICER COMMENT #30**  
**Sharon Higgins and Tony Singleton**  
**Submission point #11.2 and #11.6**

Submission Point #11.2: The submitter notes 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 submitters are directly affected by various connections shown on their land. Therefore I consider their support to the proposed commitment to ensuring that adjacent activities such as farming are not adversely affected by walkway / cycleway connections is valuable. 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 recommended to be accepted.

Submission Point #11.6: This submission point is discussed in Topic 1: Plan Provisions on Biodiversity and Eco-sourcing, see Planning Officer Comment #5.

**RECOMMENDATION**

**Submission Point #11.2:** Accept

**Submission Point #11.6:** Accept

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

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

**AMENDMENT TO PROPOSED PLAN CHANGE:**

**Submission Point #11.2:** Nil

**Submission Point #11.6:** See Planning Officer Comment #5

**Submitter 14: Richard Sullivan**

**Oppose**

**Submission Point #14.1:** I oppose the plan in its entirety, especially 'a network of walkway/cycleways, future roads and biodiversity corridors provided through a structure plan'. The reasons that I oppose the plan is it is:

inconsistent with previous plans and strategies and contrary to landowner wishes;  
ill-considered proposed roading network;  
disenfranchising for landowners; and  
unworkable proposed roading and biodiversity corridor connections affecting land development potential.

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

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.48**

**Oppose Submission Point #14.1**

Indicative roads are valid forms of protecting links to communities and benefits to the health and safety of individuals. Indicative roads are just that, an indication of a link in that general location. With the new NCC land development manual plus NZS 4404 2010 this gives flexibility in road and footpath / cycleway designs, these designs can be left until subdivision stage. Biodiversity Corridors provide vital links and are required to be protected and enhanced.

**PLANNING OFFICER COMMENT #31**  
**Richard Sullivan**  
**Submission point #14.1**

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The submitter outlines their opposition to the proposed Plan Change as a whole with the 'network of walkways / cycleways, future roads and Biodiversity Corridors' being of a particular concern. A variety of reasons and comments on the implications of these items are outlined in the full submission. As the submission covers a number of topics in an interrelated way this submission point will be discussed in full, with recommendations, under Topic 8 Miscellaneous, which includes submissions covering a variety of topics.

**Submitter 20: Donna and David Butler**

**Support**

**Submission Point #20.2:** We are very supportive of the biodiversity corridor and 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 corridors, indicative walkways and indicative road (Upper Brook Street to Landfill Road) - as on planning maps.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.34**

**Support Submission Point #20.2**

**Further Submitter X4: Lindy Kelly**

**Statement X4.4**

**Oppose Submission Point #20.2**

Concerns with Biodiversity Corridor provisions summarised as:

- The value of Biodiversity Corridors is unproven.
- Corridor would make it hard to control other pests from coming in to bush areas.
- Uncertainty in ownership and management.
- Impossible to farm effectively and safely with public having access across the land.

**Further Submitter X5: Kirsty Stewart**

**Statement X5.1**

**Oppose Submission Point #20.2**

Concerns with Biodiversity Corridor provisions summarised as:

- The value of Biodiversity Corridors is unproven.
- Corridor would make it hard to control other pests from coming in to bush areas.
- Uncertainty in ownership and management.

**Further Submitter X7: Amy and Paul Shattock**

**Statement X7.5**

**Oppose Submission Point #20.2**

We categorically reject that the proposal of Landscape Overlay, Biodiversity Corridors and Eco-sourcing will actually achieve the proposed outcomes. We would require evidence of this before we considered these across our property and further more we will not accept them in their current form. There is huge ambiguity in this plan as to who will pay for the management, development and maintenance of these areas.

**Oppose Submission Point #20.2**

The proximity of some of the proposed Biodiversity Corridors and walkways / cycleways to the quarry could lead to cross boundary and reverse sensitivity effects.

**Oppose Submission Point #20.2**

The proximity of some of the proposed Biodiversity Corridors and walkways / cycleways to the quarry could lead to cross boundary and reverse sensitivity effects.

**PLANNING OFFICER COMMENT #32****Donna and David Butler****Submission point #20.2**

The submitter states their support for the proposed walkway / cycleway connections (and the indicative road and Biodiversity Corridors) and seeks that they are retained within the proposed Plan Change.

As has been discussed in Planning Officer Comment #27 the proposed network of walkway / cycleway connections is desirable for the purposes of connectivity and promotion of physical activity. The support of the submitter is therefore recommended to the accepted.

Of the further submissions X2.34 supports the submitter while X11.10 and X12.10 oppose, the remainder are not applicable to walkways / cycleways. The opposition of further submitters X11.10 and X12.10 reflect their submissions discussed in Planning Officer Comment #27. For those same reasons I recommend those further submissions are rejected.

Note this submission is repeated in Topic 1 'Plan Provisions on Biodiversity and Eco-sourcing' and Topic 4 'Roading connections, placement and traffic effects' due to the relevance to those topics.

**RECOMMENDATION****Submission Point #20.2: Accept****Further Submission Statement X2.34: Accept****Further Submission Statement X4.4: NA****Further Submission Statement X5.1: NA****Further Submission Statement X7.5: NA****Further Submission Statement X11.10: Reject****Further Submission Statement X12.10: Reject****AMENDMENT TO PROPOSED PLAN CHANGE:**

Nil



# Topic 8: Miscellaneous

## Submitter 2: Marsden Park Limited

### Oppose

**Submission Point #2.1:** Relationship of Plan Change 17 with Plan Change 13 (Marsden Valley). Marsden Park Limited notes that parts of Plan Change 17 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 Plan Change 17 is a replacement of wording proposed under Plan Change 13.

### Neutral

**Submission Point #2.3:** Consequential amendments may be required to give effect to these submissions.

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

### PLANNING OFFICER COMMENT #33

#### Marsden Park Limited

#### Submission point #2.1 and #2.3

The submitter states that parts of proposed Plan Change 17 conflict with, or duplicate proposed changes under Plan Change 13. They seek that any duplication is deleted and clarify that any conflicting wording under Plan Change 17 is a replacement of wording proposed under Plan Change 13.

This duplication and potential conflict arose through the specific circumstances of this Plan Change. Plan Change 13 (originally a Private Plan Change application) and proposed Plan Change 17 were developed as one until a request of a land owner (the original Private Plan Change proponent) saw Plan Change 13 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 was subject to an appeal. This allowed each proposed Plan Change to 'stand alone' if required. The decision making process for Plan Change 13 (now operative) and the further consultation and development of proposed Plan Change 17 introduced some areas of these provisions which are now inconsistent between the two Plan Changes. I agree with the submitter that this situation should be clarified to ensure they are consistent. I do not see that any areas of duplication are of concern as once the provisions are incorporated in the Plan (should this plan Change be granted) the duplication will be removed.

In responding to other submissions some issues of inconsistency / duplication are resolved (see Planning Officer Comment #5). Inconsistencies / duplication that can be resolved as a result of this submission are shown in Part C 'Recommended Amendments to Notified Plan Change' of this report. These are primarily adopting the final form of relevant provisions as per the decisions made on the operative Plan Change 13.

Overall the submission is recommended to be accepted in part as the duplication has not been deleted as requested but the two Plan Changes are now recommended to be consistent in their wording

### RECOMMENDATION

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

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

### AMENDMENT TO PROPOSED PLAN CHANGE:

See Planning Officer's Comment #5 for recommended amendments to the Biodiversity Corridor rule.

See Part C, 'Recommended Amendments to Notified Plan Change' for changes in relation to this submission point. These are highlighted in green as is noted at the start of Part C.

**Submitter 3: Fulton Hogan Limited**

**Oppose**

**Submission Point #3.1:** Reverse Sensitivity effects. The rezoning of areas of former rural land to Higher Density Small Holdings areas 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 should 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 should contain preclusions from building (or having walkways) within 500 metres of existing and future quarrying activities.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.57**

**Support Submission Point #3.1**

Overlay over an area of say 500m from the boundary which outlines emanation type easements that reflect the Quarry nature and the expectation that this existing activity can continue within the present rules of the City Plan ie, the quarries were there first and caveat emptor.

**Submitter 4: Gibbons Holdings Limited**

**Oppose**

**Submission Point #4.1:** Reverse Sensitivity effects. The rezoning of areas of former rural land to Higher Density Small Holdings areas 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 should 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 should contain preclusions from building (or having walkways) within 500 metres of existing and future quarrying activities.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.58**

**Support Submission Point #3.1**

Overlay over an area of say 500m from the boundary which outlines emanation type easements that reflect the Quarry nature and the expectation that this existing activity can continue within the present rules of the City Plan ie, the quarries were there first and caveat emptor.

**PLANNING OFFICER COMMENT #34**

**Fulton Hogan Limited**

**Submission point #3.1**

**Gibbons Holdings Limited**

**Submission point #4.1**

The submitters 'relief sought' section of their submission does not include the items mentioned below but they do appear in the body of the submission text. As these are fairly specific requests I have, out of an abundance of caution, included them in the relief sought by the submitter and will discuss the requests here and make a recommendation.

The submitters request that the proposed Plan Change specifically recognise the quarry and its potential

extent and provide mechanisms for the retention of the ability to use the quarry. They also suggest that the proposed Plan Change could contain preclusions from building (or having walkways) within 500 metres of existing and future quarry activities. These requests are made in relation to the reverse sensitivity concerns expressed by the submitters and previously discussed in Planning Officer Comment #12 and #27.

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' R116 'Competing demands or values attributed to resources'. Of relevance to this proposed Plan Change 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 does recognise the importance of quarrying and the associated resource, it also provides for the existence of quarries through the relevant schedules. These existing Plan provisions seem from 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 the proposed Plan Change 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.

The submitter is seeking that further recognition is made through the proposed Plan Change, and that buffer areas are included in the Plan Change. I consider that the first item requested *'The change should 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'* is already provided for through the Schedule R of the Plan (Rural Zone) noted above. Also the proposed pattern of zoning in the Plan Change was determined in part due to the acknowledgement of the importance of the quarry (and landfill) to the region, as is also discussed above. The proposed pattern involves the retention of the current Rural Zone (and therefore no increased development ability) in the upper Brook Valley area included within the extent of this Plan Change.

In relation to the second request *'The Plan should contain preclusions from building (or having walkways) within 500m metres of existing and future quarrying activities'*. A 500m building (or walkway) buffer area around 'existing and future quarrying activities' has not been signalled at any stage within the proposed Plan Change. If this were to be implemented it would cover a number of properties in private ownership, some of which are outside of the proposed Plan Change area and have not played any part in the consultation process aside from being able to view documentation when it was publicly notified (no submissions were received from those identified below which are outside of the proposed Plan Change area). The properties include:

| Address                              | Owner                               | In Plan Change area? |
|--------------------------------------|-------------------------------------|----------------------|
| 8 Cummins Street                     | Thomas Todd                         | No                   |
| 584 Brook Street                     | Barry and Shirley Simpson           | Yes                  |
| 584 Brook Street (separate property) | Tamika Simpson and Richard Sullivan | Yes                  |
| 586 Brook Street                     | Graeme McNamara                     | No                   |

|  |                        |     |
|--|------------------------|-----|
| 588 Brook Street   | David and Donna Butler | Yes |
| 590 Brook Street   | Michael Turner         | Yes |
| Plus approximately 27 residential scale properties in upper Brook Street |                        | No  |

The 'buffer zone concept' as described by the submitter is not a Plan method that is sought to be introduced by proposed Plan Change 17. The effect of the request in the submission is to substantially alter what was notified in the proposed Plan Change in a way which would affect a number of private property owners. This would be without any real opportunity for involvement of those potentially affected. While it could be argued that these potentially affected parties could have made further submissions on the matter I consider that the correct time to propose this was through development of the proposed Plan Change. This would have allowed for people to be adequately consulted and involved in the decision making process. In my opinion the introduction of the '500m buffer zone' concept at this point would be a breach of natural justice, particularly to those parties not previously involved in this Plan Change process. The change sought by the submitter is significant and impacts on the private property rights of a significant number of people, some of whom have undeveloped Residentially zoned land with the proposed 'buffer zone' area.

The issue of managing future activities within proximity of the quarry (and landfill) by resource consent (which I consider to be similar to that requested by the submitter) was evaluated in Table 7 'Managing cross-boundary effects to Quarries and Landfill' of the Section 32 report. This 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.

The issue of excluding walkways from being within close proximity to the quarry area has been discussed in Planning Officer Comment #27 with the recommendation that the walkway / cycleway is retained as shown in the proposed Plan Change but with some text amendments provided.

The further submission supports the submitter and states '*...emanation type easements that reflect the Quarry nature and the expectation that this existing activity can continue within the present rules of the City Plan*'. Emanation type easements could be one method for providing increased protection for the quarry operations, but this would be more suitably addressed through a private arrangement between the quarry owner / operator and the private property owners nearby. Any mechanism such as this that could be addressed through the Plan would be outside of the scope of this Plan Change for the reasons stated above.

## RECOMMENDATION

**Submission Point #3.1:** Reject

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

**Submission Point #4.1:** Reject

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

## AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

**Submitter 5: Dugald and Janette Ley**

**Oppose**

**Submission Point #5.8:** 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 should 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. Overall decision requested: Delay this application until the above issues have been debated and resolved.

**Further Submitter X4: Lindy Kelly**

**Statement X4.8**

**Oppose Submission Point #5.8**

No large subdivision is planned. The plan change places Biodiversity Corridors, Riparian Strips, Landscape Overlays and so on on the land and the submitter suggests more should be taken.

**Further Submitter X5: Kirsty Stewart**

**Statement X5.7**

**Oppose Submission Point #5.8**

We object to parts of the family farm being forcibly taken by the NCC. The only possible subdivision we would want would be to enable any members of the immediate family that wished to do so should be allowed to build on the farm. This shouldn't result in us having to then give up large tracts of the farm to the NCC.

**Further Submitter X7: Amy and Paul Shattock**

**Statement X7.7**

**Oppose Submission Point #5.8**

It seems incredible that you are suggesting that the NCC should take more land for others.

**PLANNING OFFICER COMMENT #35**

**Dugald and Janette Ley**

**Submission point #5.8**

The submitter seeks that land Nelson City intends to 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' states 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. This approach of waiting for a proposed development pattern has been discussed in relation to the submitters requests under Topic 3 'Services: Stormwater, Wastewater and Potable Water' Planning Officer Comment #17, and Topic 4 'Roading connections, placement and traffic effects'. This is consistent with the provision of park space through out the Nelson City Council area.

I recommend no changes to the current notified Plan Change in relation to this submission point. The further submissions oppose the submitter and state their opposition to Nelson City Council taking further land from their property. The opposition is noted and the further submitters can be assured that land for

public neighbourhood parks is not *'forcibly taken'* from property owners should they subdivide. If there is a need for a neighbourhood park in an area then this is discussed with the land owner at time of application for subdivision, the location and extent worked out, and the land is purchased by Nelson City Council.

#### **RECOMMENDATION**

**Submission Point #5.8:** Reject

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

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

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

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

Nil

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

##### **Support**

**Submission Point #8.3:** Support for additional reasons (DO5.1.i) to District Wide Objective DO5.1 'Natural Values'. 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.

**Further Submitter X2: Dugald and Janette Ley**

**Statement X2.8**

##### **Support Submission Point #8.3**

Generally support views of submitter.

#### **PLANNING OFFICER COMMENT #36**

**Royal Forest and Bird Protection Society of NZ Inc**

**Submission point #8.3**

The submitter is supportive of a number of provisions of the proposed Plan Change. In this submission they note their support for the additional reasons (DO5.1.i) to District Wide Objective DO5.1 'Natural Values'. I recommend that the support of the submitter is accepted in relation to this proposed Plan provision.

#### **RECOMMENDATION**

**Submission Point #8.3:** Accept

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

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

Nil

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

##### **Oppose**

**Submission Point #11.1:** The Maps numbered 28, 31, 34, 54, 55 and for the purpose of Plan Change 17 Map 1, 2 and 3 are showing the title deed boundary incorrectly. I have attached a copy of Map 1 highlighting the correction and also included a copy of our title deed for your reference. (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 Plan Change 17 Map 1, 2 and 3 to show the title deed boundary incorrectly. I have attached a copy of Map 1 highlighting the correction and also included a copy of our title deed for your reference. (see full submission for copy of map and title deed).

**PLANNING OFFICER COMMENT #37**  
**Sharon Higgins and Tony Singleton**  
**Submission point #11.1**

The submitter highlights that the proposed Plan Change boundary does not follow the boundary of their property accurately.

I have sourced the title of both the submitter's property and the neighbouring property to determine the location of the boundary between the two. These titles are attached as Part B, Appendix 8. It is apparent the boundary of the proposed Plan Change area does not follow the property boundary in the area highlighted and this is in error. I recommend that this is amended by moving the proposed Plan Change area to follow the property boundary of the submitter. In total this portion of land is recommended to retain the current operative zoning and overlays. These are Residential Zone, the Land Management Overlay, the Services Overlay and a portion of the Fault Hazard Overlay. The land concerned was subject to Plan Change 13 'Marsden Valley' and is therefore currently covered by Schedule I applicable to that Plan Change. The proposed Plan Change boundary defines the boundary of proposed Schedule W, I therefore recommend that 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 recommended change has been discussed with the adjacent land owner, who has confirmed their agreement with this change. This change is considered to be 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 recommendation 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 I recommend that Schedule 1, 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.*'

**RECOMMENDATION**

**Submission Point #11.1:** Accept

**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 noted above under Sch 1, Cl 20A, RMA 1991.

**Submitter 14: Richard Sullivan**

**Oppose**

**Submission Point #14.1:** I oppose the plan in its entirety, especially 'a network of walkway/cycleways, future roads and biodiversity corridors provided through a structure plan'. The reasons that I oppose the plan is it is:

- inconsistent with previous plans and strategies and contrary to landowner wishes;
- ill-considered proposed roading network;
- disenfranchising for landowners; and
- unworkable proposed roading and biodiversity corridor connections affecting land development potential.

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

**Oppose Submission Point #14.1**

Indicative roads are valid forms of protecting links to communities and benefits to the health and safety of individuals. Indicative roads are just that, an indication of a link in that general location. With the new NCC land development manual plus NZS 4404 2010 this gives flexibility in road and footpath / cycleway designs, these designs can be left until subdivision stage. Biodiversity Corridors provide vital links and are required to be protected and enhanced.

**PLANNING OFFICER COMMENT #38****Richard Sullivan****Submission point #14.1**

The submitter outlines their opposition to the proposed Plan Change as a whole and seeks that it is deleted in its entirety; with the '*network of walkways / cycleways, future roads and Biodiversity Corridors*' being of a particular concern. A variety of reasons and comments on the implications of these items are outlined in the full submission.

The submitter is concerned that the proposal is a significant change from previous plans which stated that any development would be initiated by landowners. It is my understanding 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. Effectively as the submitter says 'landowner initiated'. The application that has led to the land owned by the submitter being included in this proposed Plan Change was originally a private Plan Change application in Marsden Valley. As per the RMA 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.

Indicative Road: The focus of the submission is the opposition to the introduction of a through road connecting Brook Street to Market Road / Bishopdale. The submission gives a number of reasons for this:

- 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.

The reasons for the inclusion of the indicative road in the proposed Structure Plan are discussed in Planning Officer Comment #20. The recommendation resulting from this discussion was that the indicative road remain as shown. The reasons relevant to this submission point are derived from Andrew James', Nelson City Council's Principle Adviser – Transport and Roading evidence on the issue (attached as Part B, Appendix 5) and the objectives of Nelson City Council's Land Development Manual 2010.

Mr James has confirmed that this connection makes '*...good planning sense as well as providing local network improvements similar to the other connections proposed in this Plan Change.*' In relation to connections in the proposed Plan Change generally Mr James states 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 CPTED safety through the reduction of cul-de-sacs. He notes further 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.

Council's Land Development Manual 2010 (LDM) 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, supports 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 establishing a planned transport network. To avoid repetition please see Planning Officer Comment #20 for these items.

I consider that providing the ability to achieve a connection road in the future will help to achieve the transport objectives of the Land Development Manual and Objective DO10.1 'Land Transport' of the Nelson Resource Management Plan which seeks 'A land transport system that is safe, efficient and sustainable, and which avoids, remedies or mitigates its adverse environmental effects'.

Indicative Walkways: The submitter also notes their concern in regard to the network of indicative walkways shown in the proposed Plan Change. In particular they are concerned about an increase in trespassing due to these being shown on a Council produced map. This concern relates to the indicative roads as well. This issue has also been discussed in Planning Officer Comment #20 where the recommendation was to retain the indicative walkways. As noted in Comment #20 this issue was raised during consultation by the submitter and various measures were introduced to highlight to the public who may view the Structure Plan map that the indicative roads and walkways do not necessarily indicate a right of public access. The proposed Plan provisions also include the statement in AD11.4A.v that ... *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.* This section of the proposed Plan Change 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.

I also note the intent of the proposed Plan Change as noted in the paragraph above is strengthened and given statutory weight through the proposed Policy RU1.3 Management of Effects of Connections on Structure Plans. The text of which is reproduced in Planning Officer Comment #20. This states that the policy direction of Council is that the establishment of connections through Structure plans will not result in unreasonable reverse sensitivity effects with adjoining land use activities.

Biodiversity Corridors: The value of Biodiversity Corridors has been discussed in Planning Officer Comment #6. This discussion was informed by the evidence provided by Dr Philip Simpson which is attached as Part B, Appendix 2 and concludes that Biodiversity Corridors are desirable to improve connectivity between natural areas. See Planning Officer Comment #6 for the full discussion and reasoning.

The further submission opposes the submission point and is therefore in support of these components of the proposed Plan Change. The further submission is recommended to be accepted.

### RECOMMENDATION

**Submission Point #14.1:** Reject

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

### AMENDMENT TO PROPOSED PLAN CHANGE:

Nil



## **PART B**

### **APPENDIX 1**

Liz Gavin (nee Kidson), Kidson Landscape Consulting Ltd, Plan Change 17 – Enner Glynn and Upper Brook Valley Structure Plan – Evidence regarding landscape issues raised in submissions, 15 August 2011.

# **PLAN CHANGE 17: ENNERGLYNN AND UPPER BROOK VALLEY STRUCTURE PLAN.**

**AUTHOR:** Liz Gavin  
**COMPANY:** KIDSON LANDSCAPE CONSULTING LTD.

## **EVIDENCE REGARDING LANDSCAPE ISSUES RAISED IN SUBMISSIONS**

### **INTRODUCTION**

1. My name is Elizabeth Jane Gavin (nee Kidson). I live in Nelson and am self employed as a landscape architect, working for Kidson Landscape Consulting Limited. Prior to April 2007 my landscape practice was based in Queenstown. Before this I was employed by Civic Corporation Limited from January 2000 till April 2005. I hold the qualification of a Bachelor of Landscape Architecture (Hons) from Lincoln University, a Bachelor of Arts majoring in Anthropology and a postgraduate Diploma (Distinction) in Anthropology from Otago University. I am a member of the New Zealand Institute of Landscape Architects.
2. My work involves providing landscape assessments for resource consents relating to proposed residential activity in the form of either subdivision consents or land use consents. I have provided landscape advice for the Queenstown Lakes District Council as an expert witness on issues involving the creation of new zones and have been involved in many Queenstown Lakes District Environment Court hearings associated with landscape classification. I have worked on both Council-led and private plan changes. These include Jacks Point, Fitzpatrick Park and Mount Cardrona Station and Five Mile. In the Nelson area I have provided landscape reports for rural subdivisions and land use consents in Westport, Blenheim, Tasman and Nelson; and zoning evidence for Nelson and Marlborough District Councils. I am a member of Nelson City Council and Tasman District Council's Urban Design Panel.
3. I was commissioned by Nelson City Council to provide a landscape report titled "*Marsden Valley To Brook Structure Plan – Landscape Assessment*" which formed part of the Section 32 documentation associated with Plan Change 13 and Plan Change 17. I have now been asked by the Nelson City Council to appear at the Council Hearing and address landscape issues raised in submissions relating to Plan Change 17.
4. The structure of the report addresses the submissions and further submissions received as part of the notification process associated with Plan Change 17; outlining the issues raised that relate to landscape matters, then commenting on these issues.
5. The Nelson Resource Management Plan will be referred to as the Plan within the body of my report.

## ISSUES RAISED IN SUBMISSIONS (AND FURTHER SUBMISSIONS)

### TOPIC 2: ZONING PLACEMENT OR EXTENT

#### SHARON HIGGINS AND TONY SINGLETON (STATEMENT No 3)

6. The extent of proposed residential land on the Higgins/Singleton land was considered on the site visit with the submitter on 6<sup>TH</sup> July 2011. The area under question on Jenkins Hill was walked over and the terrain assessed on site as was visibility in terms of the landscape overlay and views from the main transportation routes, coast and major urban areas. I consider that the density promoted by the proposed rules for Rural Small Holdings is the correct response for this area of land. The proposed rules allow for lot configurations that best suit the terrain, with subdivision down to 2000m<sup>2</sup> as long as an average lot size of 1ha is provided. This allows for the clustering of Lots together in areas most suited to development, with larger lots located in the balance areas less suited for development, which would protect the upper slopes and areas of steep terrain.

*...“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.”<sup>1</sup>*

7. The area under question by the Higgins/Singleton submission is a small area of land which has 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 has visibility issues from the wider landscape including the coastal margin and major transportation routes. Jenkins Hill forms an important green backdrop to the urban landscape, with development located at this high elevation sensitive to change. The Rural Small Holdings rules promotes development on those areas able 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.

### TOPIC 6: LANDSCAPE OVERLAY – PLACEMENT AND EXTENT

#### SHARON HIGGINS AND TONY SINGLETON (STATEMENT No 8)

8. The location of the landscape overlay within the Plan is discussed in several different areas of the Plan. Under the Administration section (Chapter 3), the landscape overlay is described as the following:

##### **AD11.3.2 Landscape overlay**

*All areas adjacent to the city, coast and main traffic routes which are highly sensitive to development. They comprise mainly the ridge tops together with the most sensitive shoulder slopes.*

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<sup>1</sup> Nelson Resource Management Plan Proposed Plan Change 17 Enner Glynn and Upper Brook Valley Structure Plan Process 929880 v3; page 12

9. This describes the criteria used to consider what areas should be included as part of a landscape overlay. Under the Issues section of the plan (Chapter 4), issues relating to Landscape, seascape and open space values are discussed as follows:

### **R15 Landscape, seascape and open space values**

- R15.i The landscape and topographic setting of Nelson City is integral to its identity, influencing past and future patterns and forms of development.*
- R15.ii Nelson is a coastal city occupying the river valleys, low hills and plains inland of Nelson Haven and Waimea Estuary. The city is framed by a series of largely undeveloped ridgelines running back to indigenous forest on much of the remote skyline with forestry and farming occupying much of the land in between.*
- R15.iii Within the existing urban boundary, the landscape is largely modified. However, important visual perspectives of the city's remote backdrop, coastal environment and riparian areas may be attained from within the urban area, from traffic corridors, pedestrian precincts, public open space and private property. [my emphasis]*
- R15.iv The coastal landscape outside the urban area consists of an open coast line fringed largely by pastoral farming and forestry, and containing valued land form and seascape features such as the Boulder Bank, bluffs, and estuaries.*
- R15.v Development (structures, plantings, and land disturbance activities) has the potential to detract from the visual appearance of landscape and seascape components within and surrounding the District. The significance of this will depend on the degree of modification in the existing landscape or seascape and the visual obtrusiveness of specific activities within it.*
- R15.vi Pressure on landscape, seascape, and open space values is most likely in areas where topography, productive potential, and access are conducive to changes in resource use, including aquaculture.*
- R15.vii Pressure also arises as a result of the desire or need to locate utilities on ridgetop or hilltop locations due to locations and operational constraints.*

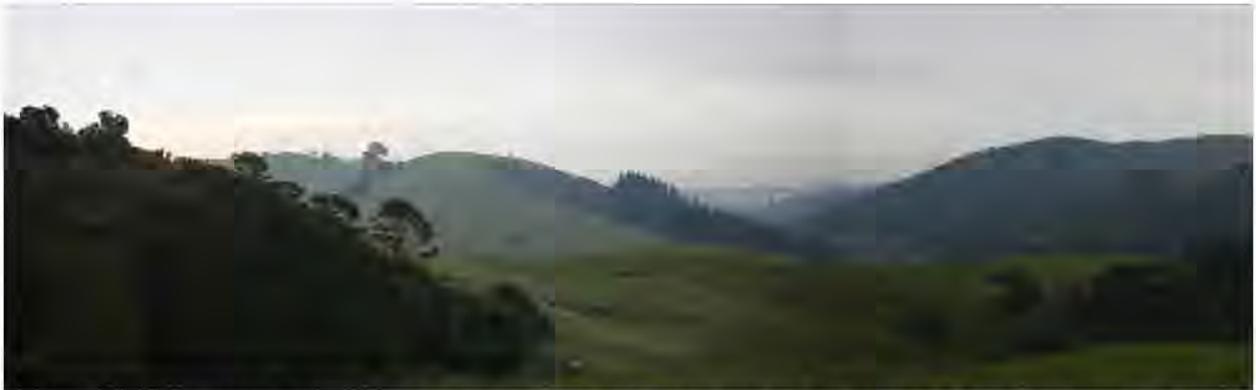
10. Appendix 9 relates specifically to the landscape overlay, the introductory statement explains that the areas are included in the landscape overlay “because of the contribution they make to the city’s identity and sense of place.” Each different area is then compartmentalised and a description given for each landscape component, identifying its significance to Nelson’s landscape setting, and describing its visual sensitivity and the activities that have the potential to adversely affect it. There are two different areas of landscape within the Plan Change 17 that are affected by submissions. AP9.1 includes the Sharon Higgins/ Tony Singleton submission on landscape overlay. This area is described as follows:

#### **AP9.1 rural backdrop to Stoke**

- AP9.1.i This component includes the foothills south of Stoke and runs from Nelson’s western boundary east to Enner Glynn Road and Jenkins Creek. It includes the foothills above Ngawhatu and Marsden Valleys.*
- AP9.1.ii It is dominated by a series of strong ridgelines of moderately high elevation and rural land use.*
- AP9.1.iii The ridges are important as they form the eastern backdrop to Stoke. Their contribution to the city’s identity is in providing a rural open and natural backdrop, which complements the urban enclosed, developed nature of Stoke in the foreground.*
- AP9.1.iv The area is vulnerable to new forms and colours resulting from residential development and other structures, earthworks, and larger scale forestry planting. Any change will be highly apparent in the upper ridgeline areas.*
- AP9.1.v Where land on the foothills above Ngawhatu and Marsden Hills (Schedule K, Chapter 7) has been zoned for Higher Density Small Holdings, subdivision of land must demonstrate the clustering of development*

*into enclaves separated by open space and reserves so as to preserve the landscape values of those hills as a backdrop to Stoke.*

11. Sharon Higgins and Tony Singleton requested two options be considered with regard to the landscape overlay as it related to their property. Option 1 and 2 both relate to an area of land included within the landscape overlay at the head of Enner Glynn Valley. This was drawn in pen on a Plan Change 17 map dated 19<sup>th</sup> July 2010 and included with their submission.
12. This area of landscape overlay was reassessed during the Marsden Valley Plan Change (Plan Change 13) and the extent of it has already been reduced as shown on the Plan Change 17 map attached to my evidence (see Attachment A).
13. Having walked across the land and assessed the visibility from the main transportation routes and the coast, I am satisfied that the landscape overlay as amended through the hearing process for Plan Change 13 has removed the area of low visibility from the landscape overlay. 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.



*PHOTO 1: Taken from Higgins/Singleton land that is requested to be removed from landscape overlay, showing view through towards bolt road, sh6 and the coast.*



**PHOTO 2:** Taken from the coast (back beach) Looking towards the area in question. Approximate Landscape line shown across Higgins/Singleton land.

## BUTLER LATE SUBMISSION: LANDSCAPE OVERLAY

14. The Butlers have queried the extent of the landscape overlay on their property through a late submission. The late submission questioned the extent of the landscape overlay on a ridgeline that formed the northern extent of Plan Change 17. The area in question was walked over on 6<sup>th</sup> July 2011 and reconsidered. This ridgeline curls towards Brook Street, with the spine of the ridge almost facing the viewer as one drives towards the site along Brook Street. Views of the ridgeline are available from within both the residential areas within the Brook Valley, and Brook Street<sup>2</sup> but are not visible from the CBD, coast or major transportation routes. This is a largely undeveloped, natural ridgeline which has an entirely natural and remote backdrop when viewed from the Brook, as it backs on to the Brook Wildlife Sanctuary. It is debatable whether the Plan intends to protect the lower section of the ridgeline through the landscape overlay; this comes down to the weight given to the description of “landscape” given in issues section of the plan (included above) and what “adjacent to the city” means under the Administration section of the plan (also included above). The following is a description of AP 9.4 which includes the area between Enner Glynn and the Brook.

### **AP9.4 Grampians**

**AP9.4.i** This component extends from the Market Road area of Bishopdale along the eastern edge of South Nelson and east to The Brook, and it includes Sugarloaf.

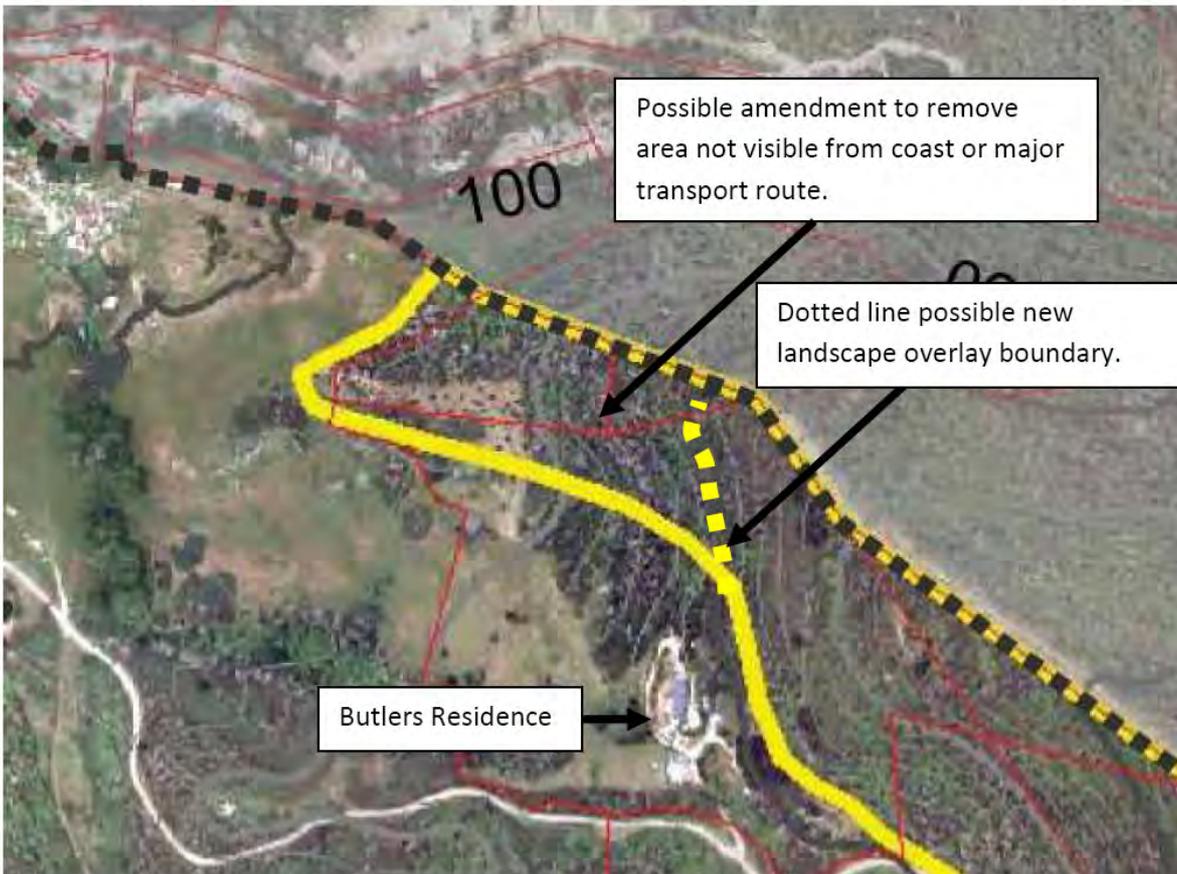
<sup>2</sup> See Issues R15 iii

- AP9.4.ii** *It is primarily a large conical landform immediately south of the city. The distinctive visual character of the area is due to the combination of the landform and vegetation cover, which provides an imposing background and contrast to the 'built' urban nature of the city.*
- AP9.4.iii** *The Grampians is the singularly most visible and recognisable landform from the city. It is a focal point in the landscape and reference point for the city, and contributes significantly to its southern and eastern backdrop.*
- AP9.4.iv** *The area is vulnerable to changes that bring new forms, colours, and patterns to the landscape. These include structures, roads, forestry and clearing. The upper slopes and ridges are especially sensitive to change.*
- AP9.4.v** *It is important to retain continuous vegetation cover to reflect the continuity of the green belt, with its bush-clad appearance and the amenity value which it affords. Production forestry on slopes visible from the city is inappropriate to the broader landscape context. This is an important backdrop to the city and it requires a consistent long term land cover pattern to enhance the landscape setting of Nelson City.*

15. When initially drawing the landscape overlay area, I considered that the shoulder ridgeline to the height shown on the landscape overlay plan was sensitive to development and warranted inclusion in the landscape overlay due to its visibility from the urban area, from traffic corridors, pedestrian precincts, public open space and private property (as described in Issues R15 iii). Its value relates to its importance as part of Jenkins Hill, and the larger “continuous vegetation cover” that forms the greenbelt backdrop to Nelson and Stoke, and is a sensitive ridgeline due to the fact that the spine faces Brook Street and is highly visible from this Residential area.



**PHOTO 3:** *Showing ridgeline currently in landscape overlay from Brook Street and approximate location of landscape overlay area. Area that is not visible from major transportation routes or the coast dotted red.*



**Figure 1:** Possible amendment to Landscape Overlay addressing Butler late submission. See Photo 2 above.

16. If the Council determined that the landscape overlay was too low in this area (due to the fact that it is not visible from a major transportation route or the coast), and that it should be lifted up, I have suggested an alternative landscape overlay area. This area represents views from the surrounding landscape including SH6, the coast, Main Road Stoke, Richmond township and the extent of the long distant views gained through the valley from Appleby and Richmond from State Highway 60 and State Highway 6. This would largely follow the 200m contour until it hits the ridgeline of Jenkins Hill, which is situated above the Butler Residence as seen in *Figure 1* above.

Liz Gavin  
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 15<sup>TH</sup> August 2011



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## **Part B**

### **APPENDIX 2**

Dr Philip Simpson, Nelson City Council Plan Change 17: Biodiversity Corridors

## NELSON CITY COUNCIL PLAN CHANGE 17: BIODIVERSITY CORRIDORS

### 1 Introduction

**1.1** My name is Philip Simpson. I live in Pohara, Golden Bay. I was raised in the Nelson region, and attended Nelson College, Canterbury University and University of California. I hold a BSc (Hons) and Ph D in Biological Sciences. I have worked for twenty years in the public service, as a soil conservator, and botanist. I have been an ecological consultant for over a decade. Currently I am writing a book on the natural and cultural history of totara. This follows two previous books on other New Zealand tree species. I own a bush property, a vineyard and some sheep.

**1.2** My experience with ecological corridors comes from my research undertaken while employed as a botanist with the Science and Research Division of the Department of Conservation, Wellington, from 1987 to 1997. The subsequent decade involved the practical application of this work during a large number of studies on native vegetation on private land in Canterbury, Marlborough and Nelson, for the Hurunui, Marlborough and Tasman District Councils, respectively. This work required the characterization of native vegetation areas on private land, and suggesting management options for these areas. The role of corridors was a frequent element in these studies because the native vegetation was often within gullies in hill country farmland. In addition to work for Councils I have been employed for similar work by a range of private companies, including planting programmes.

**1.3** I have not carried out scientific research into the nature of or impacts of corridors. My theoretical understanding of corridors and the science of landscape ecology and ecological restoration is contained in several of my publications:

- Ecological restoration in the Wellington Conservancy. Department of Conservation, Wellington. 1997.
- Tasman District Biodiversity Overview: review of indigenous ecosystems on private land in Tasman District and opportunities for protection. Geoff Walls and Philip Simpson, 2004.
- Opportunities for Ecological restoration in the Takaka Catchment. Tasman Environmental Trust, 2008.
- Why I believe in Ecosourcing. In, Managing Native Trees. Tane's Tree Trust, 2011

**1.4** I visited the land covered by Plan Change 17, on July 6, 2011 and I have read relevant sections of submissions concerning the proposed corridors. With particular reference to submitters' statements, I have been instructed to comment on the justification and value of corridors, the width of corridors, the danger of pest migration along corridors and the validity of ecosourcing.

## **2 Justification for Corridors**

**2.1** First, let me preface my specific comments on the Enner Glynn area with some observations of indigenous pattern in New Zealand generally. New Zealand is characterized by highly developed lowlands in which indigenous habitats are reduced to small fragments, backed by more continuous natural habitat in the mountainous hinterland. Between these two extremes are innumerable small areas of natural habitat along the rivers and gullies. Much of the hinterland is legally protected, and there are literally thousands of small natural areas protected through the lowlands as well. Most of the individual protected areas are less than 5 ha in size and are surrounded by farmland. Two-thirds of NZ is privately owned and there is a significant proportion of the remaining or regenerating natural area in private ownership. Hence there is a theoretical opportunity to interlink these two land categories in ecologically functional terms. In physical terms the process of interlinking will usually involve narrow zones of natural vegetation, or corridors.

**2.2** Although there are many nationally threatened species of animals and plants, there are also vast areas where even common species are rarely seen. There is usually a wide difference between the species of plants and animals that people see every day and New Zealand's native species. Hence, I believe that there is an important need to help bring the bush back to the areas where most people actually live, to integrate nature and culture. This can be achieved through both natural migration and human enhancement, namely, planting vegetation.

**2.3** New Zealand is an extremely diverse landscape with huge variation in climate, topography and soil. The indigenous species are adapted to these variations. Local adaptations are more likely to enhance survival, especially with regard to extreme conditions. This is the basis for widespread support of the concept of ecosourcing, or the planting of locally sourced species, a cornerstone for ecological restoration.

**2.4** Many of the gullies of native vegetation on private land are secondary or regenerating habitats. Sometimes they include introduced species of plants and they always include introduced animals. The detailed history of each place is unique and the species composition is also unique. Often there are species represented by only one or a few individuals. These places need to be carefully managed if they are to develop a long-term stability. It is not possible to maintain the natural biodiversity of New Zealand without ongoing management of plant and animal pests, and native species enhancement.

**2.5** The source of species diversity is from nearby natural areas. Indigenous ecosystems are not just collections of individuals but many interrelated species of trees, shrubs, herbs, ferns, mosses, birds, insects, snails, earthworms, fungi and bacteria. Some of these are capable of migrating long distances, even across farmland. But others, particularly those that live within the soil, need a protective cover of appropriate species. For this reason many regenerating areas on private land, isolated within farmland, have limited species diversity.

**2.6** In summary, 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 proposed Biodiversity Corridors help to achieve this goal. This is a long term management process that involves both natural and people-managed aspects. Usually the natural linkages will be narrow areas along valleys and gullies, but not always. Usually pests and weeds will require active long term management. And,

usually, planting particular species to enhance lost or threatened diversity, or planting to create indigenous habitat for both animals and plants, will be necessary. This will involve an understanding of natural processes including genetic adaptation.

### **3 Value of corridors**

**3.1** It is important to realise that a corridor represents the minimum possible linkage between ecosystems. It is a concept designed to recognize the reality of and necessity for human occupation of the broader landscape. Much broader linkages would be more ecologically significant.

**3.2** Corridors have the following attributes:

- provide habitat for species already present and potential habitat for other species and individuals to come;
- the corridor is a habitat in itself but could also link upland to lower-land habitats. Potentially, corridors could interlink 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. Therefore the larger (both broader and longer) the corridor the more diversity is possible;
- they are especially important for animals that cannot survive outside native vegetation, such as earthworms, litter snails, and most beetles;
- however, corridors can include introduced species, such as large trees;
- in the New Zealand context corridors are often located along streams and this riparian habitat has unique hydrological qualities, usually high soil fertility, open space over water and a range of habitats (aquatic to dry land); most New Zealand forest species grow along streams;
- vegetation reduces sediment and nutrient input into water from runoff and bank erosion, which increases water quality for aquatic animals, regulates temperature, reduces light and therefore the potential for invasion of water by introduced aquatic plants;
- corridors do not have to be along natural features in the landscape but could include roadsides, fence-lines, farm shelter systems and forestry woodlots; they do not have to be entirely indigenous as many species of plants and animals can use introduced species for part of their habitat (for instance orchids, weta, tui);
- corridors do not have to be continuous but might be a zone of closely spaced habitats, such as farm ponds.

## **4 Enner Glynn land.**

**4.1** The Nelson district is no different from most other parts of New Zealand with regard to the pattern of natural ecosystems. If anything it has been more intensely impacted for several reasons. Being located centrally in New Zealand, bordering Cook Strait and representing a major lowland area adjacent to high mountains, Nelson represents an important latitude boundary for northern and southern species. A number of forest species more or less find their southern limit in Nelson, such as maire, swamp maire, tawa, and kohekohe. There is great ecological diversity caused by geological factors: the mineral belt, limestone areas, large areas of gravels, numerous small rivers and extensive estuarine areas. Nelson has a detailed topography meaning that each ecosystem is relatively small and therefore has been impacted on severely, for instance the kahikatea and totara forests. A relatively benign climate enhances biodiversity.

**4.2** In my brief field study of the sites under consideration in this Hearing I observed examples of: soil erosion along poorly vegetated stream; rare forest type for lowland Nelson; several species occurring as a single individual; minimal regeneration of some species owing to grazing; serious infestation of weed species such as old man's beard; patches of introduced trees (tall poplars) that serve a positive ecological function; genetically inappropriate planting.

**4.3** The areas I visited are typical of much of New Zealand hill country farmland. They have strong natural character but the pieces are unrelated and individually managed. Some streamsides are grass, others kanuka, others original bush. Planned corridors could readily make these places into a biodiversity-enriched network.

## **5 Do corridors work?**

**5.1** Some submitters have questioned where corridors achieve their intended role. I agree that scientific studies that specifically measure the impact in New Zealand appear to be few. In preparing these notes I contacted several people to give me examples of corridors in action:

- Kokako. Phil Bradfield (DOC) noted that the population of kokako at Mapara in the King Country has migrated from one patch of bush to another via a corridor of bush specifically planted for this purpose.
- Insects. Brian Patrick (a leading New Zealand Entomologist) has observed that many species of moths and butterflies (including copper and tussock butterflies) use roadsides to maintain genetic flow between larger patches of vegetation.
- Trees. James Hunter (Rangitoto Station, Central Hawkes Bay) has observed titoki and karaka seedlings arrive from coastal forest into patches of more inland bush that have been fenced.

**5.2** The validity of corridors is a reality of everyday observation. Certain species of tree can be seen along many New Zealand roads and rail verges, especially cabbage trees and totara. These species colonise places that are protected from grazing. There are undoubtedly hundreds of similar examples. I have no doubt that corridors work.

## **6 Habitat size**

**6.1** One submitter (Number 13) questioned the validity that increased habitat size through corridors is important. For many species of small invertebrate size of the habitat is probably of limited relevance, except in terms of the impact of the edge effect on key plant species in the long term. But, the key to survival is the population, not the individual. For birds the ability to migrate seasonally has been widely established in New Zealand, accessing different summer and winter foods. Animals have a social life too, and it is well to remember that they need peacefulness (freedom from noise, disturbance, danger) in order to reproduce effectively. It should also be remembered that it is the extremes of environmental factors that control survival, not the norms. Drought, wind, cold and fire might impact only rarely, especially in human timeframes. Furthermore, the ability of a species of long-lived tree to regenerate usually requires a calamity. A habitat patch has to be big enough for calamity not to damage the whole patch, or to occur too frequently for reproductive maturity to be discouraged.

**6.2** One particularly important feature of isolated patches of natural area is the edge effect. Edges are ecologically active in both positive and negative ways. They provide habitats for regeneration but also avenues for invasion of weeds and pests. Importantly the edge has extremes of moisture, light, wind and temperature, so that species that require the more protected environment of inner bush, cannot survive. The ideal is to minimize the edge and maximize the interior.

**6.2** I recognize that the scientific measuring of how corridors influence species would be valuable evidence, but I also believe that on such an inherently common sense matter, the burden of proof should be to disprove their value.

## **7 Weeds and pests**

**7.1** Submitters are concerned that corridors will encourage the spread of pest animals and plants and make control more difficult. This is probably true. Fencing of a corridor is likely to encourage pest plants too, especially gorse, broom, barberry, blackberry, hawthorn, pest vines and potentially many others. Grass growth will threaten any tree plantings, so that releasing ( removing threatening growth from around a planted specimen) will be necessary. However, corridors without ongoing management are not ecologically appropriate. Pest management is a ubiquitous reality and while the concerns are valid the increased difficulty does not outweigh the positive values of corridors. All patches of bush, all farmland and plantation forests and indeed all urban areas require ongoing plant and animal pest management.

## **8 Corridor width**

**8.1** The width of proposed corridors has been questioned. The proposed 20m width of corridor has been cited in a number of corridor studies and comes historically in the form of the “Queen’s chain”. The figure is not magical but is merely an attempt to achieve sufficient size of the habitat to avoid excessive impact of the edge effect in linear habitats. This 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. Excessive 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. The wider the

corridor the greater the range of specific habitats based on soil features, geology, moisture and slope.

**8.2** However, this does not mean that strict adherence to a particular width is necessary or practical. Sometimes the width can be greatly increased, as for instance where a bluff system enters the valley floor. Alternatively a width less than 20 m might be necessary to ensure sensible fencing or to facilitate stock movement, as for instance on the Higgins-Singleton property. There is clearly a dynamic relationship between ecological need and land management. A very important factor is the positioning of fencing so that land and stock management is practical: the location of corridors needs to be planned through the equivalent of an individual ‘conservation farm plan’.

## **9 Ecosourcing**

**9.1** One submitter considered that ecosourcing would make planting programmes more difficult, with less species diversity. I agree that there are disadvantages. Longer term planning is required, and when ecosourcing was first mooted, appropriate plants were not available and were expensive. This has largely changed now with several Nelson nurseries producing large numbers of plants from a wide variety of species and sources, at cost effective prices.

**9.2** The advantages considerably outweigh the problems. The most important is success of the project because ecosourcing ensures that the plants selected are genetically adapted to the extremes of the district’s environment. Genetic variability is now well established for virtually all species studied, although the degree varies. The resulting vegetation will have scientific reliability (for example, I saw Hall’s totara planted in the area - it does not grow here, it will hybridise with local lowland totara, future generations will not know the planting history, and future ecological study will be unreliable). Local nurseries benefit from the trade in local native plants, and local people can be proud of ‘their’ species and varieties.

## **10 Conclusions**

- I believe it is time to actively protect and restore local natural ecosystems for the multitude of functions they provide.
- Throughout New Zealand the lowland ecosystems have been preferentially removed and only isolated remnants remain. This has compromised species diversity and ecological processes. The Nelson region is extreme in this regard and the ecosystems here are especially renowned for their local uniqueness.
- Although active planting is one way to re-establish a viable ecological pattern, natural, managed regeneration is preferable for economic and practical reasons, and places where this can occur need to be identified and set aside.
- Corridors are one way to achieve this with minimal negative impact on human settlement, especially along streams which arise in the often more natural headwaters and pass through areas where most remnants remain.
- In the long term a pattern of interconnected natural areas is likely to be the most ecologically viable and functionally useful.



## **Part B**

### **APPENDIX 3**

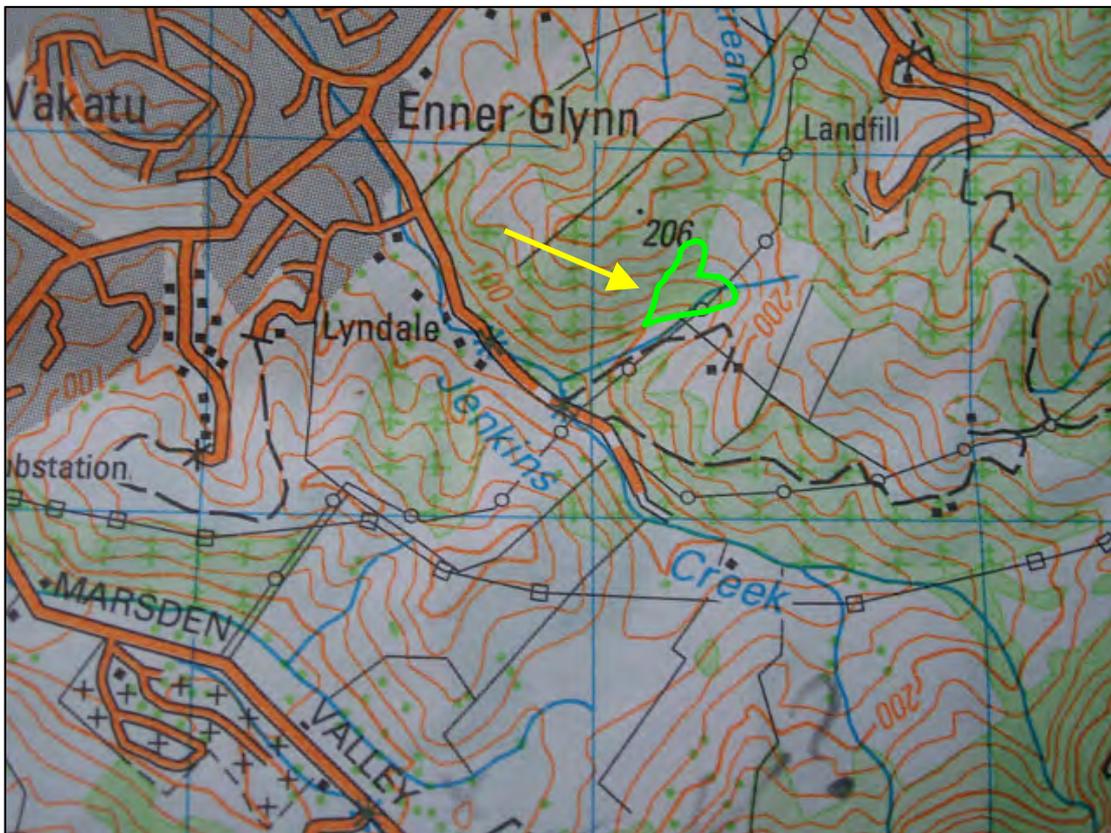
Nelson City Council, 2006/2007 Survey of Areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna – Ecological Significance Assessment Report.

Site Number: 135 'Enner Glynn Bush'

Surveyed by Michael North, August 2007

## 2006/2007 Survey of Areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna Ecological Significance Assessment Report

**Site No:** 135 Enner Glynn Bush  
**SUFI No:** NCC-105947  
**Legal Description:** Lot 1 DP 354032  
**Landowners/Occupiers:** Lindy Kelly  
**Ecological District:** Bryant  
**Surveyed By:** Michael North  
**Survey Date:** 16 Feb 2007  
**Report Date:** Aug 07



## **The Setting - Bryant Ecological District**

This ecological district (ED) is a part of the Nelson Ecological Region that includes Motueka, Moutere and Red Hills Ecological Districts. Bryant Ecological District is made up largely of steep hill country along the western flanks of the Mt Richmond Forest Park, rising to over 1600m and draining to the north-west. The northern third of the ecological district falls within NCC jurisdiction, from about Richmond northwards, an area that includes the coastline from Stoke almost to Cable Bay and the hinterland of forested slopes up to the ridgeline peak of Dun Mountain (1129m) and north along the Bryant Range.

It has complex geology, including Permian sandstone and argillite, nationally important areas of ultramafic rocks, volcanic rocks, greywacke and fossil-bearing marine and non-marine sedimentary rocks spanning a considerable age range. Soils vary greatly in structure and fertility accordingly. The climate is generally sunny and sheltered, with very warm summers, mild winters and moderate rainfall, although it is cooler and wetter in the south. Lower slopes are typically farmed or in exotic forestry.

Formerly the ecological district would have been almost entirely covered in forest apart from the waterways, ultramafic areas and immediate coastal fringe. The alluvial valley flats and terraces supported towering podocarp forests of totara, matai, rimu, miro and kahikatea. On the hills was mixed beech-podocarp forest, in which hard beech was dominant on lower altitude slopes, black beech on warmer more gentle aspects and podocarps generally in and near gully systems. Red beech and silver beech occupied mid altitude slopes whilst mountain beech was dominant on upland slopes, along with southern rata, Hall's totara and mountain cedar. On the ultramafic areas were distinctive shrubland and tussockland, the vegetation stunted by the unusual soil conditions and containing species found nowhere else.

In sheltered coastal gullies were pockets of lush broadleaved forest containing tawa, titoki, pukatea, nikau, hinau and tree ferns, accompanied by large podocarps. Coastal margin broadleaved forests included among others, much ngaio, akeake and akiraho, especially on coastal slopes.

Freshwater wetlands occurred in the valleys and would have included fertile lowland swamps with kahikatea, harakeke, cabbage tree and tussock sedge. By far the largest swamp was at the head of Nelson Haven. Rivers and streams, including riparian ecosystems with such species as black beech, kowhai, flaxes and toetoe would have made up an appreciable though not large portion of the district. Estuary margins would have supported a distinctive community of plants including estuary tussock and saltmarsh ribbonwood.

People have lived in this area for many centuries. Evidence of former Maori settlement - middens, terraces, pits and worked stone material, as well as gardens - occur in many places. This ecological district contains the best sources of stone material for tool-making - argillite, in New Zealand; there are several prehistoric quarries in the Maitai catchment. The natural patterns of vegetation and fauna have been greatly changed in the valley floors and lower slopes by human activity. This

was begun by Maori inhabitants associated with hunting, cultivation, travelling and exploration. Subsequent clearance for European settlement and farming has been very widespread, with the valleys and slopes logged (especially of podocarps) or burnt and the valley flats drained.

What remains are still extensive areas of inland beech forest, tiny remnants of lowland and coastal broadleaved forest and podocarp forest, and very few, small freshwater wetlands. Estuary-margin vegetation has been largely destroyed. There are quite large tracts of regenerating native vegetation toward the coast, largely of tall kanuka, where hill-slope farmland has reverted to forest. Most remaining forest areas are much diminished in ecological quality due to exotic animal impacts.

Of the total area of about 57000 ha, 60% is in formal DoC protection (mainly Mt Richmond Forest Park). Very few lowland near-coastal areas are protected, with some of these areas being under QEII covenants or in DoC Scenic Reserves. NCC administers significant tracts of native vegetation in the Roding and Maitai River catchments. Forestry companies protect numerous small native forest remnants under the Forestry Accord.

### **Site description**

The c2.5 ha site occupies part of a small SSW-running tributary gully of Jenkins Creek, covering part of the gully bottom and side-slopes above and spanning 100-170m in altitude.

The geology is Pliocene/ Tadmor Group/ Port Hills Gravel consisting of conglomerate with volcanic, sedimentary and granite clasts.

The site falls within the Lowland Hill Country ecosystem of the NCC area.

## **Vegetation**

### **1** Tawa-(titoki)-(matai) forest on gully bottom/lower side-slopes.

This assemblage occurs in two pockets at the site and is somewhat fragmented. Kaikomako and large pukatea are very scattered, and old man's beard is locally abundant around the margins and where tree-fall has opened up the canopy. Ponga is very common in the understorey with large-leaved coprosma and kawakawa common, and mapou locally so. Titoki regeneration <1m is very common with much Blechnum filiforme and Microsorium scandens as a ground cover and climbing lower trunks.

### **2** Mahoe-kanuka forest on side-slopes.

Small areas of kanuka and mahoe low forest are present, with areas where either are dominant. Old man's beard is very common. Large-leaved coprosma and ponga dominate the understorey, with kawakawa and Blechnum filiforme common.

### **3** Old man's beard-mixed broadleaved vineland/treeland on side-slopes.

The site is surrounded by a sea of old man's beard, with this vine climbing into tree canopies and causing collapse to produce almost impenetrable thickets.

## **Flora**

71 native were noted, a moderate number. No rare species were noted.

Forests with a significant tawa component are rare by area in the NCC area/Bryant ED.

Forest with such a matai presence as here are very rare at such low altitudes in the NCC area/Bryant ED.

## **Fauna**

Tui and kereru were notable for their abundance. Kereru were observed feeding on the fruit of kawakawa, tawa and titoki with the high numbers observed a result of non-resident birds attracted by the bountiful seasonal fruits. Bellbird, fantail and waxeye were also noted.

## **Weed and animal pests**

Old man's beard is on the brink of destroying this site over the coming decades, as the infestation is now so advanced that even the canopies of tallest forest trees are becoming smothered. More locally, banana passionfruit is abundant.

Hawthorn has a small presence.

Common lacebark/Hoheria populnea (that has been planted nearby) is seeding locally into the bush (5 saplings noted by the stream at the lower end of the site). This NZ species is not native to the South Island.

### **Other threats**

None were noted.

### **Landscape values**

The site is tucked out of sight from any public road.

### **Assessment of ecological value:**

***Representativeness:*** *does the site represent a good example of one of the characteristic types of native vegetation in the district?*

The site holds a reasonable example of tawa-titoki-matai forest in the context of the NCC area/Bryant ED.

***Rarity:*** *are there rare species or communities?*

Forest with a significant tawa component is rare by area in the NCC area/Bryant ED. Matai-rich forest at such low altitude (100-170m) is very rare in the NCC area/Bryant ED.

***Diversity and pattern:*** *is there a notable range of species and habitats?*

There is a moderate range of native plants and a moderately low diversity and pattern of vegetation.

***Naturalness:*** *how modified is the site by anthropogenic effects (direct disturbance, weed and pest impacts)?*

The forest appears primary or very mature secondary forest, with the larger valuable stems (in all likelihood) removed long ago. Weed impacts are very high. Apparent herbivore impacts are nil.

***Distinctiveness/special features:*** *are there any features that make the site stand out locally, regionally or nationally?*

This is the only site of native vegetation of any note within the NCC area/Bryant ED on this geology (Pliocene/Tadmor Group gravels), making the site highly significant in this regard. It is quite different to any other geology in age and form in the NCC area.

***Size/shape:*** *how large and compact is the site?*

The site is small at c2.5ha, but is compact.

***Connectivity:*** *what is the degree of ecological connections with surrounding areas?*

The 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 (farther up Jenkins Creek).

| Criterion                        | Ecological District ranking |
|----------------------------------|-----------------------------|
| representativeness               | Medium-Low                  |
| rarity                           | Medium                      |
| diversity and pattern            | Medium-Low                  |
| naturalness                      | Medium-Low                  |
| distinctiveness/special features | Medium                      |
| size/shape                       | Low                         |
| connectivity                     | Low                         |

### **Management issues and suggestions**

The site is in a precarious state due to the old man's beard and banana passionfruit infestations. These are the key issues at this site. With such a wide ground-smothering band of old man's beard around most margins, it might well be best to fence these areas and graze them to prevent long term seeding of these vines into the bush, undoing the efforts of control within it.

Regeneration of some species is poor: few matai <3m were noted with only 2 seedlings, and tawa regeneration is almost nil in recent times with only the typical flush of seedlings in/beside the creek margin which invariably are swept away by floods. This may well be a reflection of rat predation on the seeds of these species. If this is so then a rat control programme would be greatly beneficial (not least for the successful breeding of native birds as well).

Lacebark seedlings and hawthorn should be removed.

It is heartening to note that the local branch of Forest and Bird have taken on helping with the management of this site.

## Photo Gallery



*View across the upper end of the site looking NW*



*Tawa forest vegetation plot*



*Mahoe-kanuka forest vegetation plot*



*A single kiekie vine - an unexpected record*

## APPENDIX

The following data is held by the Nelson City Council and forms the basis of this report.

### Species List

r=rare o=occasional m=moderate numbers ml= moderate numbers locally c=common  
lc= locally common f=frequent lf=locally frequent x=present but abundance not noted

| Species Name                    | Common Name              | Status |
|---------------------------------|--------------------------|--------|
| <b>Trees</b>                    |                          |        |
| <i>Alectryon excelsus</i>       | titoki                   | f      |
| <i>Aristotelia serrata</i>      | wineberry                | o      |
| <i>Beilschmiedia tawa</i>       | tawa                     | f      |
| <i>Carpodetus serratus</i>      | putaputaweta, marbleleaf | o      |
| <i>Corynocarpus laevigatus</i>  | karaka                   | ml     |
| <i>Coriaria arborea</i>         | tutu                     | r      |
| <i>Dacrycarpus dacrydioides</i> | kahikatea                | r      |
| <i>Fuchsia excorticata</i>      | tree fuchsia             | o      |
| <i>Hedycarya arborea</i>        | pigeonwood               | m      |
| <i>Laurelia novae-zelandiae</i> | pukatea                  | o      |
| <i>Melicytus ramiflorus</i>     | mahoe, whiteywood        | lf     |
| <i>Myoporum laetum</i>          | ngaio                    | r      |
| <i>Myrsine australis</i>        | mapou, red matipo        | lc     |
| <i>Nothofagus solandri</i>      | black beech              | r      |
| <i>Olearia rani</i>             | heketara                 | r      |
| <i>Pennantia corymbosa</i>      | kaikomako                | f      |
| <i>Pittosporum eugenioides</i>  | lemonwood                | r      |
| <i>Pittosporum tenuifolium</i>  | kohuhu                   | r      |
| <i>Prumnopitys ferruginea</i>   | miro                     | r      |
| <i>Prumnopitys taxifolia</i>    | matai                    | m      |
| <i>Pseudopanax arboreus</i>     | fivefinger               | r      |
| <i>Schefflera digitata</i>      | pate                     | o      |
| <i>Streblus heterophyllus</i>   | small leaved milkwood    | r      |
| <i>Weinmannia racemosa</i>      | kamahi                   | r      |
| <b>Shrubs</b>                   |                          |        |
| <i>Brachyglottis repanda</i>    | rangiora                 | c      |
| <i>Coprosma grandifolia</i>     | large leaved coprosma    | f      |
| <i>Coprosma rhamnoides</i>      |                          | o      |
| <i>Cordyline banksii</i>        | forest cabbage tree      | r      |
| <i>Haloragis erecta</i>         |                          | r      |
| <i>Macropiper excelsum</i>      | kawakawa                 | c      |
| <i>Solanum a/l</i>              | poroporo                 | r      |
| <b>Lianes</b>                   |                          |        |

|                                     |                        |    |
|-------------------------------------|------------------------|----|
| <i>Freycinetia banksii</i>          | kieke                  | r  |
| <i>Metrosideros diffusa</i>         | white rata vine        | m  |
| <i>Metrosideros perforata</i>       | white rata vine        | r  |
| <i>Muehlenbeckia australis</i>      |                        | m  |
| <i>Parsonsia heterophylla</i>       | native jasmine         | o  |
| <i>Ripogonum scandens</i>           | supplejack             | c  |
| <b>Herbs</b>                        |                        |    |
| <i>Euchiton audax</i>               |                        | r  |
| <i>Hydrocotyle moschata</i>         |                        | r  |
| <i>Ranunculus reflexus</i>          |                        | o  |
| <i>Stellaria decipiens</i>          |                        | m  |
| <i>Urtica incisa</i>                | nettle                 | o  |
| <i>Wahlenbergia ramosa</i>          |                        | r  |
| <i>Gastrodia "aff. sesamoides"</i>  |                        | r  |
| <b>Grasses Sedges Rushes</b>        |                        |    |
| <i>Carex forsteri</i>               |                        | r  |
| <i>Luzula picta</i>                 |                        | r  |
| <i>Microlaena stipoides</i>         |                        | o  |
| <i>Uncinia uncinata</i>             | a hook grass           | o  |
| <b>Ferns</b>                        |                        |    |
| <i>Adiantum cunninghamii</i>        | common maidenhair fern | m  |
| <i>Asplenium appendiculatum</i>     |                        | r  |
| <i>Asplenium flabellifolium</i>     | necklace fern          | r  |
| <i>Asplenium flaccidum</i>          | hanging spleenwort     | o  |
| <i>Asplenium gracillimum</i>        |                        | c  |
| <i>Asplenium hookerianum</i>        |                        | r  |
| <i>Asplenium oblongifolium</i>      | shining spleenwort     | o  |
| <i>Blechnum chambersii</i>          |                        | lc |
| <i>Blechnum filiforme</i>           |                        | f  |
| <i>Cyathea medullaris</i>           | mamaku                 | r  |
| <i>Dicksonia squarrosa</i>          | wheki, rough tree fern | r  |
| <i>Grammitis billardierei</i>       | a strap fern           | r  |
| <i>Hymenophyllum demissum</i>       | a filmy fern           | o  |
| <i>Lastreopsis glabella</i>         |                        | m  |
| <i>Lastreopsis hispida</i>          |                        | r  |
| <i>Lastreopsis velutina</i>         | velvet fern            | r  |
| <i>Leptopteris hymenophylloides</i> |                        | r  |
| <i>Microsorium scandens</i>         |                        | f  |
| <i>Microsorium pustulatum</i>       | houndstongue fern      | m  |
| <i>Pellaea rotundifolia</i>         |                        | o  |
| <i>Pneumatopteris pennigera</i>     |                        | o  |
| <i>Polystichum neozelandicum</i>    | a shield fern          | m  |
| <i>Pteridium esculentum</i>         | bracken                | r  |
| <i>Pteris tremula</i>               |                        | r  |
| <i>Pyrrosia eleagnifolia</i>        |                        | r  |

| <b>Weeds</b>                |                    |    |
|-----------------------------|--------------------|----|
| Carex divulsa               |                    | r  |
| Clematis vitalba            | old man's beard    | f  |
| Crataegus monogyna          | hawthorn           | o  |
| Dactylis glomerata          | cocksfoot grass    | o  |
| Digitalis purpurea          | foxglove           | o  |
| Fragaria vesca              | wild strawberry    | r  |
| Hoheria populnea            |                    | r  |
| Hypericum androsaenum       | tutsan             | r  |
| Mycelus muralis             | wall lettuce       | m  |
| Passiflora mixta/mollissima |                    | lc |
| Pinus sp                    | a pine             | r  |
| Prunella vulgaris           | self heal          | r  |
| Rubus fruticosus agg        | blackberry         | lc |
| Solanum chenopodioides      |                    | r  |
| Ulex europaea               | gorse              | r  |
| <b>Birds</b>                |                    |    |
|                             | tui                | x  |
|                             | bellbird/korimako  | x  |
|                             | fantail/piwakawaka | x  |
|                             | waxeye             | x  |
|                             | kereru/pigeon      | x  |

# Survey of areas of significant indigenous vegetation and significant habitats of indigenous fauna 2006-2007

## NELSON CITY COUNCIL

| Site Inspection Form   |                         |                                 |                          |                           |
|--|-------------------------|---------------------------------|--------------------------|---------------------------|
| Ecological District: Bryant  |                         | Ecosystem: Lowland Hill Country |                          | Site No.: 135             |
| Property: Enner Glynn Bush   |                         |                                 |                          |                           |
| Grid Ref.: O27-323 886   |                         |                                 | Altitude Range: 100-170m |                           |
| Area: c2.5ha   |                         | Aspect: various; gully runs SSW |                          | Slope: 0-45°, mostly c30° |
| Date: 16 Feb 2007  | Surveyor: Michael North |                                 |                          | Time on site: 3hrs        |
| Weather: Warm sunny breezy   |                         |                                 |                          |                           |
| <p><b>Landform/Geology:</b><br/>The site occupies part of a small tributary gully of Jenkins Creek, covering part of the gully bottom and side-slopes above. The geology is Pliocene/ Tadmor Group/ Port Hills Gravel consisting of conglomerate with volcanic, sedimentary and granite clasts.</p>  |                         |                                 |                          |                           |
| <p><b>Plant communities and habitats:</b></p> <p><b>1 Tawa-(titoki)-(matai) forest on gully bottom/lower side-slopes.</b></p> <p>This assemblage occurs in two pockets at the site and is somewhat fragmented. Kaikomako and large pukatea are very scattered, and old man's beard is locally abundant around the margins and where tree-fall has opened up the canopy. Ponga is very common in the understorey with large-leaved coprosma and kawakawa common, and mapou locally so. Titoki regeneration &lt;1m is very common with much Blechnum filiforme and Microsorium scandens as a ground cover and climbing lower trunks.</p> <p><b>2 Mahoe-kanuka forest on side-slopes.</b></p> <p>Small areas of kanuka and mahoe low forest are present, with areas where either are dominant. Old man's beard is very common. Large-leaved coprosma and ponga dominate the understorey, with kawakawa and Blechnum filiforme common.</p> <p><b>3 Old man's beard-mixed broadleaved vineland/treeland on side-slopes.</b></p> <p>The site is surrounded by a sea of old man's beard with this vine climbing into tree canopies and collapsing them to produce almost impenetrable thickets.</p> |                         |                                 |                          |                           |
| Plant Community  |                         | GPS Location                    |                          |                           |
|  | E:                      | N:                              | +/-:                     |                           |
|  | E:                      | N:                              | +/-:                     |                           |
|  | E:                      | N:                              | +/-:                     |                           |
|  | E:                      | N:                              | +/-:                     |                           |
|  | E:                      | N:                              | +/-:                     |                           |
| <p><b>Flora:</b> ( 71 native species present)</p> <p>Species number is moderate. No rare species were noted.<br/>Forests with a significant tawa component are rare by area in the NCC area/Bryant ED.<br/>Forest with such a matai presence as here are very rare at such low altitudes in the NCC area/Bryant ED.</p>  |                         |                                 |                          |                           |
| Notable Flora  |                         | GPS Location                    |                          |                           |
|  | E:                      | N:                              | +/-:                     |                           |
|  | E:                      | N:                              | +/-:                     |                           |

| E:   | N: | +/-: |
|--|----|------|
| <p><b>Fauna:</b></p> <p>Tui and kereru were notable for their abundance. Kereru were observed feeding on the fruit of kawakawa, tawa and titoki with the high numbers observed a result of non-resident birds attracted by the bountiful seasonal fruits. Bellbird, fantail and waxeye were also noted.</p>  |    |      |
| <p><b>Notable plant and animal pests:</b></p> <p>Old man's beard is on the brink of destroying this site within the coming decades as the infestation is now so advanced that even the canopies of tallest forest trees are becoming smothered. More locally, banana passionfruit is abundant. Hawthorn has a small presence.</p> <p>Common lacebark/Hoheria populnea (that has been planted nearby) is seeding locally into the bush (5 saplings noted by the stream at the lower end of the site). This NZ species is not native to the South Island.</p>  |    |      |
| <p><b>General condition:</b></p> <p>The site is in a precarious state due to the old man's beard and banana passionfruit infestations.</p> <p>Regeneration of some species is poor: few matai &lt;3m were noted with only 2 seedlings, and tawa regeneration is almost nil in recent times with only the typical flush of seedlings in/beside the creek margin which invariably are swept away by floods. Apparent herbivore impacts are negligible.</p>   |    |      |
| <p><b>Management Issues:</b></p> <p>Old man's beard and to a lesser extent banana passionfruit are the key issues at this site.</p> <p>Poor regeneration of key canopy species in recent years may well be a reflection of rat predation on the seeds of these species. If this is so then a rat control programme would be greatly beneficial ( not least for the successful breeding of native birds as well).</p> <p>Lacebark seedlings and hawthorn should be removed.</p> <p>It is heartening to note that the local branch of Forest and Bird have taken on helping with the management of this site.</p>  |    |      |
| <p><b>Ecological Value Assessment Notes:</b></p> <p><b>Representativeness</b></p> <p>The site holds a reasonable example of tawa-titoki-matai forest in the context of the NCC area/Bryant ED.</p> <p><b>Rarity</b></p> <p>Forest with a significant tawa component is rare by area in the NCC area/Bryant ED. Matai-rich forest at such low altitude is very rare in the NCC area/Bryant ED.</p> <p><b>Diversity and Pattern</b></p> <p>There is a moderate range of native plants and a moderately low diversity and pattern of vegetation.</p> <p><b>Naturalness</b></p> <p>The forest appears primary or very mature secondary forest, with the larger valuable stems removed long ago in all likelihood. Weed impacts are very high.</p> <p><b>Distinctiveness/Special Features</b></p> <p>The site is outstanding in being only site of native vegetation of any note within the NCC area on this geology. It is quite different to any other geology in age and form in the NCC area.</p> |    |      |

**Size/Shape**

The site is small at c2.5ha, but is compact.

**Connectivity**

The 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 (farther up Jenkins Creek).

**Map of Site**

| Location of corners and boundaries of site: |              |                  |            |              |          |
|---|--------------|------------------|------------|--------------|----------|
| No. on Sketch:                              | Waypoint no. | Map Co-ordinates |            |              | Location |
| A   |              | E: 2532320       | N: 5988777 | +/-: 8.1m 3D |          |
|   |              | E:               | N:         | +/-:         |          |

**See appended map at back of report**



|   |                              |                            |                          |
|---|------------------------------|----------------------------|--------------------------|
| <b>Sheet No. 79</b>                                 | <b>VEGETATION PLOT SHEET</b> |                            | <b>Site No. 135</b>      |
| <b>Site Name:</b> Enner Glynn Bush                  |                              |                            | <b>Photo?</b> yes        |
| <b>Community Type:</b> Tawa-(titoki)-(matai) forest |                              |                            |                          |
| <b>Grid Reference:</b> O27-323 886                  |                              | <b>Plot size:</b> 50m diam |                          |
| <b>Altitude:</b> 130m                               | <b>Aspect:</b> 120°          | <b>Slope:</b> 20°          |                          |
| <b>Observers:</b> Michael North                     |                              |                            | <b>Date:</b> 16 Feb 2007 |

#Epiphytic

\*Cover Classes: 0=present&rare 1=present 2=1-5% 3=5-25% 4=25-50% 5=50-75% 6=75-100%

| >5m     |   | 5m-2m   |   | 2m-30cm |   | 30cm-10cm |   | 10cm-0cm    |   |
|---------|---|---------|---|---------|---|-----------|---|-------------|---|
| Species | * | Species | * | Species | * | Species   | * | Species     | * |
| Bei taw | 6 | Mel ram | 1 | Cor lae | 0 | Ale exc   | 2 | Ble fil     | 3 |
| Ale exc | 3 | Cop gra | 2 | Mac exc | 3 | Mic sca   | 3 | Hed arb     | 0 |
| Pen cor | 2 | Bei taw | 0 | Myr aus | 2 | Mac exc   | 1 | Pse arb     | 0 |
| Met per | 1 | Mic sca | 1 | Bei taw | 0 | Asp flac  | 0 | Hym dem     | 1 |
| Pru tax | 3 | Pru tax | 0 | Asp gra | 1 | Pel rot   | 0 |             |   |
| Lau n-z | 2 | Pse arb | 0 | Ble fil | 1 |           |   |             |   |
| Par het | 2 | Cor lae | 1 | Pen cor | 1 |           |   |             |   |
| Cle vit | 2 | Str het | 0 | Asp obl | 1 |           |   |             |   |
| Cya dea | 2 | Cya dea | 3 | Pru tax | 0 |           |   |             |   |
|         |   |         |   | Cop rha | 0 |           |   |             |   |
|         |   |         |   | Hed arb | 0 |           |   |             |   |
|         |   |         |   | Car ser | 0 |           |   |             |   |
|         |   |         |   | Ale exc | 2 |           |   |             |   |
|         |   |         |   |         |   |           |   |             |   |
|         |   |         |   |         |   |           |   |             |   |
|         |   |         |   |         |   |           |   | Moss        | 2 |
|         |   |         |   |         |   |           |   | Litter      | 6 |
|         |   |         |   |         |   |           |   | Bare Ground | - |
|         |   |         |   |         |   |           |   | Rock/Gravel | 3 |

**Fauna:**

**Community variation:** Plot samples upper part of the best stand of tawa. Elsewhere there is noticeable tawa collapse (wind? old age?) into the gully with associated old man's beard penetration.

**Other Notes (plot info, browse, pests & weeds, condition, dieback, regen of key spp):**

No browse noted. Creek margins - all outside the plot support very few ferns compared to other tawa forest gully sites, a probable reflection of the very free-draining geology at this site. Old internal fences imply prior grazing history – a distinct lack of mid-generation trees of kaikomako, tawa and titoki support this.

Old man's beard smothers many tree canopies in more open tawa forest/treeland.



## **Part B**

### **APPENDIX 4**

John McCartin, Natural Systems Design Limited, Marsden Valley to the Brook Structure Plan – Drainage and Watercourse Impacts Assessment Report, 10 March 2009.

# **MARSDEN VALLEY TO THE BROOK STRUCTURE PLAN** **DRAINAGE & WATERCOURSE IMPACTS ASSESSMENT REPORT**

**John McCartin, Natural Systems Design Ltd, 10 March 2009**

## **Introduction**

1. This report gauges the effects of potential residential development on the various watercourses in three adjacent valleys on Nelson's south eastern fringe, in the general "Stoke foothills" area lying between Stoke and Bishopdale. The valleys involved to varying degrees are
  - Marsden Valley with Poormans Valley Stream being the principal watercourse.
  - Enner Glynn, which is drained by Jenkins Creek, its only significant watercourse. This study looks at both sides of the valley.
  - Land over the saddle dividing the Jenkins and Brook stream catchments; this land skirts the land taken up by the existing landfill and quarry operations, and the associated buffer requirements, operating within the York Stream catchment.

## **York, Brook and Marsden Valleys**

2. The York Valley is predominantly outside the study area. The landfill site is however within it but it is already designated for that activity. So this area is not discussed further in this report.
3. Similarly for any development in the top Brook area, the area of land (30~40ha) and envisaged density of development, (small holdings) is such that any effects on the Brook Stream with its 1100+ hectare catchment will be very minor, to the point of being indiscernible. Even if some residential density subdivision were to occur, the total effect would still be very minor. With small holdings (~1ha) in this top Brook area there would not be any physical stormwater reticulation system needed; any areas of imperviousness will remain discrete and unconnected, allowing much internal buffering to occur.
4. For the purposes of this report 'Marsden' refers primarily, but not solely, to land owned by the wider McLaughlin family. This has already been assessed in the course of a Private Plan Change request initiated by them, which was subsequently adopted by the Council. Whilst other owners have land lying within the Marsden study area their collective land area is very small compared to the McLaughlin land. The incremental effects of these small additional areas would be very limited, and can be incorporated within the measures originally proposed for the McLaughlin land. For convenience a copy of the original assessment report commissioned by the McLaughlins' is appended.

## **Development in Enner Glynn**

5. In the Enner Glynn there is a large area of land owned by the Kellys along with four smaller landholders on the northern side of the valley. Much of this land is either very steep and/or shady in the winter. Whilst some further disparate small holdings type subdivision may occur on the Kelly block (a process that has already led to the four smaller lots) the combined effect of these will always be minor, for reasons identical to those applying to the Brook area discussed previously. If further subdivision to additional small holdings was to occur the effects can be internalized, by and large, with offset planting within each block. These areas of plantings could also provide additional slope stability to any areas affected by drainage off the private access

roads or tracks. Such point source loadings from roading culverts or water tables can have high localised erosive impact. Therefore compensatory wood lots or similar would be an appropriate fit to the terrain, particularly on the floors of the natural side gulleys, where increased groundwater flows would result from the point source discharges.

6. Most of the north or west facing side of the valley is owned by the wider Higgins family. This land is generally not as steep as the Kelly side with the spurs and the gulleys tending to be more open or less pronounced. Subject to appropriate mitigation measures, as discussed later, this land would be more amenable to a more intensive style of development than the hills slopes opposite. Similarly further up the valley on the upper southeastern side is a large block of land owned by Mr. Craig Simpson. Comments or recommendations applying to the other Enner Glynn areas also apply to this land. However much of the Simpson land is already covered in healthy regenerating early stage bush. The effects of wholesale removal of this bush would be hard to mitigate for reasons as discussed later.
7. Both the Poormans and Jenkins streams originate on the slopes of Jenkins Hill, with similar lengths (as defined for this study) of around 3.5km. The two valleys share similar hydrological characteristics being subject to a similar rainfall pattern, one characterized by strong orographic influences as the land rises to the Barnicoat range tops. Rainfall intensities across the tops of these valleys can vary markedly, all driven by subtle changes in the wind direction during any particular rainfall event. In general as a front passes wind direction changes from a predominantly nor-northeast orientation to a more westerly one. The speed of this wind shift can influence the total rainfall falling in any one event.
8. Precipitation in the upper hills fronting the Barnicoat Range can be intensive with some pronounced orographic influences. Accordingly a design 2% AEP 24 hr rainfall of 160 mm has been used for Enner Glynn. This is around 12-15% higher than the figures for Nelson Airport. A design Q50 flow of 34 cumecs has been used by the NCC for the two new recently installed culverts on Enner Glynn Rd; using the TM61 method with a time of concentration of 40 minutes. Using the SCS Soil Curve methodology the Q50 value is calculated to be more likely in the range of 20 to 25 cumecs. (The difference is not significant with the result in both methods highly dependent on key but subjective parameters.)

#### **Catchment Description**

9. Jenkins Creek has a catchment of around 350 ha, measured to where it enters the existing residential area around Newman Dr. Significant areas are covered in early stage regenerating indigenous bush, mainly a gorse/broom mix, particularly on the upper slopes on the Simpson land. There are also smaller isolated plantations of radiata, some of which are approaching harvest, or have been harvested within the last five years or so. Because the underlying geology comprises rocks of the Maitai and Richmond groups which have numerous planes of weakness, the land forming Jenkins Hill is relatively permeable, and can be classified as Hydrogeologic Soil Group Class B. Similarly the flanking ridges, though these consist mainly of tighter Port Hills gravels, can also be classified as Class B. Down the main body of the valley the stream bed has an average gradient of around 1 in 40 or 2.5%. This makes it similar to Poormans Valley Stream, and steep in hydraulic terms; it does not exhibit any significant meander pattern, being relatively straight.
10. The block is bisected by numerous side gulleys whose moisture retaining and stability attributes could be enhanced by comprehensive retirement planting on all the balance areas not suitable for housing. There are also significant south facing hill slopes that could be retired in perpetuity to provide offset mitigation within the valley. In this study an offset area of permanent land cover planting has been calculated, enough to balance out the effects of residential housing on the Higgins land. There are

numerous areas that could be covered by small isolated copses, collectively enough to provide the required total offset area.

11. When assessing the base case the response from the land to rainfall is highly dependent on the vigour and state of the prevailing ground cover. For example following an extended drought or dry period, grass cover can be very poor. If an intense summer rainfall was then to occur, higher volumetric runoff is far more likely than if the same land had a healthy sward of grass on it. Yet such 'denuding' of vegetation is often an unavoidable consequence, being part and parcel of farming patterns. So when it comes to comparing the effects of new houses only compatible base line scenarios should be compared, in order to better quantify the effects of residential development. Accordingly the grass condition cover factor has been assessed as 'fair'.

### **Stormwater Mitigation Approaches**

12. In assessing the possible methods of mitigating the effects of development within Enner Glynn, it needs to be kept in mind that approximately 95% of all rainfall occurs at less than about 10 mm per hour. Compare this to the common design threshold for stormwater reticulation of eight times that amount, 80 mm/hr. Furthermore the average rainfall event in Nelson is around 5mm in total, with an average duration of around 3 hours. All this goes to say that most rainfall falling within a natural catchment with reasonable soakage does not generate significant runoff. Most of the rain infiltrates into the groundwater, re-emerging as sustained base flow. It is the strength of base flow that determines the ecological healthiness of a stream. In turn much visual and other amenity relies on the stream having a reasonable flow of water in it. Therefore the goal of successful mitigation is to minimize the volumetric conversion of infiltration water to stormwater as most rain does not fall in storms. To that extent the word 'stormwater' is a misnomer as it implies all rain falls in storms.
13. Detention structures do nothing to address such volumetric changes; they merely shave the peak flow, letting the accumulated generated runoff go just a little bit later. To this extent the focus on ensuring that peak flood flows, be they Q5, Q15 or Q50, do not exceed pre development flows, can miss the point. Firstly detention dams work best if they are 'tuned' to deal with a specific event. If a dam is sized to the Q50 event it can be difficult to get it to attenuate the Q5 event unless a complex riser pipe type outlet structure is employed. This can often then have amenity and fish passage effects. As it is the Q5 is obviously lower than the Q50 flow so it should not be a capacity criterion.
14. Consequently the detention dam approach does not address the key driver of stream morphology, the dominant discharge or 'bankfull' flow. If the focus of mitigation is on downstream morphological effects this is the greatest determinant. This flow has a return period range of between 1.5-2.5 years, and is often taken as the Q<sub>2</sub> flow. With its combination of stream power and relatively high frequency of occurrence, it has the most channel-shaping influence. If a conventional stormwater reticulated housing development, covering ~110 ha or so, was to come about in this essentially stable catchment, some longer term stream morphology changes are likely to manifest, as the area represents around 30% of the total Jenkins Stream catchment area of approximately 350ha. Various studies point to effects starting to be more than minor once development exceeds 15~20% of a catchment.
15. More significant, however, are those changes already engendered by the historical removal of native bush from the catchment. The effects of this bush removal is most probably still occurring to some residual extent, (witnessed by the degradation occurring further down around the residential edge) and will continue to be additive to any effects coming from any housing development. After the original bush was removed, the dominant discharge flow markedly increased. This has accelerated

natural bed degradation, hence the incision into broader valley floor sediments where present.

16. The effects of deforestation on the stream bed itself would have been worse, but for two offsetting factors. Firstly the bush on the uppermost parts of the catchment has by and large been left intact; flows emanating from this area have remained reasonably well buffered, despite the absence of the original healthy undergrowth, which has been affected by deer and other animals. Secondly extensive areas of first stage indigenous bush regrowth have become established, particularly on the upper hill slopes of the Simpson land. Elsewhere the various isolated radiata plantations also supplement this beneficial effect.

#### **Attenuation –Planting and/or detention ponds**

17. To completely mitigate the effects of urban development on base flows back to pre-development levels is difficult in any circumstances. However in general there is more chance of reaching this goal by maximising the opportunity for runoff to re-soak back in to the soil profile wherever and whenever possible, back closer to the sources. A practical way to do this would be for housing to be located on the broader spurs where available, whilst retiring all the gulleys or excessively steep faces.
18. However for all steeper terrain areas, slope stability considerations need to be given due cognisance. The low impact development ideal of maximizing infiltration conflicts with the geotechnical aim of removing all potentially troublesome groundwater, at least as much as possible. Therefore conventional detention facilities may well be needed at the base of the hills, i.e. on the valley floor, with impervious surface runoff conveyed to them via conventional reticulation. It is not possible at this juncture to identify any one detention pond site. Rather it will be a case of having several smaller dams, nestled at the base of side gulleys where these meet the main valley floor. Such ponds could be multi use areas, their bases fully planted with trees so that they look like natural depressions or copses. None of the individual ponds should need to exceed 1000m<sup>2</sup> or so in surface area.
19. Any detention ponds need to be kept offline i.e. not installed on Jenkins Creek itself, as this would be an extremely inefficient way of capturing a relatively small incremental volume of runoff. Depending on the density of development it may be worthwhile looking at individual lot detention tanks, but a better outcome would be obtained if offset planting was maximised. Then piping would be used solely to convey drainage water to areas where soakage would not pose potential instability issues.
20. To demonstrate the effects of the various stormwater and runoff minimisation techniques the table overleaf shows the indicative flows and effects caused by housing development on approximately 110 ha of the more amenable terrain. When assessed from a total ~350ha catchment perspective, the increase is just over 1 cumec, from 22.66 to 23.75 cumecs in the Q50 event. The table also shows that all the increased runoff generated in the conventionally reticulated case could be offset or mitigated by planting new permanent bush or forest cover on 40 ha. This area of bush would be additional to the existing area of bush or forest that has been assessed as currently around 30ha. It is assumed that there would be no decrease in the area presently covered by the regenerating bush on the upper slopes of the Simpson property; the status quo would remain.

## Effects of Changes in Land Use on Q50 flows

110 ha of housing on suitably amenable terrain  
 Conventional Approach Development  
 Enner Glynn

### Watershed Peak Table

| Identifier                            | Peak Flow by Rainfall Return Period |       |       |
|---------------------------------------|-------------------------------------|-------|-------|
|                                       | 2-Yr                                | 15-Yr | 50-Yr |
| Existing                              | 2.67                                | 14.61 | 22.66 |
| 110 ha<br>(Conventional dev.)         | 3.12                                | 15.55 | 23.75 |
| 110 ha 2 O/S<br>(Offset by plantings) | 2.67                                | 14.61 | 22.66 |

The flows above are derived from terrain cover/ landuse factors as set out below.

### Sub-Area Land Use and Curve Number Details

| Sub-Area Identifier                            | Land Use                       | Hydrologic Soil Group | Sub-Area Area (ha) | Curve Number |
|--|--------------------------------|-----------------------|--------------------|--------------|
| existing                                       | Pasture, grassland or range    | (fair) B              | 250                | 69           |
|  | Brush - brush, weed, grass mix | (fair) B              | 70                 | 56           |
|  | Woods                          | (good) B              | 30                 | 55           |
| <u>Total Area / Weighted Curve Number</u>      |                                |                       | 350                | 65           |
| 110 ha Residential districts (~1300m2 equiv *) |                                | B                     | 110                | 72           |
|  | Pasture, grassland or range    | (fair) B              | 140                | 69           |
|  | Brush - brush, weed, grass mix | (fair) B              | 70                 | 56           |
|  | Woods                          | (good) B              | 30                 | 55           |
| <u>Total Area / Weighted Curve Number</u>      |                                |                       | 350                | 66           |
| 110 ha Residential districts (~1300m2 equiv *) |                                | B                     | 110                | 72           |
|  | Pasture, grassland or range    | (fair) B              | 100                | 69           |
|  | Brush - brush, weed, grass mix | (fair) B              | 70                 | 56           |
|  | Woods                          | (good) B              | 70                 | 55           |
| <u>Total Area / Weighted Curve Number</u>      |                                |                       | 350                | 65           |

\* The 1300 m2 figure is not the actual average lot size. Rather it is a proxy for ensuring a realistic overall factor of imperviousness (30%) is used in the model, applicable across the entire development area. The WIN-TR55 model was used, utilising Soil Curve Number inputs.

## **Flooding Constraint Aspects**

21. Assuming no development is allowed to take place on the lowest parts of all the numerous side gulleys, any flooding constraints would then apply solely to the main valley floor. It would generally be unwise to allow development on the berms of the creek as the primary channel capacity is, apart from those sections where deeper incision has occurred, probably in the region of a Q5 flood event. There is also the question of allowing natural erosion processes to take place. The odd isolated dwelling need not be automatically precluded but the best form of mitigation would be to ensure that all building platform areas are constructed at a level well above flood heights and, critically, well back, by 20m or more, from the stream edges. If an area was needed for overall offset mitigation plantings then the valley floor, which is generally the creek's flood berm, would be an ideal location for such plantings.

## **Summary**

In assessing the Enner Glynn and Top Brook areas for future urban development, it is clear, from a drainage management perspective, that the terrain is reasonably amenable to residential development. With regard to stormwater, the increase in extreme event flows, even with conventional reticulation, is not overly significant in relation to existing catchment flood flows. When it comes to comparing the effects of new houses only compatible base line scenarios should be compared.

Of environmental significance is the diminution of base flows that occurs with conventional stormwater reticulation. Subject to detailed analysis at engineering design stage, low impact methodologies and goals should be fostered here wherever feasible. The provision of new plantings alongside watercourses, particularly the main valley floor, and in the side gulleys (or elsewhere on the hillsides, where appropriate and conducive to the overall appearance and amenity of development in the area), will provide significant compensatory attenuation whilst offering additional benefits of enhanced slope stability.

*John McCartin*

*Natural Systems Design Ltd*

*10 March 2009*



## **Part B**

### **APPENDIX 5**

Andrew James – Proposed Plan Change 17, 13 July 2011

File Ref: 1125077

When calling  
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Direct Dial Phone: 546 0263  
Email: andrew.james@ncc.govt.nz

13 July 2011

Memo To: Reuben Peterson  
Memo From: Andrew James  
**Subject: PROPOSED PLAN CHANGE 17**

---

My name is Andrew Keith James. I am employed by Nelson City Council as a Principal Adviser – Transport and Rooding in the Strategy and Planning Division. I have been employed by Council for nine years; four years as Engineer – Stormwater and Waste Management, then two years as Engineer – Transport and Waste Management, then two years as Transport Manager for the Asset Management Division, the remainder in my current role.

I obtained Chartered Engineer status with the Institution of Engineers of Ireland in 2000, a Post-graduate Diploma in Project Management from Trinity College, Dublin, Ireland in 2000 and a Civil and Structural Engineering degree from the University of Manchester Institute of Science and Technology in the UK in 1988.

I have over 19 years experience in transport, solid waste and utilities asset management and civil, structural and petroleum design and construction; with a civil engineering contractor, as a resident engineer, and with engineering design consultancies, including Engineering Manager of a structural engineering consultancy and Managing Director of a petroleum consultancy in Ireland.

I have been a member of the Institution of Professional Engineers New Zealand (IPENZ) since 2003 and a member of the IPENZ Transportation Group since 2005. I have attended several transport specific courses and conferences and regularly attend the Road Controlling Authorities Forum. I regularly present at public meetings, local IPENZ meetings, resource management hearings and Council meetings.

I have been involved in this plan change from the beginning of the drafting process.

My comments on submitter No. 5, Dugald and Janette Ley follow:-

1. I am not aware of any traffic assessment or specific traffic modelling having been undertaken on this Plan Change. I do not consider a comprehensive traffic assessment necessary as the traffic impacts are minor and the roading connections proposed are based on connectivity and access, rather than detailed measures to address specific impacts. Detailed future traffic volumes and detailed investigations will be required to consider the downstream intersection improvements in detail. These are not considered necessary at this plan change stage for the linking transport routes as they do not drive the road classifications identified in the Land

Development Manual 2010 (LDM), like they used to in the previous Engineering Standards. Furthermore, 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. It is considered more appropriate to consider any outstanding specific mitigation issues as part of individual resource consents later. Therefore my comments are directed on ensuring there are options available to mitigate issues, rather than directly proposing specific measures.

2. The Arterial Traffic Study considers the impact of this proposed Plan Change 17 in its modelling of the options. The input data is provided here: - <http://www.nelsoncitycouncil.co.nz/reference-materials-for-traffic-study/>. It can therefore be assumed that the outcome of the ATS has considered the affects of the Plan Change 17 and the impacts from the Plan Change are therefore likely to be mitigated by the time development occurs.
3. Based on existing traffic volumes, The Ridgeway / Waimea Rd intersection is one of 15 intersections that require safety improvements in the city. Design improvements for this intersection have been scheduled for the last couple of years but have been deferred awaiting the outcomes of the Arterial Traffic Study(ATS), this Plan Change, and the effects of The Ridgeway Link on traffic flows along the Ridgeway (between Songer St and Kauri St, opened mid 2010). Council has funding allocated to design and construct intersection improvements, and will be taking into account the outcomes from the ATS and proposed Plan Change 17. The impacts from the proposed Plan Change are therefore likely to be mitigated by the time development occurs.
4. It is acknowledged that The Ridgeway / Enner Glynn intersection will require upgrading given the likely increase in traffic along The Ridgeway (following safety improvements to the Waimea Rd intersection, and growth in Marsden Valley) and as a result of this Plan Change increasing traffic volumes along Enner Glynn Rd.
5. The road reserve width varies along Enner Glynn Rd:-
  - between No. 1 to 7 it is 17m wide,
  - between 9 to 23 it is 15m wide, and
  - for the remainder of the valley 20m wide.

Interpretation of the definitions of the road classifications in the LDM, section 4.2.3 would suggest the Enner Glynn road would be classified as either local or sub-collector. Section 4.3 identifies that the target speed environment of the road as being 10km/hr less than the speed limit and for a sub-collector road, Table 4-3 suggests:-

- for the rural zone - a 6m traffic lane, with a 1.5m shoulder each side, and indicates a total road reserve width of 20m.
- for the residential zone – a 5m traffic lane, 2 x2m parking lanes, 2 x1.5m berms, 2 x 1.5m footpaths and 2 x1.6m service strips and indicates a total road reserve width of 18m.

Between No. 1 and No. 23 Enner Glynn Rd the existing sealed road width is over 8m so as a minimum a 5m traffic lane and 1 lane of parking could be provided, and additional footpaths could be added within the road reserve if deemed necessary because the LDM allows for a reduction in parking provision where it will assist in creating the required speed environment (refer 4.3.1 and 4.3.17.1). Parking supply is currently in excess of demand and is likely to remain that way along this section of road so the effects of this reduction would be minimal and would contribute to additional mitigation measures that may be necessary to ensure the speed environment complied with the LDM.

Between No. 23 and the Newman Dr intersection, where there is no residential development along the roadside the 8m carriageway is more than adequate considering there is currently no parking demand, and unlikely to be any in the future.

From the Newman Drive intersection the Enner Glynn road would need to be upgraded in accordance with the LDM to mitigate the effects of the residential and rural zone changes. The costliest section is a bend, some 170m east of the intersection, between the side of a steep hill and the stream. Some earthworks, retaining and possibly some land purchases are likely to be necessary.

Currently local roads cannot be included as a Development Contributions project so the upgrade would be required by the applicant unless Council deemed the upgrade a priority for the city and allocated funding in the Long Term Plan.

My comments on submitter No. 7, Rosalie Higgins follow:-

1. The link from Panorama Dr down to the Enner Glyn/Marsden Valley link road saddle aligns with Council's desire to increase connectivity. The reasons why increased transport connectivity is desired is explained in sections 4.2.1 d and 4.2.5 of LDM. In addition to the points raised in the LDM, increased connectivity also 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 CPTED safety through the reduction of cul-de-sacs.
2. It is likely this road would be classified as local road or a residential lane in accordance with the LDM definitions. The LDM provides for variability to the carriageway cross-section where this is deemed appropriate (refer sections 4.3.3.d and j of the LDM). The subdivision consent process is also the time when the nature, extent and design to provide for the connection can be carefully considered based on the subdivision design and the more detailed investigations carried out in relation to this. I undertook a site visit with the submitter and their consultants to consider the viability of this road and did not see any major impediment to it, although it is acknowledged that it is likely to impact on any subdivision layout. I understand the road is located indicatively only on the structure plan to provide flexibility to any subdivision applicant.
3. The alternative proposal suggested by the submitter, namely:-
  - Construction of a right of way standard access from the top of the turning circle to the first saddle with limited gradient,
  - That this access be vested in Council and that
  - The costs of the footpath along the proposed access be met by Council
  - That, at a future date, the access is upgraded to a residential lane standard when the neighbouring land is developed

This does not appear unreasonable, given the likely timeframes for development in this area. Detailed analysis and design would be carried out through the resource consent process for any future subdivision.

My comments on submitters No. 10:Tamika Simpson and No.14:Richard Sullivan follow:-

1. The proposed connection between Brook St and Market Rd makes good network planning sense as well as providing local network improvements similar to the other connections

proposed in this plan change. A transport link behind the back of the Grampians Hill would prove attractive to residents of The Brook accessing Stoke and Tahunanui, thereby alleviating traffic pressures on the local network of Van Diemen, Brougham, Scotland and Seymour and Selwyn Place to through traffic in the future. It is likely if this link was formed it would be classified as a collector road in accordance with LDM definitions.

2. A preliminary assessment of the alternative route suggested (extending Blick Terrace over Couch saddle and through the existing quarry onto Market Rd) has been undertaken which shows that this route would be approximately 800m longer and rise an additional 85m higher (at a steep gradient with some switchbacks required) than that proposed in the Plan Change. The financial and environmental effects of this route would be considerable greater than that proposed and would not service as many residential properties along the way.
3. The Arterial Traffic Study considered an arterial roading option from Champion Rd in Richmond across the Stoke valleys and down the Brook (refer section 4.3 of the ATS Stage 2 report). This option was dismissed largely due to expense, and because it would place a significant volume of traffic into the residential areas to the east of and through the city to ensure a connection to the existing state highway at Haven Rd or Atawhai Drive. The route proposed in this plan change is different and would carry significantly less traffic so it is not considered realistic to draw comparisons between the two.
4. Clearly this route would provide significant transport benefits to the existing community by improving the level of service on the network, especially access benefits along The Brook and traffic reductions immediately south of Nelson City. My view is that Council would recognise this and when the time was right, incentivise its construction.



## **Part B**

### **APPENDIX 6**

Britta Hietz – Pedestrian and Cycle links: Nelson East, 22 March 2010

(Note that Ms Hietz refers to a walkway to the Kelly's Bush Block – this no longer forms part of proposed Plan Change 17).

File Ref: 901230

When calling  
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Direct Dial Phone: 5458725  
Email: [britta.hietz@ncc.govt.nz](mailto:britta.hietz@ncc.govt.nz)

22 March 2010

Memo To: Reuben Peterson

Memo From: Britta Hietz

**Subject: PEDESTRIAN AND CYCLE LINKS: NELSON EAST**

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The Community Services Division, as a parks and reserves provider, supports the proposed walk/cycleway linkages shown on the DRAFT Marsden to Brook Structure Plan Project – Plan Change 17.

The importance of walking and cycling, in particular mountain biking, as key physical activities is described in the 2009 Parks and Reserves Activities Management Plan (2009 P&R AMP).

The Plan describes that walking for recreation is the most popular form of physical activity for adults in the Tasman region (which includes Nelson) with 68.4% participation (SPARC Active NZ Survey 2007/08). The Plan further recognises that improved opportunities for walking through creating linkages and upgrading the network will encourage active mobility and improve community health and wellbeing.

Nelson's walkways offer an important recreation and transport network, are well-patronised and there is ongoing demand for expanding the walkway network. New opportunities often rely on land acquisition by purchase or via development contributions at the time of subdivision. Easements over private land also provide several options.

Cycling also proves popular at 36.2% participation. The popularity of mountain biking with the tourist market also provides economic opportunities for Nelson to develop its track network in the conservation and landscape reserves into a significant visitor attraction.

Mountain biking is growing in popularity and has an important role to play both as a recreational activity for Nelson residents and as a valuable tourism opportunity. Nelson and the wider region are developing a reputation both nationally, and increasingly internationally, as a biking destination.

The 2009 Parks and Reserves Activities Management Plan commits to provide the following Levels of service:

- To provide a connected network of paths and tracks that are accessible and visible; and
- To provide a connected network of mountain bike tracks that caters for a range of riding abilities.

A gap currently exists in the above networks linking the Brook Valley to Enner Glynn and also Bishopdale to the Brook saddle. This has been highlighted in our “making tracks” GIS mapping project. This gap was also identified in the 2002 Parks and Reserves Asset Management Plan and the opportunity to connect the Maitai Valley to Marsden Valley via the Brook

Specifically:

1) Brook-Enner Glynn

The Brook – Enner Glynn connection is an important link in the overall network and is strategic to providing an integrated walk and cycle network throughout Nelson including linkages to Marsden Valley and Richmond. This route would provide an ideal beginners and intermediate level track that can be used by families.

This route also connects to further loop tracks that are attractive for fitness rides and weekend family outings

2) Brook Saddle to Bishopdale

This route provides an easy contour linkage between Bishopdale, the Brook, Enner Glynn and Marsden Valley that similarly to the Brook-Enner Glynn route offers recreational opportunities for beginners and those at intermediate including families.

This walk and cycle route will enable a highly desirable connections between the Bishopdale and Brook neighbourhoods and also provides a good opportunity for a relatively short loop tracks.

3) Kelly bush block

The proposal for the Kelly’s bush block walkway recognises public access values that are currently identified in the NRMP. The ability to connect people with natural features such as this bush block increases the recreational value of this route.



## **Part B**

### **APPENDIX 7**

Reuben Peterson – Photos from York Valley Quarry Site Visits – 9 and 26 August 2011



Photo 1: General location of Indicative Walkway/ Cycleway and Biodiversity Corridor (in lower part of valley) – taken from road to surge tank on Brook / Enner Glynn Saddle without zoom. 26/8/11



Photo 2: General location of Indicative Walkway/ Cycleway and Biodiversity Corridor (in lower part of valley) – taken from lower edge of quarry operational area without zoom. 9/8/11



Photo 3: View of upper Brook Valley from top of Quarry (green water tank indicates Brook / Enner Glynn Saddle). No zoom. 9/8/11



Photo 4: View of upper Brook Valley from top of Quarry. No zoom. 9/8/11



## **Part B**

### **APPENDIX 8**

Titles for Sharon Higgins (149 Enner Glynn, Lot 1 – 2, DP 3418, Identifier NL94/91) and Edna McLaughlin, John McLaughlin and Glasgow Harley Trustee Limited (Lot 3 – 4 DP 3418 and Part Lot 26 – 27 DP 210, Identifier NL94/92)



**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** NL94/91  
**Land Registration District** Nelson  
**Date Issued** 11 October 1945

**Prior References**  
NL87/200

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**Estate** Fee Simple  
**Area** 21.8050 hectares more or less  
**Legal Description** Lot 1-2 Deposited Plan 3418

**Proprietors**  
Sharon Rose Higgins

---

**Interests**

374389.2 Mortgage to Rosalie Barbara Higgins - 19.1.1998 at 11.50 am

Subject to a right to convey water in gross and a right to transmit telephonic communications, electricity and/or other signals impulses and electronic data in gross over part marked A & C on DP 342016 in favour of Nelson City Council created by Transfer 6571187.2 - 14.9.2005 at 9:00 am

Subject to a right (in gross) to convey electricity over part Lot 1 DP 3418 marked A DP 351053 and over part Lot 2 DP 3418 marked B DP 351053 in favour of Transpower New Zealand Limited created by Easement Instrument 6598417.1 - 6.10.2005 at 9:00 am

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*Transaction Id* 31558301  
*Client Reference* 8692 2760

*Search Copy Dated 22/08/11 11:57 am, Page 1 of 2*  
*Register Only*





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



**Search Copy**

  
R.W. Muir  
Registrar-General  
of Land

**Identifier** NL94/92  
**Land Registration District** Nelson  
**Date Issued** 12 October 1945

**Prior References**

NL87/200

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|                          |  |
|--------------------------|--|
| <b>Estate</b>            | Fee Simple   |
| <b>Area</b>              | 20.6286 hectares more or less  |
| <b>Legal Description</b> | Lot 3-4 Deposited Plan 3418 and Part Lot<br>26-27 Deposited Plan 210 |

**Proprietors**

Edna Burton McLaughlin, John David Manuel McLaughlin and Glasgow Harley Trustee Limited

**Interests**

X1501 CAVEAT BY THE DISTRICT LAND REGISTRAR - 25.10.1938 AT 1.56 PM

Subject to a right (in gross) to convey water, right to transmit telephonic communications and right to transmit electricity and/or signals, impulses and electronic data over part herein marked B, E on DP 341086 in favour of the Nelson City Council created by Transfer 6579103.2 - 21.9.2005 at 9:00 am

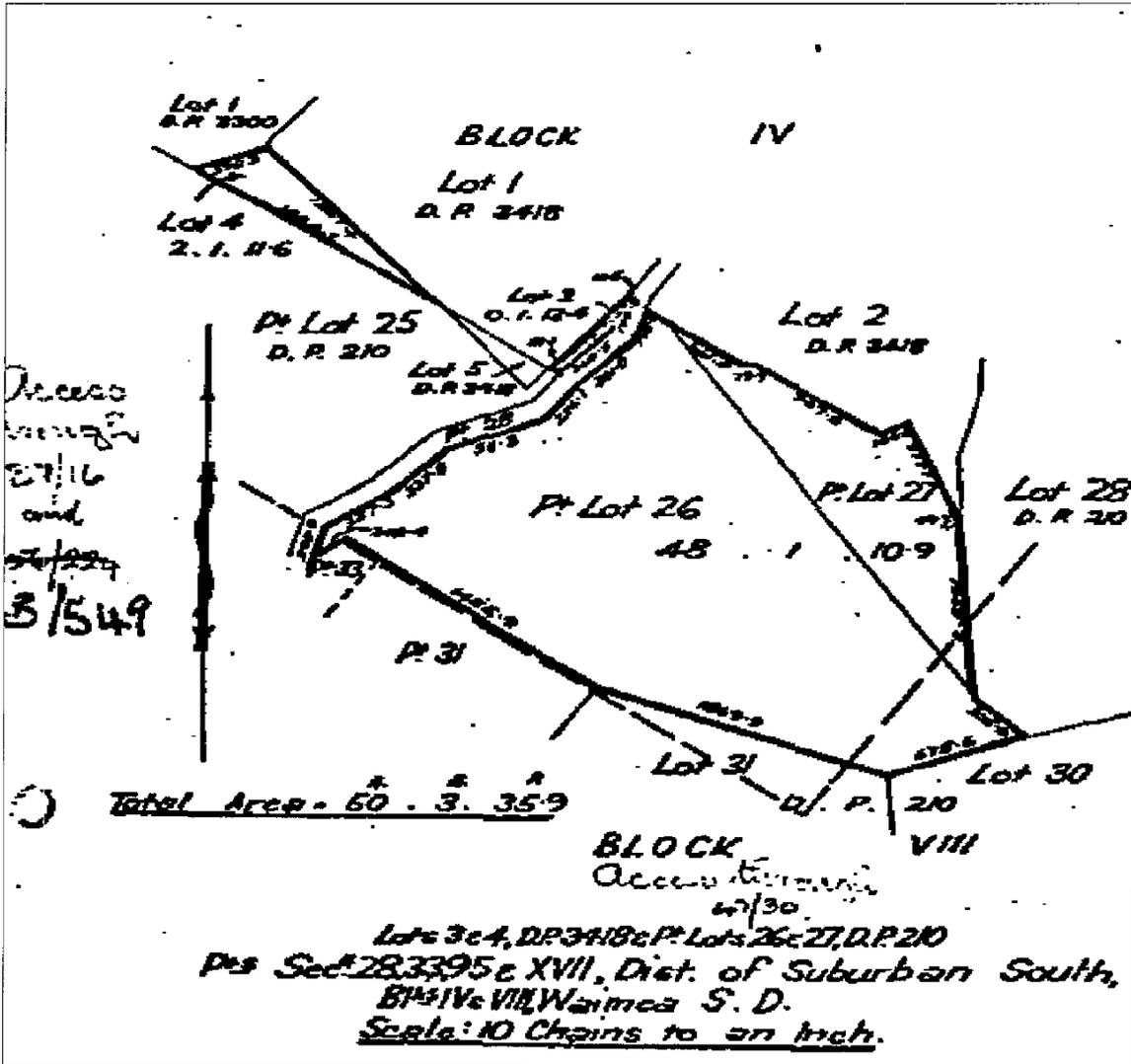
8251550.2 Mortgage to Westpac New Zealand Limited - 21.8.2009 at 11:30 am

Subject to a right (in gross) to convey electricity over part Lot 4 DP 3418 marked C on DP 369710 in favour of Transpower New Zealand Limited created by Easement Instrument 8600648.1 - 19.10.2010 at 11:53 am

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*Transaction Id* 31559906  
*Client Reference* 8692 2760

*Search Copy Dated 22/08/11 1:31 pm, Page 1 of 2*  
*Register Only*





## **Part B**

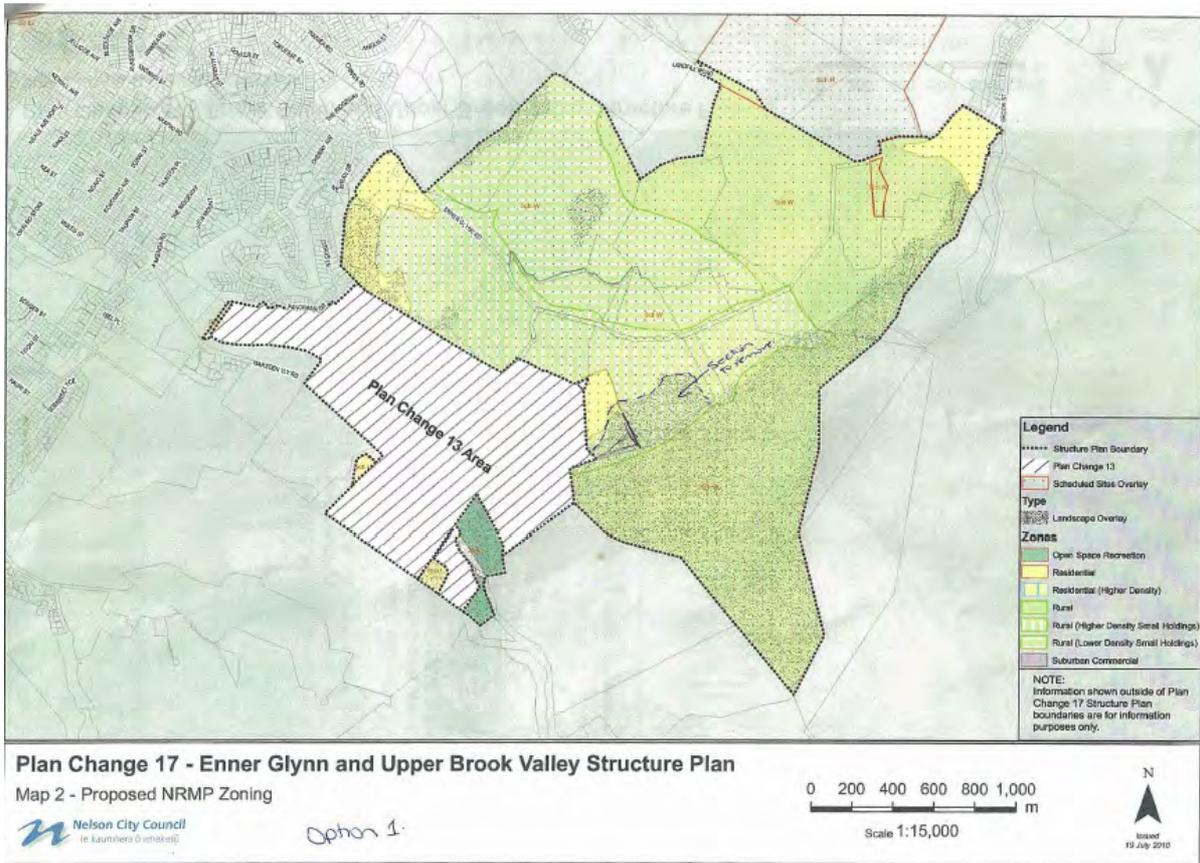
### **APPENDIX 9**

Map showing requested area of Residential Zoning from Submission 11.3 Sharon Higgins and Tony Singleton.

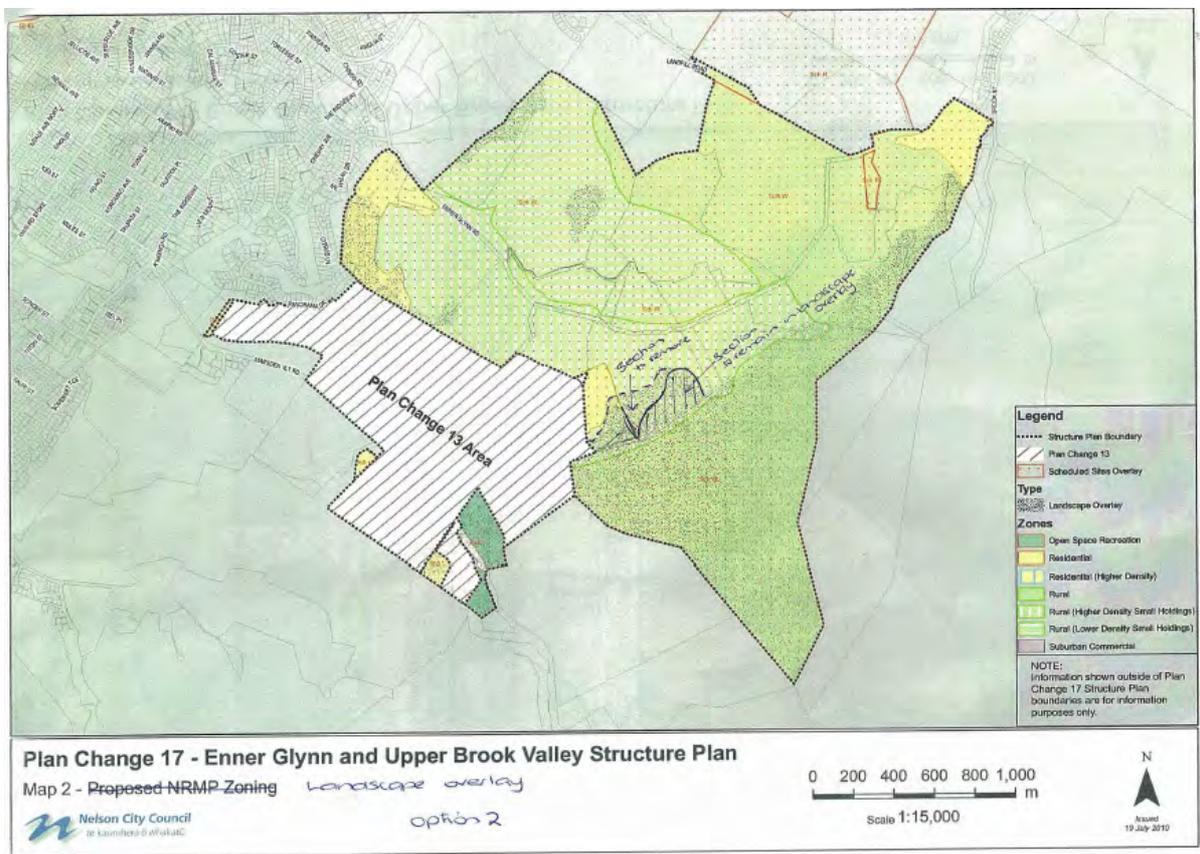
Map showing requested Landscape Overlay modifications from Submission 11.8 Sharon Higgins and Tony Singleton.



Landscape Overlay Option 1 and 2. Submission 11.8



This map is approximate only and may not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Nelson City Council, its employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information presented for the GIS data. This publication is copyright reserved by Nelson City Council. Copyright information derived from the CRS. CROWN COPYRIGHT RESERVED. U.T. Original map size A3.



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## **Part B**

### **APPENDIX 10**

Schedule R, York Valley Quarry, Nelson Resource Management Plan

Designation DN 1, York Valley Landfill, Nelson Resource Management Plan

## Schedule Rural Zone

### Sch.R York Valley Quarry

#### R.1 Application of the schedule

This schedule applies to the site shown as Sch.R on Planning Maps 24, 25 and 55 in the upper Brook Valley. This Schedule relates to rule RUR.75.

#### R.2 General rule

When quarry activity ceases on the scheduled site, the normal Rural Zone provisions will apply in all respects, and this schedule will cease to have effect.

For activities other than those described under R.3 below, the normal provisions in the rural zone table apply.

#### R.3 Permitted activities

The following are permitted activities in the schedule site if they comply with the conditions set out below:

- Quarry activity, including drilling and blasting rock, operation of equipment such as bulldozers, excavators, loaders, crushers, screens, generators, pneumatic rock hammers and trucks entering and leaving the site, and site buildings and toilet facilities and supply of services which may include mains power, mains water supply, storage of water, and settlement ponds, and
- Storage and sale of explosives, and
- Storage of fuel for use in the quarry activity.

|              |   |
|--------------|---|
| Structures   | Buildings which comply with the Rural Rules. Water storage tanks not exceeding 500,000 litres gross in total. Settlement ponds not exceeding 500,000 litres gross. Supply of mains power and water.   |
| Screening    | The quarry activity must not be visible from the Brook Street/Robinsons Road area.  |
| Blasting     | At least 24 hours prior to any blasting: oral or facsimile notification must be given to the Principal Environmental Officer, Nelson City Council. notification must be given to property owners and occupiers within 400m of the blast site. For any sites in the Residential Zone, written notification must be provided. For sites in the Rural Zone, oral notice is sufficient. All reasonable steps shall be taken to ensure fly rock generated by blasting remains on the scheduled site.   |
| Dust Control | Open areas of land and stockpiles of materials must be contained or maintained to minimise the creation of dust and to prevent its dispersal beyond the scheduled site.   |
| Noise        | Excluding blasting, and transport vehicles hauling to and from the scheduled site:<br>a) Noise levels measured at, or as close as practicable to, the boundary of any other site must not exceed:<br>Day Time L10: 65 dBA (Rural Zone sites)<br>L10: 55 dBA (Residential Zone sites)<br>Other Times L10: 45 dBA<br>Lmax: 75 dBA<br>b) Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays.<br>c) All measurements and assessment in accordance with NZS 6801:1991 (Measurement of Sound) and NZS 6801:1991 (Assessment of Environmental Sound). |
| Vibration    | No vibration created on the schedule site may be discernible at any residential site, except for short term blasting activity.  |

**R.4 Discretionary activities**

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The following are discretionary activities:

Activities listed as permitted that contravene a permitted condition in this schedule (note R.2 above)

**R.5 Assessment criteria**

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These are applied to the consideration of any application for a discretionary activity resource consent.

- a) the ability to mitigate any adverse effects by additional landscaping or screening
- b) the nature and timing of noise and its likely effects, and any proposals to mitigate these effects
- c) any risk to human life or property
- d) the hours of operation of the proposed activity
- e) the type and volume of any materials to be stored on the site, and any other means of screening
- f) the visual impacts, having particular regard to any adverse effects on views from residential areas, and on the landscapes and views defined in Appendix 9 (landscape components and views)
- g) any cumulative effects

**R.6 Explanation**

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The quarry has been operating on the site for a considerable time under existing use rights. Scheduling the site creates more certainty for the quarry and neighbouring landowners than operating solely on existing use rights. The permitted conditions provide for a range of activities to occur without the need to obtain a resource consent, while ensuring amenity and other considerations are addressed. The schedule on the Planning Maps and in the text provides information for people as to the existence of the quarry and the controls that apply to it.

## **DN1 designation DN1**

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DN1.i Refuse disposal - York Valley Landfill.

### **DN1.1 designating authority**

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DN1.1.i Nelson City Council.

### **DN1.2 reason for designation**

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DN1.2.i The continued designation of the refuse disposal site is to ensure that this important existing installation is suitably protected by the Plan, and that its future operation, maintenance and upgrading is appropriately provided for.

### **DN1.3 nature of the works**

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DN1.3.i Refuse - includes waste materials from residential, commercial and industrial properties, of a putrescible, organic, chemical, or mineral nature, and also soil and hardfill.

DN1.3.ii Sanitary landfill - means the excavation and reshaping of the area, backfilling with refuse and covering with soily material in a controlled manner to enable the stabilisation, reshaping and rehabilitation of the area, including protection planting of trees, shrubs and grasses. The operation may include the sorting including resource recovery and composting of materials.

### **DN1.4 environmental effects/mitigation measures**

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DN1.4.i The landfill will be controlled to appropriate standards so as to ensure avoidance of any tendency to erosion, the control of stormwater run off and any significant leachates, the prevention of vermin and any other nuisances.

DN1.4.ii Once a stage of landfill is completed the area shall be resown in grass or planted with trees to enable a continuance of use permitted in the underlying Rural Zone.

### **DN1.5 explanatory statement**

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DN1.5.i Some of the extra designated land (Lot 1 DP 14284) is not currently being used for landfill. The property has been purchased and the former property owners were aware what the land would be used for. They have use of the land, rent free, for the next 50 years. Nelson City Council will only be using a corner of the new land for landfill purposes, so adjoining land owners will not be affected.

## **DN1.6 conditions**

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DN1.6.i An outline plan exists for Stage I (Pt Sec 7 Suburban South SO1210, parts of Lots 34 and 37 DP210), currently being filled.

DN1.6.ii Before any filling commences in other areas of the designation, an outline plan for excavation and works in conformity with the conditions that follow shall be submitted to the Council for its consideration:

DN1.6.iii The plan for landfill and rehabilitation will include the following sequence of activities:

- a) screen planting as part of the overall landscape plan, especially along the northwest boundary adjacent to the retention dam and the face of the landfill
- b) the clearing and preparation of the base in such a manner that it is free from any seepage and drained to a suitable outlet for the collection of any water-borne leachate
- c) the containing embankments across the end of the landfill will be constructed so that the height is above the current landfill, at the completion of each layer of landfill
- d) the planting programme and resowing of completed surfaces of previous landfill areas will be completed concurrently with the establishment of new areas
- e) suitable boundary and temporary fencing and gates
- f) location and form of permanent signs
- g) all necessary resource consents for effluents and diversion of stormwater shall be maintained

DN1.6.iv Refuse, other than hardfill, shall not be placed in such a manner that it would lie in contact with the water table or in permanent contact with any ponded water. Suitable provision shall be made for stormwater and for the control of effluents arising during storm conditions.

DN1.6.v At the base of the valley a suitable area shall be prepared to act as a settling pond so that all stormwater which has come in contact with exposed soil surfaces, excavations and filling will pass through this ponding area before entering the York Stream system.

DN1.6.vi The plan to be prepared for the consideration of the Council will include provision for the phasing of the landfill and indicate staging that could be anticipated from time to time. It will also include a suitable landscape plan and planting programme.

DN1.6.vii The exposed area of landfill shall be kept to a minimum at all times and refuse placed in the landfill will be compacted using suitable compactor equipment and shall be covered as soon as practicable by clay bound fill materials. Nelson City Council will ensure that there is no wind-blown refuse or objectionable elements from the presence of birds, vermin or smell. Refuse shall not be left uncovered following each day's closure of the landfill.

DN1.6.viii As a safeguard against possible accumulation of gases within the landfill, suitable gravel filters will be brought up through the landfill to enable the free escape of any such gases.

DN1.6.ix The management of the area may include sorting and stockpiling of sand, soil, gravel, compostable material (if necessary covered to contain decomposition and any smells), all for the purpose of regular covering of deposited refuse and improvements in the quality of the cover of the finished levels so as to sustain further growth of trees, shrubs and grasses.

DN1.6.x The finished landfill shall be shaped and graded with soil or similar materials of no less than 300mm in thickness so that in the storm periods excess rainwater shall be shed to the side of the landfill and into the valley side stormwater system.

DN1.6.xi A suitable water supply shall be available at all times, both for the operation of the landfill and also adequate to assist with any fire fighting at the landfill or within the adjacent locality.

DN1.6.xii Suitable fences and screens shall be placed around the working areas to prevent windblown materials from leaving the immediate locality. Collection of materials that might be blown beyond the immediate workings will be undertaken.

DN1.6.xiii The site layout plan includes wheel wash facilities on the exit driveway.

DN1.6.xiv Nelson City Council will conscientiously enforce all Acts, Regulations, Bylaws and Conditions relating to litter control. It will make such inspections of the roads in the locality as are necessary to ensure the speedy discovery of any litter or refuse which may have fallen from vehicles and shall attend promptly to reasonable complaints. Where any litter or refuse is discovered on the roads in the locality or arising from the use of such roads by vehicles carrying refuse or litter, such litter or refuse shall be removed as soon as possible and the area left tidy.

DN1.6.xv The landfill shall be operated to avoid needless attraction of birds and vermin and, if necessary, extermination programmes shall be carried out as required.

DN1.6.xvi The following substances will only be permitted where approval has first been given by Nelson City Council and suitable arrangements made for its proper placing and immediate covering in the landfill:

- a) loads of fish and animal wastes
- b) any scheduled poisons or other hazardous chemicals
- c) any dangerous goods or other hazardous materials
- d) any liquid waste

DN1.6.xvii Approval for the disposal of these substances will only be granted where there is not a satisfactory alternative method available to the industries concerned and in the case of substances referred to in DN1.6.xvi (b) and DN1.6.xvi (c) only in an approved area of the landfill.

DN1.6.xviii The burning of refuse in the landfill area will not be permitted and should any fire be accidentally started, it will be extinguished immediately.

DN1.6.xix Periodic testing of the stream waters leaving the area for contaminants and leachates shall be arranged in conformity with the conditions of the Water Right or resource consent. In the event that stream waters leaving the landfill site become contaminated by contact with refuse, waste or other deleterious material as a result of the operation of the landfill, Nelson City Council shall undertake immediate remedial measures to effectively remove the contamination.

DN1.6.xx The hours for operation of the landfill will fall within 7am and 5.30pm on week days and Saturdays, 1pm to 5.30pm Sundays and public holidays. Refuse will not be accepted for disposal at the landfill earlier than 8am weekdays and Saturdays and later than 4.30pm on any day on which the landfill is operating. The above will apply save in the case of emergency. Nelson City Council may determine to close the facility on some days, or reduce the hours from time to time as appropriate.

DN1.6.xxi Access to the landfill site will not be permitted for cars, cars and trailers, or other vehicles carrying refuse except as set out below.

Access will be permitted for:

- a) vehicles carrying solid refuse or other material not considered by Nelson City Council to be acceptable at transfer stations
- b) heavy commercial vehicles approved by Nelson City Council carrying substantial loads where a direct destination to the landfill site gives greatest economy of vehicle operation
- c) local authority vehicles carrying compacted or other refuse or covered materials
- d) vehicles carrying wastes approved under DN1.6.xvi above

DN1.6.xxii General public access to the landfill site will be permitted during times of emergency when due to breakdown or destruction transfer facilities are unable to operate.

DN1.6.xxiii All refuse shall be transported either in a suitable container or covered or secured so that there is no possibility of material falling on any public roads, or the approach road and this requirement is to be pre-requisite of permission to enter the site.

DN1.6.xxiv

- a) Noise levels, when measured at or within any site in a Residential Zone must not exceed:

Day time

55 dBA (L10)

Other times

45 dBA (L10)

75 dBA (Lmax)

Day time means 7am - 10pm Monday to Friday, and 9am - 10pm Saturdays, Sundays and Public Holidays

- b) Noise levels measured at or within the notional boundary of any rural dwelling must not exceed:

Day time

55 dBA (L10)

Other times

45 dBA (L10)

75 dBA (Lmax)

Day time means 6am - 10pm Monday to Sunday

- c) All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991

DN1.6.xxv No equipment or processes shall be employed on the site that give rise to annoying vertical or horizontal vibration at the nearest residentially zoned property boundary.

DN1.6.xxvi As the landfill is an existing activity consultation was not necessary in order to include this designation. Regarding the extra land, the landowner was aware at the time of purchase what the land would be used for. As only a small portion of the land will be used for landfill purposes, neighbouring properties will not be affected by the use, so no consultation was necessary.



## Part C

# RECOMMENDED 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 this Plan Change:

- '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 recommended in the Officers s42A report.
- Red '~~double strikethrough~~' text applies to deletions as recommended in the Officers s42A report.
- 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 Plan Change 17 '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, as per submission 2.1 and 2.3, from the Plan Change 13 decisions on Plan provisions common between Plan Change 13 and Plan Change 17.
- '*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 1 (Clause 1.6)<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<br>'Development Plan' to 'Structure<br>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. And through development being~~ By requiring that ~~development proceed~~ in general accordance with the Structure Plan ~~will~~ 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 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. Sub 1.3 Sub 11.5 “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 purchase some, or all, of this land for reserves purposes. “Greenspace” is defined in Chapter 2 of the Plan.<sup>PC13</sup>

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~~ d<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 or other legitimate rural land use practice activities 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 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.

Sub 3.3  
and 4.3

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 I (Clause I.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 assisting 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 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 [and peri-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. [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. This may be appropriate in some circumstances due to practical constraints of land use and topography. Examples are to allow for fencing, access or stock movement. It is anticipated that this would only occur in the area where the specific constraint exists after which the Biodiversity Corridor would revert to its full required width at a minimum.](#)

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):**

DO10.1.7.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.

**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 road network in an efficient and timely manner, which reflects expected traffic levels, connectivity in the road network where appropriate, and the safe and convenient management of vehicles, cyclists and pedestrians, and
- b) .....
- 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 has been completed, or

iii) the formation or maintenance of roads and private vehicle access ways which cross (more or less at right angles) a Biodiversity Corridor (or area of greenspace shown in Schedule I)<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><br><br><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 ~~has~~ ~~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 does 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 has been defined in part of the valley shown on the Planning Maps in Schedule T. This area was granted a resource consent in 1996 pursuant to the transitional District Plan for allotments of 1 hectare minimum with an average size of 2 hectares. The area was also subject to a reference on the proposed Plan with respect of the zoning of the land in the Plan. The scheduling of the area is the outcome of those appeals. It is a compromise that allows for reasonable development opportunities in the valley, while ensuring minimal impact on the rural and landscape character of Marsden Valley (see also Objective RU4). The Higher Density Small Holdings Area, as it relates to land within [Schedule I \(Marsden Valley eastern area Rural Zone – Higher Density Small Holdings Area\)](#), and Schedule V (Marsden Hills), Schedule E (Ngawhatu Residential Area) to the rear of the Residential Zone 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 has been completed, or

iii) the formation or maintenance of roads and private vehicle access ways which cross (more or less at right angles) a Biodiversity Corridor 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 does 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><br><br><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 F1, 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;

viii) existing native and/or exotic vegetation, or

ix) 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

x) 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:

xi) 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

xii) the formation and maintenance of walkways and cycleways may also run along the corridor provided a corresponding increase in width is provided, and

xiii) 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

xiv) 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;~~

~~i) existing native and/or exotic vegetation, or~~

Sub 11.6

Sub 11.6

- ~~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**

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. 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 values of the Biodiversity Corridor which is considered due to practical constraints of land use and topography.
- 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 ~~an~~ proposal application, or referred to in this schedule under cross-reference to the appropriate Zone rule table also apply.

### **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 has 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, has 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 has been retained, and in the Enner Glynn Valley the existing Residential Zone boundary has 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**

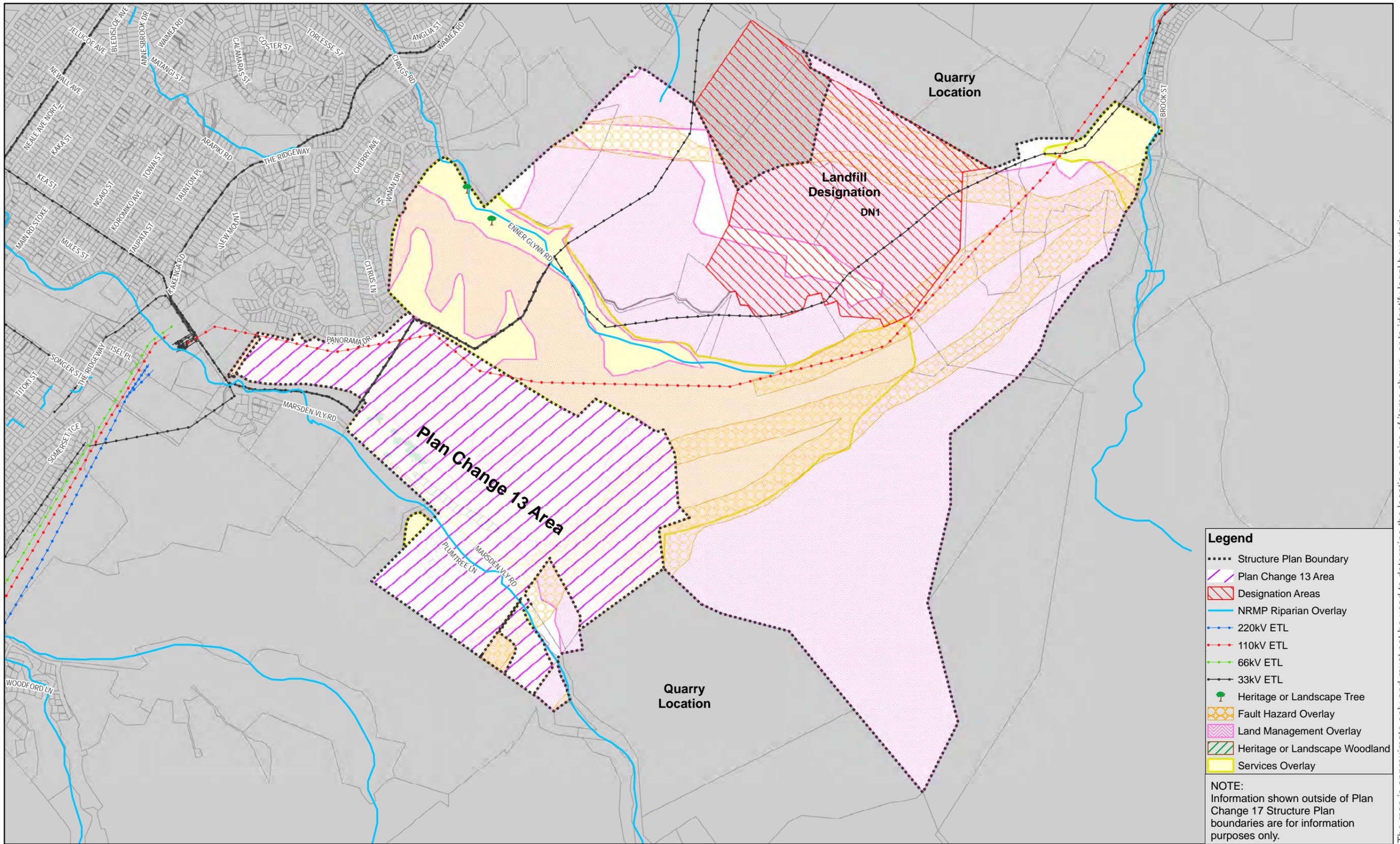
### **VOLUME 4**

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 – Maps

Add Map 3 – Structure Plan to new Schedule. W – Rural Zone. File 1151634



The map is approximate only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Nelson City Council, its employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented by the GIS data. This publication is copyright reserved by Nelson City Council. Cadastral information derived from the CRS. CROWN COPYRIGHT RESERVED. J.T. Original map size A3.

# Plan Change 17 - Enner Glynn and Upper Brook Valley Structure Plan

## Map 1 - Proposed NRMP Overlays



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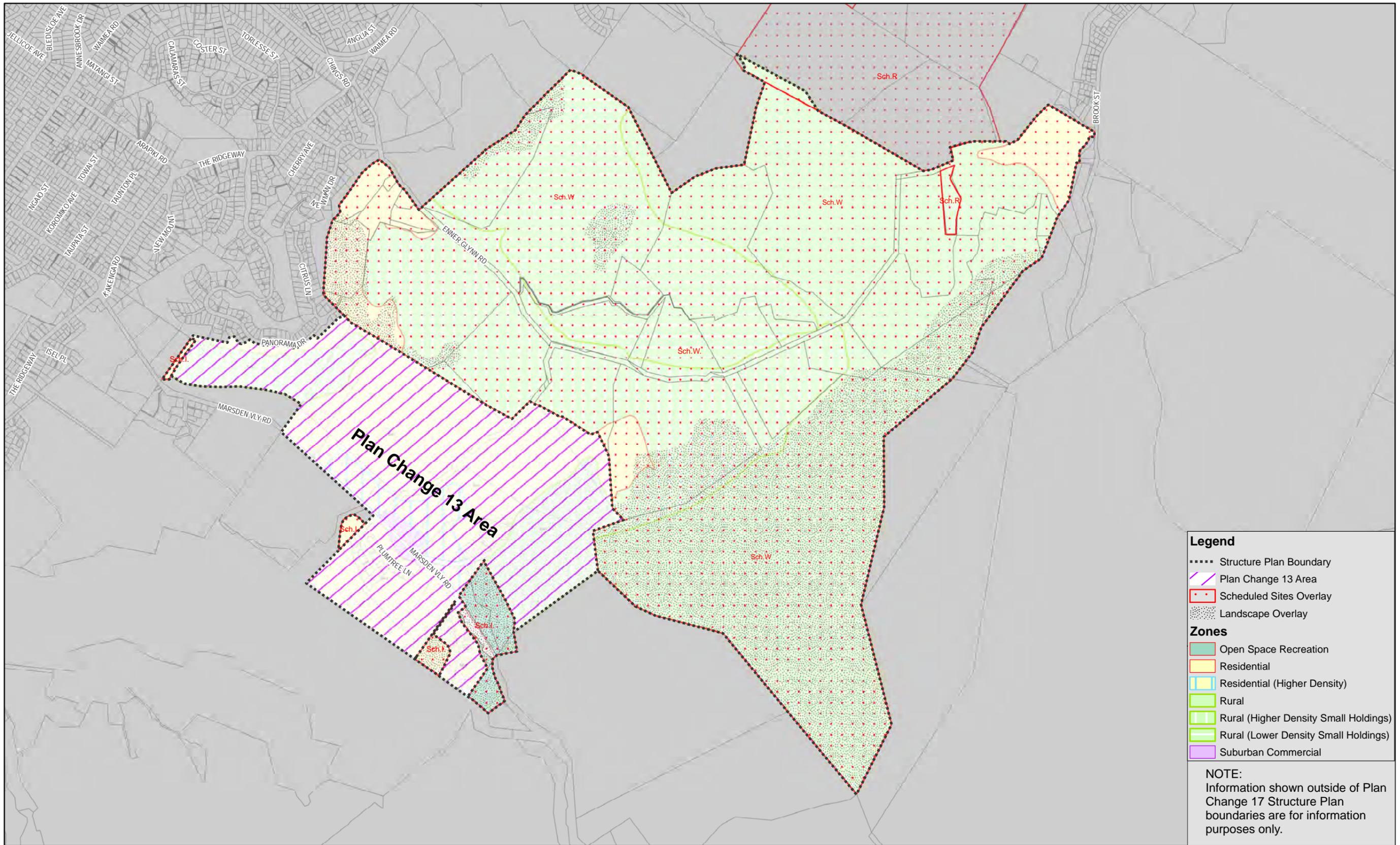


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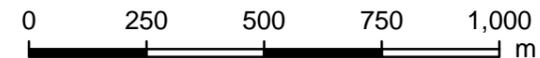
# Plan Change 17 - Enner Glynn and Upper Brook Valley Structure Plan

## Map 2 - Proposed NRMP Zoning



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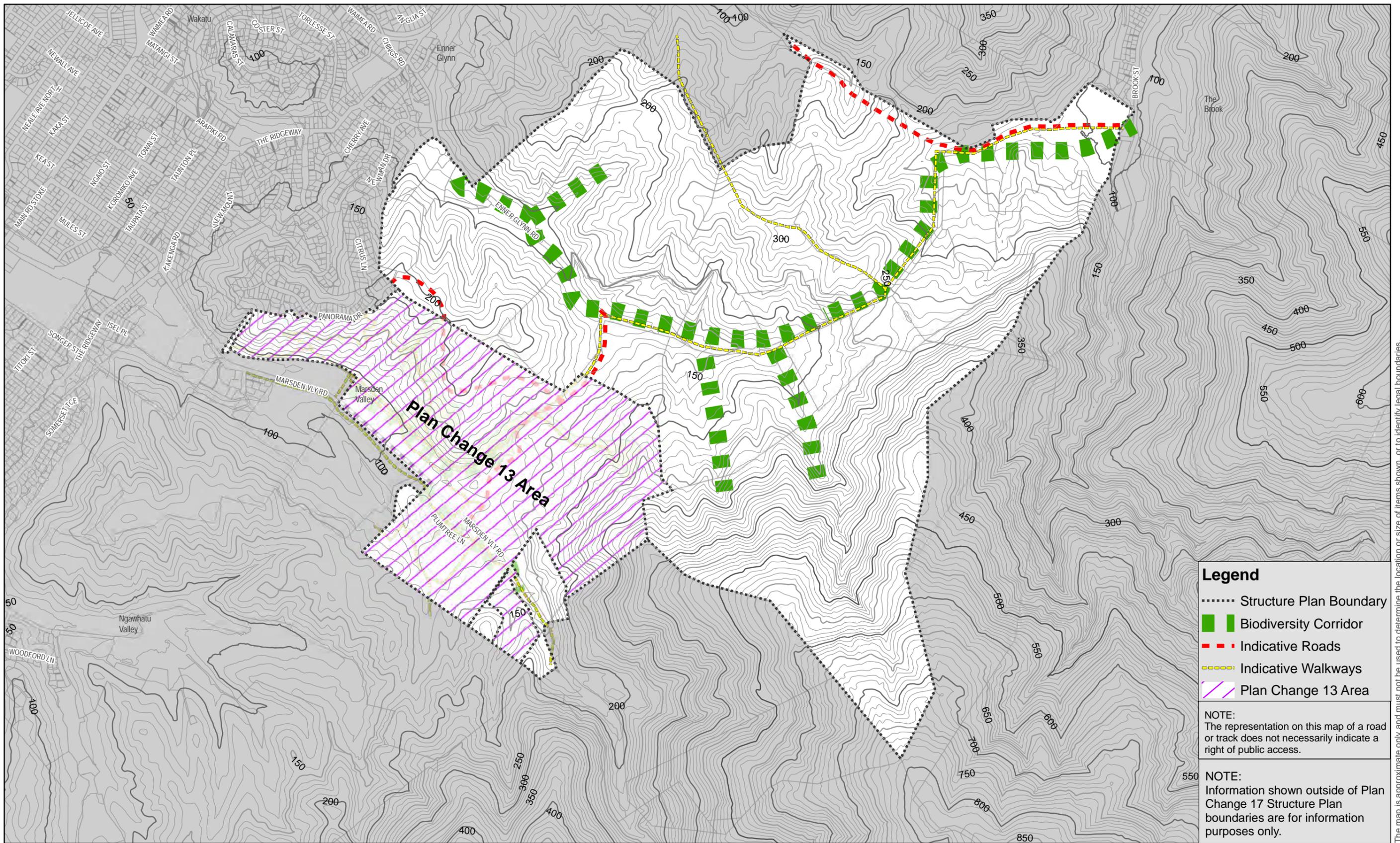


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- Legend**
- ..... Structure Plan Boundary
  - █ Biodiversity Corridor
  - - - - - Indicative Roads
  - - - - - Indicative Walkways
  - █ Plan Change 13 Area

NOTE:  
The representation on this map of a road or track does not necessarily indicate a right of public access.

NOTE:  
Information shown outside of Plan Change 17 Structure Plan boundaries are for information purposes only.

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# Plan Change 17 - Enner Glynn and Upper Brook Valley Structure Plan

## Map 3 - Proposed Structure Plan



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 216