

NELSON CITY COUNCIL

Nelson Resource Management Plan

Proposed Plan Change 13:

Marsden Valley Re-Zoning and Structure Plan Project

Summary of Decisions Requested

Notified: 30 January 2010

**Closing date for receipt of further submissions is:
5pm, Friday 12 February 2010**



Nelson City Council

te kaunihera o whakatū

Introduction

This document contains a summary of decisions requested by persons making submissions on the Nelson Resource Management Plan, Proposed Plan Change 13: Marsden Valley Rezoning and Structure Plan Project. In total 19 submissions were received. The summary is in accordance with the requirements of Schedule 1, Clause 7, Public notice of submissions, Resource Management Act 1991 (RMA).

Format

The decisions sought by each party in their submissions are listed by submitter rather than by topic. Where possible the words are those of the submitter. The actual submissions should be referred to for a fuller understanding of the particular points raised by each submitter.

Further Submissions

Further submissions are invited and may be made in accordance with Schedule 1, Clause 8, Clause 8A and Form 6, RMA. A guide to making a further submission is included on the following page. A further submission form is available to ensure that your further submission meets these requirements.

Closing Date

The closing date for further submissions is **5pm, Friday 12 February 2010**.

Contact Person

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Guide to Making a Further Submission

Important Information:

- Any person representing a relevant aspect of the public interest, or who has a greater interest than the general public, can make a further submission.
- A further submission may only be made in support of, or in opposition to an original submission to Plan Change 13.
- A further submission must state whether you support or oppose an original submission (or part thereof) and whether or not you wish to be heard on your further submission.
- A copy of your further submission must be served on the original submitter to which your further submission relates, within five working days of making your further submission to the Nelson City Council.
- Further submissions must be received by Nelson City Council prior to 5pm, 12 February, 2010.

The Summary of Decisions Requested summarises the decisions that have been requested in the original submissions received. If you intend to make a further submission, it is recommended that you read the full original submission.

Full copies of all submissions, further submission forms and of this document are available for viewing at Civic House and at Nelson, Tahunanui and Stoke Libraries, by contacting Paul Harrington, Planning Assistant, on 5460388 or paul.harrington@ncc.govt.nz, or online at www.nelsoncitycouncil.co.nz search phrase 'Plan Change 13'.

When preparing your further submission, please use the **Submission Point Number** in the tables below to indicate what **submission point** you are referring to.

Clearly state whether you support or oppose the decision requested you are making a further submission on.

Give the reasons for your support or opposition.

Use the **Further Submission Form** to help set out your further submission. It is in your best interests to make your further submission as clear as possible. If you have any questions regarding how to prepare a further submission, please contact Reuben Peterson, Policy Planner, 5460295.

One copy of the further submission must be sent to Council and a second copy sent to the original submitter within 5 working days of providing Council with the further submission.

The postal addresses of submitters for the purpose of service of further submissions, as per Schedule 1, Clause 8A, Service of further submissions, RMA, is provided at the end of this document.

Name and number of Submitter	Specific Plan Change Reference	Submission Point	Decision Sought
1) Tiakina te Taiao Ltd – Cherie Tawhai	General	1.1	Tiakina are looking for assurances that the values of Poorman’s Stream are protected when considering any proposal or development around this area.
2) George Dunning	General	2.1	My main reason for concern, apart from poor amounts of sunshine and warmth in winter, is to do with the health of people who are, without doubt, being subjected to very concentrated clouds of pollen from the dense pine plantations prevalent in these valleys. This issue needs to be considered just as much as the issue of wood smoke from open fires. It is simply a question of people living in healthy environments and Council may need to be cautious with respect to compressing its residents into unhealthy valley environments where coldness combined with pollen pollution are serious issues.
3) Eileen Bruce	Sec 32 report, pg 7, Sec 2.2 ‘Connections’, and Map 3 Proposed Structure Plan	3.1	A possible road linking Marsden Valley to the city should connect high up near the top end of Enner Glynn Road without any impact on the Enner Glynn Valley itself (ie. Traffic should not be able to spill out into Enner Glynn Valley at all). I think Enner Glynn Valley, and possibly Marsden Valley could easily be retained as a ‘dead-end valley’ since there are numerous others which do not connect (eg. Brook Valley with Maitai Valley, others at Atawhai (Dodsons Valley?).
		3.2	<i>Other points raised relate to future proposed Plan Changes for Enner Glynn Valley and cannot be considered within the scope of Plan Change 13.</i>
4) Jude Tarr	Sec 32, Table 5, Option 3, and Sec 32, pg 7	4.1	I would like to see Council include big green spaces at the planning stage. Preferably this will be on flat, open areas of green space.
5) Rosalie Higgins	Map 3 Proposed Structure Plan	5.1	Reject the proposal for a road through Higgins land linking to Panorama Drive.
6) Downer EDI Works – Kyle Paddon	General and Sec 32, pg 8	6.1	The Section 32 analysis does not appear to consider the potential reverse sensitivity effects of heavy vehicles using the road that is to become one of the main roads in the new subdivisions. The submitter requests that greater recognition of the existing quarry and its operations and resultant effects on the surrounding environment are addressed in the Plan Change in order to ensure that all future users of the Plan, and those who

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			undertake development in accordance with the new Zone provisions, are aware of the existing environment and take it into account when undertaking structure plans for the Zone.
7) Trevor and Myffie James	General	7.1	<p>We are opposed to the plan if residential buildings are single-storey, singular-unit houses packed in to small sections with relatively low provision for public space and parkland. Well-planned European apartment-style development is better. We support biodiversity corridors, including along Poormans tributary on the north side of the valley (at foot of hill). We support a no cat zone to support biodiversity enhancement efforts. We support the provisions of a 'cute' village-centre approach.</p> <p>The prevailing low to medium density residential development is unsustainable, with a big ecological footprint. A greater percentage of impervious surface on the landscape affects health of waterways, is biologically sterile and does not contribute any carbon sequestration. It leads to greater energy consumption (particularly for heating) & uses more building materials than apartment-style buildings. It is a very inefficient use of land, which consumes a far greater amount of valuable farmland, or land for ecological services.</p> <p>Only allow this plan change if it takes these concerns into account. Make this a flagship development that we should follow in the future.</p>
8) Echo Holdings Ltd	1) Zoning RUr.78.2(e)(iii) 2) Green Space requirements 3) Deletion of the Residential Zone	8.1	a) Reconfirm/reinstate the existing area of Residential Zoning over the upper level of Echo Holding Ltd property.
			b) Delete the requirement for a "one hectare average size" from RUr.78.2(e)(iii) as a Controlled Activity – leaving the minimum size for serviced allotments at 2000m ² .
			c) Add another option to the zone subdivision rules (RUr.78) as follows: "or RUr.78.2 (e) (v): 4000m ² minimum lot size in the Marsden Hills Higher Density Small Holdings Rural for property CT.237412 (Lot 2 DP358276 – 12.87ha) without full reticulated servicing".
9) Hendrick	School Site	9.1	The school site is located in one of the

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Heinekamp			coldest parts of Marsden Valley. Seek a more suitable site for the school.
10) Craig and Jane Gass	1) Housing/ Section areas 2) Suburban Commercial Centre for Marsden Valley 3) No Cat Zone	10.1	Make changes to the plan to allow for the complete incorporation of the Intensification Study & concepts – commissioned by NCC & Tasman District Council as stated in Submission.
		10.2	Reject completely the traditional housing concept that has been the norm in NZ.
		10.3	Reject the Suburban Commercial Centre proposal in favour of a Village Centre – including changing rules governing alcohol establishments & license conditions.
		10.4	Include a no cat rule in the plan change. The no cat zone should be extended through the total subdivision (NCC 2010) to Enner Glynn and the Brook Sanctuary.
		10.5	We seek to preserve the unique character that attracts so many people to the valley for recreational and “quiet time” pursuits and therefore the Council needs to consider carefully the impact of this Plan Change.
		10.6	The Council has a vested interest in more housing under the NUGS study 2006 but must be careful that its financial considerations (eventually more rates etc) are not compromised by a desire to just get more urban development.
		10.7	We see Marsden Valley as a real opportunity to do things differently. With appropriate medium-density housing development around nodes with 30-40% open space around, the values such as the beautiful forest backdrop and the meandering stream can be maintained. Architectural peer review to maintain values in the Valley, as well as social ‘liveability’ should be required to encourage future developments of this nature.
		10.8	Instead of “cluster” housing there should be a building pattern sinuous with the Poorman Valley Stream and tributary.
		10.9	If “high density” has to be part of the plan change then it should be multi storied apartments with common green space and lane way access to the housing behind the buildings. Garaging should be provided. There should be a gap between development and housing (and natural and open areas) to preserve the character and ecological quality of the waterways and

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			environs that exist.
		10.10	Allowing for alcohol trading hours from 7am to 1am the following day Monday to Saturday and 7am to 11pm Sundays, is excessive. This should be altered for any business serving and selling alcohol and restricted to trading hours 10am to 10pm daily.
		10.11	Under Exclusion for certain activities (1.2GR – Commercial Activities Not Permitted) there needs to be added – “any business operating as a “pub” or alcohol establishment for the purpose of selling alcohol for consumption as a primary business activity and which would create noise”. Places like a Sprig and Fern type establishment, hotel or tavern, boutique brewery etc. ie a larger business solely centred around serving and consuming alcohol. This type of commercial activity needs to be an excluded activity so as to preserve and maintain the values of Marsden Valley and what it is recognized for at present.
11) New Zealand Fire Service Commission – Paul McGimpsey (Beca Carter Hollings & Ferner Ltd)	Aspects of the Plan Change that may impact on the operations of the Commission, including the provision of sufficient water supply for fire fighting purposes. I.2 General Rules	11.1	The Commission supports the new provisions and recommend that a new bullet point be inserted under I.2 General Rules as follows: <i>“In all areas, an adequate and suitable water supply should be provided for fire fighting provisions in accordance with SNZ PAS 4509:2008 or any subsequent amendments.”</i>
		11.2	An advice note should also be added into the Plan Change stating: The New Zealand Fire Service Commission encourages the installation of a domestic water sprinkler system in any new dwelling which complies with NZS4517:2002 fire sprinkler systems for houses.
		11.3	That Plan Change 13 be approved with the inclusion of the recommended bullet point and advice note of the Commission.
12) Department of Conservation – Stephen Wynne-	Biodiversity Corridor (MW.17A, AD11.4A.v(c), DO5.1.2.ii-v, DO5.1.2.x,	12.1	Retain the following provisions of Proposed Change 13: a) The proposed ‘Biodiversity Corridor’ definition in MW.17A Chapter 2 (Meaning of Words); b) Explanatory text in AD11.4A.v(c),

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Jones	DO5.1.2.xi, RUr.25.1, RUr.25.3 xvii, Appendix 4, RUr.25.5 and Map 3).		DO5.1.2.ii-v; c) Policies DO5.1.2.x and DO5.1.2.xi; d) Rule RUr.25.1 Vegetation Clearance, e) Addition to Rule RUr.25.3 xvii Appendix 4; and f) Addition to Rule RUr.25.5. g) the notation of biodiversity corridor on Map 3 Proposed Structure Plan. h) The proposed biodiversity Replacement in 16.3.3A(a)(iii) "Reserves"
		12.2	Amend MW.17A(b) and (c) by inserting the words "eco-sourced" before the words "predominantly native vegetation." Add an explanation to the text following this definition of the term 'eco-sourced' stating that eco-sourced plants are plants that naturally occur within the same ecological district and are sourced from locally sourced genetic material (seeds or cuttings).
		12.3	Add to the explanation section following the new definition of "biodiversity corridor" a specific explanation of circumstances when non-invasive vegetation is appropriate. This explanation should clarify that non-native vegetation such as Tree Lucerne is to be used only as a native tree nurse crop.
13) Marsden Park Limited – John McLaughlin	Rezoning and overall plan change	13.1	Retain the plan change and rezoning, except as requested to be modified in this submission.
	Landscape focus	13.2	Change the 'tone' of the plan change from one of a heavy emphasis on the protection of landscape features and values to a focus on integrating landscape into the built development. Replace references to 'landscape' with 'landform' making the focus on the overriding physical features which determine development; these are the prominent ridges, Bryant Range backdrop, as well as the valley itself and the water courses.
	Background, explanations and evaluations	13.3	Change parts of the plan change text (explanations, reasons, background and analysis) and the section 32 report to remove the current suggestion that this is a private plan change being assessed by Council. Change section 32 to reflect the extensive process and technical assessment carried out prior to adoption by Council.
	Issue identification (pg 4, section 32 report)	13.4	Insert the following RM issue: "To provide for future residential growth for Nelson City in the Stoke foothills in a sustainable way" and make other consequential changes as necessary.

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	Landscape protection (pg 6, Section 32 report)	13.5	Either refer to all background reports equally to provide full balance, or do not refer to any reports at all.
	Natural Hazards (pg 6, Section 32 report)	13.6	Delete the wording 'theoretically possible' in reference to development possibilities in areas of geotechnical risk, and simply say that land stability will need to be considered at the time of subdivision.
	Efficient use of land resources (pg 7, Section 32 report)	13.7	Delete reference to 'internal Council investigations' in the discussion on land supply to show that other parties and consultation processes have also identified the finite land supply issue.
	Paragraph 3.1, Section 32 report 'reasons for this approach'	13.8	Delete references to the expanded zoning area, which is not part of Plan Change 13 due to the potential confusion this would cause.
	Section 4, consultation – last paragraph	13.9	Delete reference to the wider structure plan area that is not part of this plan change and refer to the expansion beyond the original private plan change area to include the Turner's land for purposes of better integration.
	Table 8, Section 32 report	13.10	Delete Table 8 due to incorrect reference to York Quarry and York Valley Landfill.
	Road Standards	13.11	As per the plan change originally adopted by Council, apply the schedule U.11 and table U.11.i roading standards as currently set out in the NRMP to Marsden Valley (schedule I). These roading standards allow for more flexibility in roading design than that provided in the current NRMP, thereby giving better outcomes.
	Definition, "structure plan or outline development plan".	13.12	To avoid confusion, delete reference to Outline Development Plan in the definition for "structure plan".
	AD11.4A	13.13	To avoid confusion and ensure consistency, refer only to "structure plan" and delete references to outline development plan. Make consequential amendments to delete references to outline development plan throughout the plan change as needed.
	AD11.4A.v.(d) greenspace	13.14	a) Delete the sentence reading: "The ownership of this land is by default private". b) Amend the last sentence to delete everything after "reserves purposes".
	AD11.4A.v.	13.15	Reserves should form part of the structure plan since they help define the underlying land use pattern, and structure, and

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			<p>provision for services, and since they are an important part of the physical structure for subdivision and development.</p> <p>a) Add new paragraph (e) – “reserves” – to describe the purpose of reserves to be vested in Council which are identified on structure plans.</p> <p>b) Show the reserves on the structure plan.</p>
	Reason RE4.i	13.16	This reason refers to ‘respecting the landscape feature of the valley’, it is unclear what this is referring to, and it could be misinterpreted as referring to the rural landscape, which will change. Either delete this reference, or replace with “in a way which integrates landscape features with built form”.
	Explanation RE4.1.i	13.17	Amend to read as follows: “The structure plan has been designed in accordance with urban design principles which take into account the landforms and landscape amenity values of the valley and surrounding hills.
	Policy RE4.3 – vegetation patterns	13.18	Delete and replace the policy (which requires maintaining and enhancing existing vegetation patterns, and refers to landscape values) with the following: “Subdivision and development should be designed to ensure that vegetation patterns (existing and new) are incorporated to enhance the visual amenity effects of built form within the valley.”
	REr.59.1 – new restrictions on clearance of indigenous vegetation.	13.19	<p>a) Replace new provision REr.59.1(g) with the existing provision (indigenous “forest”).</p> <p>b) Add new exception as follows: “iv) forming or maintaining walkways or cycleways”</p>
	Sch.I Marsden Valley – school site	13.20	<p>a) Identify the boundaries of the educational site on the planning maps, as per the adopted plan change and as shown in appendix B to this submission.</p> <p>b) Rename this site “educational facility”</p> <p>c) Add the following new rule in Schedule I and make such other consequential amendments (reasons, explanations, objectives and policies) as are necessary to support this rule</p> <p><u>i.2(i) The following activities within the “educational facility” overlay identified on Schedule I Figure 1 are controlled activities.</u></p> <ul style="list-style-type: none"> • <u>Any structures, works or activities associated with an educational facility including but not limited to classrooms, a staff room and administration block, a hall, ablution blocks, caretakers</u>

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			<p><u>room, a boiler room, storage sheds and other ancillary buildings, recreation facilities such as playing grounds and fields, a swimming pool, and vehicle parking.</u></p> <p><u>These activities are controlled subject to meeting the following standards:</u></p> <p><u>i) Either a contractual commitment to undertake these activities or commencement of works by 1 October 2015. After this date, the rules of the Residential Zone apply as set out in this schedule unless a contractual commitment is in place or works have commenced.</u></p> <p><u>ii) Compliance with access and parking standards as they apply to educational facilities.</u></p> <p><u>iii) Compliance with residential daylight over, daylight around and setback standards.</u></p> <p><u>Control is reserved over the following matters:</u></p> <ul style="list-style-type: none"> • <u>Provision for car parking, taking into account walking and cycling as a means of transport.</u> • <u>Vehicle access location and design.</u> • <u>Building height.</u> • <u>Building location in respect of shading effects beyond boundaries.</u> • <u>Building design, limited to modulation and visual dominance of walls facing any of the site boundaries.</u>
	I.2(d) – schedule I, protection of tree groupings	13.21	<p>a) Amend this rule to read as follows: “The existing groups of trees or woodlands shown on Schedule I Structure Plan Figure 1 <u>as tree groups TG4, TG5, TG6 and TG7</u> and not included in Appendix 2 of the plan shall be retained and protected (at or before time of subdivision) by way of consent notice, QEII covenant or other such mechanism as agreed by Council on the title of the land on which the trees are located.”</p> <p>b) Relocate the last sentence to the note and renumber tree group 4 as tree group 6.</p> <p>c) Amend tree group 1 in the note to tree group 3.</p> <p>d) Make consequential amendments to the planning maps and Appendix 2 as per other submissions.</p>
	I.2(e) walking and cycle links	13.22	As the rule is uncertain it could lead to interpretive issues. Delete rule I.2(e) and

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			include as a new assessment matter for subdivision applications under I.4.
	I.2(f), building setback	13.23	Amend to read: " No buildings are permitted up to but not within the 5m building setback (within 5m of the Marsden Valley Road Reserve legal boundary (north east site) <u>as at 1 October 2009</u>), for the frontage length as shown in Schedule 1 Structure Plan Figure 1. Vehicle crossings in this setback are to have..."
	I.2(i).ii), heights	13.24	It is too restrictive to include proximity to and effect on adjacent zones as a matter of discretion when assessing building heights in the Suburban Commercial Zone. Delete matter of discretion ii.
	I.2(i),iii) heights	13.25	As there is no 'public space' planned in the suburban commercial zone matter of discretion iii should be deleted. Also delete because of the wide scope of the word 'effect'.
	I.2(i) notification and affected parties.	13.26	In relation to building heights in the Suburban Commercial Zone retain the provision for applications not to be notified and for affected party approvals not to be required.
	I.3.1 – subdivision explanation	13.27	To deal with any conflict in activity status between the schedule rules and general rules, add the following at the end of I.3.1: "Where there is conflict between the activity status under Schedule I and the general rules, Schedule I shall prevail".
	I.4(iii) – assessment matters, future activities.	13.28	Delete the second part of assessment matter (iii) referring to future activities. This is due to the difficulties in foreseeing what future activities may occur.
	I.4(viii) assessment matters, open space ownership.	13.29	Amend as follows: "The proposed ownership, maintenance and management regime for biodiversity corridors, "greenspace" areas <u>and reserves, including opportunities for Council ownership</u> , and the effect different alternatives have on subdivision layout and design, and on the <u>longevity, functionality and intrinsic values of those spaces.</u> "
	I.5(ii) design principles, public spaces	13.30	Amend to read: " Quality public <u>Open</u> spaces that are active..."
	I.5(iii) design principles, building quality	13.31	Due to 'quality' being subjective, and the control over items such as colour, roof forms and materials which is not justified in terms of section 32 and Part 2 of the RMA, amend to read: " High quality of Design and finish of buildings and structures <u>that create with a</u>

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			sense of distinctiveness through the use of colour, height, roof forms, materials, layout and circulation".
	I.5(vi), design principles, adaptable buildings.	13.32	Adaptability needs to be better defined to provide greater guidance in assessing proposals. Amend to read: "Adaptable <u>and flexible buildings configuration, layout and dimensions, to enable use and reuse</u> able to be used and reused for a variety of different activities."
	I.5(vii), design principles, living environments.	13.33	Well designed is highly subjective and efficient has multiple meanings. These terms are ambiguous and will lead to uncertainty over interpretation. Delete "well designed and efficient".
	I.5(viii) design principles, working environments.	13.34	'Good' quality adds subjectiveness, and 'working environments' and 'efficient' are not defined. There is also uncertainty over 'recreational facilities'. Delete and replace as follows: "Mixed use commercial and living environments which have easily accessed facilities".
	I.5(ix) design principles, activities.	13.35	Amend to read: "A range and mix of <u>different living, commercial and employment</u> activities which promote an quality urban environment with a focus on meeting basic commercial and social needs of the nearby residents but also allowing for some appropriate commercial and employment uses <u>which meet the basic needs of nearby residents, visitors and serving</u> people from wider catchments."
	I.5(xi) design principles, relationship with neighbouring sites	13.36	'Builds on' is uncertain and ambiguous. Amend to read: "Building and open space design, layout and orientation which <u>relates to and integrates</u> builds on the site's relationship with Poorman Valley Stream and the protected woodland <u>tree group TG3</u> to the north."
	I.5(xii) design principles, compatibility	13.37	This principle raises the prospect of additional restrictions being imposed on legitimate and appropriate commercial activities which are otherwise permitted by the zoning. Delete this design principle.
	I.6 explanation, paragraph 1.	13.38	Replace "landscape features" with "landforms" for similar reasons to submission point 13.2.
	I.6 explanation paragraph 2.	13.39	Amend the second paragraph to provide better balance between amenity, landscape and the anticipated built form.
	I.6 explanation, paragraph 3.	13.40	Mention needs to be made that the Suburban Commercial Zone will also serve visitors to the Valley and recreational users.

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			Add the following sentence: "In addition, the Village Centre will provide an important destination and meeting point for visitors to the Valley as well as recreational users who use Marsden Valley to access important recreational areas."
	I.6 explanation, paragraph 6.	13.41	Provision needs to be made for a range of educational facilities to occupy this site. Examples could include private school, NMIT campus or an outdoor education centre. Delete the paragraph and replace with the following: "A scheduled site for educational facilities is included within this schedule to signal that an educational facility is considered to be an activity which could help create a vibrant and diverse community in Marsden Valley with enhanced employment opportunities. Although underlying zoning is residential, the scheduling provides for a range of facilities, from private and public schools through to a tertiary education campus or outdoor education facility. The setting of this site, close to outdoor recreational areas and reserves while still being close to city facilities and services, means it is suitable for a range, or a combination of compatible facilities. Any such facility would require resource consent as a controlled activity, subject to meeting specific site standards. A sunset clause is included on the scheduling, whereby the scheduling expires in 2015. This is considered to provide sufficient time to allow educational organisations to assess the benefits and feasibility of this site, while avoiding indefinite uncertainty over the future use of the site."
	Objective SC3 suburban commercial zone.	13.42	A reference to 'Marsden Village' would help express the concept which is sought to be achieved. Amend to read: "To recognise and provide for...Commercial centre (<u>Marsden Village</u>), which through its..." Amend the reasons to read: "The Marsden Valley Suburban Commercial Zone (<u>Marsden Village</u>) will form..."
	OSr.47.1(f) – new restrictions on clearance of indigenous vegetation	13.43	Replace new provision REr.59.1(g) with the existing provision (indigenous "forest").
	RUr.25.1 – new restrictions on clearance of indigenous	13.44	a) Replace new provision RUr25.1(f) with the existing provision (indigenous "forest"). b) Add new exception as follows: "iv) forming or maintaining walkways or

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	vegetation.		cycleways"
	RUr.25.5	13.45	Insert "indigenous" before "vegetation" to ensure protection does not include all vegetation (including pest plants).
	Appendix 2 heritage trees	13.46	a) Replace all references to "woodland" with "tree groups" b) Move Woodland from the latin name column in row 1 and 3 to common tree name and replace with tree group "TG1" and TG2" respectively. c) Replace the common name in row 3 with the following: "Tree group (TG2). Protection is limited to mixed native species predominantly kanuka, and excludes all introduced species or pest plants." d) Delete reference to the lime in row 4. e) Reinstate the struck out reference in the 14 th column (swamp Cyprus) and delete the new insertion.
	Map 1, overlays	13.47	a) Replace woodlands W1 and W2 overlays and notation with tree groups TG1 and TG 2 respectively. b) Delete the Land Management Overlay and replace with the overlay shown in Appendix A to this submission. c) Delete the Services Overlay entirely, and as a consequential amendment delete references to the Services Overlay in the plan change.
	Map 2, zoning	13.48	a) Delete the Landscape Overlay shown in the ridge between Marsden Valley and Enner Glynn, and everywhere north east of the Rural Zone. b) Show the boundary of the educational facilities site separately, as per the plan change originally adopted by Council (Appendix B of this submission).
	Map 3, structure plan.	13.49	a) Show the esplanade and recreation reserves which are required to be vested under consented subdivision (RM06553 and subsequent variations – Appendix C of this submission). b) Renumber tree groups 1 to 5 as follows – TG1 becomes TG3; TG2 becomes TG4; TG3 becomes TG5; TG4 becomes TG6; TG5 becomes TG7. c) Revise the boundary of new TG 7 to ensure it excludes any pasture. d) Change "school site" notation to "educational facility" e) Amend "study area" to read "Structure Plan boundary"
	requested additions	13.50	Add requested new text relating to urban design and comprehensive housing

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	DO15.1.4 urban design RE1.3 Comprehensive Housing Appendix 22 Guidelines for comprehensive housing development.		contained in Appendix D of this submission. (Refer to the full submission for detail.)
	Zoning of a specific area	13.51	Requested zoning change from that proposed (Rural Higher Density Small Holdings) to Residential Zone for a specific area, contained in Appendix E of this submission. (Refer to the full submission for detail.)
14) Nelson Tasman branch Royal Forest & Bird Protection Society Inc – Helen Campbell	General	14.1	Larger allotment size OR more efficient use of the land.
		14.2	That esplanade reserves of at least 20 metres in width are established adjacent to Poorman Valley Stream and that riparian vegetation is incorporated in any design/landscape briefs to protect the water quality and in-stream biota as well as providing habitat for riparian vegetation/animals including bird species. Riparian protection enhancement to be the focus rather than access for walking/cycling.
		14.3	That “green spaces” and other areas, including reserves/parks, that are intended to protect existing indigenous vegetation or biodiversity values are properly established under the relevant legislation.
		14.4	Banning of domestic cats as a condition of consents for subdivision. Neutering of domestic pets.
		14.5	A requirement for a property holders group/body corporate to be set up to ensure trapping of pest animals and removal of exotic weeds from the area and the adjacent native forest; and to ensure domestic pets of all kinds do not threaten the environmental values.
		14.6	That subdivision consent application must incorporate good urban design principles.

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15) Tim Percival - Tasman Hang Gliding & Paragliding Club	Open Space Zoning - General	15.1	Recognition of paragliding and hang gliding be made by the specific mention and zoning of an open space area to accommodate a good landing site that can be safely used for all paraglider and hang glider landings, including commercial tandem landings; or, at a minimum, the provision of one or two emergency, recreational (i.e. non-commercial) paraglider and/or hang glider landing sites.
		15.2	We would like the Council to specifically include mention of the existence of paragliding and hang gliding as valued activities in the Marsden Valley Development policies and objectives, plus include an area of open space/green space, which is specifically recognised as a place where paragliders and hang gliders are permitted and encouraged to land, in the plan maps and schedules, and appropriate plantings and developments policies indicated for that open space area identified. (Refer to the full submission for map.)
16) Robert Bryant-Tasman Hang Gliding and Paragliding Club	Green Space and Open Space areas	16.1	I would like the Council to make an amendment to the plan to slightly enlarge the green space area 150 metres south of the proposed Panorama, Enner Glynn, Marsden Valley road junction and keep it clear of high obstacles so it is suitable to land a hang glider safely into a seabreeze. Ideally, an area to the south below the leased takeoff area in the Ngawhatu Valley close to future roading so that landing at Saxon Field was not necessary, but it is hard to predict future land use and possibilities.
17) Carly & Christopher Feltham	MW.17A "Biodiversity Corridor"	17.1	MW.17A " Biodiversity Corridor ". We wish to see the minimum corridor width increased from 20m to 25m or even 30m where terrain permits. Could the wording be changed to make 30m the standard with a reduction to 20m possible at the discretion of Council? In the final paragraph of this section could the use of a biodiversity corridor for property access be made provisional on an equivalent increase in the width or area of an adjacent corridor?
	AD11.3.10 Road Overlays	17.2	Amendment of AD11.3.10 Road Overlays . "...Road Alignments shown in the Proposed Road Overlay are <u>indicative not intended to show the exact location of the proposed road boundaries only.</u> " Why has the original wording been changed? It is shorter, precise and clear. "Indicative" is used widely and correctly elsewhere in the

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			document, why not here?
	RE4.1 Explanation and Reasons RE4.32.i.	17.3	RE4.1 Explanation and Reasons RE4.32.i. "...20m esplanade reserves along each bank of the Poorman Valley Stream...". Why the deletion? A broad reserve will allow Council to provide for walkways and cycleways in keeping with the overall aim of the development.
	Schedule I Marsden Valley 1.2 General Rules section h)	17.4	SCHEDULE I Marsden Valley 1.2 General Rules Section h) to include: "...the sale of any liquor not for consumption on the premises, any fast food or take away facility not owner operated."
	1.5 Marsden Valley Suburban Commercial Zone Overall Design Principles.	17.5	1.5 Marsden Valley Suburban Commercial Zone Overall Design Principles Add: "(xiii) Tasteful Council approved signage of context sensitive construction, avoiding needlessly large, high, illuminated, flashing or other garish designs. Signs should identify only the business and its commercial activity. Offsite advertising is not permitted."
	General issues	17.6	Throughout the valley we believe the separation of walkways, cycle ways and the road is imperative. We plead for an appropriately sized path following the banks of Poorman Valley Stream, if only to help accommodate the expected increase in mountain bikers using the new purpose built track at the head of the valley. For Marsden Valley Village to be people friendly it is vital that the roadway – and the quarry trucks on it – go round it and not through it as indicated on the present map. The proposed new school site seems to us to be cold, wet and unappealing in winter. Furthermore, why does the provision for a school lapse in five years? If settlement occurs slowly the need for a school may not be apparent for a decade at least.
18) Nita Knight	Amendment to Planning Maps	18.1	Maps 1, 2 and 3 shall include the subject site (owned by this submitter) as residential and residential high density in accordance with the adjoining land zoning (if adopted); or if submission point 18.2 is adopted (the submitter's preference) the land shall be zoned Residential Lower Density Area. i.e. 600m ² , with an average lot size of 1200m ² . Map 2 shall remove the Landscape Overlay from the portion of residential and

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			residential higher density zone. The subject site shall not be included in the Landscape Overlay.
	Amendment to Planning Maps	18.2	Land shown as Residential or as Residential Higher Density shall be shown as (in both cases) Residential Lower Density.
	3) New Explanation and Reason RE4.1.i	18.3	Delete suburban commercial zoning; or in the alternative: 1. Delete "suburban commercial area" and replace with "urban village concept"; insert appropriate definition of "urban village" into the Plan: add further objectives, policies and rules into the suburban commercial zone chapter to develop and refine the concept of 'urban village'; and 2. Add the urban village into the proposed structure plan, including its linkages to the school and the wider community.
	4) Policy RE4.2 Vegetation	18.4	Amend to read "soften the effects of residential and suburban commercial development on the visual amenity of Marsden Valley and help retain landscape values." Add new sentence at end: New areas of vegetation should promote biodiversity and enhance habitat for native fauna.
	5) Explanation and Reasons RE4.2.i	18.5	Retain this Explanation and Reason which provides further explanation to RE4.2 Vegetation.
	6) Amendment to Rule REr.59.1 Vegetation	18.6	Do not replace 'forest' with 'vegetation' in (g)
	7) New General Rule I.2(b)	18.7	Amend General Rule I.2(b) to read as follows: b) No buildings are permitted within 'greenspace' areas, or biodiversity corridors (see Meanings of Words, Chapter Two), or on skylines as indicatively shown on Schedule I Structure Plan Figure 1. Include new general rule following b) which restricts building on the skyline. Add skyline development to the Design Principles; and extend those principles to also address the design and finish of buildings. Add a skyline definition to the Structure plan to provide certainty.
	8) New General Rule I.2(g)	18.8	Delete the proposed amendment and replace with: For the Marsden Valley Suburban

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			Commercial Zone S Cr.39.1b) no activity involving the sale of alcohol for consumption shall be established.
	9) New General Rule I.2(h)	18.9	Amend I.2 General Rules to include (h) to read as follows: "The following activities are not permitted activities in the Marsden Valley Suburban Commercial Zone: <u>the sale of alcohol for consumption</u> , motor vehicle sales, service, and storage; industrial activities; <u>supermarkets</u> ; warehouses; and building and landscape supply activities (including outdoor storage)."
	10) New Explanation I.6	18.10	Delete the following paragraphs from I.6 Explanation: The Marsden Valley community will be strengthened by an area of Suburban Commercial zoning. This is intended to provide the commercial and social hub for residents in the valley and surrounding area. Higher Density Residential Zoning is provided in support of the commercial zoning. This provides a housing choice within the valley (and the wider Nelson area) allowing for increased flexibility in living styles and the opportunity to live and work in the same area. In order to avoid activities which are incompatible with the Marsden Valley Suburban Commercial Zone, certain inappropriate activities are not permitted, along with earlier closing times for activities selling liquor for on-site consumption. These controls will ensure the activities within the zone are compatible with the vision for an urban village. The particular allowance for building up to 12m in height in Marsden Valley Suburban Commercial Zone provides greater flexibility in design and roof forms. It also promotes building adaptability and future re-use by allowing higher ceilings for a wider range of uses over time (residential and commercial). Control over the appearance, location, impact on neighbouring zones and effect on the village environment is retained by Council through the requirement for a resource consent for buildings between 8 and 12m in height.
	11) New Assessment Criteria I.4	18.11	Add new criteria after v), as follows: The method/s of promoting and protecting birdlife within the scheduled area, including the prohibition of cats. Add new criterion after xii) as follows:

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			Use of technology that reduces adverse effects on amenity, including low emission street lighting.
19) Irene Turner	General Suburban Commercial Zone	19.1	Support for Plan Change 13 in general, and in particular as it relates to our property at 195 and 217 Marsden Valley Road.
		19.2	Propose amendment to add the Suburban Commercial Zone to 217 Marsden Valley Road so it extends to the area around the pump house meaning there is suburban commercial land on both sides of the road. (Refer to the full submission for map.)
Invalid Submissions			
Name of Submitter	Date received and Reason submission was invalidated		
Not given	Submission received on 30 September 2009. Submission not in the prescribed form Sch 1, Clause 6 (5), Form 5. No name or contact information was supplied.		

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Plan Change 13 (Marsden Valley) 30 January 2010**

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