NELSON CITY COUNCIL

Nelson Resource Management Plan

Plan Change 13:

Marsden Valley Re-Zoning and Structure Plan Project

Section 32 report: Further Evaluation as per Section 32 (2) (a) of the Resource Management Act

SECTION 32 (2) (a) FURTHER EVALUATION - PLAN CHANGE 13 - MARSDEN VALLEY REZONING AND STRUCTURE PLAN PROJECT

1.0 INTRODUCTION

1.1 Purpose of Report

Section 32 (2) (a) of the Resource Management Act (RMA) requires Council to carry out a further evaluation of the Plan Change prior to making a decision under clause 10 of Schedule 1 of the RMA. This evaluation must be in terms of Section 32 of the RMA and this report is to fulfil these requirements for Plan Change 13 "Marsden Valley Rezoning and Structure Plan Project".

This report also includes the revised content of the notified Section 32 evaluation as per the Council decisions on the points raised by submitters to the Plan Change.

1.2 Further Evaluation Discussion

The evaluation of the objectives, policies, rules or other methods contained within the notified Section 32 report reflect the content of Plan Change 13 as per the Council decisions. With the exception of where varied below, the Council considers the notified Section 32 report represents the outcome of a further evaluation under Section 32 (2) (a) of the RMA.

1.3 Section 32 amendments

This section contains specific items within the notified Section 32 report that are either amended as a result of decisions made by Council in relation to submissions on Plan Change 13; or are as a result of the further evaluation under Section 32 (2) (a) of the RMA. The amendments made are recorded in the order they appear in the notified Section 32 report with amendments shown with a ~~strikethrough~~ where text is removed and <u>underlined</u> where text is added.

References are provided to the document 'Hearing Committee Recommendations on Submissions – Plan Change 13' where the reasoning for each decision can be found.

1.3.1 Section 2.1 Background to Issue

Reference: Topic 9, Box 34, Submission Point 13.5.

Marsden Valley is located near to well established existing suburban residential development in Stoke. This existing development has covered the plains and lower foothills of Stoke but has not penetrated up the valleys. Marsden Valley itself contains the Stoke Substation at the valley mouth, followed by the Nelson Christian Academy and the Marsden Cemetery. Further up the valley the use is predominantly rural in character with some housing. An operating quarry is located at the top end of the valley, this borders Council reserve land which has been planted over the years by school and youth groups. The valley has been described as a 'hidden valley' (Marsden Valley Landscape Study, Tasman Carter Ltd 2000) and it's rural and landscape character noted through <u>further</u> landscape studies <u>commissioned by the original private plan change proponent and by Council</u>. <u>The further reports carried out are:</u>

a) Stoke Foothills and South Nelson Landscape Assessment, Boffa Miskell Ltd, 2003
b) Nelson Landscape Study, Boffa Miskell Ltd, 2005
c) Landscape Assessment Ashley Trust Subdivision, Marsden Valley, Nelmac 2006
d) Marsden Valley to Brook Structure Plan Landscape Assessment, Kidson Landscape Consulting, 2009

1.3.2 Section 2.2 Identification of Issue(s)

Reference: Topic 6, Box 24, Submission Point 13.4.

The primary issue this Plan Change seeks to address is: "To provide for future residential growth for Nelson City in the Stoke foothills in a sustainable way". This is proposed to be addressed through rezoning of land within Marsden Valley for an increased level of development which raises issues relating to:

a) Servicing (roading, stormwater, waste water, water supply)
b) Landscape protection
c) Natural Hazards
d) Connections (Walkways/Cycleways, Roading, Biodiversity, Greenspace)
e) Urban design relating to creation of a new community
f) Efficient use of the land resource
g) Cross-boundary effects

1.3.3 Section 2.2 Servicing

Reference: General amendment for consistency with Plan Change decision.

The subject land area of Marsden Valley will require the provision of servicing to allow for its full development. Studies have shown that it is possible to provide these services. Some upgrades are required 'downstream' to deal with increases in traffic movements and sewerage in particular. The land is proposed to remain, or be included in the Services Overlay to ensure that all servicing constraints are adequately addressed prior to development proceeding. This is with the exception of the land included in the Marsden Park subdivision which has had its servicing requirements met.

1.3.4 Section 2.2 Landscape Protection

Reference: Topic 9, Box 34, Submission Point 13.5, and General amendment for consistency with Plan Change decision.

The Marsden Valley Landscape Study (Tasman Carter Ltd, 23 February 2000) specifically assessed the landscape character of the valley and forms the basis of the current operative zoning, overlay patterns and Plan provisions in Marsden Valley as they relate to landscape issues. This study identified the 'strong sense of enclosure', the lineal corridor effect, 'the well treed character of the pasture', the 'rural character of the whole valley, but particularly of the hill slopes' and the 'hidden nature of Ching's Flat'. Areas of the most visible slopes and ridges are currently restricted building areas similar to the Landscape Overlay and with the purpose of protecting the landscape values as viewed from outside of the valley. This study formed the basis of the current Plan provisions to protect the landscape values and character of the valley.

The subsequent landscape reports listed in section 2.1 of this report have noted the existing rural and landscape character of Marsden Valley but have found that increased levels of development can be accommodated, provided controls are implemented. The Boffa Miskell reports encourage development within the valleys and saddles of the foothills over the front faces which are highly visible from Stoke and surrounding areas. The Nelmac report assesses a particular subdivision pattern proposed at the time but finds that this level of residential density would be acceptable with appropriate controls to *'…continue to express an identity unique to the contained Marsden Valley environment'*. The Kidson report found that the prominent slopes and ridges are sensitive to built form creating adverse visual effects and that the mid slopes and valley floors contained within the Valley are not readily visible from existing urban areas and therefore any landscape effects would be localised to the Valley.

The current proposal will influence the existing identified values of the valley due to the increase in development density. This is intended to be offset by the protection and enhancement of vegetation, the provision of open space areas, and biodiversity and riparian corridors, and the inclusion of specific areas ~~the more prominent ridges and slopes~~ in the Landscape Overlay which are consistent with the existing Landscape Overlay provisions of the Plan. The result will be a changed environment when compared to what exists now but one which provides for the inclusion of natural features and opportunities in future development.

1.3.5 Section 2.2 Natural Hazards

Reference: Topic 10, Box 36, Submission Point 13.6.

Land stability (including fault lines) and flooding are the main natural hazards present in Marsden Valley. The fault lines are generally indicated by the Fault Hazard Overlay, further investigation within the overlay will be required at time of subdivision and development to determine the exact location of the fault line. Land instability is an identified issue in areas of Marsden Valley due to a combination of the fault lines, soil conditions, slope and geology. A geotechnical overview has been carried out which identifies areas by risk category. ~~Development is theoretically possible on these different areas of risk but will require the input of geotechnical specialists at time of development to determine what mitigation measures are required~~. When subdivision and development is being planned land stability will need to form part of the considerations. When more detailed assessment is carried out based on a specific subdivision and development proposal it may be found that individual areas are not able to be built on and would be more suitable for other uses. The Land Management Overlay has been extended after taking into account the risk categories of various areas and their susceptibility to erosion and sedimentation issues. The Land Management Overlay indicates that specific geotechnical assessment (and possible mitigation) is required to address these issues.

1.3.6 Section 2.2 Urban design relating to creation of a new community

Reference: General amendment for consistency with Plan Change decision.

This proposal will result in the creation of a new community. Currently Marsden Valley contains approximately 10 houses, it is anticipated that the proposed zoning could accommodate around 600 households, or 1500 residents. There will also be additional households located in neighbouring land, such as Marsden Plateau, that will have ready access to Marsden Valley. As this will be

predominantly greenfield development the ability to create a well designed, attractive and functional community is available. The proposed zoning allows for a commercial centre surrounded by higher density housing, then Residential (standard) through to Rural zonings. This mix of activities and densities provides for a variety of living styles all serviced by a commercial area in the centre. A 'multi-purpose community reserve' will be located within the commercial centre to provide a central point for the community. Open space, trees and biodiversity corridors are also located through out Marsden Valley and will be integral to the final development.

1.3.7 Section 2.2 Efficient use of the land resource

Reference: Topic 6, Box 24, Submission Point 13.7.

NUGS, independent analysis by landowners, developers and others, and internal Council investigation, confirms that the residential land supply in Nelson district is a finite resource. Census figures and predictions show that Nelson's population is expected to continue to grow while the number of people per household is expected to decline. Both these factors increase the pressure on the residential land supply. Ensuring that any existing or proposed residential land is used efficiently is important to Council and is an efficient and effective use of a limited land resource. This efficient use reduces the need for additional rezoning, is more efficient for provision of required infrastructure, supports existing and proposed neighbourhood amenities and services, tends to provide a variety of living styles and can create a more varied and diverse community.

1.3.8 Section 4.0 Consultation

Reference: Topic 6, Box 24, Submission Point 13.9.

~~The most significant change relates to splitting of the land area subject to the original private plan change application from the wider structure plan. This was carried out in consultation with, and at the request of, the original applicant.~~

In carrying out the development of this Plan Change it was determined that for the sake of improved integration of land areas and zoning patterns it would be sensible to include the properties owned by I Turner (195 and 217 Marsden Valley Road) in the Plan Change area. This inclusion was carried out in consultation with the original private plan change proponent and with I Turner. A neighbouring property (201 Marsden Valley Road) has also requested through submissions to be included in the Plan Change area. This is accepted for the same reason of improving the integration of land areas and zoning patterns.

1.3.9 Section 5.1 Objectives and Policies

Reference: General amendments for consistency with Plan Change decision.

Plan Reference	Objective or Policy	Extent to which it is the most appropriate way to achieve the purpose of the RMA
RE4.2	Policy RE4.2 Vegetation ~~*Subdivision and development should maintain and enhance existing vegetation patterns (and establish new areas of vegetation) that soften the effects on the visual amenity*~~	Vegetation patterns are important from a visual and biodiversity point of view, this policy ensures that this is taken into account when development occurs and is therefore appropriate.

	~~*and landscape values of Marsden Valley.*~~ Subdivision and development should be designed to ensure that vegetation patterns (existing and new) are incorporated to enhance the visual amenity, important landscape features and landscape forms of Marsden Valley. New and existing areas of vegetation should promote biodiversity and enhance habitat for native flora and fauna.	
SC3	Objective SC3 Marsden Valley Suburban Commercial Zone. *To recognise and provide for a vibrant Marsden Valley Suburban Commercial centre, which through its central location, provision of an area of publicly accessible open space central to the Zone, mix of suitable activities, and high quality building design, allows for the creation of a quality urban environment ~~serving residents and visitors.~~*	The suburban commercial area is centrally positioned to serve the new community and the success of the commercial area is fundamental to ensuring the success of the new community. It is therefore appropriate that this issue is a main objective for this area.
SC3.1	Policy SC3.1 Building and Outdoor Space Design ~~*Avoid uniform buildings and promote active frontages,*~~ *Promotion of variety, modulation, active frontages and creativity in building and outdoor space design which is at a human scale and contributes to high quality, coordinated public outdoor areas.*	Building and outdoor space design will help achieve the objective for this area. It is therefore appropriate as a policy.
SC3.2	Policy SC3.2 Mixed Use ~~*Create*~~ *To enable a mix of activities (primarily commercial (retail and office) and residential) within the Zone which supports the creation of a quality urban environment, adds vibrancy and provides a wide choice of places to live, work and play.*	A mixture of uses can help to achieve the community environment intended for the area. There are some activities that have the potential to be incompatible with the creation of a quality urban environment ~~village centre~~. Activities which do not meet this policy would prevent the Zone objective from being achieved; therefore this is appropriate as a policy.

1.3.10 Table 7: Services and Access; footnote 17.

Reference: General amendments for consistency with Plan Change decision.

Footnote 17: Services Overlay: ~~Applies to all un-developed land within the Urban boundary~~ The Nelson Resource Management Plan states this 'Relates to the availability of services such as sewerage, water supply, storm water drainage, and roads'. Constraints in servicing must be addressed prior to development taking place.

1.3.11 Table 8: Managing Cross-Boundary Effects; footnote 18 and 19

Reference: Topic 6, Box 24, Submission Point 13.10.

Footnote 18: Cross Boundary Effects: Given existing and potential land use activities within and adjoining the study area, the Cemetery, ~~the York Quarry, York Valley Landfill~~ and Marsden Quarry are considered most significant and are of regional importance to the Nelson-Tasman area.

Footnote 19: Zoning as a Buffering Tool: This has been provided for in the zoning of land (ie ~~rural overlooking the York Quarry, or~~ Open Space Recreation nearest the Marsden Quarry) and the location of zone boundaries ~~(ie below the ridgeline adjoining the landfill site)~~.

1.3.12 Table 8: Option 1 column, Overall Efficiency and Effectiveness row

Reference: Topic 6, Box 24, Submission Point 13.10.

This option would be both inefficient and ineffective in achieving sustainable urban growth and avoiding the effects of incompatible land development. It has a higher risk of cross boundary or reverse sensitivity effects than Option 2, and fails to recognise the existing use, resource consents, and NRMP provisions (ie ~~designations for the landfill,~~ and scheduled site for ~~York~~ Marsden Quarry) allowing for not only continued operation but potential expansion of these activities.

1.3.13 Section 6.0 Conclusion

Reference: General amendments for consistency with Plan Change decision.

The private plan change application was adopted by Council and the scope broadened to include Enner Glynn and upper Brook Valley's. The pattern for zoning, overlays and linkages was developed on this wider scale. Plan Change 13 represents the original extent of land included in the private plan change application with the addition of ~~one~~ two strategically positioned neighbouring properties ~~y~~.

1.4 Conclusion

Overall Council considers Plan Change 13 provides a zoning pattern and plan provisions which achieves the purpose of the RMA and allows for the creation of a functional community which responds to the opportunities and constraints of the environment in which it is situated.

The main conclusions are:

- The objectives are the most appropriate way to achieve the purpose of the Act as set out in section 5, 6, 7 and 8.
- Overall, the environmental, social and economic benefits of having the proposed objectives, policies and rules within the plan outweighs any costs

which may result. Therefore these methods are the most effective and efficient method of addressing the issues with the land unit and consequently are the most appropriate method of achieving the objectives.
- The objectives, policies and rules will allow council to carry out its functions under section 31, 72 and 74(1) of the Act.

Therefore it is appropriate to incorporate these objectives, policies and rules within the Nelson Resource Management Plan.