

# NELSON CITY COUNCIL

## **Nelson Resource Management Plan**

Proposed Plan Change 17

Enner Glynn and Upper Brook Valley Re-zoning and  
Structure Plan

### **Summary of Decisions Requested**

**Notification of Submissions Date**

22 January 2011

**Further Submissions Close**

5pm Friday, 4 February 2011





## Introduction

This document contains a Summary of Decisions Requested by persons making submissions on the Nelson Resource Management Plan, Proposed Plan Change 17 (Enner Glynn and Upper Brook Valley Re-zoning and Structure Plan). In total 20 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 topic rather than by submitter. Where possible the words are those of the submitter. The original submissions should be referred to for a full 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, 4 February 2011.**

## 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 17.
- 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, 4 February 2011.

The Summary of Decisions Requested document 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 the original submissions are available by contacting Reuben Peterson at the details below.

Copies of this Summary of Decisions Requested document are available for viewing at Civic House and at Nelson, Tahunanui and Stoke Libraries, by contacting Reuben Peterson on 5460295 or [reuben.peterson@ncc.govt.nz](mailto:reuben.peterson@ncc.govt.nz), or online at [www.nelsoncitycouncil.co.nz](http://www.nelsoncitycouncil.co.nz) (search phrase = Plan Change 17). Further submission forms are also available at these locations.

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

Clearly state whether you support or oppose the decision requested that 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 on 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.

## Summary of Decisions Requested

Plan Change 17 (Enner Glynn and Upper Brook Valley Re-zoning and Structure Plan) 22 January 2011

### Summary of Decisions Requested in Topic Order

Topic 1. Biodiversity: Plan Provisions on Biodiversity & Eco-Sourcing			
Submitter Name	Submitter Number	Statement Number	Decision Requested
Tiakina Te Taiao Ltd	1	1	Support for Biodiversity Corridors but wants to have the cultural value of water and native plants recognized as being an essential aspect of biodiversity.
Tiakina Te Taiao Ltd	1	2	Tiakina supports the encouragement of 'eco-sourcing' as this will enable better growth of original native species important to Maori.
Tiakina Te Taiao Ltd	1	3	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.
Tiakina Te Taiao Ltd	1	4	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"
Marsden Park Limited	2	2	Delete 20m minimum width stated for Biodiversity Corridors in the definition and explanation.
Royal Forest and Bird Protection Society of NZ Inc	8	1	Retain 'Biodiversity Corridor' definition
Royal Forest and Bird Protection Society of NZ Inc	8	2	Retain 'Biodiversity Corridor' statement AD11.4A.v.
Royal Forest and Bird Protection Society of NZ Inc	8	4	Amend proposed text for DO5.1.2.i as follows: Rivers (and potentially wetlands) provide opportunity for continuous Biodiversity Corridors. <u>Biodiversity corridors can also be established through existing vegetation corridors, and/or utilising the connectivity of publicly owned land.</u>
Royal Forest and Bird Protection Society of NZ Inc	8	5	Retain explanation and reasons paragraphs DO5.1.2.ii - DO5.1.2.iv relating to district wide policy DO5.1.2 Linkages and Corridors.
Royal Forest and Bird Protection Society of NZ Inc	8	6	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.
Royal Forest and Bird Protection Society of NZ Inc	8	7	Retain Method DO5.1.2.x relating to district wide policy DO5.1.2 Linkages and Corridors.
Royal Forest and Bird Protection Society of NZ Inc	8	8	We request that the following is inserted at the end of Method DO5.1.2.xi: <u>and where environmental outcomes as a whole are protected</u>

Submitter Name	Submitter Number	Statement Number	Decision Requested
Royal Forest and Bird Protection Society of NZ Inc	8	9	Retain REr.59.1 h)
Royal Forest and Bird Protection Society of NZ Inc	8	10	Retain REr.59.3
Royal Forest and Bird Protection Society of NZ Inc	8	11	Retain REr.59.3 xviii)
Royal Forest and Bird Protection Society of NZ Inc	8	12	Include the following in REr.59.5: Vegetation is specifically protected in Biodiversity Corridors to ensure their function as ' <u>an ecosystem and</u> ' a corridor is not compromised through clearance.
Royal Forest and Bird Protection Society of NZ Inc	8	13	Retain RUr.25.1 g) Note, submission incorrectly referred to RUr.21.1 g), change confirmed with submitter.
Royal Forest and Bird Protection Society of NZ Inc	8	14	Retain rule RUr.25.3 xix)
Royal Forest and Bird Protection Society of NZ Inc	8	15	Include the following in RUr.25.5: Vegetation is specifically protected in Biodiversity Corridors to ensure their function as ' <u>an ecosystem and</u> ' a corridor is not compromised through clearance.
Royal Forest and Bird Protection Society of NZ Inc	8	16	Retain general rule W.2 b)
Royal Forest and Bird Protection Society of NZ Inc	8	17	Retain Biodiversity Corridors on Map 3 but allow opportunity to speak at hearing about Nelson Biodiversity Forum processes.
Department of Conservation	9	1	Amend the definition of Biodiversity Corridor in Chapter 2 'Meaning of Words' as follows: Biodiversity Corridor means a ' <u>vegetated linear landscape element</u> ' 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.
Department of Conservation	9	2	Retain the following provisions of Proposed Plan Change 17: 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.
Department of Conservation	9	3	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).

Submitter Name	Submitter Number	Statement Number	Decision Requested
Department of Conservation	9	4	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'. 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'.
Sharon Higgins and Tony Singleton	11	4	DO5.1.2.iv <i>The width of corridors will vary for this reason: a minimum width of 20m is required.</i>  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.
Sharon Higgins and Tony Singleton	11	5	AD11.4A.v c) Biodiversity Corridors will <del>as far as practical be aligned to wherever practical</del> include any existing Riparian Overlay.
Sharon Higgins and Tony Singleton	11	6	Biodiversity Corridors should allow walkway/cycleways to coexist within the overlay when there is no practical, viable alternative route available.  Repeated in Topic 7 'Walkway and Cycleway Connections' due to overlap.
Amy and Paul Shattock	13	1	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.
Richard Sullivan	14	1	Delete the plan in its entirety, especially 'a network of walkway/cycleways, future roads and biodiversity corridors provided through a structure plan'.  Repeated in Topic 4 'Traffic and Roading' and Topic 7 'Walkway and Cycleway Connections' due to overlap.
Ruth Kelly	15	1	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.
Lindy Kelly	16	1	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.
C. I. Hurley and I. L. T Turner	17	1	Oppose Biodiversity Corridors. A 20 metre minimum width is too restrictive.
Glenn Stewart and Shelley t'Hooft	18	2	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.
David and Donna Butler	20	2	Retain Biodiversity corridors, indicative walkways and indicative road (Upper Brook Street to Landfill Road) - as on planning maps.  Repeated in Topic 4 'Traffic and Rooding' and Topic 7 'Walkway and Cycleway Connections' due to overlap.

<b>Topic 2. Zoning: Zoning placement or extent</b>			
<b>Submitter Name</b>	<b>Submitter Number</b>	<b>Statement Number</b>	<b>Decision Requested</b>
Fulton Hogan Limited	3	2	The deletion of the zoning Residential and Higher Density Small Holdings where proposed by the change.
Gibbons Holdings Limited	4	2	The deletion of the zoning Residential and Higher Density Small Holdings where proposed by the change.
Sharon Higgins and Tony Singleton	11	3	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)
Kirsty Stewart	12	1	Retain Rural Small Holding Zoning as notified
Amy and Paul Shattock	13	2	Retain Rural Small Holding Zoning as notified
Ruth Kelly	15	2	Retain Rural Small Holding Zoning as notified
Lindy Kelly	16	2	Retain Rural Small Holding Zoning as notified
Glenn Stewart and Shelley t'Hooft	18	1	Retain Rural Small Holding Zoning as notified
Mark Pyers	19	1	Can my block be changed to higher density small holdings instead of lower density small holdings?
David and Donna Butler	20	1	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'.

<b>Topic 3. Services: Stormwater, Wastewater, Potable water</b>			
<b>Submitter Name</b>	<b>Submitter Number</b>	<b>Statement Number</b>	<b>Decision Requested</b>
Dugald and Janette Ley	5	1	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.



			Overall decision requested: Delay this application until the above issues have been debated and resolved.
Dugald and Janette Ley	5	5	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.
Dugald and Janette Ley	5	6	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.

<b>Topic 4. Traffic and Roading: Roading connections, placement and traffic effects</b>			
<b>Submitter Name</b>	<b>Submitter Number</b>	<b>Statement Number</b>	<b>Decision Requested</b>
Dugald and Janette Ley	5	2	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.
Dugald and Janette Ley	5	3	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.
Rosalie Barbara Higgins	7	1	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

			<p>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.</p> <p>3. Alternatively that:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ol> <p>If the above matters are met by the Council my opposition to Plan Change 17 will be satisfied.</p>
Tamika Simpson	10	1	<p>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.</p> <p>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.</p> <p>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 parent's property we do not see any way we can or will pursue the use of our land for housing.</p> <p>Repeated in Topic 7 'Walkway and Cycleway Connections' due to overlap.</p>
Sharon Higgins and Tony Singleton	11	7	<p>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.</p> <p>OR</p> <p>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.</p>
Richard Sullivan	14	1	<p>Delete the plan in its entirety, especially 'a network of walkway/cycleways, future roads and biodiversity corridors provided through a structure plan'.</p>

			Repeated in Topic 1 'Biodiversity' and Topic 7 'Walkway and Cycleway Connections' due to overlap.
David and Donna Butler	20	2	Retain Biodiversity corridors, indicative walkways and indicative road (Upper Brook Street to Landfill Road) - as on planning maps. Repeated in Topic 1 'Biodiversity' and Topic 7 'Walkway and Cycleway Connections' due to overlap.

<b>Topic 5. Transmission Lines</b>			
<b>Submitter Name</b>	<b>Submitter Number</b>	<b>Statement Number</b>	<b>Decision Requested</b>
Dugald and Janette Ley	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. 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.
Transpower New Zealand Limited	6	1	1. Amend the Plan Change to make all required changes, including those detailed in this submission, to ensure: <ul style="list-style-type: none"> <li>&gt; That the National Policy Statement on Electricity Transmission 2008 (NPSET) is given effect to;</li> <li>&gt; The sustainable management of the National Grid as a physical resource;</li> <li>&gt; Appropriate provision for the ongoing operation and maintenance of the network, including ensuring that lines and support structures can be accessed;</li> <li>&gt; That the existing network can be upgraded in order to meet growth in energy demand;</li> <li>&gt; The protection of the existing network from issues of reverse sensitivity and the effects of others' activities; and</li> <li>&gt; Appropriate provision for the planning and development of new lines.</li> </ul> 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.
Transpower New Zealand Limited	6	2	See Appendix A of this Summary of Decisions Requested document for the decisions requested by Transpower in regard to this submission point.

Transpower New Zealand Limited	6	3	<p>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.</p> <p>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:</p> <p>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:</p> <p>i) ...</p> <p>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</p> <p>iii) ...</p> <p>2. Make any additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions.</p> <p>3. Adopt any other such relief as to give effect to this submission.</p>
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<b>Topic 6. Landscape: Landscape Overlay - Placement and extent</b>			
<b>Submitter Name</b>	<b>Submitter Number</b>	<b>Statement Number</b>	<b>Decision Requested</b>
Sharon Higgins and Tony Singleton	11	8	<p>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.</p> <p>Option 2: That the council reduces the area to only the knob that is more visible as shown in attached map as Option 2.</p> <p>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).</p>

<b>Topic 7. Walkway and cycleway connections</b>			
<b>Submitter Name</b>	<b>Submitter Number</b>	<b>Statement Number</b>	<b>Decision Requested</b>
Fulton Hogan Limited	3	3	The deletion of the walkway shown on the structure plan maps where it runs in close proximity to the quarry boundary.
Gibbons Holdings Limited	4	3	The deletion of the walkway shown on the structure plan maps where it runs in close proximity to the quarry boundary.
Dugald and Janette Ley	5	4	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.
Tamika Simpson	10	1	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 parent's property we do not see any way we can or will pursue the use of our land for housing.  Repeated in Topic 4 'Traffic and Roding' due to overlap.
Sharon Higgins and Tony Singleton	11	2	Retain AD11.4A.vii 'indicative connections' and section AD11.4A 'Structure Plans'.
Sharon Higgins and Tony Singleton	11	6	Biodiversity Corridors should allow walkway/cycleways to coexist within the overlay when there is no practical, viable alternative route available. Repeated in Topic 1 'Biodiversity Corridors' due to overlap.
Richard Sullivan	14	1	Delete the plan in its entirety, especially 'a network of walkway/cycleways, future roads and biodiversity corridors provided through a structure plan'. Repeated in Topic 1 'Biodiversity' and Topic 4 'Traffic and Roding' due to overlap.
David and Donna Butler	20	2	Retain Biodiversity corridors, indicative walkways and indicative road (Upper Brook Street to Landfill Road) - as on planning maps. Repeated in Topic 1 'Biodiversity' and Topic 4 'Traffic and Roding' due to overlap.

<b>Topic 8. Miscellaneous</b>			
<b>Submitter Name</b>	<b>Submitter Number</b>	<b>Statement Number</b>	<b>Decision Requested</b>
Marsden Park Limited	2	1	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.
Marsden Park Limited	2	3	Make any necessary consequential amendments to give effect to Marsden Park Limited submissions.
Fulton Hogan Limited	3	1	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.
Gibbons Holdings Limited	4	1	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.
Dugald and Janette Ley	5	8	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.
Royal Forest and Bird Protection Society of NZ Inc	8	3	Retain additional text to reasons DO5.1.i
Sharon Higgins and Tony Singleton	11	1	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).

## Address for Service of Submitters

Plan Change 17 (Enner Glynn and Upper Brook Valley Re-zoning and Structure Plan) 22 January 2011

Submitter Number	Submitter Name	Submitter Address
1	Tiakina Te Taiao Ltd	C/o Hugh Briggs / Kura Stafford PO Box 13 Nelson 7040
2	Marsden Park Limited	C/o Via Strada PO Box 1593 Nelson 7010
3	Fulton Hogan Limited	C/O Nigel McFadden, McFadden McMeekan Phillips Solicitors PO Box 656 Nelson 7040
4	Gibbons Holdings Limited	C/O Nigel McFadden, McFadden McMeekan Phillips Solicitors PO Box 656 Nelson 7040
5	Dugald and Janette Ley	10 Newman Drive Stoke Nelson 7011
6	Transpower New Zealand Limited	C/O Karen Blair, Burton Planning Consultants Limited PO Box 33-817 Takapuna AUCKLAND 0740
7	Rosalie Barbara Higgins	29 Enner Glynn Road Nelson 7011
8	Royal Forest and Bird Protection Society of NZ Inc	C/o Debs Martin PO Box 266 Nelson 7040
9	Department of Conservation	C/o Stephen Wynne-Jones Private Bag 5 Nelson 7040
10	Tamika Simpson	44H Roxburgh Street Mt Victoria Wellington 6011
11	Sharon Higgins and Tony Singleton	149 Enner Glynn Road Enner Glynn Nelson 7011
12	Kirsty Stewart	50 Enner Glynn Road Enner Glynn Nelson 7011
13	Amy and Paul Shattock	100 Enner Glynn Road Enner Glynn Nelson 7011

14	Richard Sullivan	44H Roxburgh Street Mt Victoria Wellington 6011
15	Ruth Kelly	13 Folley Road Kibworth Beauchamp Leicester LE80PF UK
16	Lindy Kelly	100 Enner Glynn Road Enner Glynn Nelson 7011
17	C. I. Hurley and I. L. T Turner	PO Box 2077 Stoke Nelson 7011
18	Glenn Stewart and Shelley t'Hooft	13 The Ridgeway Nelson 7011
19	Mark Pyers	Enner Glynn Road Enner Glynn Nelson 7011
20	David and Donna Butler	588 Brook Street Nelson 7010



## Appendix A

Content of decision requested by Transpower submission point 6.2.  
Topic 5: Transmission Lines.

### Relief Sought:

1. Do not show the high voltage electricity transmission lines (ie: lines operating at or above 66kV) as an overlay on the Planning Maps (eg: as an overlay on Plan Change 17 – Enner Glynn and Upper Brook Valley Structure Plan, Map 1- Proposed NRMP Overlays). Instead show the high voltage electricity transmission lines on the Structure Plan (eg: on Plan Change 17 – Enner Glynn and Upper Brook Valley Structure Plan, Map 3 – Proposed Structure Plan) and either:
  - a. Show a 32-metre wide electricity transmission corridor either side of the centre line of a transmission line (including (if feasible) a 12 metre ‘non complying’ zone either side of the centre line of the transmission line);  
or
  - b. Include a specific notation (or cross reference) between the transmission line and the rules in Schedule W.
2. Amend the definition of ‘Structure Plan’ to specifically refer to electricity transmission corridors. This could be achieved by making the following change (additions underlined):

*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, as relevant, electricity transmission corridors) and other key features for managing the effects of development, often across multiple ownership. See AD11.4A ‘Structure Plans’ for further information.*

3. Recognise that Electricity Transmission Corridors should be shown on Structure (or Outline Development) Plans (as and where relevant). This could be achieved by adding the following new text into Section AD11.4A.v (additions underlined):

(d) Electricity Transmission Corridors: The purpose of transmission corridors is to ensure that future development does not adversely affect and is not adversely affected by existing electricity transmission infrastructure. A transmission corridor in the Enner Glynn and Upper Brook Valley Structure Plan area refers to the area of land and airspace within 32m of the centre line of a high voltage transmission line in which certain activities are restricted and/or require assessment because of the risk that they can potentially pose to a transmission line, to themselves and to public safety. Transmission corridors are wide enough to allow the majority of risks to the integrity of the transmission network and to people and property to be assessed, and to allow factors such as amenity considerations and access to be taken into account. Transmission corridors act as an early warning flag for development proposed near a transmission line, so that appropriate action can be taken at an early stage in the process. This minimises costs, including time delays, for both the developer and the public.

4. Retain AD11.4A.vi subject to amendment to include Electricity Transmission Corridors. This could be achieved by making the following modifications (additions underlined, deletions in strikethrough):

*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)-ed). In relation to location ~~these items a)-c)~~ are generally shown "indicatively" on the Structure Plan as they show an intent rather than precise location for those features. Item d) is an existing feature. ~~These then form a matter of control which~~ The Council will exercise its discretion over these matters 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.*

5. Amend AD11.4Aviii so that it relates to items a) – c) (and as a consequence not to electricity transmission corridors). This could be achieved by making the following modifications (additions underlined):

*AD11.4A.viii: For the purpose of interpretation of any rules relating to Structure Plans, the term “generally accord” shall mean that items a) – c) shown on these plans must be provided for in the general locations shown....*

6. Retain AD11.4A.ii without modification, and in particular the intent that Structure Plans incorporated into the NRMP have the effect of a rule and must be complied with to the extent specified in the relevant rule.

7. Amend AD11.4A.i. to include a reference that Electricity Transmission Corridors will be addressed in Structure Plans to help to achieve a quality urban environment. This could be achieved by making the following modifications (additions underlined):

*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, walkways/ cycleway connections, open space and natural values, electricity transmission corridors, character and activities). These elements may also exist in areas of Rural zoning where they link more urban neighbourhoods or area adjacent to urban areas....*

8. Amend DO14.4.2 (transmission lines) to require that reverse sensitivity effects are addressed in relation to urban development enabled through the Structure Plan process. This could be achieved by making the following modifications (additions underlined, deletions in strikethrough):

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

*Explanation and Reasons*

*DO14.4.2.i The network utility operators that utilise high voltage transmission*

lines recognise that there is some potential for adverse effects arising from the proximity of these lines to development, including residential development. The effects of concern are the potential health effects of electromagnetic fields and other practical safety concerns. Subdivision, use and development in and around high voltage transmission lines can also generate adverse effects on those lines, including undermining the integrity of security of supply and compromising the potential for development of an existing line. It is appropriate that the Plan enforce established safety distances from this type of network utility to enable their ongoing maintenance and upgrading.

*Methods*

DO14.4.2.iii Rules in each zone controlling the proximity of residential development to transmission lines.

DO14.4.2.iii Depiction of transmission lines on the Planning Maps and on Structure Plans.

DO14.4.2.iv Assessment criteria on applications.

DO14.4.2v Rules controlling the nature, scale and location of subdivision, development and land use within Structure Plan areas.

4. **Amend REr107.2: Subdivision to include reference to Electricity Transmission Corridors but otherwise retain the provisions without modification. This could be achieved by making the following modifications (additions underlined, deletions in strikethrough):**

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

...

- *the provision of adequate road, walkway and cycleway linkages, 'greenspace', transmission corridors (as required) 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.*

10. **Retain the change to Rule Rer.107.4 kk.**

**11. Insert the following new rules and advice note into W.2 General Rules (Schedule W Enner Glynn and Upper Brook Valley) (additions underlined):**

- (d) No buildings or structures (except fences having a height less than 2m) are permitted within 32 metres either side of the centreline of the Blenheim – Stoke A (BLN-STK A) electricity transmission line as shown on the Enner Glynn and Upper Brook Valley Structure Plan.
- (e) Earthworks in and around the Blenheim – Stoke A (BLN-STK A) electricity transmission line as shown on the Enner Glynn and Upper Brook Valley Structure Plan are permitted unless they:
- (i) Are at a greater depth than 300mm within 6m of the outer visible edge of a tower support structure, or
  - (ii) Are at a greater depth than 3m between 6m and 12m of the outer visible edge of a tower support structure, or;
  - (iii) Create an unstable batter; or
  - (iv) Result in a reduction of the existing clearance distance underneath the conductors.

Exceptions to the Earthworks Rule:

- o Earthworks undertaken by network utility operators;
  - o Normal agricultural or domestic cultivation or repair, sealing, resealing of an existing road, footpath or driveway.
- (f) No subdivision is permitted within 32 metres either side of the centreline of the Blenheim – Stoke A (BLN-STK A) electricity transmission line as shown on the Enner Glynn and Upper Brook Valley Structure Plan.

Advice Note:

Vegetation to be planted within the transmission corridor should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003 or prevent access to support structures. To discuss works, including tree planting, near any electrical lines, especially works within the transmission corridor, contact the line operator.

**12. Make the following amendments to Section W.3 Activity Status (additions underlined):**

### **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 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. Relevant assessment criteria listed in W.4 apply to all subdivision consent applications within the scheduled area.

Any activity which does not meet one or more of the performance standards in Schedule W.2 d – f) 'General Rules' is a Restricted Discretionary activity, except for buildings or structures within 12 metres either side of the centreline of the Blenheim – Stoke A (BLN-STK A) electricity transmission line as shown on the Enner Glynn and Upper Brook Valley Structure Plan and which requires consent as a non-complying activity. Discretion will be restricted to the following matters:

#### **Activities between 12 and 32 metres of the Centreline of a High Voltage Transmission Line:**

- (a) Whether the location of the building, building platform, structure, site or works will interfere with the safe and efficient operation, maintenance or minor upgrading of the transmission line, including inhibiting access to the line, or resulting in adverse effects on people's safety.
- (b) The scale, design, orientation and construction of the building or structure and/or the scale, character and intensity of the activities that may occur within or around it, and whether the risk of creating unsafe hazard situations, injury and/or property damage will be increased and should be avoided or minimised.
- (c) The degree to which subdivision design, including the location of building platforms, structures, roads and reserves, minimises impacts on amenity, maintains reasonable access to the transmission lines and achieves suitable building platforms in respect of their relationship to the transmission lines.
- (d) Whether there are any alternative design solutions or building platforms available which lessen the potential adverse effects on transmission lines.
- (e) For works involving existing buildings and/or structures, whether there are appropriate safeguards in place to avoid contact or flashovers with high voltage electricity transmission lines and to avoid adverse effects on the

stability of support structures and whether compliance with the New Zealand Electrical Code of Practice 34:2001 (and any subsequent amendments) is achieved.

- (f) Whether the separation distances between the transmission line and vegetation complies with the requirements of the Electricity (Hazards from Trees) Regulations 2003 (and any subsequent amendments).
- (g) Whether there is any adverse effect on the network's operational requirements, either physically or process-wise, including any cumulative effect or any effect on Transpower's ability to undertake upgrades approved by the Electricity Commission.

### **Earthworks**

- (a) Any effects on the integrity of the transmission line
- (b) Volume, area and location of the works, including temporary activities such as stockpiles
- (c) Timing of the works
- (d) Site remediation
- (e) The use of mobile machinery near transmission line which may put the line at risk;
- (f) Compliance with NZECP 34:2001;
- (g) Outcomes of any consultation with the relevant line owner.

Where an activity is restricted discretionary because it is within the High Voltage Transmission Corridor then the application need not be publicly notified and need not be served on any affected party other than Transpower New Zealand Limited.

13. **Replace assessment criteria W4 (vi) with the following (deletions in strikethrough, additions underlined):**

(vi) ~~Compliance with the relevant local and national legislation in relation to existing high voltage transmission lines.~~ Ability to rationalise and/or redesign any proposal to keep the corridor immediately underneath the transmission lines free from buildings and/or structures.

14. **Make any additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions.**

**15. Adopt any other such relief as to give effect to this submission.**