

Online submission

This is a submission that was made online via the Council's website.

Submitter No.	S251
Submitter Name	Susan Corry
Submitter first name	Susan
Submitter surname	Corry
Submitter is contact	Yes
Email	susanc@actrix.co.nz
Wish to be heard	Yes
Joint presentation	Yes
Trade competition	I could not gain an advantage in trade competition through this submission.
Directly affected	N/A
Withhold contact details?	No

Submission points

Plan section	Provision	Support/oppose	Reasons	Decision sought
Inner City and City Fringe Zones	Inner City Zone	Support	I support the plan change to allow higher density and higher height buildings in the city centre areas. This is appropriate that the tallest buildings should be clustered and built in the city centre and city fringe.	Grant as proposed
Inner City and City Fringe Zones	City Fringe Zone	Support	I support the plan change to allow higher density and higher height buildings in the city centre areas. This is appropriate that the tallest buildings should be clustered and built in the city centre and city fringe.	Grant as proposed
Residential Zones	Medium Density Residential Zone	Support in part	I think it is good to encourage denser development, to create a medium density zone and encourage up to three dwellings per site, either as a complete new development, or just allowing a family to add an extra dwelling for a family member etc.	I support rules REr.18A to RER.18J - That the maximum is three residential units with height of three stories (11m)

Residential Zones	Medium Density Residential Zone	Oppose	I oppose rule REr.18K MRZ Daylight Admission 60 Deg recession angle. I believe a 60 degree recession angle plan as a permitted angle is too steep an angle, and does not adequately protect existing properties sunlight and will create too much shade on neighbouring properties. Applying the rule to a local example: I live at 47a Brook Street which is in the new Medium Density Zone, 3 units, 3 storeys 11m. Our property is 800m2 so has enough land area that a good design could build 3 units 3 storeys and meet the site coverage, yard setback, permeable landscape, outlook space rules etc. Assessing the 60 degree recession angle the 11m buildings would need to be set back about 4m from the southern boundary. Our southern boundary neighbours are a private residence and the Brook St Kindergarten. If 3x3 storey buildings were built as a permitted activity on our property or at 47b, with this 60deg recession angle, those buildings would cast a very large shadow effect on the kindergarten's outside play area and building. To do that as a permitted activity without recourse seems neither fair nor healthy for the children. I'm not an expert in this but have done some homework to try and work it out. From what I can find off Goggle, NZ sunlight reaches approximate maximum of 29 degrees above horizon in winter, and 75 degrees above horizon in summer. Thus, in winter the shade shadow generated by an 11m high building, with sun at 29-30 degrees, extends to 18-19 metres behind it (assuming assuming north facing flat section and sun due north midday, neighbours due south). With a 60deg recession angle an 11m building would only need a 4-5m distance set back from southern boundary. But any existing neighbouring southern property or building located closer than 18m behind that building, would likely sit within its shade shadow and be significantly shaded. Not good. (see my diagram - attached separately as cannot add into this box!! :()) Studies have shown that people need natural light, natural sunlight, and if a new development comes along and blocks that it is: a) not fair on existing homeowner property rights; b) not good for our houses and physical wellbeing - cold houses create damp, create extra health issues, create extra heating costs etc; c) not good for our mental wellbeing.	I oppose Rule REr.18K Daylight Admission 60 degree recession angle. I would like council to delete the recession angle and replace this rule with a new outcome based rule which protects neighbours existing sunlight (eg shall not reduce an existing properties sunlight to less than than 2-5 hours of direct sunlight between the hours of 9-3 during worst winter months, as proven by shadow diagrams. (see explanation below and in attachment) Reason: development is still allowed and encouraged, but not to the disadvantage or the 'daylight robbery' of existing surrounding properties/houses.
----------------------	--	--------	--	---

Thus I conclude that the idea of a single recession angle is inadequate. You could lower the angle to say 45 degrees (like the GRZ) which would result in the development building being built further away from the boundary (eg 8m compared to 4m), but the actual shade shadow from the sun in winter will still be longer than that (18m), so lowering the angle doesn't fix the issue, as the building still creates a potential shade problem for neighbours.

ALTERNATIVE RULE: Why not make a rule that is based on the desired outcome rather than a mathematical equation. For example, in NSW and Vic Australia (courtesy of Google) instead of having a single recession angle they instead have rules about overshadowing which are designed "to ensure new developments do not take away the rights of neighbouring properties to enjoy their existing natural sunlight". In Vic and NSW new developments have to assess overshadowing and provide shadow diagrams with their applications showing the extent of shade created at 9am 12pm 3pm in winter conditions, and they are not allowed to overshadow a neighbours "windows of habitable rooms" or "private open space" or their solar panels, by set amounts. In NSW it shall not be reduced to less than 2 hours of direct sunlight between 9-3 as at June 21st. In Victoria any new developments need to design so that the developments new residents and the existing neighbours will have at least 5 hours daylight between 9-3 on 22 September, the equinox.

Thus, the focus of these overshadowing rules is directly on the desired outcome, and the onus is on the developer to design the development to ensure the development does not significantly reduce sunlight to neighbours, and it is up to them to take into account site characteristics, site aspect, neighbours locations, boundaries etc, maybe make it higher in one part, lower in another etc when doing that. This seems a much better rule and outcome than just a single recession line angle. (ref:

Littlefishproperties.com.au/blog/overshadow-neighbours. ref: Victorian building regulations 2018 – Reg 83 – overshadowing of recreational private open space).

Thus I seek an amendment to RER.18K recession angle.

I suggest that instead of a 60 degrees recession angle, council develop an outcome based rule which protects neighbours existing sunlight (eg shall not reduce existing properties sunlight to less than 2-5 hours direct sunlight between the hours of 9-3 during worst winter months, as proven by shadow diagrams).

Reason: development is still allowed and encouraged, but not to the disadvantage or the 'daylight robbery' of existing surrounding properties/houses.

Residential Zones	High Density Residential Zone	Oppose in part	Nelson is predominantly 1 or 2 storey residential houses, with some 4 storey commercial buildings (eg around NMIT) and only a few buildings of 6 storey height (eg NCC, Rutherford Hotel). It is predominantly lower height and that is the character of Nelson's residential areas. While we do need higher density I think the tallest buildings should be contained to the City or City fringe zones, not in the predominantly suburban/residential areas currently proposed as HRZ. eg not in Victory Square, Dodson Valley Road, Stoke centre, Manuka or Bronte, etc. As the plan notes say it won't all happen at once, so one or two six storey buildings sticking out like a sore thumb in amongst predominantly lower height residential areas will look weird, negatively visual effects, negatively affect the residential character, and have negative daylight effects/shading on surrounding houses if it sticks up higher than everything else in a predominately lower height residential area.	I oppose rule REr.19J –building Height –maximum 19.5m. I believe the HRZ, as marked on the new zone map, with the permitted category of buildings up to 6 storeys, 19.5m is too high and will negatively detract from the lower height character of the Nelson residential environment, will look odd, and will have negative effects on neighbouring properties visual enjoyment and sunlight. I request Council to amend rule HRZ REr.19J permitted category, such that it be changed to either: a) maximum permitted height of 4 storeys (4 is a compromise that is more in keeping with the surroundings than 6 storeys, we have existing 4 storeys in places and they look okay); or b) maximum permitted height of 3 storeys (11m), ie. amalgamating the HRZ zone with the MRZ so it is all one MRZ with no HRZ (6 storeys) Reason: with this change there will still be an increase in density overall to 3 or 4 storeys, but not to 6 storeys as a permitted activity. This will reduce the negative effects on surrounding residential areas in terms of character, visual and daylight effects. Note: If someone wants to go higher then they can apply for resource consent and be assessed, if say their property has a hill behind it so being taller won't be a lone tower sticking out on the flat surrounded by lower height housing.
-------------------	-------------------------------	----------------	---	---

Residential Zones	High Density Residential Zone	Oppose	From what I can discover off Goggle, NZ sunlight reaches approximate maximum of 29 degrees above horizon in winter, and 75 degrees above horizon in summer. Thus, in winter the shade generated by an 19m high building, with sun at 29 degrees highest, extends to aprox 30-34 metres (due south, assuming flat section and sun due north midday). With a 60deg recession a 19m building would need to be 8-9m from southern boundary. So any existing building on the southern boundary sitting closer than 30-34m would be significantly shaded. Thus this recession angle rule does not protect existing properties from the negative effects of shading/overshadowing. Studies have shown that people need natural light, natural sunlight, and if a new development comes along and blocks that is: a) not fair on existing homeowner property rights; b) not good for our houses and physical wellbeing - cold houses create damp, create extra health issues, create extra heating costs; c) not good for our mental wellbeing. The idea of a single recession angle is inadequate. You could lower the angle to say 45 degrees which would result in the development building being built further away from the boundary, but the actual shade from the sun will still be 30+ metres so all that means is it might become impracticable for the new development to fit on their site, while still creating a shade problem. Alternative: Why not make a rule that is based on the desired outcome rather than a mathematical equation. For example, in NSW and Vic Australia (courtesy of Google) instead of having a single recession angle they instead have rules about Overshadowing which are designed to ensure new developments do not take away the rights of neighbouring properties to enjoy their natural sunlight. In Vic and NSW new developments have to provide shadow diagrams with their applications showing the extent of shade created at 9am 12pm 3pm, and they are not allowed to overshadow a neighbours "windows of habitable rooms" or "private open space" by set a amounts. In NSW it shall not be reduced to less than 2 hours of direct sunlight between 9-3 as at June 21st. In Victoria any new developments need to design so residents will have at least 5 hours daylight between 9-3 on 22 September equinox . Thus, by focusing on a desired outcome the developer can design to take into account site characteristics, neighbours locations, boundaries etc, maybe make it higher in one part, lower in another. It becomes up to the developer to design so it does not significantly reduce the sunlight to neighbouring properties (ref: Littlefishproperties.com.au/blog/overshadow neighbours. ref: Victorian building regulations 2018 – Reg 83 – overshadowing of recreational private open space)	I oppose rule REr.19K – Daylight Admission 60 degrees recession. I believe a 60 deg recession plan is too steep an angle and does not adequately protect existing properties sunlight and will create too much shade on neighbouring properties. I request Council to amend RER.19K so that instead of a 60 degrees recession angle, the Council develop an outcome based rule which protects neighbours existing sunlight (eg a rule that says development shall not reduce an existing properties sunlight to less than than 2-5 hours of direct sunlight between the hours of 9-3 during worst winter months, as proven by shadow diagrams) (see explanation and attached additional pictures doco) Reason: Development is still allowed and encouraged but not to the disadvantage or the 'daylight robbery' of existing surrounding properties/houses.
----------------------	--	--------	---	--

Some submitters might say that people who live in houses on the southern slopes of hills or similar have houses with no sun and they just get used to it and they survive, so because density is needed shade is just an effect people will have to get used to. I disagree. People should not be disadvantaged by other peoples development proposals, as a permitted activity without any say or comeback. That is not the society NZ is.

While assisting development to happen via these rules Council should also aim to protect existing property rights and the health and wellbeing of all in society. Maybe the rule cannot protect 100% existing rights, but it can aim to protect a reasonable level (ie retaining sunlight to other properties during middle of day in winter)

I seek an amendment to RER.19K recession angle. I suggest that instead of a 60 degrees recession angle, the Council develop an outcome based rule which protects neighbours existing sunlight (eg x amount of hours of sun between 9-3 during winter months)

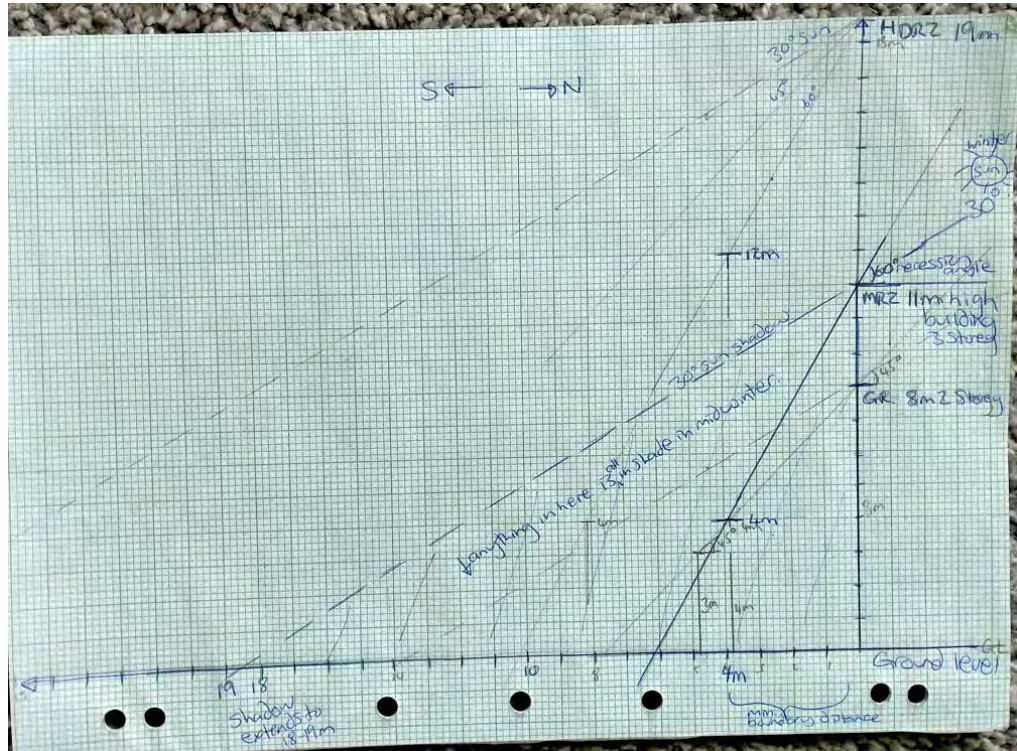
Reason: Development is still allowed and encouraged but not to the disadvantage or the 'daylight robbery' of existing surrounding properties/houses.
(attachment has diagrams, can't add into this box)

Documents included with submission

Document name	Plan change 29 submission - supporting pictures regarding recession angles and overshadowing planchange29supportingpictures.docx
File	Pictures / graphs that help demonstrate the shadow caused by 11m high MRZ building, and to support developing a new overshadowing rule instead of recession angle. (to go with submission but couldn't put in online boxes)
Description	

Attachments to go with submission by Susan Corry

1. Diagram showing recession angle and mid winter 30 degree maximum sunlight angle, to demonstrate extent of overshadowing that will occur with 11m high MRZ building.



2. Some snips taken from websites about the Vic and NSW rules about overshadowing. Given as examples to assist Council to develop a new rule to replace the 60-degree recession angle, a new rule that better focuses on outcomes and mitigating overshadowing effects.

🌱 BUILDING REGULATIONS 2018 - REG 83 🌱

Overshadowing of recreational private open space

- (1) A building must not reduce the sunlight to a [recreational private open space](#) of an existing dwelling on an adjoining [allotment](#) to the extent that less than the required minimum area of the [recreational private open space](#) has less than 5 hours of sunlight between 9 a.m. and 3 p.m. on 22 September.
- (2) If a building is to be [constructed](#) on an [allotment](#) and the existing amount of sunlight to a recreational [private open space](#) on an adjoining [allotment](#) is less than the amount required under subregulation (1), the amount of sunlight to that area must not be further reduced by the [construction](#) of the building.
- (3) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.
- (4) In this regulation the **required minimum area** of a [recreational private open space](#) is the lesser of—
 - (a) 75% of the [recreational private open space](#); and
 - (b) 40 m² with a minimum dimension of 3 m.

The shadow diagrams must:

- Shown on a separate plan for the hours of 9am, 12noon and 3pm on September 22nd (equinox)
- Include the shadow cast
- Differentiate between existing shadows and proposed shadows.



Standard A14 and B21

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

- C1** Shadow diagrams must show the effect in plan and elevation view of existing and proposed overshadowing for June 21 at hourly intervals between 9.00am and 3.00pm. Shadow diagrams at only 9.00am, 12.00 noon and 3.00pm may be acceptable where it can be clearly demonstrated that any shadowing of a window, landscaped area or private open space of an adjoining building will receive solar access in accordance with Council requirements. The shadow diagrams must:
- Be drawn to an appropriate scale (generally 1:100 or 1:200);
 - Use different colours or style to clearly differentiate between existing and proposed shadows;
 - Indicate the outline of neighbouring buildings impacted by existing and/or proposed shadowing, including the location of any windows, skylights, private open spaces, clothes drying areas, PV panels and/or solar hot water systems;

Residential Zones	High Density Residential Zone	Oppose	sunlight reaches approximate maximum of 29 degrees above horizon in winter, and 75 degrees above horizon in summer. Thus, in winter the shade generated by an 19m high building, with sun at 29 degrees highest, extends to aprox 30-34 metres (due south, assuming flat section and sun due north midday). With a 60deg recession a 19m building would need to be 8-9m from southern boundary. So any existing building on the southern boundary sitting closer than 30-34m would be significantly shaded. Thus this recession angle rule does not protect existing properties from the negative effects of shading/overshadowing. Studies have shown that people need natural light, natural sunlight, and if a new development comes along and blocks that is: a) not fair on existing homeowner property rights; b) not good for our houses and physical wellbeing - cold houses create damp, create extra health issues, create extra heating costs; c) not good for our mental wellbeing. The idea of a single recession angle is inadequate. You could lower the angle to say 45 degrees which would result in the development building being built further away from the boundary, but the actual shade from the sun will still be 30+ metres so all that means is it might become impracticable for the new development to fit on their site, while still creating a shade problem. Alternative: Why not make a rule that is based on the desired outcome rather than a mathematical equation. For example, in NSW and Vic Australia (courtesy of Google) instead of having a single recession angle they instead have rules about Overshadowing which are designed to ensure new developments do not take away the rights of neighbouring properties to enjoy their natural sunlight. In Vic and NSW new developments have to provide shadow diagrams with their applications showing the extent of shade created at 9am 12pm 3pm, and they are not allowed to overshadow a neighbours "windows of habitable rooms" or "private open space" by set a amounts. In NSW it shall not be reduced to less than 2 hours of direct sunlight between 9-3 as at June 21st. In Victoria any new developments need to design so residents will have at least 5 hours daylight between 9-3 on 22 September equinox . Thus, by focusing on a desired outcome the developer can design to take into account site characteristics, neighbours locations, boundaries etc, maybe make it higher in one part, lower in another. It becomes up to the developer to design so it does not significantly reduce the sunlight to neighbouring properties (ref: Littlefishproperties.com.au/blog/overshadow-neighbours. ref: Victorian building regulations 2018 – Reg 83 – overshadowing of recreational private open space)	Daylight Admission 60 degrees recession. I believe a 60 deg recession plan is too steep an angle and does not adequately protect existing properties sunlight and will create too much shade on neighbouring properties. I request Council to amend RER.19K so that instead of a 60 degrees recession angle, the Council develop an outcome based rule which protects neighbours existing sunlight (eg a rule that says development shall not reduce an existing properties sunlight to less than than 2-5 hours of direct sunlight between the hours of 9-3 during worst winter months, as proven by shadow diagrams) (see explanation and attached additional pictures doco) Reason: Development is still allowed and encouraged but not to the disadvantage or the 'daylight robbery' of existing surrounding properties/houses.
-------------------	-------------------------------	--------	---	--

Some submitters might say that people who live in houses on the southern slopes of hills or similar have houses with no sun and they just get used to it and they survive, so because density is needed shade is just an effect people will have to get used to. I disagree. People should not be disadvantaged by other peoples development proposals, as a permitted activity without any say or comeback. That is not the society NZ is.

While assisting development to happen via these rules Council should also aim to protect existing property rights and the health and wellbeing of all in society. Maybe the rule cannot protect 100% existing rights, but it can aim to protect a reasonable level (ie retaining sunlight to other properties during middle of day in winter)

I seek an amendment to RER.19K recession angle. I suggest that instead of a 60 degrees recession angle, the Council develop an outcome based rule which protects neighbours existing sunlight (eg x amount of hours of sun between 9-3 during winter months)

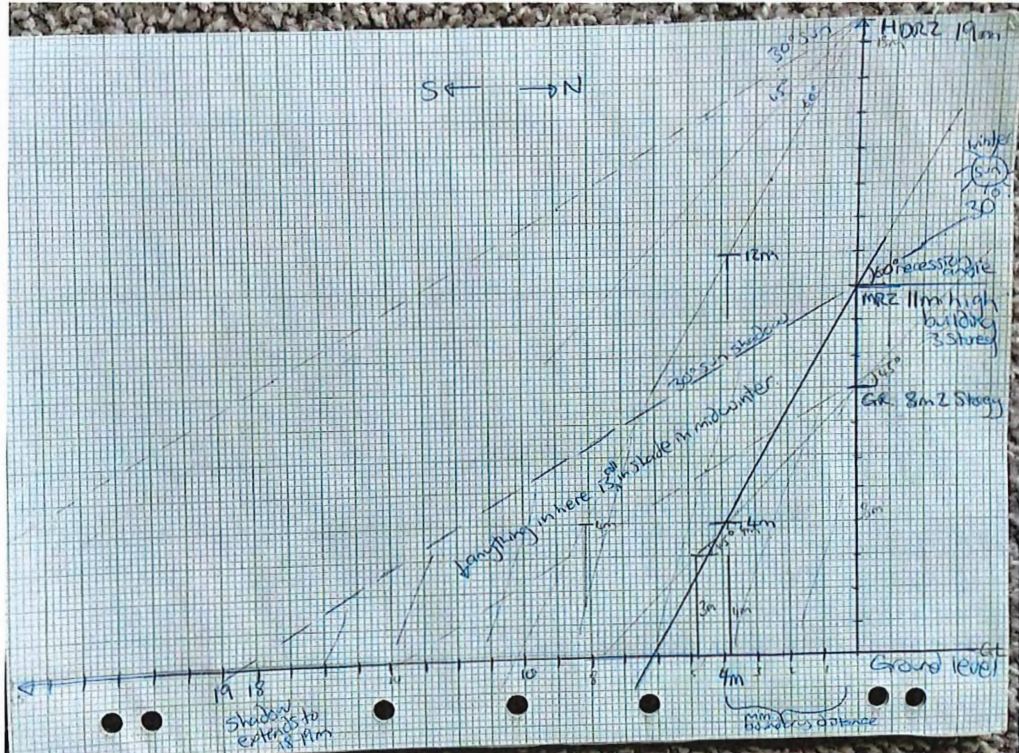
Reason: Development is still allowed and encouraged but not to the disadvantage or the 'daylight robbery' of existing surrounding properties/houses.
(attachment has diagrams, can't add into this box)

Documents included with submission

Document name	Plan change 29 submission - supporting pictures regarding recession angles and overshadowing planchange29supportingpictures.docx
File	Pictures / graphs that help demonstrate the shadow caused by 11m high MRZ building, and to support developing a new overshadowing rule instead of recession angle. (to go with submission but couldn't put in online boxes)
Description	

Attachments to go with submission by Susan Corry

1. Diagram showing recession angle and mid winter 30 degree maximum sunlight angle, to demonstrate extent of overshadowing that will occur with 11m high MRZ building.



The shadow diagrams must;

- Shown on a separate plan for the hours of 9am, 12noon and 3pm on September 22nd (equinox)
- Include the shadow cast
- Differentiate between existing shadows and proposed shadows.



Standard A14 and B21

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

- C1** Shadow diagrams must show the effect in plan and elevation view of existing and proposed overshadowing for June 21 at hourly intervals between 9.00am and 3.00pm. Shadow diagrams at only 9.00am, 12.00 noon and 3.00pm may be acceptable where it can be clearly demonstrated that any shadowing of a window, landscaped area or private open space of an adjoining building will receive solar access in accordance with Council requirements. The shadow diagrams must:
- Be drawn to an appropriate scale (generally 1:100 or 1:200);
 - Use different colours or style to clearly differentiate between existing and proposed shadows;
 - Indicate the outline of neighbouring buildings impacted by existing and/or proposed shadowing, including the location of any windows, skylights, private open spaces, clothes drying areas, PV panels and/or solar hot water systems;

S252

Voided

RMA Submission Form for Publicly Notified Plan Change 29



Return your submission by 4pm on
Tuesday 19 September 2023 to:

Senior Planning Administrator
RMA Plan Submissions
Nelson City Council
PO Box 645
Nelson 7040

(Hand delivery or courier to: Ground Floor, Civic House, 110 Trafalgar Street,
Nelson 7010 or email to: environmental.planning@ncc.govt.nz with plan
change no.29 in the subject line)

OFFICE USE
Submission No: S253
Date Received Stamp: 02-Oct-2023
NDOCs No: 539570224-16214

*Required

Submitter Details

Full Name*	SUSAN MARY HEYDON		
Organisation			
Contact Person			
Postal address*			
Telephone*	Email*	snook@xtra.co.nz	

Trade Competition*

If you are a person who could gain an advantage in trade competition through the submission your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act 1991.

- ☒ I/we **could not** gain an advantage in trade competition through this submission.
- ☐ I/we **could** gain an advantage in trade competition through this submission. If yes, please complete the following:
- ☐ I/we **are** directly affected by an effect of the subject matter of this submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
- ☐ I/we **are not** directly affected by an effect of the subject matter of this submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.

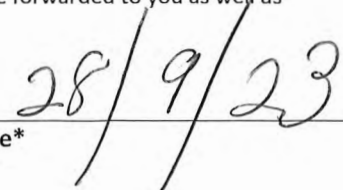
Council Hearing*

- ☐ I/we **do not** wish to be heard in support of my/our submission.
- ☒ I/we **wish** to be heard in support of my/our submission. If yes:
- ☒ I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Public information

Please note that your name and address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as council.


Signature of Submitter*
(or person authorised to sign on behalf of submitter - a signature is not required if you make your submission by electronic means)


Date*

RMA Submission Form for Publicly Notified Plan Change 29

The specific provisions of the Proposed Plan Change that my submission relates to are as follows:

- | | |
|--|--|
| ☐ Entire Plan Change | ☐ Papakāinga |
| ☐ Residential | ☐ Transport |
| ☒ Inner City and City Fringe | ☐ Mapping |
| ☐ Industrial | ☐ Infrastructure |
| ☒ Suburban Commercial | ☐ Area outside of Plan Change |
| ☐ Natural Hazards/Climate Change | ☐ Subdivision |
| ☒ Heritage | ☐ Other |

- I/we*: ☒ Oppose the Plan Change in part
☐ Support the Plan change in part
☐ Are Neutral about the Plan Change
- ☐ Oppose the Plan Change
☐ Support the Plan Change
☐ Request amendments to the Plan Change

My submission is*:

(Include whether you support or oppose the specific provisions or wish to have them amended, and reasons for your views)

1. I live at 233 HAVEN ROAD in the Commercial Suburban Zone. Increasing the height from 8 to 12 metres is not acceptable as it would destroy the amenity and environment. We have many native birds that nest here. Steyerville is an important historic area for Nelson. Our house was built in 1860. It is an historic cottage next to the church.
2. Plan 29 Does not deal with the present red tape barriers to develop obsolete buildings in Trafalgar and other Central Streets (eg 218 Trafalgar Street - Mid City Motel). The compliance costs alone to convert this building to residential apartments exceeds \$50,000 before any work commences. Plan 29 needs to address this.

RMA Submission Form for Publicly Notified Plan Change 29

I seek the following decision from the Council*:

(Give precise details, where amendments are sought, provide details below of what changes you would like to see).

Completely revise the regulations that are presently prohibiting redevelopment of obsolete central city buildings. In the near future there will be many such buildings (Banks, retailers). The present rules are out of date and prohibit development through red tape.

Note:

- 1) This form is only for the purpose of making a submission on Proposed Plan Change 29 to the Nelson Resource Management Plan. It is NOT for making a further submission (i.e., in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
- 2) It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, full contact details, etc.
- 3) Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e., Council to make a decision to refuse, amend or accept the Plan Change). Please indicate specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.
- 4) Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - a. is frivolous or vexatious.
 - b. discloses no reasonable or relevant case.
 - c. would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
 - d. contains offensive language.
 - e. is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

RMA Submission Form for Publicly Notified Plan Change 29

Return your submission by 4pm on
Tuesday 31 October 2023 to:

Senior Planning Administrator
RMA Plan Submissions
Nelson City Council
PO Box 645
Nelson 7040

(Hand delivery or courier to: Ground Floor, Civic House, 110 Trafalgar Street, Nelson 7010 or email to: environmental.planning@ncc.govt.nz with plan change no.29 in the subject line)

OFFICE USE
Submission No: <u>5254</u>
Date Received Stamp: <u>02-Oct-2023</u>
NDOCs No: <u>539570224-16215</u>

*Required

Submitter Details

Full Name*	<u>JANE V BENJAMIN GASS</u>		
Organisation			
Contact Person	<u>JANE GASS</u>		
Postal address*			
Telephone*		Email*	<u>craig.jane.gass@gmail.com</u>

Trade Competition*

If you are a person who could gain an advantage in trade competition through the submission your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act 1991.

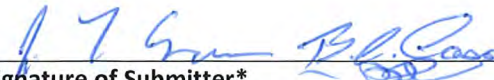
- ☒ I/we **could not** gain an advantage in trade competition through this submission.
- ☐ I/we **could** gain an advantage in trade competition through this submission. *if yes, please complete the following:*
- ☐ I/we **are** directly affected by an effect of the subject matter of this submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
- ☐ I/we **are not** directly affected by an effect of the subject matter of this submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.

Council Hearing*

- ☐ I/we **do not** wish to be heard in support of my/our submission.
- ☒ I/we wish to be heard in support of my/our submission. If yes:
- ☒ I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Public information

Please note that your name and address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as council.


Signature of Submitter*
(or person authorised to sign on behalf of submitter - a signature is not required if you make your submission by electronic means)

23/9/2023
Date*

RMA Submission Form for Publicly Notified Plan Change 29

The specific provisions of the Proposed Plan Change that my submission relates to are as follows:

- ☐ Entire Plan Change
☒ Residential
☐ Inner City and City Fringe
☐ Industrial
☐ Suburban Commercial
☐ Natural Hazards/Climate Change
☐ Heritage

- ☐ Papakāinga
☐ Transport
☐ Mapping
☐ Infrastructure
☐ Area outside of Plan Change
☐ Subdivision
☐ Other

- I/we*: ☒ Oppose the Plan Change in part
☐ Support the Plan change in part
☐ Are Neutral about the Plan Change

- ☐ Oppose the Plan Change
☐ Support the Plan Change
☐ Request amendments to the Plan Change

My submission is*:

(Include whether you support or oppose the specific provisions or wish to have them amended, and reasons for your views)

We support Plan Change 29. Intensification is necessary for Nelson + surrounding areas.

However, we do not support the residential zone in the plan change for Stoke Central.

High density residential housing is not appropriate for Stoke.

Reasons -

* Stoke is a residential community with commercial businesses catering for essential needs. eg Chemist, supermarkets, cafes etc. It is not a commercial hub like Nelson + Richmond.

* Many of its residents living in and around Stoke Central are elderly, living in grouped housing. They can easily access safely these businesses and amenities eg. Library + community centre. Bus services are also readily available if residents wish to go to the commercial centres of Nelson + Richmond.

* High Density Zoning will increase the number of people but not necessarily increase commercial ventures. The New Junction complex in Arnesbrook, opening soon, will affect this. The increase in population will also decrease safety of movement of elderly + young people around Stoke. We have seen this first hand in a small centre in Germany.

* ~~Is change~~

RMA Submission Form for Publicly Notified Plan Change 29

I seek the following decision from the Council*:

(Give precise details, where amendments are sought, provide details below of what changes you would like to see).

*To change the Central Stoke Zone from High Density
to Medium Density.

Note:

- 1) This form is only for the purpose of making a submission on Proposed Plan Change 29 to the Nelson Resource Management Plan. It is NOT for making a further submission (i.e., in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
- 2) It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, full contact details, etc.
- 3) Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e., Council to make a decision to refuse, amend or accept the Plan Change). Please indicate specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.
- 4) Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - a. is frivolous or vexatious.
 - b. discloses no reasonable or relevant case.
 - c. would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
 - d. contains offensive language.
 - e. is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

RMA Submission Form for Publicly Notified Plan Change 29

Return your submission by 4pm on
Tuesday 31 October 2023 to:

Senior Planning Administrator
RMA Plan Submissions
Nelson City Council
PO Box 645
Nelson 7040

(Hand delivery or courier to: Ground Floor, Civic House, 110 Trafalgar Street,
Nelson 7010 or email to: environmental.planning@ncc.govt.nz with plan
change no.29 in the subject line)

OFFICE USE

Submission No: 8255

Date Received Stamp:

02-Oct-2023

NDOCs No:

539570224-16216

*Required

Submitter Details

Full Name*	Kathleen May Newth		
Organisation			
Contact Person			
Postal address*			
Telephone*		Email*	Kaffeez@yahoo.co.nz

Trade Competition*

If you are a person who could gain an advantage in trade competition through the submission your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act 1991.

- ☒ I/we could not gain an advantage in trade competition through this submission.
- ☐ I/we could gain an advantage in trade competition through this submission. If yes, please complete the following:
- ☐ I/we are directly affected by an effect of the subject matter of this submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
- ☐ I/we are not directly affected by an effect of the subject matter of this submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.

Council Hearing*

- ☒ I/we do not wish to be heard in support of my/our submission.
- ☐ I/we wish to be heard in support of my/our submission. If yes:
- ☐ I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Public information

Please note that your name and address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as council.

K. M. Newth

Signature of Submitter*

(or person authorised to sign on behalf of submitter - a signature is not required if you make your submission by electronic means)

Date*

28/9/2023

RMA Submission Form for Publicly Notified Plan Change 29

The specific provisions of the Proposed Plan Change that my submission relates to are as follows:

- | | |
|---|--|
| ☐ Entire Plan Change | ☐ Papakāinga |
| ☒ Residential | ☐ Transport |
| ☐ Inner City and City Fringe | ☐ Mapping |
| ☐ Industrial | ☐ Infrastructure |
| ☐ Suburban Commercial | ☐ Area outside of Plan Change |
| ☐ Natural Hazards/Climate Change | ☐ Subdivision |
| ☐ Heritage | ☐ Other |

- I/we*: ☒ Oppose the Plan Change in part
☐ Support the Plan change in part
☐ Are Neutral about the Plan Change
- ☐ Oppose the Plan Change
☐ Support the Plan Change
☒ Request amendments to the Plan Change

My submission is*:

(Include whether you support or oppose the specific provisions or wish to have them amended, and reasons for your views)

I oppose Plan Change 29 for the Stoke area.

The planned high density (up to 6 stories) is not in keeping with the local village character. We should not have any developments higher than 3 stories. The most obvious development planned for Stoke on the "Whareama" site would totally destroy the village area if six stories are allowed to be built.

RMA Submission Form for Publicly Notified Plan Change 29

I seek the following decision from the Council*:

(Give precise details, where amendments are sought, provide details below of what changes you would like to see).

Amend Plan Change 29 to remove high density zones from the Stoke area. Either replace these zones with a medium density classification or totally revisit and reclassify.

Note:

- 1) This form is only for the purpose of making a submission on Proposed Plan Change 29 to the Nelson Resource Management Plan. It is NOT for making a further submission (i.e., in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
- 2) It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, full contact details, etc.
- 3) Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e., Council to make a decision to refuse, amend or accept the Plan Change). Please indicate specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.
- 4) Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - a. is frivolous or vexatious.
 - b. discloses no reasonable or relevant case.
 - c. would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
 - d. contains offensive language.
 - e. is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

To: Senior Planning Administrator RMA Plan Submissions Nelson City Council PO Box 645 Nelson 7040	Submitter: Full Name: <i>Diana Fors</i> Address: Telephone: Email:
--	--

- ☒ I could not obtain an advantage in trade competition through this Submission.
☐ I wish to be heard in support of my Submission at the Council Hearing.

I OPPOSE the Plan Change; and particularly the following

1. the creation of a High Density Residential Zone (HDZ), that has a max height greater than 12 m, as it is not mandated under NPS-UD 2020
2. the loss of the existing protection for sunlight to all properties, because it is critical component of residential amenity in a City as it provides warmth and energy efficiency.
3. The omission of any requirement to provide carparks in any new development

I SEEK the following decision from the Council

1. rear and Side Yard Setback of not less than 1.5 metres
2. an amendment to ensure that at least one car park is provided for each residential Unit in the areas presently proposed to be re zoned
3. That Council will prioritise Housing growth and intensification within the Inner City, before the current residential zones;

I REQUEST that Council appoints an independent Panel to hear the Submissions; and gives a further Notice extending the Closing Date for Submissions

I ACKNOWLEDGE that I have found it extremely difficult to digest the total effect of the proposed PC 29 and its supporting documentation of over 2,000 pages,

Other comments or concerns I have about Plan Change 29

*Think carefully about how this Plan
will impact on our neighbourhoods
outside of the inner city.*

Suggestion for how Nelson could solve it's "so called" housing crisis

--

I acknowledge that my name and address are required to be made publicly available

D. Fors
.....

Submitter

14/9/23
.....
Date

NB: TO BE DELIVERED TO NCC OR SENT TO environmental.planning@ncc.govt.nz by 4.00 pm

Tuesday 19th September

Received: 2/10/2023
Submission #: S257
NDOCS: 539570224-16218

**SUBMISSION ON PLAN CHANGE 29 – HOUSING AND HAZARDS
TO THE NELSON RESOURCE MANAGEMENT PLAN PURSUANT TO CLAUSE 6
OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991**

To: Nelson City Council
Freepost 76919
PO Box 645
NELSON 7040

By email: environmental.planning@ncc.govt.nz

Submitter: bp Oil New Zealand Limited
PO Box 99 873
Auckland 1149

Mobil Oil New Zealand Limited
PO Box 1709
Auckland 1140

Z Energy Limited¹
PO Box 2091
Wellington 6140

Hereafter referred to as the Fuel Companies

Address for Service: 4Sight Consulting Limited
Level 2, 214 Collingwood St
Hamilton Lake
Hamilton 3204

Attention: Miles Rowe
Phone:
Email: miles.rowe@4sight.co.nz

Date: 29 September 2023



LAND. PEOPLE. WATER.

¹ On behalf of the wider Z group, including the Z Energy and Caltex operations in New Zealand.

INTRODUCTION

1. bp Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (*the Fuel Companies*) receive, store and distribute refined petroleum products around New Zealand. In Nelson, the Fuel Companies' core business relates to retail fuel outlets including service stations and truck stops, commercial refuelling facilities and bulk storage (*terminal*) facilities.
2. The existing retail fuel activities in Nelson include the storage and use of hazardous substances (typically petrol, diesel, and LPG), the refuelling of vehicles, and often other vehicle services (air pump, car wash, etc.), and retail activities. Fuel deliveries are undertaken via tankers which occur infrequently but often without restriction in terms of frequency or times. All sites have established vehicle crossings for access and exit, buildings, and signage (often illuminated). Pump stations are located within forecourts (covered or uncovered) with associated lighting. Hours of operation vary and are not infrequently 24/7. These sites are required to comply with permitted noise limits of the district plan or limits otherwise included as conditions in an approved land use consent. The Fuel Companies' sites operate in accordance with Emergency Management Plans detailing procedures in case of emergency, including spills of hazardous substances.
3. Nelson City Council (*the Council*) has now publicly notified Plan Change 29 – Housing and Hazards (**PC29**) pursuant to Clause 5 of the First Schedule of the Resource Management Act 1991 (**RMA**).
4. The Fuel Companies' service stations, truck stops and terminals are located across the Suburban Commercial, Inner City and Industrial Zones. Many of the service stations are located at the interface with residential zones. While retail fuel activities can and do occur appropriately in a range of environments/zones, the perceived acceptability of potential adverse effects can be influenced by the intensity, sensitivity and nature of adjoining activities. This submission relates primarily to how higher density residential activities, proposed under PC29, has the potential to adversely affect the ongoing operation, maintenance and upgrade of existing lawfully established non-residential activities.
5. Many of the Fuel Companies' sites and activities are located within the Liquefaction Hazard Overlay and the Flood Area overlay. It is important that the Plan, as proposed to be amended by PC29, takes an appropriate risk-based approach when managing the risks associated with natural hazards, including recognition of activities that are not sensitive to those risks and/or are resilient to the effects of those natural hazard risks.

THE SPECIFIC PROVISIONS OF PLAN CHANGE 29 THAT THE FUEL COMPANIES' SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:

6. The specific provisions submitted on, the rationale for the Fuel Companies' submission on each of these matters, and the relief sought is contained in the attached **Schedule A**. Specific changes sought to the provisions are shown with deletions in ~~red-strikethrough~~ and additions in red underline. The Fuel Companies support alternative relief that achieves the same outcomes.
7. In addition to the specific outcomes and relief sought, the following general relief is sought:
 - a. To achieve the following:
 - i. The purpose and principles of the Resource Management Act 1991 (**RMA**) and consistency with the relevant provisions in Sections 6 - 8 RMA.
 - ii. Give effect to the Regional Policy Statement.
 - iii. Avoid duplication within the Nelson Resource Management Plan and other legislation.

- iv. Assist the Council to carry out its functions under Section 31 RMA.
- v. Meet the requirements of the statutory tests in Section 32 of the RMA.
- vi. Avoid, remedy or mitigate any relevant and identified environmental effects.
- b. To make any alternative or consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of the plan that are not specifically subject of this submission but where consequential changes are required to ensure a consistent approach is taken throughout the document.
- c. To make any other relief required to give effect to the issues raised in this submission.

THE FUEL COMPANIES WISH TO BE HEARD IN SUPPORT OF THIS SUBMISSION

IF OTHERS MAKE SIMILAR SUBMISSIONS THE FUEL COMPANIES MAY BE PREPARED TO CONSIDER PRESENTING A JOINT CASE WITH THEM AT ANY HEARING

THE FUEL COMPANIES COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION

THE FUEL COMPANIES ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THAT SUBMISSION THAT:

- I. ADVERSELY AFFECTS THE ENVIRONMENT; AND
- II. DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.

Signed on behalf of Z Energy Limited, bp Oil New Zealand Limited and Mobil Oil New Zealand Limited



Miles Rowe

Principal Planning Consultant

SCHEDULE A

Table 1: Fuel Companies submission and relief to PC29 Nelson Resource Management Plan

Provision	Position	Reasons	Relief Sought (deletions in ~~red strikethrough~~ , and additions in <u>red underline</u> (with text inserted by PC29 in <u>black underline</u>))
Chapter 5 District Wide Objectives and Policies – DO2 Natural Hazards			
Policy DO2.2.4 <i>flood hazard: subdivision, use and development in flood areas</i>	Oppose in part	It is appropriate that the policy seeks to control subdivision, use and development within Flood Areas. However, clause 6 of the policy seeks to not locate (i.e. avoid) building platforms in certain flood areas but it has no regard to the type of building or its intended use. Clause 6 appears to be inconsistent with other clauses in the Policy, such as clause 2 which ensures that the building and land use being proposed is suitable and its vulnerability to risk from the flood hazard is not increased. Also, clause 7 regarding the design, location, layout and construction of buildings and structures, including building platforms, provide resilience against and mitigate the effects of the flood hazard. It is considered that clause 6 would be appropriate for buildings that accommodate activities that are more vulnerable to the effects of floods (e.g. residential activities) but not for non-residential buildings that are not exposed to the same level of vulnerability to flood risk. The other clauses in the policy would still apply to non-residential buildings, as well as the other hazard policies in section DO2.2 (including Policy DO2.2.10, which is specific to High Flood Hazard, Floodways, or Flood Paths). Clause 9 of policy relating to the storage and use of hazardous substances in relation to the flood hazard being 'appropriately managed' is supported.	Retain Policy DO2.2.4, subject to the following amendment: <u>Control subdivision, use and development within Flood Areas to ensure:</u> ... 6. ~~building platforms~~ <u>for buildings accommodating residential activities are not located within land identified in the High Flood Hazard, Floodways, or Flood Paths;</u> 7. ...

Provision	Position	Reasons	Relief Sought (deletions in ~~red strikethrough~~ , and additions in ~~red underline~~ (with text inserted by PC29 in <u>black underline</u>))
Policy DO2.2.14 <i>liquefaction hazard: subdivision, use and development</i>	Support	The policy seeks to control subdivision, use and development within the Liquefaction Hazard Overlay so that the level of risk is acceptable. This policy is supported.	Retain Policy DO2.2.14 as notified.
Policy DO2.2.15 <i>liquefaction hazard: previously assessed and low risk activities</i>	Support	The policy applies to sites that have had a recent site-specific liquefaction assessment and where the risk to people, property and infrastructure is low. This policy is supported.	Retain Policy DO2.2.15 as notified.
Chapter 7 Residential Zone Objectives and Policies			
<i>REd.10 Residential description</i>	Oppose in part	The description in paragraph REd.10 recognises the need to have regard to the amenity of existing residential sites, but as residential densities increase, regard should also be given to reverse sensitivity effects on existing lawfully established activities, particularly at the interface with other Zones. Reverse sensitivity effects cannot be avoided once a new (sensitive) activity is allowed to establish, and therefore, must be addressed at the time of development through building design and layout.	Amend description REd.10 as follows: <u>Over time, the appearance and character of neighbourhoods will change as new development occurs, to achieve the planned built character of the zones as described in the objectives and policies. Collectively, General Residential, Medium Density Residential and High Density Residential zones enable a variety of housing densities, in a variety of forms, including detached, semi-detached, terraced housing and apartments. In achieving the planned built character of the zone, development will have regard to the amenity values of existing residential sites, acknowledging that this is more challenging as the density of development increases. ~~Residential development will also have regard to the reverse sensitivity effects on existing lawfully established activities on adjoining sites and zones.~~</u>
<i>Policy RE2.1 noise</i>	Support	The Fuel Companies support the addition to the policy addressing noise levels 'inside habitable spaces'. This change will help to manage reverse sensitivity effects on existing lawfully established activities on sites neighbouring the residential zones.	Retain amendments to Policy RE2.1 as notified.
<i>Policy RE2.9 and explanation quality living environments for residents</i>	Oppose in part	Policy RE2.1 addresses the effect of noise levels, but it is not the only effect that can result in reverse sensitivity effects. Therefore, it is appropriate that Policy RE2.9 and explanation, seeking a high standard of amenity for residents, expressly manages reverse sensitivity effects on existing lawfully	Amend Policy RE2.9 as follows: <u>Enable development of existing or new sites to create a high standard of amenity for residents, including the management of reverse sensitivity effects, within and adjoining a development.</u>

Provision	Position	Reasons	Relief Sought (deletions in ~~red strikethrough~~ , and additions in <u>red underline</u> (with text inserted by PC29 in <u>black underline</u>))
		established activities on sites neighbouring the residential zones.	Amend explanation RE2.9.i as follows: ... <i>A high standard of amenity is expected to be achieved through the use of carefully considered design techniques and features which respond to the site's context and setting, <u>including to manage reverse sensitivity effects on existing lawfully established activities on neighbouring sites</u>, and take into consideration the urban design matters detailed in DO13A - Urban Design, DO14 - Subdivision and Development and appendices 14 - Residential Subdivision Design and Information Requirements and 22 - Guidelines for Comprehensive Housing Development.</i>
Chapter 7 Residential Zone Rules (General Residential Zone, Medium Density Residential Zone and High Density Residential Zone)			
REr.17B.3, REr.18B.3, REr.19B.3 <i>Residential units</i>	Support in part	In regard to the rules for the development of four or more residential units on a site (within the General Residential, Medium Density Residential and High Density Residential Zones), the intent of the matters of discretion is supported but intensified residential activities have the potential to generate reverse sensitivity effects on lawfully established non-residential activities that are operating at the interface with residential zones. Therefore, an additional clause is sought to REr.17B.3, REr.18B.3, and REr.19B.3 that addresses reverse sensitivity effects as a matter of discretion.	In each of the rules REr.17B.3, REr.18B.3, and REr.19B.3, add a new matter of discretion as follows: <i>Development of four or more residential units on a site is a restricted discretionary activity provided:</i> <i>a.</i> <i>Discretion is restricted to:</i> <i>i. effects of the building design and development layout on:</i> <i>a. the safety and attractiveness of the street; and</i> <i>b. the quality of on-site living environments; and</i> <i>c. adjoining sites, with respect to visual dominance, daylight and sunlight, while not limiting the ability to achieve the planned built character of the zone; and</i> <i>d. the ability to provide efficient parking, access and servicing on the site that supports high quality living environments; and</i> <i>e. effects on the safe and efficient operation of the transport network; <u>and</u></i>

Provision	Position	Reasons	Relief Sought (deletions in ~~red strikethrough~~ , and additions in <u>red underline</u> (with text inserted by PC29 in <u>black underline</u>))
Chapter 8 Inner City Zone Objectives and Policies			
<i>Policy IC4A.1 residential amenity</i>	Support	Clause d. of this policy relating to acoustic insulation of residential units is supported, as this contributes to minimising reverse sensitivity effects on lawfully established non-residential activities occurring within the zone. However, changes are required in the acoustic insulation rule (ICr43A) to ensure that the policy is given effect to.	Retain policy IC4A.1 as notified. f. <u>the ability to minimise reverse sensitivity effects on existing non-residential activities on neighbouring sites.</u>
Chapter 8 Inner City Zone Rules			
<i>ICr.37D.4 Residential activity</i>	Support in part	The assessment criteria in the rule are supported, including the need to taking into account the nature of any neighbouring activities. The assessment criteria should be amended to be clear This will help to address reverse sensitivity effects on lawfully established non-residential activities occurring within the zone.	Amend assessment criteria ICr37D.4 as follows: ...b. <u>the nature of any neighbouring activity, including <i>potential reverse sensitivity effects</i>, and in the case of any activity involving hazardous substances, any risk to human health posed by that substance.</u>
<i>ICr.43A Acoustic Insulation of Buildings</i>	Oppose in part	Policy IC4A.1 requires a 'good level' of amenity for residential activities, including by acoustically insulating residential units. However, rule ICr.43A limits the acoustic insulation to only bedrooms, and so it does not fully give effect to the policy. All habitable spaces (as defined in the Plan) ² should achieve the same acoustic treatment so as to avoid reverse sensitivity effects on existing non-residential activities occurring with the zone. Use of the term "habitable space" to replace the "bedroom" is also consistent with rules REr.43A and SCr.36A for State Highway noise – Acoustic insulation). An equivalent submission point is made in relation to the Suburban Commercial Zone and the same term should be used in relation to both zones.	Amend rules ICr.43A.1, ICr.43A.3, assessment criteria ICr.43A.4 and explanation ICr.43A.5 to replace the term "bedroom" with "habitable space".

² "Habitable space" as defined in the Plan: *means the interior parts of a building used for any residential activity but excluding any bathroom, laundry, water closet, pantry, walk-in-wardrobe, corridor, hallway, lobby, clothes drying room, garage, carport or other space of a specialised nature occupied neither frequently nor for extended periods.*

Provision	Position	Reasons	Relief Sought (deletions in ~~red-strikethrough~~ , and additions in <u>red underline</u> (with text inserted by PC29 in <u>black underline</u>))
ICr.59A Flood Areas except Flood Paths or Floodways - Storage of a hazardous substance	Oppose	It is anticipated that rule ICr.59A is intended for aboveground storage of hazardous substances where such storage and associated structures would potentially be at risk during a major flood event. However, the Fuel Companies consider that the underground storage of hazardous substances, such as underground petroleum storage systems (UPSS) do not pose any risk to people, property or the environment during a flood event, and should not be subject to the rule. UPSS are installed according to industry regulations and codes of practice (including HSNOCOP 44 and HSNOCOP 45), which, amongst other measures, includes secondary containment system, leak detection systems, monitoring wells, a response plan for substance release, and interceptor and drainage systems. These measures act to minimise any flood hazard risk that in many cases is a better option than the equivalent aboveground structures. It would not be efficient or practical to require a resource consent and associated flood assessment for these underground structures where the land is within the 1% AEP. In addition, UPSS are often located in or below the watertable and in this sense are already inundated.	Amend rule ICr.59A.1 as follows: <i>In Flood Areas, except any Flood Path or Floodway, the <u>aboveground storage and use of a hazardous substance is a permitted activity where it is located within the flood plain and located in a manner so as to not be inundated from 1% AEP flood flows.</u></i> In the alternative, an exemption could be provided by the rule to the effect that it does not apply to the underground storage and use of a hazardous substances.
ICr.59E Flood Areas except Flood Paths or Floodways - Earthworks	Oppose	Rule ICr.59E restricts the volume of earthworks on a site in a flood area to a maximum of 3m³ per year of cleanfill and 25m³ of filling or excavation over 10-year period. The Fuel Companies are concerned that these volume thresholds are more restrictive than that provided the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS). In particular, for the removal or replacement of fuel storage systems, the NESCS permits up to 30m³ of earthworks for each tank in the system. While rule ICr59E is intended for a different purpose than the NESCS (i.e. to manage flooding effects, rather than managing effects on human health), the rule	Amend rule ICr.59E.1 as follows: <i>In Flood Areas, except any Flood Path or Floodway, earthworks are a permitted activity provided that the earthworks:</i> <i>is not more than:</i> <u>3m³ in each calendar year of cleanfill material per site;</u> and ~~has~~ <u>a maximum cumulative volume of filling and excavation of 25m³ per site, within any continuous period of 10 calendar years;</u> ~~or-~~ <u>is undertaken in accordance with standards in the Resource Management (National Environmental Standard for</u>

Provision	Position	Reasons	Relief Sought (deletions in ~~red strikethrough~~ , and additions in <u>red underline</u> (with text inserted by PC29 in <u>black underline</u>))
		has the effect that it would require a resource consent for earthworks that would otherwise be permitted by the NESCS. The NESCS requires compliance with standards, including the duration of the activity and ensures best practice for the removal or replacement of fuel storage systems. It is considered that the rule should permit, or otherwise exempt any earthworks activities undertaken in accordance with the NESCS.	<u>Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.</u>
ICr.71P <i>Liquefaction Hazard Overlay</i>	Support	Rule ICr.71P provides for certain buildings within a Liquefaction Hazard Overlay, such as additions to existing buildings, or new buildings that do not contain a habitable space and below specified area and height thresholds. The rule is appropriate for non-residential activities occurring with the zone and should be retained without change.	Retain rule ICr.71P as notified.
Chapter 9 Suburban Commercial Zone Objectives and Policies			
Policy SC2A.1 <i>residential amenity</i>	Support	Clause d. of this policy relating to acoustic insulation of residential units is supported, as this contributes to minimising reverse sensitivity effects on lawfully established non-residential activities occurring within the zone. However, changes are required in the acoustic insulation rule (SCr.30C.3) to ensure that the policy is given effect to.	Retain policy SC2A.1 as notified.
Chapter 9 Suburban Commercial Zone Rules			
SCr.20A <i>Residential activity</i>	Support in part	The assessment criteria in the rule are supported, including the need to taking into account the nature of any neighbouring activities. The assessment criteria should be amended to be clear This will help to address reverse sensitivity effects on lawfully established non-residential activities occurring within the zone.	Amend assessment criteria SCr.20A as follows: <u>...b. the nature of any neighbouring activity, including potential reverse sensitivity effects, and in the case of any activity involving hazardous substances, any risk to human health posed by that substance.</u>
SCr.30C.3 <i>Residential Unit – acoustic insulation</i>		Policy SC2A.1 requires a 'good level' of amenity for residential activities, including by acoustically insulating residential units. However, rule SCr.30C limits the acoustic insulation to only bedrooms, and so it does not fully give effect to the policy. All	Amend rules SCr.30C.1, SCr.30C.3, assessment criteria SCr.30C.4 and explanation SCr.30C.5 to replace the term "bedroom" with "habitable space".

Provision	Position	Reasons	Relief Sought (deletions in ~~red strikethrough~~ , and additions in <u>red underline</u> (with text inserted by PC29 in <u>black underline</u>))
		habitable spaces (as defined in the Plan) ³ should achieve the same acoustic treatment so as to avoid reverse sensitivity effects on existing non-residential activities occurring with the zone. Use of the term “habitable space” to replace the “bedroom” is also consistent with rules REr.43A and SCr.36A for State Highway noise – Acoustic insulation). An equivalent submission point is made in relation to the Inner City Zone and the same term should be used in relation to both zones.	
SCr.55A <i>Flood Areas except Flood Paths or Floodways - Storage of a hazardous substance</i>	Oppose	The Fuel Companies do not have any retail fuel activities that are within a flood area for the Suburban Commercial Zone. However, for the same reasons as noted on rule ICr.59A and consistency across the plan provisions, the Fuel Companies believe that rule SCr.55A should not apply to underground structures for hazardous substances, such as UPSS.	Amend rule SCr.55A as follows: <u>In Flood Areas, except any Flood Path or Floodway, the ~~aboveground~~ storage and use of a hazardous substance is a permitted activity where it is located within the flood plain and located in a manner so as to not be inundated from 1% AEP flood flows.</u> In the alternative, an exemption could be provided by the rule to the effect that it does not apply to the underground storage and use of a hazardous substances. Amend rule SCr.55E.1 as follows:
SCr.55E <i>Flood Areas except Floodways Earthworks</i>	Oppose	The Fuel Companies do not have any retail fuel activities that are within a flood area for the Suburban Commercial Zone. However, for the same reasons as noted on rule ICr.59A and consistency across the plan provisions, the Fuel Companies believe that rule SCr.55E should not be more restrictive than for earthworks provide under the NESCS. Rule SCr.55E should permit, or otherwise exempt any earthworks activities undertaken in accordance with the NESCS.	<u>In Flood Areas, except any Flood Path or Floodway, earthworks are a permitted activity provided that the earthworks:</u> a. <u>is not more than:</u> <u>i. 3m³ in each calendar year of cleanfill material per site;</u> <u>and</u> <u>b. ii. has a maximum cumulative volume of filling and excavation of 25m³ per site, within any continuous period of 10 calendar years; or;</u> <u>b. is undertaken in accordance with standards in the Resource Management (National Environmental Standard for</u>

³ “Habitable space” as defined in the Plan: means the interior parts of a building used for any residential activity but excluding any bathroom, laundry, water closet, pantry, walk-in-wardrobe, corridor, hallway, lobby, clothes drying room, garage, carport or other space of a specialised nature occupied neither frequently nor for extended periods.

Provision	Position	Reasons	Relief Sought (deletions in ~~red strikethrough~~ , and additions in <u>red underline</u> (with text inserted by PC29 in <u>black underline</u>))
Chapter 10 Industrial Zone Rules			
<i>Rule INr.60A Flood Areas except Flood Paths or Floodways - Storage of a hazardous substance</i>	Oppose	It is anticipated that rule INr.60A is intended for aboveground storage of hazardous substances where such storage and associated structures would potentially be at risk during a major flood event. However, the Fuel Companies consider that the underground storage of hazardous substances, such as underground petroleum storage systems (UPSS) do not pose any risk to people, property or the environment during a flood event, and should not be subject to the rule. UPSS are installed according to industry regulations and codes of practice (including HSNOCOP 44 and HSNOCOP 45), which, amongst other measures, includes secondary containment system, leak detection systems, monitoring wells, a response plan for substance release, and interceptor and drainage systems. These measures act to minimise any flood hazard risk that in many cases is a better option than the equivalent aboveground structures. It would not be efficient or practical to require a resource consent and associated flood assessment for these underground structures where the land is within the 1% AEP. In addition, UPSS are often located in or below the watertable and in this sense are already inundated.	Amend rule INr.60A as follows: <i>In Flood Areas, except any Flood Path or Floodway, the <u>aboveground storage and use of a hazardous substance is a permitted activity where it is located within the flood plain and located in a manner so as to not be inundated from 1% AEP flood flows.</u></i> In the alternative, an exemption could be provided by the rule to the effect that it does not apply to the underground storage and use of a hazardous substances.
<i>Rules INr.60E Flood Areas except Flood Paths or Floodways - Earthworks</i>	Oppose	Rule INr.60E restricts the volume of earthworks on a site in a flood area to a maximum of 3m³ per year of cleanfill and 25m³ of filling or excavation over 10-year period. The Fuel Companies are concerned that these volume thresholds are more restrictive than that provided the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS). In particular, for the removal or replacement of fuel storage systems, the NESCS permits up to 30m³ of earthworks for each tank in the system.	Amend rule ICr.59E.1 as follows: <i>In Flood Areas, except any Flood Path or Floodway, earthworks are a permitted activity provided that the earthworks:</i> <i>a. is not more than:</i> <i><u>1.3m³ in each calendar year of cleanfill material per site;</u></i> <i>and</i> <i><u>b-ii. has a maximum cumulative volume of filling and excavation of 25m³ per site, within any continuous period of 10 calendar years;</u></i> ~~or:~~

Provision	Position	Reasons	Relief Sought (deletions in ~~red-strikethrough~~ , and additions in <u>red underline</u> (with text inserted by PC29 in <u>black underline</u>))
		The NESCS is based on best practice for the removal or replacement of fuel storage systems and rule INr.60E should permit, or otherwise exempt any earthworks activities undertaken in accordance with the NESCS.	<u>b. is undertaken in accordance with standards in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.</u>
INr.72A Liquefaction Hazard Overlay	Support	Rule INr.72A provides for certain buildings within a Liquefaction Hazard Overlay, such as additions to existing buildings, or new buildings that do not contain a habitable space and below specified area and height thresholds. The rule is appropriate for non-sensitive activities occurring in the Industrial Zone and should be retained without change.	Retain rule INr.72A as notified.

Online submission

This is a submission that was made online via the Council's website.

Submitter No.	S258
Submitter Name	Sarah Rapsey
Submitter first name	Sarah
Submitter surname	Rapsey
Submitter is contact	Yes
Email	sarah_rapsey@windowslive.com
Wish to be heard	No
Joint presentation	No
Trade competition	I could not gain an advantage in trade competition through this submission.
Directly affected	N/A
Withhold contact details?	No

Submission points

Plan section	Provision	Support/oppose	Reasons	Decision sought
Residential Zones	Medium Density Residential Zone	Oppose in part	The residential areas of Stoke should not be high or medium density. Six stories high makes sense only in the CBD and three stories high makes sense for around the City areas, but not in areas such as flat areas of Stoke.	The residential areas of Stoke should not be high or medium density.

Documents included with submission

None

Online submission

This is a submission that was made online via the Council's website.

Submitter No.	S259
Submitter Name	Shelagh Noble
Submitter first name	Shelagh
Submitter middle name	Catherine
Submitter surname	Noble
Submitter is contact	Yes
Email	shelaghnoble@hotmail.com
Wish to be heard	Yes
Joint presentation	Yes
Trade competition	I could not gain an advantage in trade competition through this submission.
Directly affected	N/A
Withhold contact details?	No

Submission points

Plan section	Provision	Support/oppose	Reasons	Decision sought
Entire Plan Change	General opposition	Oppose in part	Please refer to Items 1-8 listed in my written submission.	The Council should withdraw the residential provisions of Plan Change 29; and prepare a variation based on matters raised in my detailed submission

Documents included with submission

Document name	Submission on Plan Change 29
File	submissiononplanchange29.docx
Description	

Submission on Plan Change 29
Nelson City Council

From
Shelagh Noble MNZPI

shelaghnoble@hotmail.com

To Whom it May Concern

I wish to register my concern about the Medium Density and High Density provisions proposed in Plan Change 29, and I do NOT support them in their current form. I would urge Council to do further analysis and prepare a Plan Change variation, in regard to these provisions.

Please note that I support in principle, provisions that would allow, enable and encourage more dwellings within the existing residential areas, however the extent of the proposed zoning and zoning rules are not adequately supported by the analysis in the section 32 Evaluation Report and Appendices.

I also support full non-notification provisions under the RMA (and under the NBEA), provided the community can be confident that the rules will minimise adverse effects on adjoining properties (particularly in relation to solar access), and together with other Council processes create good design outcomes. The community also needs to be confident that the Council will not hesitate to decline poorly designed proposals. Under such circumstances the Applicant would have a hearing, an opportunity to amend the proposal or seek redress through the Environment Court mediation and hearings process. The Council would need to defend its decision. I firmly believe this is the role of Council and Council planners. I believe that relying on the community through public and limited notification puts undue pressure on the community to do the job of Council and Council planners, and adds hugely to the cost of development.

The proposed Medium Density and High Density provisions are designed to avoid the need to seek a resource consent. Why is this? I suggest that because of the current notification provisions under the RMA (and NBEA) it is very costly for anyone (even someone wishing to adapt their own existing dwelling) to navigate the resource consent process. If Council wishes to achieve more dwellings, Council can do a number of things: for example, waive fees on medium and high density resource consents; increase rates on valuable underutilised land that would be appropriate for high density; and waive development contributions. These actions would incentivise dwelling conversions, encourage better use of large sites, and help target sites for higher density development. However, such proposals should be consented (and subdivision already requires this); and – provided the rules are appropriate – be granted as Controlled Development without full or limited notification. I DO support the placement of a

notice on a property where a resource consent has been lodged, so that neighbours are kept informed, may view proposals and even provide comment, should timeframes allow, however this is suggested as an informal process and would not trigger extensive submissions and an expensive hearing process. This is a common practice in other countries, and is not mandated in the RMA. There is nothing preventing Council from adopting such a strategy.

I will now outline why I think the Plan Change 29 proposed zoning framework and rules are NOT appropriate in their current form.

1. It is unlikely that a developer would construct a six storey building for only 3 dwellings – therefore there is no need for a ‘permitted’ category in any High Density zone.
2. The proposed High Density zones surrounding Nelson City were not part of the previously consulted Whakatu Nelson Plan (now on hold). Interestingly, they WERE suggested in the Future Development Strategy but the extent has been increased. I suggest the High Density zone be absorbed into the Medium Density zone, and specific sites and locations for high density be targeted through the policy framework following further analysis, and consented as Discretionary under the Medium Density rules.
3. The Urban Design analysis by Barker & Associates is based solely on proximity to the Central Business District, hence justifying the extension of the High Density zone. Council has undertaken a thorough hazard analysis, and a heritage study to exclude some residential areas from the Medium and High Density zones, but no ‘character analysis’ of these areas has been done. The section 32 Evaluation Report admits this. A character analysis should include land/capital ratio analysis (to determine properties likely to be demolished); a figure/ground analysis to identify large underutilised allotments (that might lend themselves to future amalgamation with neighbours and/or new dwellings on site); identification of possible large dwellings that might be developed into multiple dwellings; as well as identification of buildings and other features that contribute to streetscape character although they may not warrant heritage listing nor be part of a heritage precinct.
4. The ‘Planned Built Character’ of the proposed new zones is taken from the Medium Density Standards developed as part of the National Policy Statement on Urban Development, and included in the Resource Management Act (Enabling Housing Supply and Other Matters) Amendment Act 2021. This ‘Planned Built Character’ simply suggests that the character of a Medium Density area is 3 storeys and a High Density area is 6 storeys. I suggest this is NOT the desired character of the areas proposed for these zones. These standards are now in a ‘draft’ National Planning Framework due to go before a Board of Enquiry in 2024. These standards are currently mandatory for Tier 1

Councils (Nelson is a Tier 2 Council). Plan Change 29 has used these standards as a guide, and has in fact amended the standards to suit Nelson, however the critical aspect of the standard (the recession plane), has not been altered, nor tested in the areas proposed for medium and high densities.

5. The current standards for daylight admission in the Nelson Resource Management Plan are well-researched and tested. They are designed specifically for Nelson, understood by the development community, and easily accessible in Appendix 15 of the Residential Zone in the current Nelson Resource Management Plan. In my view these standards should be retained for a permitted activity, if permitted activity status is retained for up to 3 storeys. If there is a breach of this standard then 'discretionary activity status' with non-notification clauses (ie no full notification and no limited notification), would support increasing density provided Council could allow neighbours to be informed (by way of a notice on the property as described above). This way there is no risk of an expensive hearing and possible appeals which only serve to discourage development.
6. The section 32 Evaluation report considers the efficiency and effectiveness of limited options – do nothing, or adopt the rule provisions as proposed. A cost benefit analysis follows, which acknowledges that change may have some adverse effects. It then goes on to say that the risks are acceptable. I argue strongly that the risk analysis is inadequate. In a risk analysis you must consider both the likelihood of something happening, and then the consequences. The economic report in the Appendices has looked at supply and demand in terms of capacity allowed by the Medium and High Density provisions in Plan Change 29. It shows in a graph that the capacity is WAY higher than any likely demand (so Council has plenty of room to reduce the areas proposed for such zoning following character analysis) – so the likelihood of adverse effect is low. However, the consequences of random high rise buildings (and I use the word random) could be devastating on the existing (undefined) character; and even a building of 3 storeys could radically affect solar access to an adjoining property under the proposed standard. Such travesties should not be enabled.
7. There is no consideration in the section 32 Evaluation of the non-notification provisions that are in Plan Change 29 – these would preclude full notification, but likely trigger limited notification to neighbours, but only in certain circumstances. This is very unclear. My position on notification (both full and limited) is stated above.
8. And finally, with increasing density one would expect increasing storm water. Some analysis of storm water neutrality is missing from the plan change proposal. Any variation might consider the use of mandatory water tanks with the outflow positioned at a halfway point.

Such devices would serve the purpose of both detention of storm water (to lessen flooding effects) and retention of rainwater for domestic use.

I lay my case, and urge Council to do a more fine-grained character analysis and come back with a Variation to Plan Change 29. I suggest that High Density zones are not necessary and 6 storey development can be better targeted to specific sites and locations. I would prefer that neighbours are informed if a 3 storey development is going to occur next door (by way of a site notice), but I do not support any formal legal notification.

However, given we are technically in a Climate Emergency and this is one of the main drivers of Plan Change 29 (along with making housing more affordable by increasing supply); a simple change to the current proposal to remove the High Density zone and retain the current daylight admission standards for permitted development would go a long way.

I also wish to acknowledge the efforts of Council planners in bringing Plan Change 29 forward, however I am aware that a limited budget has resulted in broad-brush rather than fine-grained analysis. Councillors should look closely at the process currently underway for Tasman District Council (Richmond on the Rise), especially as both Councils are required to combine their planning documents under new legislation.

Thank you for reading this, and I wish to speak to my submission.

Shelagh Noble
Member of the New Zealand Planning Institute

4 October 2023

Online submission

Received: 31/10/2023
NDOCS-539570224-18380

This is a submission that was made online via the Council's website.

Submitter No.	S260
Submitter Name	Rikki-Lee Hanna
Submitter first name	Rikki-Lee
Submitter surname	Hanna
Submitter is contact	Yes
Email	rikkilee.hanna@extra.co.nz
Wish to be heard	Yes
Joint presentation	Yes
Trade competition	I could not gain an advantage in trade competition through this submission.
Directly affected	N/A
Withhold contact details?	No

Submission points

Plan section	Provision	Support/oppose	Reasons	Decision sought
Entire Plan Change	General support	Oppose in part	Because I was born in Nelson and I'm keen to see its natural space preserved for future generations.	I am completely in support of housing intensification, it's necessary for sustainable development. Furthermore nelson comparatively to the rest of the world is such a small city, this proves a fairly unique opportunity in the 21 century to be able to design a beautiful prosperous city. Using the Dutch as an example of well done intensification, imagine what they could've done if they were only 200 years into their urban development. To ensure Nelson's safety in terms of flood risk, underground garaging could serve as a mitigation tool for new builds I also implore you to make it compulsory that new builds for intensification purposes are biophilic by design. It's a fact that people suffer when they don't have access to nature, we know that it harms indigenous communities and being able to allow endemic species to thrive in our city would make it magic. (Plus big apartment buildings that aren't designed functionally and beautifully are terrible to look at and you'll never get community buy in it they're sterile and hideous). Peace

Online submission

This is a submission that was made online via the Council's website.

Submitter No.	S261
Submitter Name	William Freeman
Submitter first name	William
Submitter middle name	Francis
Submitter surname	Freeman
Submitter is contact	Yes
Email	freefletch@xtra.co.nz
Wish to be heard	Yes
Joint presentation	Yes
Trade competition	I could not gain an advantage in trade competition through this submission.
Directly affected	N/A
Withhold contact details?	No

Submission points

Plan section	Provision	Support/oppose	Reasons	Decision sought
Residential Zones	High Density Residential Zone	Oppose in part		A. Not allow more than 2 storeys on Wakefield Quay/SH 6 - and escarpment overlooking that road. B. Retain Wakefield Quay precinct C. Do not allow on-street parking in Unclassified streets

A. Submit Objective D02.2 (natural hazards) not achieved.

Accept Objective is to recognize and avoid significant risks from natural hazards to people, property and infrastructure. "Natural hazard" includes slope instability and objective is to ensure 'activities' do not occur where there is potential for injury to persons or 'significant' damage to property and infrastructure when the natural hazard could be avoided or mitigated through management of the activity.

Accepted the first step, is to identity areas susceptible to natural hazards (D02.2.1) by way of overlays on planning maps. But submitted that has not fully occurred.

There is evidence of numerous slips along SH 6/Wakefield Quay and the potential for slips to occur in the future.

See map attached for details of slips to date (slips marked with black dots as seen by submitter).

The proposed General Residential zone (allowing no more than 2 storeys) in the Victoria Road/Fifeshire Crescent area along the escarpment and back to Britannia Heights is acceptable to the submitter. But our concern is that if the proposed previous change N104 (to allow more than 2 storeys on the cliff top overlooking Wakefield Quay) was to be granted at a later date, as indicated by th NCC planner, the additional weight of 2+ storeys could transfer instability to the land below any such building.

It seems that Slope Instability Area 2 extends along the rear boundaries of properties from Harbour Terrace (nearly) to Stafford Walk; the rear boundaries of those properties appears to end at the top of the escarpment overlooking SH 6/Wakefield Quay.

Submitted that to allow intensification/development along the top of the escarpment could lead to further instability of the escarpment, particularly if multiple houses are permitted - and if so, the weight of those houses could lead to further instability of the escarpment.

Documents included with submission

Document name	Plan 29 maps
File	plan291.3.jpg
Description	Map 1 of 3

Document name	Plan 29 maps
File	plan292.3.jpg

Description	Map 2 of 3
Document name	Plan 29 maps
File	plan293.3.jpg
Description	Map 3 of 3

Noting that Objective D02.2 is to 'avoid significant risks to people, property and infrastructure, it is submitted that the remedy is to retain the status quo, or restrict development to single storey (if at all).

B. Reinstate Wakefield Quay precinct.

Submit no valid reason to delete provisions for Wakefield Quay Precinct. This area is often described as the 'jewel in Nelson's crown'.

Probable that the provisions protecting the Wakefield Quay precinct do not fit with proposals for intensification of Wakefield Quay - but information available to Council (assuming prior geo tech reports for many properties along Wakefield Quay) should persuade Council to leave the Wakefield Quay Precinct protected under the existing Plan.

Submit the special character of the area has not changed and no reason to change by deleting the current protection.

C. No requirement for off street parking

The Nelson Residential Street Frontage guidelines (November 2013) provides that "Garages and areas for vehicle maneuvering on or off-site should be carefully located. Reverse manoeuvring onto Unclassified streets is encourage as it assists with calming vehicle speeds ...An acceptable means of reducing speed is to permit on street parking to reduce lane widths where adequate sight lines are available"

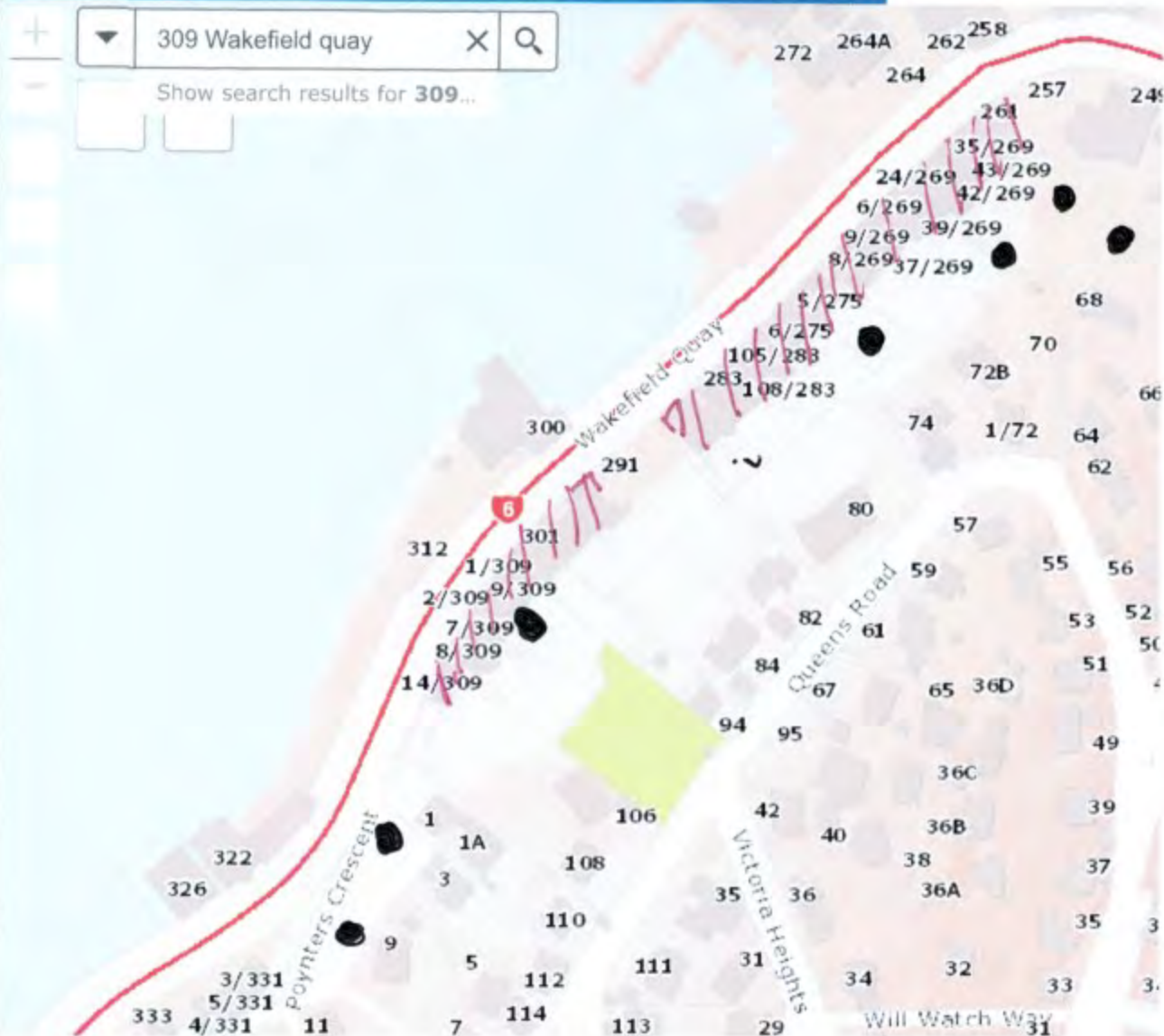
The basic premise of that statement is that cars should primarily be parked off street - and on street parking may assist with calming vehicle speeds but only "...where adequate sight lines are available".

Further, the Guidelines state that the rules are aiming to achieve "...a residential street that gives priority to the pedestrian experience as it is safe and pleasant to walk in".

Allowing vehicles to park on Unclassified streets (mostly narrow and only 1.5 lanes wide) is dangerous to pedestrians, who have been seen dodging in and out between parked cars to avoid moving vehicles.



Top of the South Maps

Nelson City Council
te kaitiaki o tairāwhititasman
DISTRICT COUNCIL

60m

10/23/2023 14:03:00

All Rights Reserved

2/3



Top of the South Maps

Nelson City Council
te kaitiaki owhiriakitasman
DISTRICT COUNCIL

309 Wakefield quay



Show search results for 309...



60m

1622243 50.111097 Metres

All Rights Reserved



SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29 Submission #5262

To: Senior Planning Administrator RMA Plan Submissions Nelson City Council PO Box 645 Nelson 7040	Submitter: Full Name: SARAH ANN DIGGES CATOUCHE Address: Telephone: Email: sarah@calisso.com
--	--

- ☒ I could not obtain an advantage in trade competition through this Submission.
☒ I wish to be heard in support of my Submission at the Council Hearing.

I OPPOSE the Plan Change; and particularly the following

1. the creation of a High Density Residential Zone (HDZ), that has a max height greater than 12 m, as it is not mandated under NPS-UD 2020
2. the loss of the existing protection for sunlight to all properties, because it is critical component of residential amenity in a City as it provides warmth and energy efficiency.
3. The omission of any requirement to provide carparks in any new development

I SEEK the following decision from the Council

1. rear and Side Yard Setback of not less than 1.5 metres
2. an amendment to ensure that at least one car park is provided for each residential Unit in the areas presently proposed to be re zoned
3. That Council will prioritise Housing growth and intensification within the Inner City, before the current residential zones;

I REQUEST that Council appoints an independent Panel to hear the Submissions; and gives a further Notice extending the Closing Date for Submissions

I ACKNOWLEDGE that I have found it extremely difficult to digest the total effect of the proposed PC 29 and its supporting documentation of over 2,000 pages,

Other comments or concerns I have about Plan Change 29

Highrise community housing has been proven in numerous countries throughout the world to be unsustainable and socially disadvantageous. Nelson is a tourism town & the people of Nelson do not support high rise housing. Do not allow short sighted, limited planning, ruin Nelson City please.

Suggestion for how Nelson could solve it's "so called" housing crisis

low rise (no more than 3 stories high) pepper pot in fill housing, with supported parking, throughout Nelson would be a more integrative approach to Nelson's housing situation. Habitat for Humanity's Model for additional housing appears to be integrative & sustainable.

I acknowledge that my name and address are required to be made publicly available

Sarah Catouche
Submitter

Tuesday 12th September 2023
Date

NB: TO BE DELIVERED TO NCC OR SENT TO environmental.planning@ncc.govt.nz by 4.00 pm

Tuesday 19th September

RMA Submission Form for Publicly Notified Plan Change 29



Return your submission by 4pm on
Tuesday 31 October 2023 to:

Senior Planning Administrator
RMA Plan Submissions
Nelson City Council
PO Box 645
Nelson 7040

(Hand delivery or courier to: Ground Floor, Civic House, 110 Trafalgar Street,
Nelson 7010 or email to: environmental.planning@ncc.govt.nz with plan
change no.29 in the subject line)

OFFICE USE
Submission No: S263
Date Received Stamp: 6-Oct-2023
NDOCs No: 539570224-16238

*Required

Submitter Details

Full Name*	LYNDEN JOHN PENKETH		
Organisation			
Contact Person	LYNDEN PENKETH		
Postal address*			
Telephone*	Email*	penketh@extra.co.nz	

Trade Competition*

If you are a person who could gain an advantage in trade competition through the submission your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act 1991.

- ☒ I/we could not gain an advantage in trade competition through this submission.
- ☐ I/we could gain an advantage in trade competition through this submission. *if yes, please complete the following:*
- ☐ I/we are directly affected by an effect of the subject matter of this submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
- ☐ I/we are not directly affected by an effect of the subject matter of this submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.

Council Hearing*

- ☒ I/we do not wish to be heard in support of my/our submission.
- ☐ I/we wish to be heard in support of my/our submission. If yes:
- ☐ I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Public information

Please note that your name and address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as council.

Signature of Submitter*

(or person authorised to sign on behalf of submitter - a signature is not required if you make your submission by electronic means)

Date*

28/9/23

RMA Submission Form for Publicly Notified Plan Change 29

The specific provisions of the Proposed Plan Change that my submission relates to are as follows:

- | | |
|---|--|
| ☐ Entire Plan Change | ☐ Papakāinga |
| ☒ Residential | ☐ Transport |
| ☐ Inner City and City Fringe | ☐ Mapping |
| ☐ Industrial | ☐ Infrastructure |
| ☐ Suburban Commercial | ☐ Area outside of Plan Change |
| ☐ Natural Hazards/Climate Change | ☐ Subdivision |
| ☐ Heritage | ☐ Other |

- | | | |
|--------|--|---|
| I/we*: | ☒ Oppose the Plan Change in part | ☐ Oppose the Plan Change |
| | ☐ Support the Plan change in part | ☐ Support the Plan Change |
| | ☐ Are Neutral about the Plan Change | ☒ Request amendments to the Plan Change |

My submission is*:

(Include whether you support or oppose the specific provisions or wish to have them amended, and reasons for your views)

I oppose six-storey developments in stoke. as they would not be in keeping with the village suburbs.

Of particular, and most immediate concern, is my understanding that the Whareama Hospital site could be developed up to six stories. if Plan Change 29 proceeds

RMA Submission Form for Publicly Notified Plan Change 29

I seek the following decision from the Council*:

(Give precise details, where amendments are sought, provide details below of what changes you would like to see).

The amendment to the Plan for Stoke should be to change High-density areas surrounding the town/shopping centre to Medium-density of up to three storeys.
The result of just two higher density areas would likely be more acceptable to the Stoke residents.

Note:

- 1) This form is only for the purpose of making a submission on Proposed Plan Change 29 to the Nelson Resource Management Plan. It is NOT for making a further submission (i.e., in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
- 2) It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, full contact details, etc.
- 3) Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e., Council to make a decision to refuse, amend or accept the Plan Change). Please indicate specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.
- 4) Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - a. is frivolous or vexatious.
 - b. discloses no reasonable or relevant case.
 - c. would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
 - d. contains offensive language.
 - e. is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

Received - 4/10/23
Submission: 5264

To: Senior Planning Administrator RMA Plan Submissions Nelson City Council PO Box 645 Nelson 7040	Submitter: Full Name: <u>Dharan Longley</u> Address: Telephone: Email: <u>dharanlongleynz@gmail.com</u>
--	---

- ☒ I could not obtain an advantage in trade competition through this Submission.
☒ I wish to be heard in support of my Submission at the Council Hearing.

I OPPOSE the Plan Change; and particularly the following

1. the creation of a High Density Residential Zone (HDZ), that has a max height greater than 12 m, as it is not mandated under NPS-UD 2020
2. the loss of the existing protection for sunlight to all properties, because it is critical component of residential amenity in a City as it provides warmth and energy efficiency.
3. The omission of any requirement to provide carparks in any new development

I SEEK the following decision from the Council

1. rear and Side Yard Setback of not less than 1.5 metres
2. an amendment to ensure that at least one car park is provided for each residential Unit in the areas presently proposed to be re zoned
3. That Council will prioritise Housing growth and intensification within the Inner City, before the current residential zones;

I REQUEST that Council appoints an independent Panel to hear the Submissions; and gives a further Notice extending the Closing Date for Submissions

I ACKNOWLEDGE that I have found it extremely difficult to digest the total effect of the proposed PC 29 and its supporting documentation of over 2,000 pages,

Other comments or concerns I have about Plan Change 29

The whole "plan" needs to be thrown out and rethought entirely. Council MUST consult all Nelson residents, then actually truly incorporate all their wishes and objections into a new plan, that does not impose on existing single or two storey homes, these absurd 3 to 6 storey high-rise 'intensive' structures

Suggestion for how Nelson could solve it's "so called" housing crisis

* For heavens sake please start acting on what WE are telling you!

- ① Council should allocate inner-city buildings for 'intensification' only, & NOT ruin existing neighbourhoods with there completely inappropriate highrise buildings.
- ② Truly listen to and act on what Nelsonians are telling you, versus paying lip-service to "consultation", then overriding it.

I acknowledge that my name and address are required to be made publicly available

③ NCC must represent us!

Dharan Longley
.....
Submitter

30/9/23
.....
Date

NB: TO BE DELIVERED TO NCC OR SENT TO environmental.planning@ncc.govt.nz by 4.00 pm

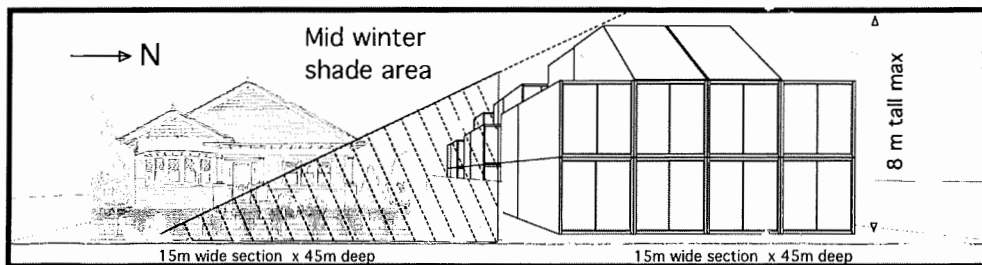
Tuesday 19th September

NPOCS: 639570224-16239

NELSON'S "your sunlight" DAYLIGHT ROBBERY!

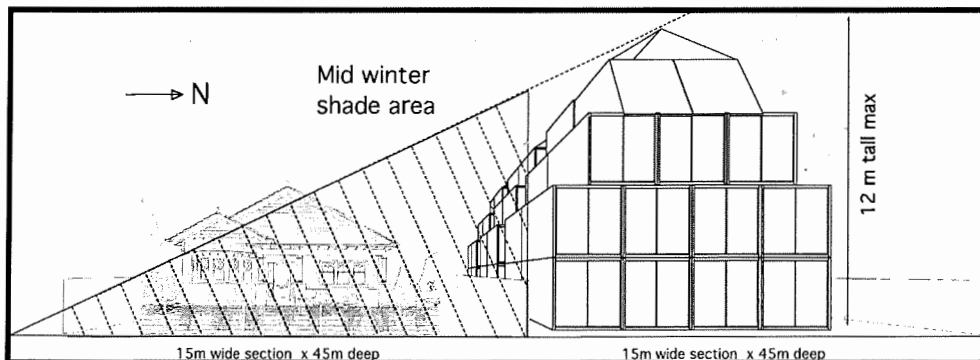
Nelson City Council is planning drastic changes to Nelson's urban environment, giving developers "As Of Right" to build 3 types of mass infill - no input by you!

General Residential Zone - GRZ



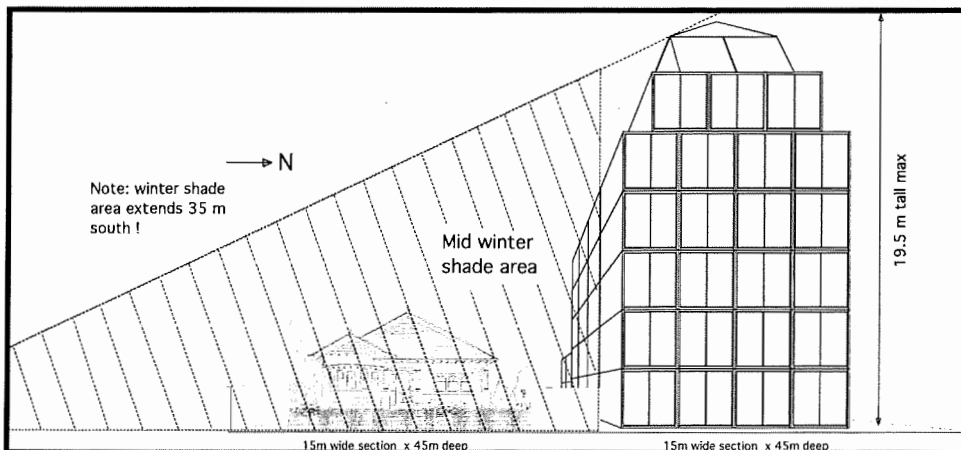
Three x's 2 story houses - 2+ units per building up to 550 sq m of habitable space. Can be just 1 m from lot line - 8 m tall. ~ 45 - 20' containers stacked up on your boundary without ANY say from you!! **NO PARKING REQUIRED**

Medium Density Zone - MDZ



Three x's 3 story houses - 3+ units per building up to 1000 sq m of habitable space. Can be just 1 m from lot line - 12 m tall. ~ 65 - 20' containers stacked up on your boundary without ANY say from you!! **NO PARKING REQUIRED**

High Density Zone - HDZ



Apartment complex - up to 45 units in the building up to 2000 sq m of habitable space - can be just 1 m from lot line - 19.5 m tall approx. ~ 120 - 20' containers stacked up on your boundary !!

**NELSON
NEEDS
YOU TO
HAVE
YOUR SAY !**

Check YOUR
Re-Zoning at
Shape Nelson
-ePlan

"MAKE YOUR
VOICE HEARD"

Submissions
close on 19th
September

FaceBook
Stop Plan
29

Email
stopplan29@gmail.com

- NO PARKING REQUIRED

SS265

Voided

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

Received: 9/10/2023
Sub No: S266
NDocs: 539570224-16368

To: Senior Planning Administrator RMA Plan Submissions Nelson City Council PO Box 645 Nelson 7040	Submitter: Full Name: <i>Luke Slotemaker</i> Address: Telephone: Email: luke.slotemaker@gmail.com
---	--

- ☒ **I could not** obtain an advantage in trade competition through this Submission.
- ☐ **I wish** to be heard in support of my Submission at the Council Hearing.

I OPPOSE the Plan Change; and particularly the following

1. the creation of a High Density Residential Zone (HDZ), that has a max height greater than 12 m, as it is not mandated under NPS-UD 2020
2. the loss of the existing protection for sunlight to all properties, because it is critical component of residential amenity in a City as it provides warmth and energy efficiency.
3. The omission of any requirement to provide carparks in any new development

I SEEK the following decision from the Council

1. rear and Side Yard Setback of not less than 1.5 metres
2. an amendment to ensure that at least one car park is provided for each residential Unit in the areas presently proposed to be re zoned
3. That Council will prioritise Housing growth and intensification within the Inner City, before the current residential zones;

I REQUEST that Council appoints an independent Panel to hear the Submissions; and gives a further Notice extending the Closing Date for Submissions

I ACKNOWLEDGE that I have found it extremely difficult to digest the total effect of the proposed PC 29 and its supporting documentation of over 2,000 pages,

Other comments or concerns I have about Plan Change 29

Suggestion for how Nelson could solve it's "so called" housing crisis

I acknowledge that my name and address are required to be made publicly available

[Signature]
.....
Submitter

09/10/2023.
Date

**NB: TO BE DELIVERED TO NCC OR SENT TO environmental.planning@ncc.govt.nz by 4.00 pm
Tuesday 19th September**

RMA Submission Form for Publicly Notified Plan Change 29

Return your submission by 4pm on
Tuesday 31 October 2023 to:

Senior Planning Administrator
RMA Plan Submissions
Nelson City Council
PO Box 645
Nelson 7040

(Hand delivery or courier to: Ground Floor, Civic House, 110 Trafalgar Street,
Nelson 7010 or email to: environmental.planning@ncc.govt.nz with plan
change no.29 in the subject line)

OFFICE USE
Submission No: 5267
Date Received Stamp: 9-Oct-2023
NDOCs No: 539570224-16388

*Required

Submitter Details

Full Name*	RICHARD TERRY MORRIS		
Organisation	LOCAL RESIDENT		
Contact Person			
Postal address*			
Telephone*		Email*	PAM. RTM@GMAIL.COM

Trade Competition*

If you are a person who could gain an advantage in trade competition through the submission your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act 1991.

- ☒ I/we **could not** gain an advantage in trade competition through this submission.
- ☐ I/we **could** gain an advantage in trade competition through this submission. *if yes, please complete the following:*
- ☒ I/we **are** directly affected by an effect of the subject matter of this submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
- ☐ I/we **are not** directly affected by an effect of the subject matter of this submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.

Council Hearing*

- ☒ I/we **do not** wish to be heard in support of my/our submission.
- ☐ I/we wish to be heard in support of my/our submission. If yes:
- ☐ I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Public information

Please note that your name and address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as council.


Signature of Submitter*
(or person authorised to sign on behalf of submitter - a signature is not required if you make your submission by electronic means)

6/10/23
Date*

RMA Submission Form for Publicly Notified Plan Change 29

The specific provisions of the Proposed Plan Change that my submission relates to are as follows:

- | | |
|--|--|
| ☐ Entire Plan Change | ☐ Papakāinga |
| ☒ Residential | ☐ Transport |
| ☒ Inner City and City Fringe | ☐ Mapping |
| ☐ Industrial | ☒ Infrastructure |
| ☐ Suburban Commercial | ☐ Area outside of Plan Change |
| ☐ Natural Hazards/Climate Change | ☐ Subdivision |
| ☐ Heritage | ☐ Other |

- I/we*: ☐ Oppose the Plan Change in part
☐ Support the Plan change in part
☐ Are Neutral about the Plan Change
- ☒ Oppose the Plan Change
☐ Support the Plan Change
☐ Request amendments to the Plan Change

My submission is*:

(Include whether you support or oppose the specific provisions or wish to have them amended, and reasons for your views)

I strongly disagree with Plan 29 for the following reasons.

1. The existing population density is seriously short of Drs, Nurses Hospital Beds, Social Services & Police. This can be backed up by the Council's & Government's own statistics.
2. Increased density of population gives rise to increased criminal activity & social unrest - exacerbating the foregoing infrastructural shortages - this again being backed by Government statistics.
3. Multi storey development in an already developed area will seriously detract from the open & pleasant aspect of Nelson & overshadow a great deal of private property - including the use of solar power - and blighting it's otherwise amenable situation.
4. The effects of dense populations are properly described by the work of Dr. Calhoun & it is particularly relevant with International figures supporting his findings.
5. It is a fact that there is empty Council controlled as well as private residential property and commercial premises. How can that be when pressure is on for accommodation?

RMA Submission Form for Publicly Notified Plan Change 29

I seek the following decision from the Council*:

(Give precise details, where amendments are sought, provide details below of what changes you would like to see).

I want the rejection of Plan 29 for the serious effects high density population - particularly as the existing density is seriously short of Drs, Nurses, Hospital capacity, Social Services & Police - all major infrastructure requirements. Provision of which, coupled with the proper use of existing Council & privately owned properties should be of the first priority. A recent news paper article invites 'Living, Working & Studying in Nelson/Tasman District - such an activity will exacerbate the above listed shortages. It does not take long to find out that high density living brings more social problems and an increase in violence. Having lived for over 50 years in such conditions, it is clear that the proposers of the above 'Plan' have no idea of the mess their intentions will create.

Note:

- 1) This form is only for the purpose of making a submission on Proposed Plan Change 29 to the Nelson Resource Management Plan. It is NOT for making a further submission (i.e., in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
- 2) It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, full contact details, etc.
- 3) Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e., Council to make a decision to refuse, amend or accept the Plan Change). Please indicate specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.
- 4) Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - a. is frivolous or vexatious.
 - b. discloses no reasonable or relevant case.
 - c. would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
 - d. contains offensive language.
 - e. is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

Received: 9/10/2023
 Sub No: 5268
 NDOCs: 534570224-16391

To: Senior Planning Administrator RMA Plan Submissions Nelson City Council PO Box 645 Nelson 7040	Submitter: Full Name: RICHARD Stephen PALMER Address: 1 Telephone: Email: pre@xtra.co.nz
--	--

- ☒ I could not obtain an advantage in trade competition through this Submission.
☒ I wish to be heard in support of my Submission at the Council Hearing.

I OPPOSE the Plan Change; and particularly the following

1. the creation of a High Density Residential Zone (HDZ), that has a max height greater than 12 m, as it is not mandated under NPS-UD 2020
2. the loss of the existing protection for sunlight to all properties, because it is critical component of residential amenity in a City as it provides warmth and energy efficiency.
3. The omission of any requirement to provide carparks in any new development

I SEEK the following decision from the Council

1. rear and Side Yard Setback of not less than 1.5 metres
2. an amendment to ensure that at least one car park is provided for each residential Unit in the areas presently proposed to be re zoned
3. That Council will prioritise Housing growth and intensification within the Inner City, before the current residential zones;

I REQUEST that Council appoints an independent Panel to hear the Submissions; and gives a further Notice extending the Closing Date for Submissions

I ACKNOWLEDGE that I have found it extremely difficult to digest the total effect of the proposed PC 29 and its supporting documentation of over 2,000 pages,

Other comments or concerns I have about Plan Change 29

FURTHER ADDITION to the above under

2: It is a major fact that sunlight has a psychological benefit to prevent depression.
 Sunlight keeps me warm, saves money and make me happy.

Suggestion for how Nelson could solve it's "so called" housing crisis

I would be in agreement and support intensive development of the inner city, Especially the area north of Nile St to the Maitai River. Rutherford St East along Halifax St to the River and a line along ALTON ST to Nile St. THERE ARE many areas within these boundaries that can and should support intensive housing development. Bring life back to the inner city, get rid of the old buildings and tidy the inner city up.

I acknowledge that my name and address are required to be made publicly available

R. Palmer
me:...

Submitter

4th October 2023

Date

My family came to Nelson on the "Phoebe" in 1843

I am 80 years old

NB: TO BE DELIVERED TO NCC OR SENT TO environmental.planning@ncc.govt.nz by 4.00 pm

Tuesday 19th September 3/10/2023

PC29 submission – Lew Metcalfe

My submission is:

1. I accept there is a need for more intensive residential housing development in central Nelson in order to provide for long term population growth but more importantly to help create a vibrant and more sustainable inner-city population. Appropriate planning policies and rules are necessary to achieve these aims. The Nelson Tasman Future Development Strategy 2022–2052 (FDS) provides a sound basis from which to develop suitable Policies and Rules.
2. As a result of attendance at some of the PC29 public meetings, it is clear that many residents, particularly near the Inner-city zone, are very concerned about PC29. This is indicative of the public fear PC29 has generated because:
 - It is a large and complex Plan Change that requires a high level of knowledge to understanding and to interpret what the implications are for individuals and Nelson city as a whole.
 - The meetings are well attended because a large number of residents, who currently enjoy the close proximity to the city centre, are ‘captured’ by the proposed High Density Residential Zone (HRZ).
 - Residents sense that the value of their homes and life savings is potentially at risk and their overall social well-being such as their loss of privacy, loss of sunlight, loss of community, loss of mental well-being, loss of parking and the like are at risk. For existing residents near the city centre, in the proposed HRZ, these values are extremely important and reasonable expectations to retain.
 - Residents believe that these closely held social and amenity values are at risk of being lost. This is based on an overall understanding that the proposed PC29 Policies and the Permitted and Restricted Discretionary rules are designed to encourage the construction of multi-storey residential buildings in an un-planned, un-disciplined and random manner within the HRZ.
 - The Policies and Rules allow limited opportunity for the community to be consulted. Consents might be “notified” but because the rules ‘allow’ many issues associated with development of a multi-storey building (ie: they are Permitted or Restricted Discretionary) the scope of the matters that could be reasonably challenged or considered by submissions or in Court is constrained and is often beyond what individuals can afford. In addition, many issues that trigger notification or non-compliance can often be negotiated or resolved resulting in the development still going ahead.
 - there is virtually no neighbourhood or community planning (a tool that the FDS identifies as a primary means to ensure good urban design occurs) about where to best locate such developments (ie; it appears they could be randomly located within the HRZ and determined by where developers acquire sufficient land). Once the Policies and Rules are operative, any input from “neighbourhood planning” is superficial rather expressly mitigating or avoiding the effects on individuals or the community. Planning needs to occur before the rules become operative.

3. I am strongly opposed to all of the proposed policies and rules in PC29 for the following reasons:

- a) the s32 report (section 1.3) states that PC29 is an “interim response while the Draft Nelson Plan is on hold, in recognition that housing supply and affordability is a critical issue within Nelson. A full plan review will be progressed once the new legislation, the Natural and Built Environment Act (NBEA) and Spatial Planning Act (SPA) are in place.”

PC29 proposes a significant change to the existing policies and rules in the NRMP that has the potential to affect the largest investment many residents in the Medium Density residential Zone (MRZ) have, being their home. The changes are designed to enable housing intensification for the long term (at least until 2051) which does not reflect an “interim response”. Nor is it appropriate that the policies and rules should be so substantial in the knowledge that “a full review” will be necessary in the near future. Intensification in the city centre will be a ‘slow burning’ incremental change. PC29 is a long term response rather than a short term one and in its current form is not supported by the analysis of the demand for such housing. There are better options available to achieve the FDS aims and to meet government legislation requirements while also hearing and integrating community feedback.

- b) PC29 lacks the necessary evidence that PC29 will adequately address the most critical issue for Nelson being “housing ... affordability” as identified by the Nelson Tasman Future Development Strategy 2022-2052 (FDS). Intensification is more likely to provide a greater range of housing options but the Plan Change s32 report fails to support the other principal aim of PC29 that by providing greater housing supply via increased housing intensification will result in greater “affordability”. Affordability (ie: home ownership) is definitely less likely to be achieved especially in the current times of high costs of construction, high interest rates and overall high costs of living.
- c) The High Density Residential Zone (HRZ) is too large and extends unduly beyond the Inner City Zone. It is well understood that housing intensification in Nelson city will be incremental rather than something that will occur overnight. Therefore, it is suggested that PC29 should strongly reflect the ‘slow moving’ future demand and capacity requirements of housing construction, especially as PC29 is intended to be an “interim response” and lack of neighbourhood planning.

The large and extensive area within HRZ zone allows for developers to cherry-pick sites as they become available or as they purchase them. This will result in up to six storey housing developments to be located randomly within the zone rather than focusing HRZ intensification policies and rules on the inner city where potential adverse impacts can be minimised or contained across a smaller area and therefore affecting fewer people but still achieving the desired outcomes and advantages of inner-city growth. If we observe cities around the world the tall buildings are clustered in one area. The policies and rules for housing intensification will always be subject to review and in the future this can happen to accommodate changing needs but the proposed HRZ is significantly too extensive for the demands and capacity requirements of the next 30 years.

The report by Market Economics, May 2023, Appendix 1G states, p71 “*we consider that in some locations the spatial extent of the HDR zone is large relative to the local market*”

size and may result in development that is less integrated with the central node of amenity in the short to medium-term. This relates to the southern extension of the zone from the Inner-City node.”

App 1G also states, p68 “It is important to consider the spatial extent of any intensification provisions as this is likely to affect the type of urban form outcomes that are achieved, and the costs and benefits that flow from these development patterns. The spatial extent of the provisions determines whether there is likely to be sufficient differentiation of development intensities across the urban area. The benefits of intensification rely on a level of concentration of growth around key nodes of accessibility and sufficient differentiation of these patterns within the urban area....

The spatial extent of provisions that apply to the highest density development (e.g. vertically attached apartments) is also important to appropriately encourage growth that functions together with the centre and encourage development patterns that are appropriate for the surrounding urban environment. If the spatial extent of higher density development provisions are too large, then this may result in higher density developments occurring opportunistically within parts of the area that are less likely to function together with the centre. Moreover, these developments could potentially absorb a high share of the total higher density market demand. This may therefore reduce the likelihood of this development occurring elsewhere in locations that are more likely to function together with the centre and achieve the intensified urban form concentrated around centres. The concentration of growth into the core parts of accessible areas enables more efficient infrastructure provision. This occurs through the higher density of demand as well as the timing and sequencing of growth. If intensification provisions are too widespread, then this reduces the ability to achieve infrastructure efficiencies and may increase infrastructure costs through the requirement to supply increased infrastructure across larger areas due to the possibility of intensification.”

App 1G, p5 “at the total level, the capacity enabled under the proposed planning provisions is large relative to the projected long-term demand, including when assessed specifically within the existing urban area. Under the proposed provisions, the total capacity amounts to around five to nine times the level of long-term demand.”

My view is that the HRZ is too extensive, especially as an interim response, is also supported by the App 1G report when considering demand and capacity, certainly in the short term but even in the long term (next 30 years) .

- d) There is a lack of neighbourhood planning being applied as part of, or required by PC29 rules and policies, and I am unable to locate an annual FDS implementation plan which would guide a more incremental and effects-based approach. I understand that neighbourhood planning is intended to occur after PC29 is operative. Surely, once the rules and policies are established it seems difficult for neighbourhood planning to be of much value when the location of multi-storey buildings is entirely determined by a developer / applicant acquiring the land.

The FDS section 15.3 states that:

“Within intensification areas, neighbourhood planning is primarily a tool for refining the land use and density patterns and determining the infrastructure needed to support the increased housing and commercial densities proposed. It will explore whether existing open spaces, transport connections, amenities and other infrastructure are fit for purpose, and evaluate whether improvements are needed. Because intensification within existing urban areas occurs slowly over time, neighbourhood planning can happen at the same time, or after, land is zoned for intensification.

The FDS does not include detailed timing for when growth areas will be rolled out over the next 30 years, given the need to be responsive to changing market dynamics. The FDS implementation plan, which is updated annually, will identify and update the staging and roll out of growth areas, in response to market information and feedback, and annual monitoring results. This will inform the Councils’ Long Term Planning processes.

It is suggested that undertaking neighbourhood planning first should be a requirement of PC29 as it is likely to provide greater guidance for developers, involve the community as demand increases for intensification and will help minimise adverse impacts.

- e) While legislation requires Council to include certain Permitted Activities and possibly some Restricted Activities (Medium Density Residential Standards & RMA Enabling Housing Supply Act 2021) in the Rules, there is opportunity to ensure a full assessment of the effects of intensification are considered and subject to community scrutiny.

One of primary community fears is that PC29 unduly constrains or possibly negates public input to multi-storey development under PC29 in a residential zone and that Council doesn’t have the ability to manage potential effects on behalf of the community either. This leaves individual residents and the community vulnerable to the wishes and needs of a developer. Making as many rules as possible with a Discretionary or Non-Complying status is necessary to even the playing field and to ensure all relevant matters are thoroughly considered before a consent is issued for new residential intensification. That PC29 is an “interim” response, that demand is considered low and that there has been no neighbourhood planning (ie; very little engaged community input to date) strengthens the need for rules and policies that require all new residential housing developments to be rigorously considered by Council and the community through the “Notified” consent process.

- f) PC29 analysis (s32 report) has failed to consider any of the social aspects of the new zones.

The possibility, either real or potential, of a multi-storey residential building being constructed and occupied immediately adjacent to or in the nearby vicinity of other residential homes will have multiple and often substantial social impacts on those people and communities. The proposed HRZ extends across many existing residential properties and those homeowners have very valid and realistic concerns that they could lose important mental health, amenity and well-being values, such as sunshine, outlook, privacy and the like, if a high-rise residential building was constructed next to them or nearby. The risk of this can be minimised by well-considered zone boundaries and neighbourhood planning occurring before the policies and rules are operative.

Remedies sought:

1. PC29 should be withdrawn and good community engagement and neighbourhood planning completed before it is re-notified in the future.
2. If substantial changes occur to PC29 as a result of the submission / hearing / decision process then PC29 should be withdrawn and re-drafted.
3. Alternatively, if PC29 is retained, the Policies and Rules must reflect the interim and short term (10 year) position and demand / capacity analysis rather than a 30 year long term time-frame. If PC29 is retained:
 - a. The HRZ must be reduced. High Density Residential policies and rules allowing up to six storey residential building developments must apply only to the Inner City and Inner-City Fringe Zones.
 - b. The General Residential Zone (GRZ) Policies and Rules to apply beyond the Inner City and Inner-City Fringe Zones (ie: delete the MRZ zone).
 - c. Only rules and their status that are required by government legislation are to be retained in PC29 with all other rules for the construction of multi-storey residential developments within all Residential Zones to be Discretionary Activities or Non- Complying status and that the application be Notified.
 - d. Include a rule for multi-storey residential applications in the HRZ & GRZ requiring applicants to provide an analysis of the social and amenity well-being impacts of the development.
 - e. Neighbourhood planning, as referred to in the FDS, to be undertaken prior to PC29 becoming operative.

I wish to be heard in support of my submission.



Lew Metcalfe

lewmetcalfe@gmail.com

8 October 2023

Online submission

This is a submission that was made online via the Council's website.

Submitter No.	S270
Submitter Name	Nicola Horner
Submitter first name	Nicola
Submitter middle name	Anne
Submitter surname	Horner
Submitter is contact	Yes
Email	nicola@replenishbeauty.co.nz
Wish to be heard	Yes
Joint presentation	Yes
Trade competition	I could not gain an advantage in trade competition through this submission.
Directly affected	N/A
Withhold contact details?	No

Submission points

Plan section	Provision	Support/oppose	Reasons	Decision sought
Entire Plan Change	General opposition	Oppose	Our larger sections in the suburb of Stoke are long and narrow, developers will build vertically on the section blocking sunlight and all privacy will disappear on sections either side. If you go ahead with plan 29 and I prayer you do not. My suggestion is to remove the one blanket rule. What might work well on the large area on the 81 Neale ave section, will not work around the general areas of Stoke. All buildings should not be any higher then 2 stories, I lived in Margate, England there is a large building there called the Arlington House poking out of the beautiful sea side town of margate, I think the ugliness of that building speaks for itself. Must provide car parking!, it would be very naive of any council member to think no family member living in one of these homes, would not own a car. When driving around Stoke I am swerving in and out around the parked cars, giving way to drivers driving the other way. Do not leave the aesthetics of the suburb up to individual developer, they are just thinking of the money trying to build at the cheapest cost. If all these submissions fall on deaf ears, I would expect all house owners to be given heavy discounts in Rates or even compensated for the loss of property value they might occur.	I am 100 percent against plan 29. Laws are there to protect everyone from any wrongdoing , but it is unnerving when laws to protect us are taken away or "changed" in this case. There would be no homeowner in the entire Nelson region that would want a three-story-plus building built beside them, taking away most or all of their sunlight, privacy, and views. Three stories built in our beautiful suburbs is too high, two stories would be the limit, as long as sunlight for surrounding neighbors' is considered. Common sense, thoughtfulness, and common courtesy might be too much to ask from the Nelson City Council for their ratepayers, but I have hope. Veryconcerned about our beautiful Nelson region.

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

Received: 30/10/23
Sub No: 5270
Docs: 539570224-18084

To: Senior Planning Administrator RMA Plan Submissions Nelson City Council PO Box 645 Nelson 7040	Submitter: Full Name: Nicola Horner Address: Telephone: Email: nicola@replenishbeauty.co.nz
--	---

- ☒ I could not obtain an advantage in trade competition through this Submission.
☒ I wish to be heard in support of my Submission at the Council Hearing.

I OPPOSE the Plan Change; and particularly the following

1. the creation of a High Density Residential Zone (HDZ), that has a max height greater than 12 m, as it is not mandated under NPS-UD 2020
2. the loss of the existing protection for sunlight to all properties, because it is critical component of residential amenity in a City as it provides warmth and energy efficiency.
3. The omission of any requirement to provide carparks in any new development

I SEEK the following decision from the Council

1. rear and Side Yard Setback of not less than 1.5 metres
2. an amendment to ensure that at least one car park is provided for each residential Unit in the areas presently proposed to be re zoned
3. That Council will prioritise Housing growth and intensification within the Inner City, before the current residential zones;

I REQUEST that Council appoints an independent Panel to hear the Submissions; and gives a further Notice extending the Closing Date for Submissions

I ACKNOWLEDGE that I have found it extremely difficult to digest the total effect of the proposed PC 29 and its supporting documentation of over 2,000 pages,

Other comments or concerns I have about Plan Change 29

I oppose the plan change, it will give developers too much freedom to Build whatever they want, with no thought to surrounding home owners; 3 stories is too high in a suburban area.

Suggestion for how Nelson could solve it's "so called" housing crisis

Build up the CBD.

I acknowledge that my name and address are required to be made publicly available

.....
Nicola Horner

Submitter

27/10/23
.....
Date

NB: TO BE DELIVERED TO NCC OR SENT TO environmental.planning@ncc.govt.nz by 4.00 pm

Tuesday 19th September

Online submission

This is a submission that was made online via the Council's website.

Submitter No.	S271
Submitter Name	Garry Pettersson
Submitter first name	Garry
Submitter middle name	Charles
Submitter surname	Pettersson
Submitter is contact	Yes
Email	garryp49@yahoo.co.nz
Wish to be heard	Yes
Joint presentation	No
Trade competition	I could not gain an advantage in trade competition through this submission.
Directly affected	N/A
Withhold contact details?	No

Submission points

Plan section	Provision	Support/oppose	Reasons	Decision sought
Residential Zones	General Residential Zone	Amend	With Councils objective of increased residential intensification these two sites would enable a modest form of intensification with a upgrade of zoning and the lower minimum site permitted in the GRZ. The reasons being these sites 1. Do not have any flood overlays imposed 2. Are in close proximity to the inner city 3. There are examples in the proposed Plan Change where change of zones is not dependent on being in ' Blocks' 4. The rest of the Block have some form of flood overlay on their land and appear to be reasonably zoned 5 To have the two properties zoned General Residential zone it would be a compatible transition from the high density zoned land on the south side of Hardy street to Standard Residential Zone for the other properties in the block.	The Properties at 102 Tasman Street and 353 Hardy Street be rezoned from Residential Standard Zone to General Residential Zone

Online submission

This is a submission that was made online via the Council's website.

Submitter No.	S272
Submitter Name	Bruno ALLAIS
Submitter first name	Bruno
Submitter middle name	Pierre
Submitter surname	ALLAIS
Submitter is contact	Yes
Email	allbru159@xtra.co.nz
Wish to be heard	Yes
Joint presentation	Yes
Trade competition	I could not gain an advantage in trade competition through this submission.
Directly affected	N/A
Withhold contact details?	No

Submission points

Plan section	Provision	Support/oppose	Reasons	Decision sought
				At least, restrict the necessary intensification only to the Mixed Use and Centre City zones of the draft of PC29. At best oppose this PC29 with its inappropriate and excessive regulation and lack of progressive phases. The project is drawn without a quality of life plan nor a vision of an urban housing and architectural concept that are really committed the current climate issues. No infrastructure program accompanies it, no policy is announced to encourage social diversity in housing for intensification objective. Apart from a list of few heritage buildings, no consideration is given to the current architectural and urban landscape. This is exposed to the risk of being purely replaced by a densification thanks new buildings authorised by regulations in which quality, aesthetics and energy performance become an afterthought if not absent.

1/ Confusing and inadequate communication in relation to the ambitious challenges

At the end of August 2023, my direct neighbour told me that she would soon be putting up a three dwelling three-storey building a metre from our boundary. And that our neighbours opposite and their own neighbours will also have the opportunity to build such units a metre from each other boundaries. Not me (our house is a heritage site). Was this a joke? No, but it was my way of finding out about Plan Change 29, Nelson's intensification plan for 2052.

Second surprise: this ambitious project is already at the stage of a very complex technical regulation. The online document, said to be 300 pages long and written in technocrat's jargon, is broken up like a puzzle into chapters, annexes and appendices, constantly sending the reader from index to index, like a Ping Pong ball. It is probably a fine tool for professionals, in which urban planners, developers and architects will be able to find the information they are looking for. But with no translator and only two months to go, it's a tool that is totally inaccessible to the layperson who, dumbfounded, tries first of all to find out what the finished image of this puzzle will look like in order to form an opinion of Nelson for the next thirty years.
desirable

The third surprise is that PC29 is nothing more than an amendment to the NRPM, which was drawn up at length and approved in 2022. At the time, the NRPM had only received "over 560 submissions". That's just over 1% of Nelson's population. Does this mean that 99% of the population didn't care? Or that communication was never up to the task of generating interest and support from the public?

2/ Design before regulation

Intensification is a necessity, the stakes are colossal and the ambition could be great. But what kind of design do we want for our city? Should it retain its personality? What

quality of life will it offer? How can we build on Nelson's current capital, i.e. its architectural landscape, street by street, block by block, district by district? What architectural dialogue should be established between past and future? How can densification be adapted to the existing grid of lots and streets? What urban planning and housing concepts are desirable to meet the challenges of climate change and the evolution of society in terms of work, leisure, family and old age? What role should water, vegetation and solar energy (passive and active) play in these designs? What are the accompanying infrastructures? How should pedestrian and vehicle traffic, public and private, services and deliveries, household waste management in private lots and street collection be organised in this densely populated city? How can new social life spots (café shop, small shops or service points) be integrated into these denser residential areas? What policy to encourage a social diversity in denser areas?

In short, shouldn't we first define the future we want before drafting the regulations that will enable it to be implemented. And not the other way round, as Plan Change 29 is currently presented without design.

Because all these aspects interact with each other, they influence our lifestyles and architecture, and they mould the quality of a city. There are a few scattered intentions in Plan Change, but they are very theoretical, often hollow and not very productive. I didn't find a clear, ambitious and concrete summary of them in these documents, nor did I really hear their importance at the public meetings to support the basis of the PC 29 presented. Why not launch a competition of ideas beforehand, synthesising the issues, thoughts and current solutions in terms of urban housing concepts that many architects, town planners and landscape architects around the world are already working on? A competition of this kind would be a sound basis for reflection and a way of getting the public involved in a constructive debate, rather than delivering a rigid document whose main memorable features are the figures, %, height, distances, surface area... which, accumulated, can

produce a horrendous monster.

3/ Gradual regulation, steps by steps and by zones

The aim is to increase the number of dwellings, in terms of density and verticality, in order to absorb population growth. To achieve this, the NCC has introduced the PC 29 tool, but nevertheless explains : In the capacity calculations in the Nelson Tasman Future Development Strategy, it is assumed that 15% of potentially suitable sites will be developed over the next 30 years using conservative estimates about the density of development that might occur. Do these 15% meet the needs of the growing population? If so, why extend regulations that can triple the number of units to all zones G, M and H density (at least to all properties that currently have only one unit, i.e. the vast majority of cases)? And then leave the implementation of densification solely to the opportunistic interests of the property market? At the risk of ending up with a fragmented urban landscape made up of a series of dense sites, poorly integrated into an airy, planted residential tissue. an urban landscape a bit like a toothless mouth!

Why not provide a better framework for this intensification by 2052 by means of a progressive project, stage by stage, zone by zone? With time between each stage to correct the objectives and concentrate the essential infrastructure efforts. Logically, the first stage should be restricted to the densification of the Mixed Use and Centre City zones.

4/ Reducing the use of discretionary and restricted discretionary activities in sensitive residential areas General, Medium and High density

This discretionary process aspect is not specific to PC 29, but its impact here is major. This power is exercised without the knowledge of the public, except that it is limited to the accumulation of regulatory layers of templates building and to infrastructures. We were told (at the Trafalgar Centre meeting) that, in the case of a project with an exceeding authorised activity

submitted for building consent, this exceeding could not be granted if the public infrastructures would not yet allow it. Does this mean that, on the other hand, the infrastructure (access, security, electricity, water, sewerage, refuse collection, public transport, etc.) is currently sufficient for all (3 to 6 storeys) authorised projects?

The use of the building consent process could allow construction in excess of the permitted dimensions, which are already a source of concern for residents. So what greater level of concern should they have if an extension to the height, floor area or number rule is added without their knowledge? Couldn't the cases subject to discretionary planning be reduced to certain conditions, such as a minimum land size or a specific location within each zone?

5/ Adapting to the existing urban fabric

The planned intensification will be done on an already existing fixed plan, that of the town's current lots and streets. The PC 29 plan does not anticipate any eventual regrouping of lots (for example, to encourage a particular operation that does not allow a small section), or any transformation of streets. In addition, the regulations are applied equally to the entirety of each zone (G, M or H density), with no nuances regarding the character of the different blocks within each zone. However, the morphology of the sections, their orientation in relation to the sun, the existing vegetation, the mainly two storey architecture and the current quality of many intimate, balanced and planted blocks are not taken into account by the Change 29 plan, since it authorises their densification until the existing buildings are replaced without any precautions of the existing buildings. While the streets surrounding them sometimes do not even allow two cars to pass each other. While they have a good number of inland lots with difficult access and the sewage networks meander haphazardly through private lots depending on the buildings successively constructed by the past. While the regulations of the new plan do not show any reserved locations or plans for safety, services or public transport

and other transit facilities to compensate for the double impact of not requiring private car parks and the increase in housing...

In our immediate environment, here are a few examples where the regulations are generalised and not adapted to the sub-sectors of each zone :

5a/ The upper part of SHELBOURN Street leading to Bronte Street is narrow. On one section, two cars cannot pass each other. Classified as a High Density zone with 6 storeys permitted. Is this street suitable for such buildings size, especially as there is no requirement to build a car park?

5b/ The Collingwood/Brougham/Scotland/Bronte streets block is zoned Medium density. Two-thirds of the lots are along the streets, but a dozen or so are in second line, inside the block. Is the authorised densification easy and safe given their narrow accesses?

5c/ The Ngatawa/Hampden/Rutherford/van Diemen streets block is a beautiful, airy block with interesting two storey houses and well-kept gardens. It is surrounded by three roads with difficult traffic flow and some inland properties. However, this block will yet be located in a high-density area (6 storey buildings), which means there is a huge risk of losing its current harmonious character with much greater pressure from the traffic.

6/ Clarification on Heritage : Building adjoining or minor change? One dwelling or more?

Our own land is located in Medium zone and its heritage building is classified A. It is not clear what authorised rules apply and whether such a site is excluded or not from any participation in the desired intensification.

The regulations only mention that "minor change" is permitted. Elsewhere, the regulations specify that "building adjoining" is limited to 8 m (compared with 11 m for our neighbours). So, adjoining building or minor change? How can 8m be any better than i.e 4m, 6m, 9m or 11m for guaranteeing

the architectural value of the property to be conserved? Heritage properties are unique. What is the logic of adopting such a standard height rule that is technically and aesthetically unjustified, without taking into account the value and quality of the building, its appearance, its surroundings or the morphology of the land?

While the heritage site plays little or no role in intensification, it could however suffer the consequences by being dominated, or even crushed, by the possible erection of 3 to 6 storey buildings in its immediate surrounding. Is this the best way to maintain the value of the property, its play of proportions and architectural details which are sometimes guided by its environment, its orientation to the sun or its urban role? It looks like to place it under a glass cloche like a lifeless item in a museum, with no architectural dialogue with the surrounding buildings; an item that does not interact with the evolution of the city's design

S273

Voided

RMA Submission Form for Publicly Notified Plan Change 29



Return your submission by 4pm on
Tuesday 19 September 2023 to:

Senior Planning Administrator
RMA Plan Submissions
Nelson City Council
PO Box 645
Nelson 7040

(Hand delivery or courier to: Ground Floor, Civic House, 110 Trafalgar Street, Nelson 7010 or email to: environmental.planning@ncc.govt.nz with plan change no.29 in the subject line)

OFFICE USE
Submission No: 5274
Date Received Stamp: RECEIVED 25 OCT 2023
Customer Service NDOCS No: 539570224 -17686

*Required

Submitter Details

Full Name*	ROBERT RENSHAW		
Organisation			
Contact Person			
Postal address*			
Telephone*	Email*	bob.renshaw@extra.co.nz	

Trade Competition*

If you are a person who could gain an advantage in trade competition through the submission your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act 1991.

- ☒ I/we ~~could~~ not gain an advantage in trade competition through this submission.
- ☐ I/we ~~could~~ gain an advantage in trade competition through this submission. *if yes, please complete the following:*
- ☐ I/we ~~are~~ directly affected by an effect of the subject matter of this submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
- ☐ I/we ~~are not~~ directly affected by an effect of the subject matter of this submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.

Council Hearing*

- ☒ I/we ~~do not~~ wish to be heard in support of my/our submission.
- ☒ I/we wish to be heard in support of my/our submission. If yes:
- ☒ I/we ~~would~~ be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Public information

Please note that your name and address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as council.

Signature of Submitter*

(or person authorised to sign on behalf of submitter - a signature is not required if you make your submission by electronic means)

25/10/23

Date*



Nelson City Council
Te Kaunihera o Whakatū

RMA Submission Form for Publicly Notified Plan Change 29

The specific provisions of the Proposed Plan Change that my submission relates to are as follows:

- | | |
|---|--|
| ☐ Entire Plan Change | ☐ Papakāinga |
| ☐ Residential | ☐ Transport |
| ☐ Inner City and City Fringe | ☐ Mapping |
| ☐ Industrial | ☐ Infrastructure |
| ☐ Suburban Commercial | ☐ Area outside of Plan Change |
| ☐ Natural Hazards/Climate Change | ☐ Subdivision |
| ☐ Heritage | ☐ Other |

- | | | |
|--------|---|---|
| I/we*: | ☐ Oppose the Plan Change in part | ☐ Oppose the Plan Change |
| | ☐ Support the Plan change in part | ☐ Support the Plan Change |
| | ☐ Are Neutral about the Plan Change | ☐ Request amendments to the Plan Change |

My submission is*:

(Include whether you support or oppose the specific provisions or wish to have them amended, and reasons for your views)

RMA Submission Form for Publicly Notified Plan Change 29

I seek the following decision from the Council*:

(Give precise details, where amendments are sought, provide details below of what changes you would like to see).

Note:

- 1) This form is only for the purpose of making a submission on Proposed Plan Change 29 to the Nelson Resource Management Plan. It is NOT for making a further submission (i.e., in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
- 2) It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, full contact details, etc.
- 3) Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e., Council to make a decision to refuse, amend or accept the Plan Change). Please indicate specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.
- 4) Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - a. is frivolous or vexatious.
 - b. discloses no reasonable or relevant case.
 - c. would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
 - d. contains offensive language.
 - e. is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

I total reject councils plan change 29 100% and make these points

1) Plan change process

1) The Plan Change 29 Process. I want to acknowledge...

- a) That I have found it difficult to digest the total effect of the proposed PC 29 and its supporting documentation due to its size and complexity.
- b) That access to a paper copy of PC 29 and the Section 32 reports has not been made available for residents who do not have access to, or the ability to use a computer.
- c) That I have found PC 29 lack of early public engagement and consultation by Council, with its severe implications towards the well-being of existing rate paying residents enjoyment of their properties, extremely stressful and unnecessary.
- d) That I have been put in a position of hoping more qualified citizens than I, will make more comprehensive submissions covering my concerns as to the future of Nelson and its ratepaying residents.
- e) That Council Planning Staff have stated at numerous meetings "This is a 'Broad Brush approach' that requires public submissions to refine the plan". Such a statement implies PC 29 has been prematurely put out for public submissions in an incomplete and inaccurate state that requires the public to learn and understand its entirety, so they can re-design it.
- i) I am asking Council to withdraw PC 29 and get Council Planning staff to refine the plan design and then put it back out for public submissions.

2) Hearing Panel

- a) I strongly disagree with the make-up of the hearing panel, because of its 'biased' public perception following the vote on Councilor Courtney's proposal to withdraw PC29 at the 14th September Council meeting.
- b) I ask the Council to appoint Councilors from either side of the Sept 14th vote.

3) NCC's Population forecast

- a) These are a pivotal aspect for the scale of which Nelson needs to enable intensification and growth. The forecasts used by NCC are not Statistics NZ medium projections, but are over inflated projections that require the scale of intensification to be greater than those of Statistics NZ.
- i) I ask the Council to use Statistics NZ medium projection forecasts, as recommended by the NPSUD Capacity: Guide on Evidence and Monitoring, para 2.1.1 and amend its intensification requirements accordingly.

4) **I strongly request that council does not make any changes to Daylight angles in residential areas**

Sunlight Recession Planes and Shading Effects

- a) Sunlight is a **CRITICAL** part of living in Nelson. It is not called the 'Sunshine Capital of NZ' for no reason. It is well documented that people relocate to Nelson because of the Sun and accept reduced wages called 'Sunshine Wages' for that privilege.
- b) TDC even 'Encourage the Sun into your home'. See <https://www.tasman.govt.nz/myproperty/building-and-alterations/heating-and-insulation/energy-efficiency-and-heating-yourhome/>
- c) All existing houses built prior to and under the current daylight admission rules will be subjected to the loss of sunlight amenity under PC29 with the following effects: -
 - i) Increased levels of mental health illness, anxiety and stress.
 - ii) Increased levels of damp homes with associated mould and mildew and respiratory illnesses.
 - iii) Shadowing of 'Green Energy' Solar Arrays and Passive Solar Energy Heating
 - iv) Increased heating costs, air pollution, carbon footprint, are all exacerbated as a large portion of Nelson housing is old, with un-insulated walls and single glazing, open fires were legislated out of use many years ago.
 - v) Reduction in property values and increased financial stress, because the house would be less desirable to live in.
 - vi) Residents, struggling with the cost-of-living crisis may not afford to heat their home.
 - vii) Property owners will be reluctant to invest in making additional new (low rise) infill improvements on their section, with affordable additional units that **COULD** be over shadowed and devalued by a wealthier developer who could afford to build a multi-storey development next door at any time in the future.

(1) I ask the Council to maintain the AP15 Daylight Admission protection rules to all pre-existing properties, unless the owner gives written approval to the contrary.

(2) I strongly support the inclusion of Daylight and Sunlight policy statement Para

RE2.3.i RE2.3.i: The reception of daylight and sunlight to each household unit is a critical component of residential amenity that provides warmth and energy efficiency, and is vital for outdoor activities such as gardening and recreation. To ensure shading effects are minimized, and to ensure there is sufficient space around buildings to allow the admission of daylight to the site, this Plan has provided for daylight controls on all side and rear boundaries. The policy also applies to larger non-residential buildings such as schools or halls. The basic premise is that the daylight and sunlight received on a residential site should be no different whether or not the neighbor is residential. This philosophy applies whether the building is on an adjoining site or across a street.

5) Privacy and Outlook

Privacy is a critical part of enjoying a property.

I support the inclusion of RE2.4.iii, but ask Council to add the following [bracketed] words. 'The building Act controls windows in walls of buildings on or close to boundaries and the outlook rules ensure that residential units [and their neighbours] **and their neighbours** have a reasonable degree of privacy as well as encourage residential units to be orientated towards the street or public open space'.

6) Intensification

I strongly oppose the High-Density Residential Zone.

It is by no way in character or in keeping with any existing 'Low Rise' Nelson residential suburb and beyond the MDS legal mandate.

- i) I ask Council to remove HDRZ from the plan completely.
- ii) I ask Council to apply the new General Residential Zone equally across the entire Nelson district on the introduction of PC29, on the basis that AP15 Daylight Admission protection rules will apply to all pre-existing properties, unless the owner gives written approval to the contrary.

Has any consideration been given to the lower Brook Valley area, which is shown on NCC hazard maps as being prone to both liquefaction and slope instability?

I live in the lower Brook Valley area, which is narrow and north facing and is being zoned MRZ. The Brook Valley is a predominantly single storey houses with some two storey houses at the lower end. The nature of the valley with it being narrow does not lend itself to high rise buildings, which would not blend into the environment and have a big impact on many neighbouring properties especially on their south side.

Brook valley residents have limited sunshine throughout the winter months due to the hills on each side of the valley. Your proposed rule change 29 allowing buildings up to 11m + 1m (3 storey's) 1m from rear boundary will block the sun completely for four months during the winter to any properties on their south side.

What the council should do

First the current daylight angles must be maintained in residential areas and the zone boundaries removed. There is plenty of opportunity for high rise development without having to implement new rules for residential areas.

Form relationships with the different communities and talk to the residents about what is best for their area. Maybe a small group from each area could be formed to have meetings with town planners to achieve the best outcomes for all.

There is no need to be building multi-story buildings willy nilly all over the place especially in residential areas they need proper planing and to blend into the surrounding environment. They will only be built if there is demand for them I don't see that demand!

There are many large sections in residential areas that could be subdivided but I believe they should only allow for development that complies with the current rules and fit in with the nature of the surrounding properties, this will also increases intensification.

In the CBD there is much valuable land taken up by car yard maybe some of these could be located further out allowing more space for intensification.

Also in the city there are several place where buildings have been demolished these areas could be utilised for development and many shops have rooms above, I am sure some could be converted into flats.

On the corner of Rutherford and Hardy Streets is a large area used by the armed forces this could be relocated freeing up valuable land for development.

To the north side of the Warehouse is land where an old pub was demolished

Between Vanguard and St Vincent streets there is a large area which is currently occupied by a number of small businesses, workshops and old buildings. This whole area looks run down and in need of re development. I think it is a good area to re developed with town house complexes including some green space for residents, if done properly it could create a nice environment.

Any new subdivision should also be planned to include a mix of taller buildings as well as single storey houses. This should have to be planed carefully so the taller buildings are not impeding on the sunlight to the lower buildings.

To summarise

This is not a plan for the benefit of Nelson but for developers allowing them to build whatever they want with no consent or notification required to home owners whom may be dramatically affected by their actions. I believe there is plenty of opportunity for intensification without the need to change the current building rules.