**Proposed Change 29 to the Nelson Resource Management Plan**

**Submitter 284 - Alison and David Mountfort**

**Evidence of David Laurence Mountfort**

## Introduction

1. We are the property owners and residents of Mount St, at No 83. Our submission opposes the proposed upzoning of the Mount St area from Residential in the operative Nelson Resource Management Plan to Medium Density Residential. We are also opposed to the change to the General Residential Zone suggested in the officer reports.

2. This evidence is prepared and presented by David Mountfort. I am a qualified and highly experienced resource management planner. My career has extended from late 1978 to the present, almost 46 years. I have worked in local and central government and private practice. I recently retired as a Hearings Commissioner. My practice for the last 20 years has mostly been in Canterbury. I have had significant experience with urban growth issues in Christchurch from about 2004 to the present. This includes being engaged in the recent and ongoing Proposed Change 13 to the Christchurch District Plan. This change was initiated, like Nelson's Change 29, to give effect to the National Policy Statement for Urban Development, and for Christchurch the Medium Density Residential Standards, which are mandatory for that Council as a Tier 1 Council. Change 13 and Change 29 have a number of similarities.

3. I do not claim to be an independent planning expert in this case, because of personal interest. However, in similar circumstances I once heard Environment Court Judge Smith describe two very experienced planners, Mr David Collins and Ms Liz Briggs , as "highly informed lay persons"[1]. At the risk of immodesty, I think I am entitled to be regarded similarly. In preparing this evidence I consider I have been objective, refer to all relevant matters in reaching my opinions and have complied with the Environment Court Code of Practice to the extent possible in these circumstances. Had I not been personally involved, but engaged by another party, my evidence would have been similar.

## Summary of the Submission

4. The Council has summarised our submission under 5 points as follow.

    - S284.001 General opposition to the plan change
    - S284.002 Retain the existing low density residential zone from the operative NRMP for the Mount St area.

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[1] Orally, although not in the decision, in *Briggs v Christchurch City Council C45/2008 [2008] NZEnvC 113*. At paragraph 243 the Court wrote
*In this regard we have carefully considered Ms Briggs' and Mr Collins' evidence. We conclude that they have prepared their evidence keeping in mind that they are parties giving evidence in their own cause. We do not consider that they have done anything untoward in the preparation of their evidence. We suspect, although we do not know, that their evidence would have been similar if given for a third party with which they had no involvement.*

- S284.003 Provide for notification to affected neighbours of applications to exceed built form and other standards.
- S284.004 The Composition of the Hearings Panel
- S284.005 Site visit

5. This evidence address principally points 001 and 002. Points 003, 004, and 005 are discussed briefly now.
6. With regard to point 003, it is only fair and reasonable to allow affected neighbours the opportunity to comment on applications to exceed permitted activity standards, that might adversely affect them. To deny this seems like an attempt to deny the opportunity in the interests of achieving more development, whatever the cost to those neighbours. For example, we are aware of very significant concern in the community about shading, and the proposed recession plane rules for the new General Residential Zone (the GRZ) and the new Medium Density Residential Zone (the MDRZ) will certainly result in more shading than the equivalent provisions in the existing NRMP. Mr Webster discusses this more extensively in his evidence.
7. With regard to point 004, the time for this has passed. The Council partially responded to this widespread concern by appointing a second independent Commissioner. There is nothing more the Panel can do at this stage of the process. We do not intend to pursue this point any further.
8. With regard to Point 005, we simply wish to encourage the Commissioners to spend enough time in the Mount St area to understand the subtleties of it. A quick drive by would not suffice in our opinion. We encourage the Panel to slowly drive the length of each street, to walk into each of the five streets, and look carefully down the long driveways leading to the steep midslopes between the streets wherever possible.
9. On the site visit, we would encourage the Panel to carefully consider how difficult it would be to widen any of the streets without extensive cutting and filling, large retaining walls, and oversteepening every existing accessway where these meet the street.
10. If the Panel wishes to visit our property, we would welcome the opportunity, as it provides a god opportunity to view the steep slopes between the streets. As an experienced Council reporting officer and former Commissioner I fully understand the protocols for site visits.

**The Mount St Area**

11. What we have called the Mount St Hill and the section 42A reports refer to as the Mount St area consists of a long steep sided hill, traversed by five streets, Wellington Street, Renwick Place and Locking St on the eastern side, Mount St along the f the ridge at the top of the hill, and Konini St on the western side. Locking Terrace, which shows on some maps as connecting the upper ends of Mount St and Locking St is an unformed road reserve with a steep pedestrian walkway.
12. The south side of the hill, commencing at Kawai St, although it leads off Locking Street and is on the hill is not part of the Mount St area for the purposes of this submission as that side of the hill is less steep and most of the streets there are noticeably wider.
13. There are three exits by road from the Mount St area to the wider street network, on the east via Wellington St to Examiner St and Rutherford St, on the west via Konini St to Gloucester

St and Vanguard St, and to the south a steep narrow and winding route from the top of Locking St to Kawai St.

14. Mount St has a very unusual configuration. It commences from the northern end of Wellington St at a tight 180 degree bend. It is laid out as a narrow street for about 400 metres with housing on either side, then about halfway along its length it divides into two legs, separated by a rising bank which becomes very steep towards its end where it is supported by a high retaining wall. Odd house numbers are on the upper, eastern leg which terminates in a blind end for vehicles at No 85, where there is a pedestrian walkway down to the lower leg. The lower western side of the street, with the even house numbers branches near its upper end, with one branch swinging east around the end of the eastern leg and continuing up to a cul-de-sac head at the top of the hill. The lower western branch descends round a 180 degree bend and merges into Konini St, which descends to the bottom of the hill.
15. Our property at No 83 is close to the top of the eastern leg of Mount St.
16. This is an old area, obviously established in the early days of Nelson. All of these streets are narrow. The formation of the streets varies. None of them has a modern formation with two clear, unobstructed traffic lanes, separate on-street parking lanes and footpaths throughout. In many places there is one clear traffic lane with parking possible on one side only. Footpaths where they exist at all are intermittent, narrow and frequently obstructed by vehicles parked partially on them in order to leave the traffic lane more usable. Locking Street is signed as a shared space for pedestrians and vehicles. It has a narrow one lane carriageway with numerous kerb extensions and yellow no parking lines, and very little on-street parking. Wellington St where it ascends up the hill also has almost no on-street parking.
17. As a result a number of problems arise which residents and visitors have to deal with. Examples include the following.
    a) It is almost always impossible for two vehicles to pass each other directly where parked cars are present, as they frequently are. One driver needs to find an unobstructed area such as a driveway exit to pull off and pause to let the other pass. In any journey by car it is common to encounter this situation at least twice. Care, courtesy and patience are required.
    b) It can be difficult to find on-street parking at times. Many properties have limited or no on-site parking and need to rely on the street. This is particular apparent in the evening hours, overnight and at the weekend. Because of the distances and steep terrain, most people need to use cars for the majority of trips. Many households have more than one vehicle and little or sometimes no on-site parking.
    c) There a few are places where visibility of oncoming traffic is very restricted or non-existent and accidents are probably low only because of slow speeds and to the relatively low levels of traffic under the present levels of development.
    d) There are a number of places where pedestrians and cyclists have to share the space with vehicles and care, patience, and courtesy is required.
    e) There are two well-used places where turns are so tight that they cannot usually be negotiated without reverse manoeuvres. These are

- the 180 degree bend for traffic passing between Konini St and the top end of Mount St, and ;
- where traffic is moving between the upper and lower legs of Mount St to get to or from Konini St.

f) At the intersection of Examiner St and Rutherford St, one of the two main exits from the area, it can be possible at busy times to have to wait 5 or 10 minutes to find a gap in the traffic in order to turn onto or cross Rutherford St. With more housing development, many more more such movements would occur, delays would increase along with frustration and general annoyance, and the temptation to attempt short gaps would increase. This is the most-used exit road, as it provides access to the central city and the highways to the north and south of Nelson

g) Locking St and the hillside part of Wellington St have almost no on-street parking.

h) Locking St is signposted as a shared zone for vehicles and pedestrians. It has a narrow single traffic lane, frequent kerb extensions, very little on-street parking and no footpath.

i) Trucks including the weekly waste collection trucks often have to reverse along quite long lengths due to the lack of turning opportunities.

18. I refer to the photographs contained in our submission and the submissions of others, notably that of Mr Steve Webster which illustrate many of these issues.

19. The inadequacy of the roading is well known to all residents. In general we tolerate it, accept it and deal with it. It is much less than ideal. It is not what is generally expected in residential areas. However the Mount St area has other qualities which compensate for this, such as proximity to the central city, ample sunlight, good walking opportunities and extensive views. Although not recognised as a character area, probably due to the low numbers of large stately homes and landscaped gardens, I consider the area actually has a good deal of character of its own.

20. However I consider the situation is already close to a tipping point. If more than a few additional houses are constructed, as would be possible under both the MDRZ or the GRZ, all these the problems would multiply and resident dissatisfaction would increase.

21. The Section 42A report on Residential and Subdivision recommends at page 29 the following amendment to a key relevant NRMP policy.

> *Accept S709.047, Amend to:*
> *Accessibility is maximised through subdivision and development design which provides for:*
> *a.* ***safe and pleasant transport networks for all modes of movement, including pedestrians, micromobility, cyclists, public transport and motor vehicles.***
> *b. a variety of logical and effective connections between different transport networks and between different parts of the city and urban areas.*
> *(Bold emphasis added)*

22. Accessibility to the Mount St area is already not particularly safe or pleasant, and as described later in this evidence will deteriorate further under the proposed upzoning. There is no public transport closer than Rutherford and Vanguard Streets, which are both long challenging walks except for fit people. I consider that allowing more housing would be contrary to the Council's duty to give effect to this important policy.

23. We traverse the length of Mount St almost daily on foot, cycle or car and are also frequent users of Kononi St for access. We walk regularly on Locking St, Renwick Place and the various footpaths off the hill. We consider we are very well placed to comment on these issues.

24. Although past retirement age we are relatively fit and healthy and have had a lifetime of walking for pleasure and fitness. However we are also regular users of our cars for longer trips, in inclement weather, when we have visitors or when there are loads to carry. We are well aware that not all people are able to walk to such an extent or may not have the ability, wish, time or opportunity to walk around the area. We consider that owning and using cars is an inevitable and necessary part of living in hillside suburban areas such as Mount St, and this will continue and possibly increase as electric vehicles become more prevalent.

25. I have thought carefully about what the minimum standard of roading might be to allow for more intensive development. I have concluded that this would be two clear traffic lanes, one parking lane and an adequate footpath on one side. This would require 3.5m for each traffic lane, 2.5 metres for the parking lane and 1.5 metres for the footpath, a total of 11 metres.

26. I have noticed and photographed two hillside streets in existing low density residential areas that provide this configuration and have attached photographs in Appendix 1 of this evidence. The first is Alfred St, which is just outside the Mount Ste area, on the south side of the Hill, between Kawai St and Vanguard St. Although this is slightly narrower than these ideal dimensions, I was able to see two cars passing each other adjacent to a parked car. There is an adequate foot path on one side. The second is Moana Drive, on the Tahunanui Hills, which I consider to be an excellent example of what I consider should be the minimum standard on hills.

27. None of the streets in the Mount St area have these dimensions, or in my opinion the capacity to provide them The road reserves are generally wide enough in theory but most of the topography would make it extremely difficult to carry out such widening, without resorting to extensive cut and fill, high retaining walls and cutting off or oversteepening every existing accessway where these join the roads. Many of these accessways are steep already.

28. Most of the roads have little more than 5- 6m pf width, allowing for only one traffic lane and one parking lane. Footpaths where they exist are narrow, and frequently parked on, forcing pedestrians out in the carriageway. Our own property at the end of the eastern leg of Mount St shares a narrow 2.6m wide lane with no footpath, on the legal road reserve with 4 other properties. Redevelopment to GRZ standards could produce 15 houses sharing ths lane, which would be extremely difficult to widen due to the topography.

29. I have considered whether it would be possible to require localised widening by developers at the front of every property being redeveloped. I have concluded that it would not be particularly helpful, because the problems may not be occurring or be able to be solved outside that particular property, but instead will occur anywhere or everywhere along the streets. At most site by site widening would provide more passing spaces, but in reality it would more likely be taken up for parking. Such a requirement would also be a significant deterrent to developers.

30. I have concluded that road widening, if it is even possible should be carried out on a comprehensive basis by the Council before more intensive development is allowed. The

intersection of Examiner St and Rutherford St would in my opinion require traffic lights, adding to delays on the heavily congested Rutherford St at peak times.

**How to accommodate Urban Growth in Nelson**

31. We do recognise that Nelson needs to provide for growth and has little remaining opportunity for traditional low density peripheral growth within its boundaries. Therefore we recognise that some amount of intensification is going to be required.
32. We have discussed in detail in Section 4 of our submissions to what we consider to be severe difficulties in developing land that s vacant between the rows of houses long the street frontages. This includes practical difficulties in forming accesses to such steep land. I note that Ms barker makes no reference to this in her report.
33. We also discussed tin Section 5 of the submission the apparent contradiction in zoning land for intensification that has been classified by the Council as a Slope Instability Area.
34. Rather than repeating this, I refer the Panel to these sections of our submission.
35. We consider that the growth projections for Nelson that the Council relied on for Change 29 may be overstated. We refer to evidence of Mr Steve Webster and others on this.
36. We consider that there are some areas that are simply unsuitable for higher than the exiting density, including the Mount Street area that we particularly focus on, but also other nearby older areas, such as on the slopes of the Washington Valley including Arrow St and Russell Street for example.

**The Section 42A reports**

**Mr Cam Wallace**

37. Mr Cam Wallace, an urban designer has provided a report which amongst other discusses accessibility for residential areas. Our submission is also primarily about accessibility. However we have very different approach to accessibility. Mr Wallace primarily discusses accessibility in terms of time and distance to community and commercial and other facilities for residents of higher density zones. He places particular emphasis on walking and tends to discount driving. He concludes that 800 metres is a sufficiently long distance to expect residents without access to cars to walk to such facilities, or to public transport. He concludes that most of the Mount St area is therefore unsuitable for the proposed upzoning to Medium Density Residential. He does recognise that walking in hillside areas is more difficult than on flatter terrain for some people bit does not appear to factor this into his overall conclusions. We simply observe that most of the Mount St area is further than 800 metres from any community, commercial or other facilities, except perhaps for the lower reaches of Kononi St to the New World Supermarket. We note that it would be difficult to carry more than a small amount of grocery purchases uphill over distances quite a lot shorter than 800 metres. Walking distance from our home to Rutherford St on the opposite side of the hill is 900 metres, where the only community facility is a church, and there a number of large car sales yards and little other commercial development..
38. Our concern about accessibility is completely different. We accept the validity of Mr Wallace's approach. However our primary concern is with the physical limitations of the

roads that access the Mount St area, as discussed above, and the unsuitability of these roads to cater for any increases in density.

**39. Ms Coralie Barker**

40. in her overall planners report on Residential and Subdivision Ms Barker accepts Mr Wallace's conclusion, and recommends that the Mount St area is placed in the General Residential Zone.

41. What Mr Wallace and Ms Barker appear to have overlooked, is that even the GRZ would enable considerably more development than the existing Residential zone, thus exposing more people to the very effect that they seem to want to avoid. Their solution to the problem simply does not address the issue that they identify and wish to resolve, and would potentially expose quite large numbers of new residents to this effect.

42. I discuss this further below.

43. Ms Barker also completely ignores our evidence on roading inadequacies in the Mount St area. There is no expert assessment of roading inadequacies by a transport planner or engineer on behalf of Council as we would have expected. We consider this to be a significant omission in the material placed before you.

44. Therefore our evidence appears to be the only evidence you may receive on this. Note that while I am not qualified in transport planning, as a Council planner, planning consultant and Hearings Commissioner I have had to be involved in this topic very frequently throughout my career, and have seen and relied on transport assessments very frequently. I have had the opportunity to hear and learn from leading practitioners in this field on many occasions. In any case the deficiencies of the roading in the Mount St area should be apparent to anyone, but particularly to residents.

**Nature of the GRZ.**

45. I would describe the GRZ as the first step towards medium density zoning in the hierarchy of residential zones. It is certainly not a low density zoning, but is itself a form of Medium Density zoning. For present purposes, two of the main differences between the GRZ and the Medium Density Residential Zone (the MDRZ) appear to be height limits and recession planes, with the MDRZ permitting 3 storey development and quite permissive recession planes while the GRZ allows for 2 story development under more restrictive height limits and recession planes which are still more development-friendly than the existing NRMP Residential zone provisions.

46. The main effects of the change MDRS to GRZ that I foresee from this would be reduced visual dominance and less shading. It will result in lower buildings, and this may result in fewer residents and fewer vehicles than would be the case under the MDRZ. However the GRZ will still enable considerably more housing than the existing zoning.

47. Both the GRZ and the MDRZ have a 200$m^2$ allotment size. The existing NMRP Residential zone provision is 400$m^2$, and there is a lower density variant where the minimum lot size is 600$m^2$.

48. It is apparent that the majority of properties in the Mount Street area comprise at least 600m2 and in many cases more, although very large sections are not common.

49. For example our property has 607m2. It lies across the top of the ridge, and although not flat anywhere the contours are relatively easy, becoming steeper at the rear on the slope down to Locking St.

50. Our house is in the centre of the site across the top of the ridge. It is an old house, first built in 1939, and extended during the 1970s. It is in good condition and has been well-maintained, but is undeniably an older home, with some of the inevitable consequences, such as single glazing, a few plumbing and drainage issues, and decaying weatherboards needing attention from time to time.

51. We have a copy of a Council record at of a minor slip on the western side onto Mount St, and this boundary has an old wooden retaining wall preventing further collapses for the time being.

52. I can easily foresee that this property could be redeveloped under GRZ provisions for three two storey homes, all with drive on access and parking. Although it is not our intention at present, at some point, as older residents, we will probably want to move off the hill and the property could well be attractive to a developer for this purpose.

53. The same could be said for a large number of properties in Mount St, some of which appear to be not in as good condition to ours. Similarly there are many older homes in Locking Street, Renwick Place and Konini St.

54. As Locking and Konini Streets are on the steeper mid-slopes of the hill, development would not be as straightforward, but could probably be accomplished with careful design. Access past existing houses to the steep midslopes behind would be difficult, and probably would be best achieved by removal of the existing houses and comprehensive redevelopment of whole sites.

55. Returning to our address, the access has been described in our submission. Briefly, it is a 2.6 metre wide lane, sealed but with no footpath, supported by a retaining wall on the lower side and a steep bank down to the lower half of Mount Street. There is also a steep bank on the higher eastern side of the lane. Although on paper there would be space to widen the road within the legal road reserve, in practice it would be difficult and very expensive because of the retaining walls that would be required, and may be impractical. As there are four sections with access to this lane, the outcome could well be 12 houses sharing this already very inadequate lane. It may well be one of the worst examples in Mount St, as this is the narrowest part of the formed road. However other similar and very unsatisfactory outcomes could occur all along the five streets.

56. I estimate there are approximately 300 homes existing in the Mount St area. Most of these are properties of at least 600m2. In theory therefore there could be up to 900 homes in the area on 200m2 lots. At 40% site coverage this would enable homes of up to 160m2, which would easily enable 3 and 4 bedroom homes to be developed.

57. In practice, it is unlikely that there would be this many homes, particularly because some of the land on the midslopes between Mount St and both Konini and Locking Streets is very steep and it may be difficult to provide adequate access to them, as described in our submission. However, a considerable increase in the numbers of homes could well eventuate, with consequential adverse effects on the roads.

58. Our recommended solution is to retain the existing zoning for the Mount St area, as has been proposed for some other problem areas such as on the Tahunanui Hills and The

Wood, where there are topographical, stability and flooding issues. With a minimum lot size of 400m2, only the largest sites in the area would be able to be redeveloped and the potential yield would be much smaller.

59. If the Council's intention is to eventually phase out the existing zone, an alternative could be to place the Mount St Hill and these other problem areas in a Low Density overlay within the GRZ, with their own bespoke sets of rules. There is a precedent for the use of an Overlay with the recommended creation of a High Density Overlay.

60. Ms Barker has provided a map of the Mount St area in Appendix 2 of her report. Along Konni St, she recommends retaining the MDRZ on the lower side. I do not support this, as any redevelopment there would have to have their accesses to Konini St, which I consider does not have the capacity to accept further development because of its narrow carriageway,

61. I also wish to point out that on the uphill side of Konini St, near the bottom, there are some very steep slopes with a number of recent slips on them. I consider it would be almost impossible to build satisfactory homes because of the very steep very steep slopes and obvious instability and to provide any access to them other than very steep flights of steps. It would almost impossible, and probably dangerous to walk on undeveloped parts of the land. I consider the zoning of this area should be reconsidered. This tends to reinforce my opinion that this upzoning of the whole Mount St hill was little more than a desktop exercise without any ground truthing.

**Further Submissions.**

62. I lodged a further submissions FS52 on the submission by Jamie Barber and turn to this now

**Jamie Barber S78.002**

63. Mr Barber" submission was summarised by the Council as follows

*Hillsides should be Medium Density by default. I see no reason other than stability (which can be managed through engineering) as to why you would differentiate between the easier contour areas. This is a massive missed opportunity for more density in central Nelson, probably at the expense of developing sensitive greenfield areas and a loss in population to Tasman*

64. My reason for opposing this submission was simply that Mr Barber gave no consideration to the roading issues which occur on some older hillside areas, as I have discussed extensively above. Therefore I consider it incorrect to state that stability would be the only reason not to include all hillside areas in the Medium Density Zone. I also consider it rather naïve to assume stability issues can always be resolved by engineering. I have no comment otherwise to make on the general desirability of allowing medium density housing on hillside.

**Conclusion**

65. Despite the deficiencies of the roading system, it is workable with the existing level of development. Residents are used to it and it is usually possible to pause somewhere to let other traffic through if necessary. The area has a lot of interest and charm and is a pleasant attractive place to live in its present form. We believe however that the system is already bordering on unsatisfactory in places,

66. We strongly question the wisdom of attempting intensive residential development on steep unstable land such as this. In particular we consider that new residents will expect and require drive on access and parking, this will be very difficult to achieve safely on the very steep slopes.

    We do not expect it will ever be possible to achieve the theoretical housing levels on the very steep available land, but some new development would inevitably occur and we consider that the existing streets will accommodate only a small fraction of the theoretical capacity without severe impacts on the safety, convenience and general amenity of the area. We are sure that the Council would not permit a new subdivision for potential for over a thousand homes with such an inadequate roading system and consequently do not see why it should be enabled on an existing suburb.

67. For all these reasons we seek that the zoning of the Mount St Hill remain for low density housing.

Appendix 1 - Photographs to illustrate suitable roading dimensions in hillside areas

A. Alfred St – Nelson South



B Moana Drive – Tahunanui Hills

