



30 October 2023

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

Plan Change 29: Submission

From:

GC and LG Pettersson
C/- Jared Pettersson
Enviser Ltd
jared@enviser.co.nz

GC and LG Pettersson own a property located at 100 Tasman Street, Nelson. They confirm they would not gain any trade competition benefit from the relief sought.

GC and LG Pettersson **do wish to be heard** in support of this submission.

This submission relates to the Natural Hazard/Climate Change part of PC29 and any related mapping. The submission seeks amendments to the PC29, specifically in relation to the flood hazard overlays at 100 Tasman St.

Flood Hazard

We generally support the Council's approach to identifying locations subject to flood hazards. We also support the flood hazard modelling that Tonkin and Taylor have undertaken. However, we consider the flood hazard overlays (which are a planning method) should be adjusted where the model (or the topographical information it is based on) is demonstrated to be inaccurate or erroneous.

It is our position that the topographical model, which the flood model is based upon, is inaccurate at the rear of 100 Tasman Street for the following reasons:

- The Tonkin & Taylor¹ flood model (for out of channel areas) is a 2D mesh (2m grid size) with underlying topography based on LIDAR surveys.
- LIDAR is accurate but is based on discrete aerial measurements. As a result, it can misrepresent the actual ground surface over sharp changes in topography. Particularly where vegetation obscures the ground surface.
- This situation exists at the western boundary of 100 Tasman Street, where a 1-1.5m retaining wall runs the length of the boundary with the Queens Gardens. The LIDAR survey has not resolved this elevation change accurately.
- This inaccuracy is passed through to the flood model, leading it to predict a consistent flood depth across a sharp change in vertical elevation. Clearly this is not physically possible.

As a result, the model predicts flood ponding which cannot physically occur given the ground elevations that exist. We request the planning instrument, i.e., the flood hazard overlay, is amended to take into account this identified inaccuracy. Specifically, we request the flood hazard overlays should cease at the western boundary of 100 Tasman St, where a 1-1.5m increase in ground elevation occurs.

A more detailed explanation of the situation is provided in the following paragraphs.

Immediately inside the boundary fence (on 100 Tasman St side) is a retaining wall that was built in the late 1990's (see **Photograph 1**). The retaining wall runs the length of the western boundary, aside from a small steeply sloping accessway (approx. 1m wide) in the southwestern corner. The ground surface at 100 Tasman Street is 1-1.5 m higher than the Queens Gardens. The elevation change occurs abruptly (over the vertical face of the retaining wall) and is shrouded by the vegetated boundary fence and tall trees. This elevation change is not accurately recorded by the LIDAR survey (see **Figure 2**). This topographical inaccuracy is passed through to the flood model.



Figure 1 – 100 Tasman St (outlined in yellow) showing western shared boundary with the Queens Gardens.

¹ Nelson Plan Flood Model Updates Maitai/Brook/York and Wakapuaka flood models, Tonkin and Taylor Ltd.



Photograph 1 – Retaining wall under construction. Note the base of the retaining wall is at the current ground level of the Queens Gardens.

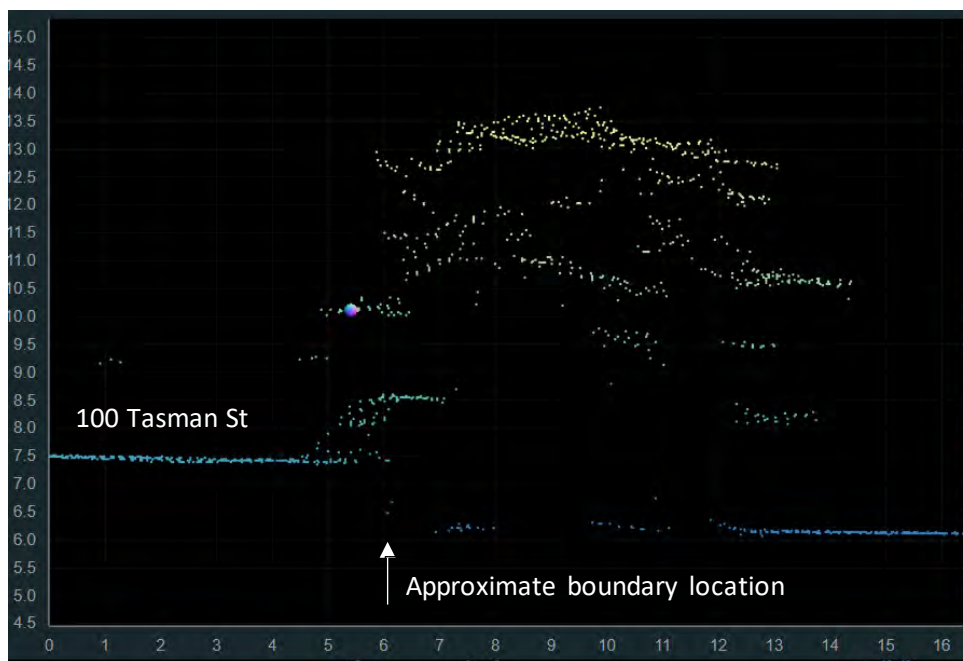


Figure 2 Cross section (looking south) of the LIDAR data² showing the elevated land at 100 Tasman St (left) and lower Queens Garden land (right). A large tree and lower hedge are clearly obscuring the LIDAR's ability to resolve the topographical change at the boundary.

² Nelson City Council, Toitū Te Whenua Land Information New Zealand (LINZ) (2021). Nelson, New Zealand 2021. Collected by Aerial Surveys, distributed by OpenTopography and LINZ. <https://doi.org/10.5069/G9R78CD4>. Accessed: 2023-10-29

The modelling (and PC29 maps) indicates the Queens Gardens is subject to flooding, with a HFHO, grading to a FHO then no hazard overlay around the perimeter. This suggests the modelled flood depth at the Queens Gardens, adjacent to 100 Tasman St, is on the margin of the HFHO and the FHO, or approximately 0.05-0.3m deep.

The PC29 maps show the flood overlay extending from the Queens Gardens across the boundary into 100 Tasman Street (See **Figure 3**). It is predominantly the FHO, with a small section of HFHO in the Northwestern corner. Whilst we appreciate the model is limited by the grid size, it is physically not possible for that depth of flooding to persist across a 1-1.5m grade change and the HFHO and FHO should cease at the boundary. We note that the overlays are accurate for the middle 1/3 of the boundary, but not the entire boundary.

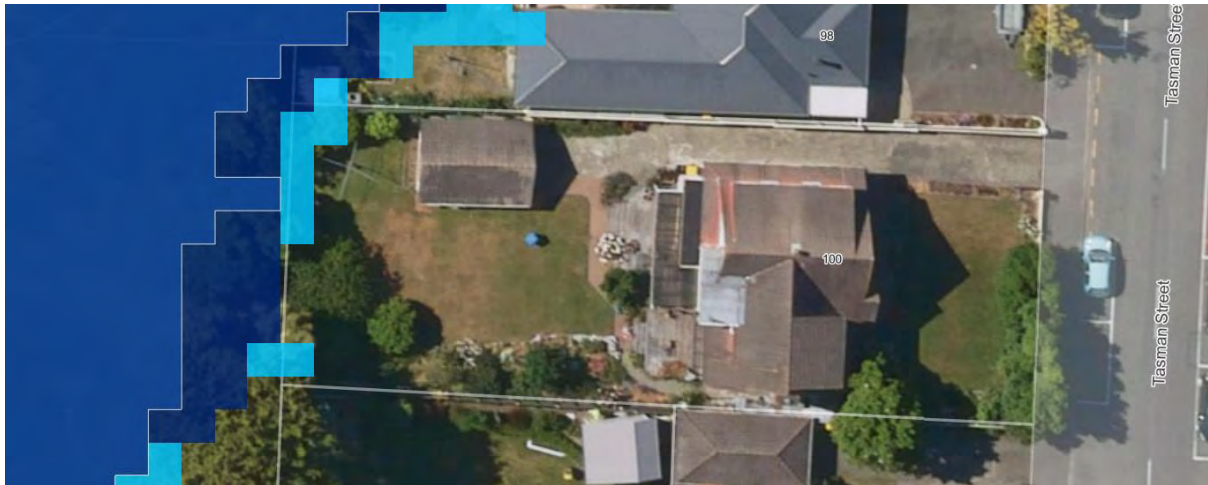


Figure 3 Location of FHO and HFHO on 100 Tasman St.

These spatial accuracies are inherent in the modelling, and we are not critical of the overall process. However, the PC29 seeks to implement a planning response to the technical flood modelling report. As notified, PC29 appears to directly adopt the technical flood modelling maps without any modifications.

We submit that the planning response to the flood modelling, i.e., the HFHO and the FHO, should incorporate other information and not solely rely on the technical flood modelling report. In our view, it is reasonable for the planning overlays to be adjusted at 100 Tasman St in response to the factual information provided in this submission about the topographical inaccuracies. Not doing so would result in 100 Tasman St being incorrectly tagged as having a flood risk, where one does not exist.

Previous communications with the Council

This issue has previously been raised by several parties, including Mr and Mrs Pettersson, as set out in Appendix 2A of the S32 report which summarises feedback on the initial flood risk modelling, and includes the following statement:

“Nine responses queried the accuracy of the modelling, and said ground-truthing by local consultants or staff is essential, including taking into account changes in topography and the presence of stopbanks and other flood control infrastructure and stream maintenance measures.”

Mr and Mrs Pettersson repeatedly provided feedback to the Council on the modelling, specifically around the topography on their property at 100 Tasman St. This included meeting with the council

and a council staff member coming to site to measure the ground elevation in September 2020. Ultimately, and somewhat frustratingly, no changes were made to the topographical information that informed the flood modelling at 100m Tasman St. A Council staff member stated that the model should not consider private assets (like retaining walls) as they may not persist over the life of the model scenario.

We think the council is fundamentally incorrect on this matter. The LIDAR survey inherently includes private infrastructure as it measures the actual ground surface at the time of the survey, including areas of fill and cut on private land (retained or not). We highly doubt the council went through an exercise of removing all ground-level changes due to the myriad of private retaining walls and cut/fill earthworks across the city.

Again, we request the overlays be adjusted to account for the topographical inaccuracy at 100 Tasman St.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Jared Pettersson', with a long horizontal stroke extending to the right.

Jared Pettersson
Director

Rec: 31/10/23

S752

MUST be sent or delivered by 31/10/23 4pm to:

Senior Planning Administrator

RMA Plan Submission

Nelson City Council

PO Box 645

Nelson 7040

Environmental.planning@ncc.govt.nz

Submitter (Complete details below):

Full Name: Helke Florkowski

Address:

Telephone:

Email: helkehelke@gmx.de

Signature of Submitter:



Date: 30.10.23

Delete as applicable: -

I **CAN NOT** obtain an advantage in trade competition through this submission.

I **WISH** to be heard in support of my submission.

Firstly, I reject PC 29 in its entirety, but if it is not rejected then these are my points...

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.

- f) That the people of Nelson are still not well informed around the plan changes as little information was actually send out. Most of the people I spoke to in the last few weeks did not understand the plan changes in particular weren't aware of the daylight angle changes. There is a misconception that these will stay in place as they were.
- g) **NCC has published drawing of buildings and their shadows that are misleading, there examples of 4 to 6 story buildings are misleading as most of the pictures show apartments being build into the hills and therefor do not overshadow the neighbours in an established neighbourhood.**
 - 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 Councillor Courtneys proposal to withdraw PC29 at the 14th September Council meeting.
 - i) I ask the Council to appoint Councillors from either side of the Sept 14th vote.
 - ii) **Trudie Brand lives in a proposed high density area on Rutherford St, so can potentially benefit from high rise development, particular as she has access to insider knowledge.**
 - iii) **Therefore Trudie Brand cannot be neutral in her decision making**
 - iv) **Rohan O'Neill- Stevens has always voiced his strong opinion in favour of Plan 29 but never acknowledged a different view of the people living in the affected areas. He has a strong voice for young people but seems to have forgotten that all of us voted for him and he should not represent his own opinion. Therefore he cannot be on the panel as a neutral and open person.**

3) NCC's Population forecasts

- 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.
 - ii) **Te Whatu Ora is proposing growth in the retirement population but in fact a shrinkage of families and children.**
 - iii) **Assuming the retirees will move to Nelson (as it has been happen a fair bit over the last 10 years) NCC does not seem to have considered that these may need different designs, like elevators, easy disability access and storage as well as carparking, but not mass apartment developing.**
 - iv) **Young people have not been forecasted to move to Nelson. While it would be great to keep young people in Nelson we need to create jobs first, that are more than sunshine wages. Opportunities first, then they may come, but again it should be consulted if city living is what they will choose to live in when in Nelson or they do prefer growing**

vegetables in sunny garden with storage for mountainbikes, kayaks, skis and paragliders

4) Design Lead and Not Developer Lead Growth.

- a) Nelson is a very special and unique place that needs to be protected with care. It is unlike any other district in NZ. It includes a 'Low Rise' City with a collection of heritage and non-heritage character buildings that have attracted people for generations and been a cherished holiday destination for many New Zealanders.
- b) Residential Neighbourhoods should be protected for future generations to enjoy and new developments thoughtfully designed and planned on a neighbourhood, by neighbourhood basis to maintain the essence of their character.
- c) We need to protect and retain CBD historic facades as an essential part of the character of the Inner City.
- d) Green Spaces, Trees and Landscaping are essential for the look and feel of some of our older neighbourhoods. They help considerably with the wellbeing of the residents and help to provide an essential part of the attraction of Nelson, which must all be considered during developing the growth of Nelson.
 - i) I ask the Council to create a broader level of protection for neighbourhoods beyond the heritage buildings and precincts that still have historic character value from the early settlement years of Nelson.
 - ii) I ask the Council to appoint an Urban Development Agency (UDA) to carefully guide growth and actively facilitate the emergence of cohesive urban neighbourhoods with a variety of high-quality housing choices.
- e) **Developing certain preferred zones to high density living is taking away some of the nicest parts of Nelson that have been praised by a lot of visitors as walk through the streets is relaxing and fun. The area between the colleges also provides homes for a lot of our medical staff that are on call, have to live in very close proximity to the hospital to respond to emergencies within a short period of time. Medical staff chooses to live there as you can still have a garage , a garden, a sunny house, which will all be taken away when a 3 to 6 story house will be developed next door. Nelson already struggles to attract certain Senior Medical Staff Specialists but taking away comfortable living spaces for them will make it even less attractive. Having to drive to work every morning, having to sleep in the hospital during their on call duties is something that the Specialist are avoiding and therefore choose to live in Nelson and accept other disadvantages like lower pay and less junior doctor support.**

5) 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/my-property/building-and-alteration/heating-and-insulation/energy-efficiency-and-heating-your-home/>
- 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 foot print, are all exasperated due to a large portion of Nelson housing is old, with un-insulated walls and single glazing and 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: 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 minimised, 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 neighbour is residential. This philosophy applies whether the building is on an adjoining site or across a street.

6) Privacy and Outlook

- a) Privacy is a critical part of enjoying a property.
 - i) 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] have a reasonable degree of privacy as well as encourage residential units to be orientated towards the street or public open space'.

7) Intensification

- a) 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.
- b) I am strongly opposed to all new 'Green Field' developments being used for only single storey dwellings as it is a complete underutilisation of land that can accommodate increased intensification.
 - i) I ask Council to ensure a minimum of two storey dwellings be built on all new green field developments. Eg Golden Elms in Toi Toi, Ngawhatu Valley and Marsden Valley.
- c) Building holiday apartments that sit empty for long periods, does not solve our intensification, growth and affordability dilemma, and yet it locks up our valuable housing resource. Eg Rocks & Haven Road has many empty apartments.
 - i) I ask Council to consider solutions to mitigate against new-build empty holiday apartments.
- d) I oppose the increase of residential units beyond 4, as a **restricted discretionary** activity that does **NOT** require notification and written approval from neighbours.
 - i) I ask Council to ensure that more than 4 units requires notification, to restrict large 'out of character' accommodation blocks spanning multiple sections, and taking up lots of on street car parking spaces, popping up in a residential street, without warning.
- e) Bigger older properties, could be better utilised and help with our growth if they were more easily allowed to be divided into multi-dwellings.
- f) Building inner city apartments that offer an alternative solution to 'retirement villages', can free up the bigger homes for new families to occupy. The 'retired' occupants may also be less likely to be reliant on a vehicle, which may more closely suit the growth model desired.
- g) Designing Inner-City roof gardens and balconies with green spaces for commercial hospitality use or places for apartment living residents to relax and enjoy the Nelson Sun.
- h) Incentivise rate paying residents to demolish or relocate their house in favour of replacing more units on the same section providing they comply with the suitable character or heritage of the neighbourhood.
- i) **Plan 29 enables rich landowners to develop mega mansions on a single block of land, taking away their neighbour's sun and daylight but potentially gaining seaviews themselves. This will not create more housing but will disadvantage the rest of the neighbourhood. (example of a luxuries 3 story house being build on a 900sm block of land, close to notherly boundary of neighbour's house. This will not require a resource consent under Plan 29. No gain for more housing but creating more inequality and pushing out normal people that worked hard to own a nice house in a nice suburb.**

8) Progressively Phased Intensification

- a) Firstly, Inner City should be the starting place to have the most significant intensification, before forcing it onto the residential neighbourhoods, this can give more time to complete a better design vision for our residential neighbourhoods.
 - i) I ask Council to make better utilization of Car Only spaces, by developing them into shared spaces, with Accommodation overhead. 'Nelsust' highlights 44% of the Inner City as Car only spaces.

- ii) I ask Council to retain para ICd.11 'The zone enables and encourages an increase in the density and diversity of quality housing in the City Centre by enabling residential activity above ground floor level. It is expected that over time, more people will choose to live in the City Centre because of its easy access to offices, shops, entertainment and varied open spaces and experiences'.
- b) Secondly, City Fringe would be the next zone to phase in for intensification.
 - i) I ask Council to negotiate and/or incentivise Industry and car yards to relocate, to less essential land that can be better used for accommodation.
- c) Finally, the Residential Zones would be the last area to be phased in, by working out from the City Fringe Zone (and Central Stoke).
 - i) I would support Medium Density Residential Zones (3 storey 11m high) progressively expanding from the CBD (and Central Stoke) **if required and over time**, providing AP15 Daylight Admission Protection rules remain in force for existing properties.

9) Intensification in hazard zones

- a) I ask Council to apply no greater than General Residential Zoning rules in all Hazard overlays, because these areas have been assessed as vulnerable and given that we are in a climate crisis, with increasing record-breaking weather events, affecting increasing areas of Nelson in ways not seen before then, I believe those areas should be treated with caution.

10) On-street carparking

- a) Increased intensification will result in more on-street car parking and the narrow streets of Nelson will become a hazard to pedestrians, mobility scooters, cyclists, refuse collection and Emergency Service vehicles. This will cause fracturing of neighbourly relations and communities.
 - i) I ask Council to provide a 'Comprehensive car parking management plan' as strongly encouraged by Policy 11 of the NPSUD 2020, to mitigate against these issues.
 - ii) I ask Council to use traffic calming solutions that do not lose on-street car parking spaces. Eg. Speed Humps, instead of Choke Points.

11) Social Housing

- a) Significant care and attention must be considered with all social housing because there are too many examples across the country where this has resulted in disharmony in communities.
- b) High density living for the homeless and vulnerable will not result in healthy outcomes for all concerned.
- c) Careful design controls from the concept stage onwards, will be rewarded in the long run, with less support required by Mental Health Services, Charity Services, Police and Social Services.
 - i) I would like to see Council working closely with Kainga Ora, to provide a 'transparent' way of creating new Social Housing Developments that 'Fit' with the long-term design vision of Nelson.
 - ii) I would like to see Council have more fit for purpose controls for antisocial behaviour that affects the existing neighbour's enjoyment of their property.

12) Infrastructure

- a) I ask the Council to include a plan to mitigate against future drought situations with a greater demand on the same amount of water from the Maitai Dam, for a greater population.
- b) I ask the Council to include a plan to mitigate against the increased capacity requirements for our waste water systems.
- c) I ask the Council to include a plan to mitigate against the increased capacity requirements for storm water.
- d) **Plan 29 has not considered (if we actually had population growth in school aged children) around schooling.**
- e) **Hampden Street School principle was even advised that it will be likely retirees rather than students moving into Nelson South during a talk with Nick Smith. Both our City Schools are zoned and at capacity regarding student numbers and NCC will not able to fund bigger schools let alone make land available for new students.**

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)

*Required

Submitter Details

Full Name*	Alan Harding		
Organisation	Individual		
Contact Person	Alan Harding		
Postal address*	31 Alton Street		
Telephone*	5457477	Email*	alan.harding@gmail.com

OFFICE USE
Submission No: 5753
Date Received Stamp: 31/10/23
NDOCs No: 539570224-17819

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)

Please refer to my attached submission
against PC 29 Planning Regulation
dated 30th OCT 23

Alex Harding

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 reject the plan change 29 as proposed.
To consider the proposed plan change in the context of what is the most advantageous long term plan for Nelson as an attractive town for tourism benefitting both commerce and well being of its citizens as per the Local Government Act 2002.
'To promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.'

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 first saw Nelson, hitchhiking through on Highway 6, in 1967. I was heading for a tobacco picking job in Riwaka. I recall the huge rubbish dump on the left of the highway into town, there were hundreds of seagulls and windblown rubbish to greet newcomers to Nelson. I returned to Nelson in 1990 and discovered just how wrong those first impressions were. We are very blessed to be living here. We have a great geographical diversity, what a setting, it is wonderful to be able to see hills as a backdrop from just about any street in town. It is wonderful to have so many beaches within the region. It is great to be so close to three national parks and to the Marlborough Sounds. It is wonderful to be able to experience the four seasons and yet have one of the best climates in the world. We are also well blessed by the great endeavours of Nelsonians in the past creating a town of the character of Nelson and with infrastructure benefitting not just this region but the whole top of the south.

My submission is not directed immediately at the issue of 'How do we implement this requirement for intensification', but I am stepping back and asking 'What is the vision for Nelson that we would like to see, and what is the most advantageous way for Nelson to have a robust commerce to achieve that vision, and then I ask how can we make intensification part of that vision?

Background.

Roles and Functions of Local Government

- Under the Local Government Act 2002 it is stated that one of the roles and functions of local government is to To promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. (Local Government Act 2002, section 10 (1)). It is also stated more broadly that they have a role of providing for Sustainable regional well-being.

PC29 Timeline

2020 NPSUD National Policy Statemen on Urban Development – required all councils to cater for 30 years of growth

Oct 21 FDS Nelson Tasman Future Development Strategy – introduced intensification into Nelson particularly because Nelson has not got land to spread into

March/April '22 Formal consultation – 560 submissions - PC29 Plan Change Initiated

August '22 FDS adopted – Nelson growth to be catered for through intensification up to 6 storeys high

September '23 now - Stakeholder consultation

Roundabout '22 Planning Dept were informed that central government intended to repeal the Resource Management Act

Before continuing may I say that I am aware that there is a serious issue in the region regarding the shortage of rental accommodation to meet current demands, and a shortage of affordable housing again to meet demand. I do not wish to minimise those issues but the factors that have created those shortages are beyond the scope of my response to the PC29 proposal.

I also know that in this submission I am going to draw attention to where I believe mistakes have been made by NCC planning department, but I am not doing so just to be critical. I am not a planner and my views are expressed in order that we can be more circumspect about Nelson's potential. There are also people present who have given a lot of personal energy and time in public service and I know that I have not put myself forward. I do acknowledge people giving of their time and energy for the city and I thank them for it. I just hope that my viewpoints today have value and are worthy of consideration.

My submission is based on personal experience in Nelson over the past 25 years. I ran a small backpacker hostel for 20 years hosting free independent travellers from NZ and around the world. During that time there were from 600 to 650 backpacker beds in Nelson and during summer months the hostel occupancy levels in Nelson were between 90 and 100 %. In fact, Nelson had the reputation of being the backpacker capital of New Zealand. For many or most travellers Nelson was the stepping stone to Abel Tasman or Nelson Lakes National Parks and for Golden Bay and the Heaphy. In the early years Nelson was the final destination of bus journeys and so travellers had to book accommodation in Nelson for one night and thanks to amazing service and hospitality from hostel owners they would be kitted out with cooking gear, camping gear, sometimes sleeping bags and hut and bus bookings to be on their way at 7 in the morning for the Abel Tasman Track.

Now a very common occurrence for new guests after they had been for their first stroll in Nelson town would be 'Is it possible to stay for another 2, 3 or 4 nights, or when we get back from the track can we book in for 2,3 or 4 nights? What really struck me was just how much visitors from overseas to Nelson really liked the feel of the town, the character of the town, the interactions with people in the town, the 'vibe' is something they want to enjoy. When visitors extend their stay from 1 night to 2,3 or 4 nights that is a real boost to local commerce. Having travelled throughout Europe, I have this enjoyment of European street cafes, but I have been so surprised to hear European travellers from some of the most beautiful parts of Europe telling me how much they enjoy Nelson and that the New Zealand café culture is fantastic.

There are things that we have to do but the vision that I have for Nelson is that it improves on its tourism attractiveness to become a stand out tourist destination of the southern hemisphere. Tourism is a business where travellers travel from elsewhere, NZ or the world, spend money and then go home. No need to build more industry, factories, more roads, or cope with more pollution. When travellers enjoy a town they also become free advertisers, do not ever underestimate the speed of the traveller's grapevine, its speed and spread is

amazing and it snowballs. Tourists attracted to Nelson will then explore out and benefit the whole of the Nelson Tasman Region.

I have mentioned 600 to 650 hostel beds, I do not know how many hotel and motel beds there are in town nor do I know how many Air BnB's or Bed and Breakfast providers. Probably the NCC will know. It has been said that when all hostel, motel and hotel accommodation in Nelson has been fully booked, without the existence of Air BnB providers, tourists would have bypassed Nelson. Bypassing Nelson is of no benefit to Nelson commerce.

More than 1000 tourists in town each night would surely be benefitting local commerce. It must be possible to get figures for the commerce of Nelson in that time when the town was buzzing with tourists i.e 1998 thru 2015 and then we will get a handle on the kind of revenue stream that is possible for the future.

There is a perception that tourist (Free Independent Traveller's) backpacker expenditure will primarily fall into the following mainstream categories food, drink, transportation, accommodation and tourist activities. Whilst this is so, I have been surprised in just how many varied ways the tourist dollar assists local commerce and have recorded the following from guest expenditure at this small hostel. Refer attached sheet ' Document Number 1' headed 'Non-mainstream tourist expenditure'

There are very few towns in New Zealand that have the happy combination of geographic diversity, character heritage, climate and the yet to be realised potential. We have to celebrate what we have. When we celebrate what we have and build on our potential there will be strong revenue stream flowing into Nelson commerce.

The NCC Planning Department and in fact the whole of council will be doing a disservice to the potential commerce and well being of this wonderful character town if they go ahead and change the planning regulations as proposed in PC29.

Virginia Creeper
Wakefield Quay apartments
Mollers Fountain

Burgher King

The Nelson Mail carried an article showing an artists impression of a line of five shops to be built on the old United Video block of land.

I understand the United Video land was bequeathed to the NCC to provide an amenity for the people of Nelson. I immediately contacted the commercial property investor mentioned in the article and suggested that it would be a perfect location for the Moller fountain with an arc of wooden seating to the back and a bank of shrubbery behind and with a high pedestrian count, the new five shops could be located behind that. I expressed my view that such a water feature would enhance Nelson's positioning as a character tourist town., The gentleman agreed with me but then said that it was too late. The NCC Planning Departmen

had put together the whole package, design, cleared consents etc and were on selling the package. It is to over to us to build the development. In my opinion that was a huge mistake by our planning department.

Possibly our planners were thinking we have to compete with Richmonds Mall, we must get some more shops in our main street. They were wrong. All over the world water features are very conducive to creating an appealing and calming atmosphere within a town or village. They did not appreciate the drawing power of a beautiful fountain such as the Moller fountain with an arc of wooden seating, with shrubbery behind and, enjoying a high pedestrian count, the line of shops set back 35 metres. If only Clark Gayford could get those shops shifted back 35 metres and we get the Moller fountain back there. It would be perfect counter balance to the loveliness of the top of Trafalgar Street.

I do have a fear - While the whole issue of intensification is quite a gnarly one for the planning department, I do have a fear that their work is embroiled with managing regulations and finding a balance between meeting the requirements of urban development strategy whilst also being public servants for the ratepaying citizens of Nelson, and all of that is happening in the absence of having an exciting vision for Nelson. If our planning department do not have a motivating exciting vision for Nelson and they go ahead and undermine our valuable heritage character, the town could easily atrophy with vacancies in the CBD.

There was a very alarming warning in our local newspaper from, I think it was 9 businesses, that if it was not for their leases, they would close up and move. I sincerely hope that this rang alarm bells throughout the NCC. If that happened others would follow quickly and Nelson could atrophy.

It is a generalisation, but I get a sense that many Nelsonians have far more passion for, and vision for, Nelson than City Council officials. My understanding is that the main street trees were an initiative of a private individual, and likewise the hanging flower baskets were not initiatives by council staff but by passionate individuals with their vision for the town and I thank them for it. The council staff seemed to take 8 or 10 years to even allow the lovely street cafes. The more recent Heritage Precincts e.g Elliot Street, Alton Street, and Seymour Avenue have been initiated by residents. The streetscape of Seymour Avenue is simply outstanding. In our street it is the residents who have done more to protect the heritage of the street than NCC staff and I believe that is the case with other Nelson heritage streets. Nelsonians appear to be more passionate and have more vision for Nelson than the city council staff. Residents of Heritage Precinct streets encounter restraints on materials, far higher costs doing renovations, far more expensive house insurance and now with PC29 planners are undermining our efforts by abandoning heritage status on parts of the city.

South Island

Documents 2 and 3.

Queenstown

Collingwood St Apartment

Heritage Street

Do Nelsonians want to be forced to drive to Stoke or Richmond to do shopping

Sculpture Documents Number 4, 5, and 6

Petanque Courts

Warning on Business Closures

Collingwood Street to River

Hardy Street parking

Waitangi Day Kai festival

Beach promontory

Investigate Nelson Lake

Red Paint – Blue Strips

The Barn Dance

Planning Dept Big Mistakes

Tina Turner concert

Performing Arts

Moller Fountain

Mitre 10 Mall

Donation

Wellington disease

Cathedral Steps

Stifled by bureacracy

We cannot compete with Richmond for parking and population growth and we should not try, but we can make Nelson an outstanding town that people want to visit, and find easy, to visit. For me Nelson's future was always in making it an outstandingly beautiful town and Richmond simply cannot compete with that.

The main thrust of my submission is that there is enormous untapped benefit to Nelson commerce by Nelson town becoming a tourist attraction in its own right, but we do need our planners to get vision and passion for the town. The potential is here already for Nelson to become a truly 'stand out' town. The commercial benefits to the town for decades would be enormous – everybody would benefit.

What is the most advantageous way for Nelson to have healthy commerce going forward. Tourism can be extremely beneficial to commerce without having to build new factories, expand industry or increase pollution. Tourists attracted to Nelson will explore out and benefit the whole of the Nelson Tasman Region.

Are the planners now going to kill the golden goose through being bereft of commercial nous? If we focussed on the vision of a stand out tourist town in the Southern hemisphere then without doubt commerce would flow into this town. Please do not allow our visionless planners to kill the 'Golden Goose'. Sadly, I am getting the impression that our NCC planners have resigned themselves to the fact that there will be apartment blocks in Nelson's heritage suburbs. Yet another visionless and passionless planning mistake.

Rather than allow for laissez faire apartment developments anywhere in the city, we should target specific areas and make them showcase best practice developments.

Yes, there is a need for intensification but it has to be intensification targeted to specific areas not destructive intensification. To allow for five storey apartment blocks, as of right, amongst Nelson character suburbs will be heritage vandalism and introducing discordant carbunkles into Nelson's heritage suburbs.

One of the speakers at a PC29 meeting that I attended (Peter Olerinshaw) said that he had mapped the amount of land in the CBD being used for cars., and arrived at 46% of CBD that was being used for cars. Nelson seems to have such a proliferation of car yards (why?) and I suggest that they should all be out on liquefaction land at Tahunanui. Those pockets of land could then be targeted for show case best practice attractive multi dwelling developments preferably with community friendly outdoor space. People living in car yard neighbourhoods will be pleased to get rid of the car yard outlook and see best practice urban multi dwelling developments.

There are very few towns in New Zealand that have the happy combination of geographic diversity, character heritage and climate. We have to celebrate what we have

In the late nineties NCC was creating a promontory of land on the seaward side of QE !! drive. Please refer to Document Number 7. My immediate thought was what a brilliant idea, they will create a grassy promontory with established Pohutakawa trees just like those lovely promontories open for everyone north of Te Kaha on the north islands East Cape. The reclamation landfill was saturated and needed time to drain and settle before plantings could occur. Mature pohutakawa trees and a playground for children and picnic areas and sand can be brought to create a small park and beach very close to the city centre. Yes, I thought brilliant thinking BUT, since then nothing. I am sure pohutakawa trees could have planted in the last fifteen years but nothing. No pohutakawas planted, no grassy area, just treated as a dump for soil. This idea can be further developed into a long park from the bowling club to the Wood turnoff, although we would need pedestrian bridge over Highway 6.

There has been so much tremendously beneficial endeavours for Nelson by councillors, council staff and individuals in the past to give us the character town and amenities we have today. The individuals and groups that made things happen from 1880 onwards which has given us the port today is so admirable. They did not have the heavy machinery or vehicles we have today and thankfully they were not encumbered by the Wellington disease Refer Document Number 8 . They saw what was needed and they got stuck in and did it.

I have been very impressed with the road protection work in the Maitai Valley. The way that rocks have been banked on flood damaged corners is attractive and most impressive. Full marks to the NCC Infrastructure team. I understand from Edridge that we have ample reserves of quarry rock.

The National Policy Statement for Urban Development required Councils to consider out for 30 years

- Now, here is a vision.... I know we have Lake Rotoiti and Lake Rotoroa in the Nelson Lakes National Park. Have you ever considered the Nelson Lake?

Please refer to Document Number 7.

Nelson Lake, Wide range of new amenities, Wind surfers, rowing clubs, Foiling, Kite Surfers, New Marina, New Lake Circuit Cycle Way, Fishing 24 hour sailing event . Sculpture, Atawhai residents

That strip of land from Sovereign Street through to the first Atawhai turn off from QE!! could be considered for apartment dwelling with the wonderful recreation area of Neale Park behind (which is not suitable for development being the site of the dump that I first saw of Nelson 56 years ago). There should be incentives/requirements that every balcony of those apartments have at least 50% greenery preferably hanging. Residents doing this would receive a rate rebate. Annually the most impressive balcony display would receive a \$2000 deduction from their mortgage.

I have a vision of people driving into Nelson seeing Nelson Lake on the right, within the lake five rock islands with wonderful sculptures or impressive Maori Taonga, please refer Document no. 9, that make the statement that they are entering a town that really champions its creative people and culture. Beyond the sculptures and Maori Taonga, they see the causeway to the Boulder Bank. On the immediate right there is a long park with established Pohutakawa Trees and on the left of the highway attractive apartment buildings where all balconies have shrubs or hanging plants . These are the hanging gardens of Nelson's entrance, and as they turn into Nelson town they see a town that has retained so much of its heritage character.

My last submission to council against the proposed parking bye law changes included the suggestion that all planning dept staff be given a weeks holiday in Hanmer so that they would see that the use of natural materials incorporated in new buildings design greatly enhanced the appearance and the attractiveness of Hanmer as a place to visit, and hopefully this would end our planning departments love affair with slab concrete construction and open their vision to what is possible.

In conclusion:- At the moment with its rate of growth Richmond appears to be outperforming Nelson, but if Nelson realises some of these potential suggestions and if our Planning Department develops some passion and vision for the town and is now focussed on Nelson becoming an outstandingly attractive town, in the future, Richmond will be but a pale shadow of what Nelson has to offer.

Thank you.
Alan Harding



DOCUMENT NUMBER 1.

Non-mainstream Tourist Expenditure

There is a perception that tourist (F.I.T.'s) expenditure will primarily fall into the following mainstream categories food, drink, transportation, accommodation and tourist activities. Whilst this is so I have been surprised in just how many varied ways the tourist dollar assists local commerce and have recorded the following from guest expenditure at this small hostel.

Additionally tourist service providers are continually upgrading their premises and services which continually benefits local trades people, and of course job creation arising out of tourism.

A snapshot of just how far the tourist dollar trickles through local commerce

APPENDIX A.

Hand printed silk sleeping bag covers

Handmade socks

Leather hats

Tattoos

Massages

Shiatsu

Reiki

Doctors and Dentists

Cars and Vans bought

Model Airplanes Posted Overseas

Educational Games

Books New and secondhand

Theatre Visits – eg 28 guests from this hostel were persuaded to attend an 8 day show
(possibly more than from the total NCC workforce)

Art Gallery Visits

Health and Fitness centres

Yoga Classes

Aerobics classes

Gymnasiums

Clothes every description

Touring Bicycles Rent and Buy

Panniers for Bicycles

Bicycle Repairs

Fishing Gear and Licences

Ceramic Painting Classes or Buying

Bead Classes

Pottery Classes

Bone Carving

Vineyard and Wine shop purchase (also posted overseas)

Bank Accounts opened

Money Exchange

Parking Fees

Tents, Sleeping bags, Boots

Artwork (posted overseas)

Video Hire

PTO

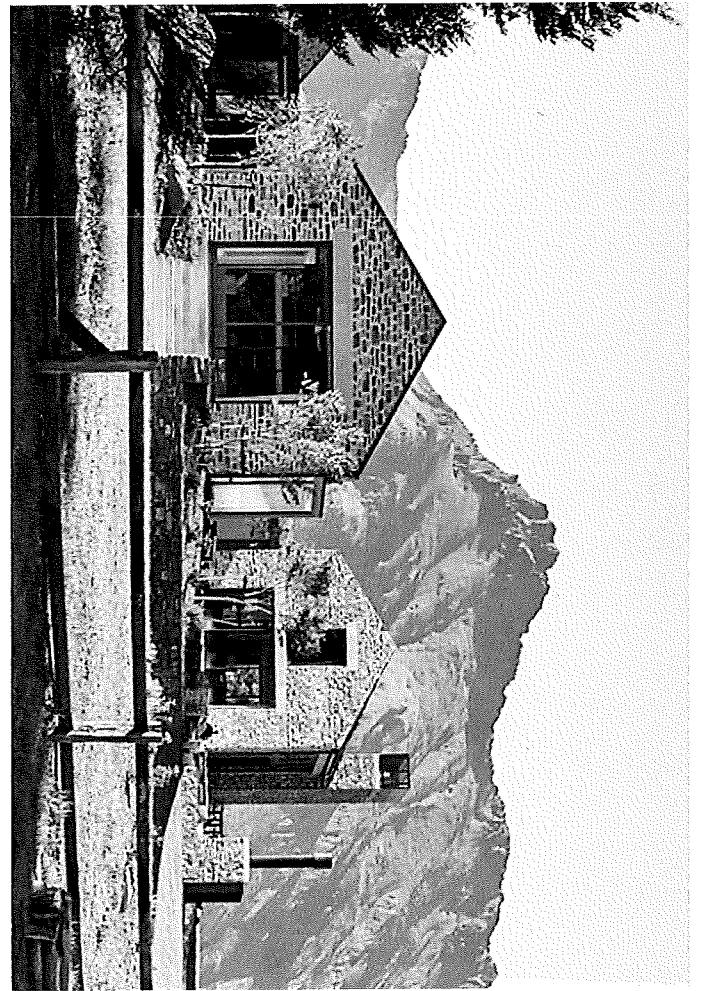
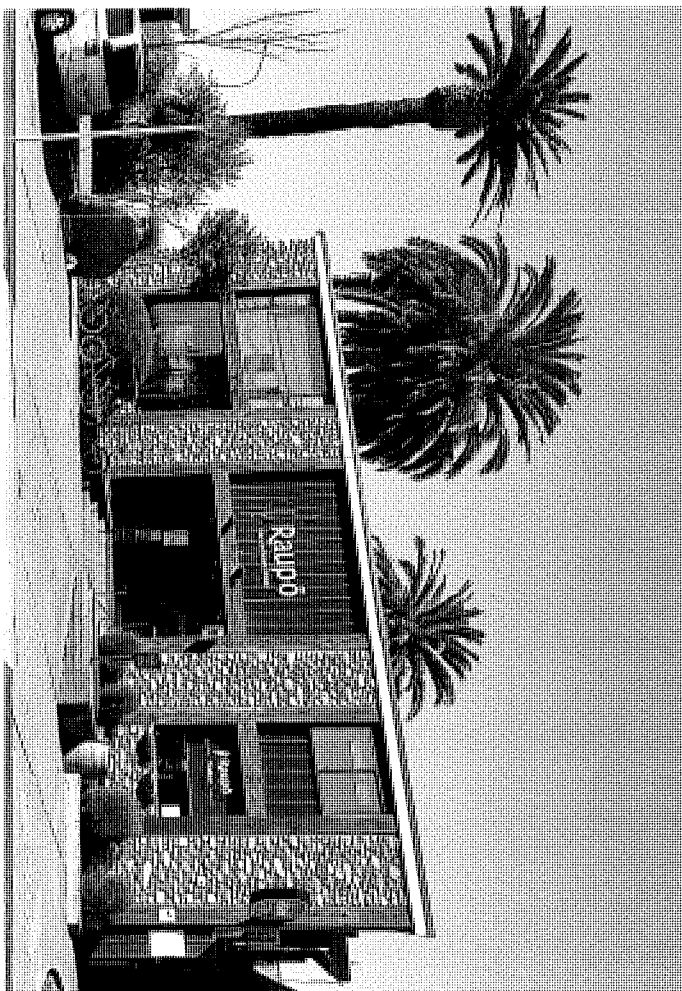
DOCUMENT No 1.

10F2

Cameras
Film processing
Computer rental/email/scanning/CD writing
Computer (laptop, notebook, ext disc storage) purchase
Car tyres
Mechanics
Auto Electricians
Replacement Batteries
Jewelry
Cinemas
New Guitars
New Flutes
Mini Stereo systems
Digital Cameras purchased and repaired
Recorders (Musical Instruments)
Wooden Puzzles
Board Games
Riverside Pool
Hairdressers
Cosmetics & Perfumes
Welding
Camera Lazer beam holding device (manufactured locally for Professional
Photographer's night focussing for wildlife photography).
School of Music - lunchtime and evening concerts
Saturday Market creations – Coca Cola Aeroplanes
Rainbow Socks and Hats
Hand Woven Clothes
Homemade Children's Wear
Natural (un-dyed) wool products
Kites, Yakky Sacs, Chess Boards – Games. Whirly Gigs
Children's Clothes
4 hour beauty treatment
Suitcases and replacement international travel bags
Courier services
All types of footwear
Hairdryers
Children attending schools as International Students

DOCUMENT No 1.

20F2



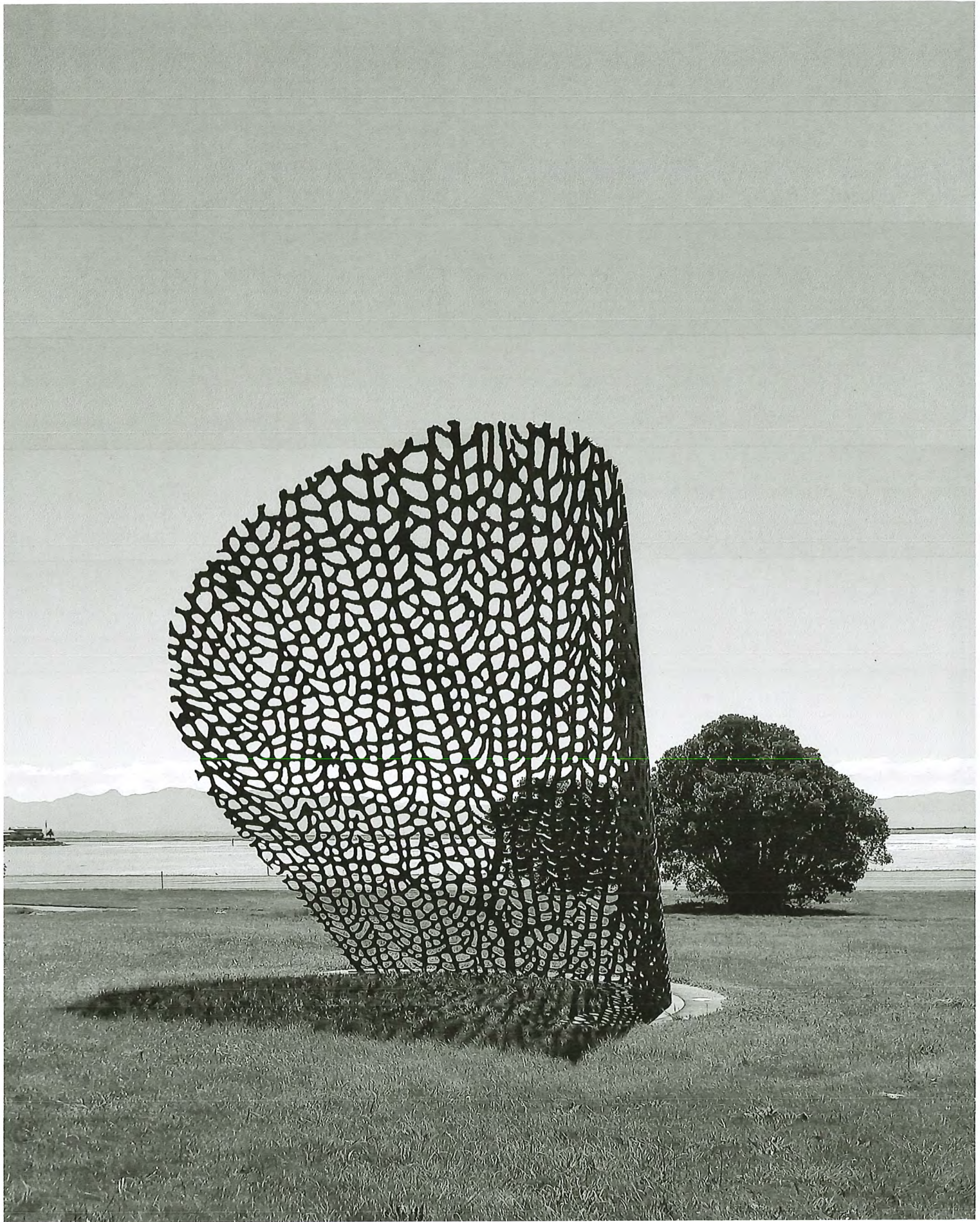
DOCUMENT NUMBER 2.



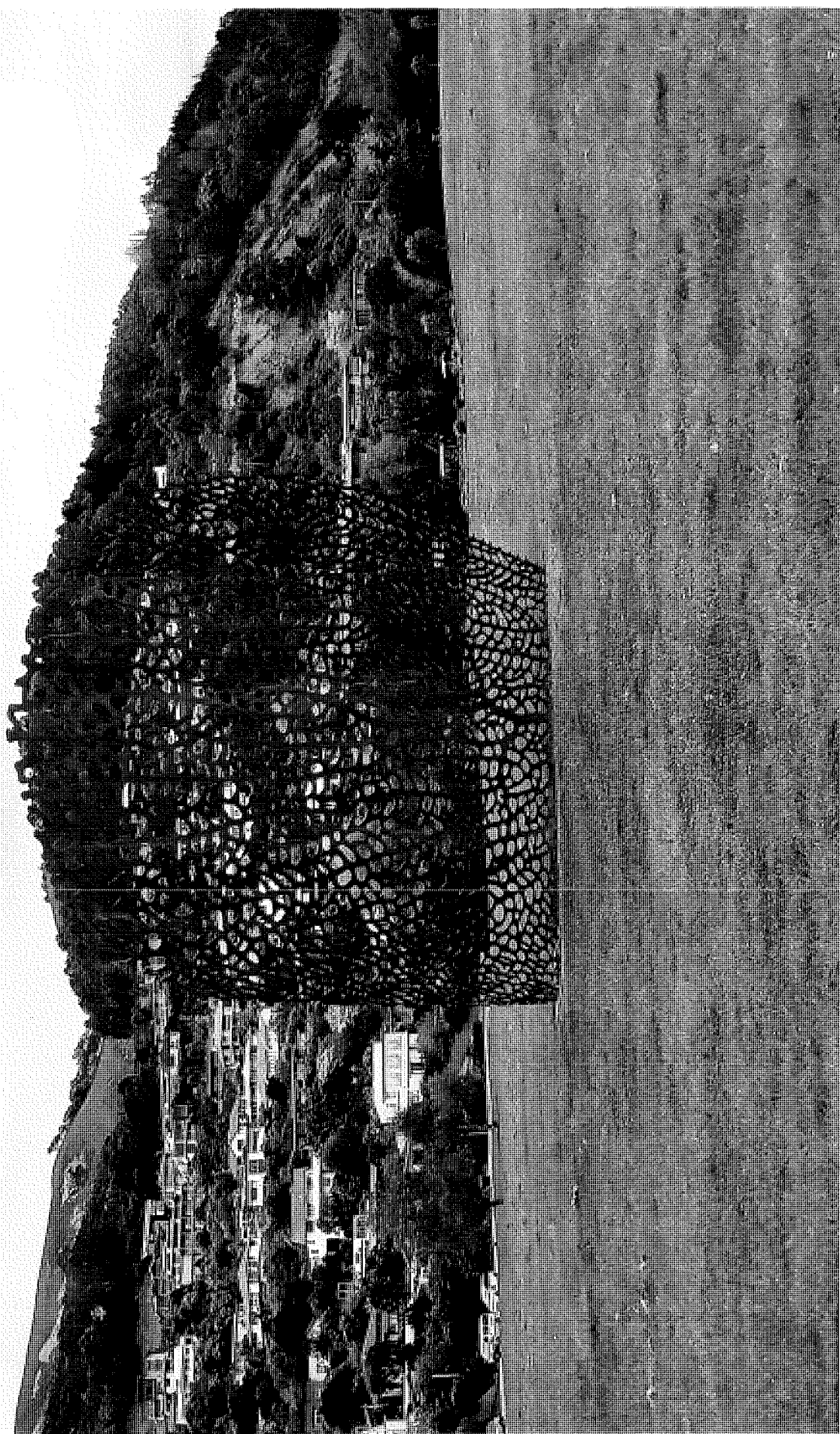
DOCUMENT No. 3.



DOCUMENT No. 4



DOCUMENT No 5.



DOCUMENT No 6.



DOCUMENT No. 7

DOCUMENT NUMBER 8.

The 'Wellington Disease' is typified by employees who are heavily embroiled in the following activities:-

Committees, councils, commissions, consultants, conferences, reports, restructuring, centralising, upskilling, reviewing, re-evaluating, de-centralising, downsizing, upgrading, evaluating, familiarising (famils), strategising, recording, archiving, meetings, conferring with experts, redesigning, new slogans, new logos, communicating, statistics gathering, authorising, monitoring, enforcing, liaising, copying overseas systems. Initiating surveys, studies etc. Seeking submissions, administering inquiries, press releases, reviewing, task force, action plan, have a look, information gathering, surveying, working with stakeholders, identifying issues, highlighting issues, devising action plans, further consultation, implementation, questionnaires, integrated approach, working together for optimal results, changing slogans, advertising campaigns, publicly funded junkets.

And on it goes.....and in recent years local government has been infected.

DOCUMENT No 8.



DOCUMENT No 9.

TAURAPA - Te Whatu Mangā Nui Ki Te Tai

The taurapa was commissioned by Nelson City Council and designed by local artist Maia Hegglin. The 9 metre steel sculpture of a waka sternpost sits next to the Mahitahi river. Beside it, a pākohe (argillite) anchor stone connects the artwork to the land and river.

The choice of medium complements the cultural significance of the site, the historic contribution and evolution of Māori settlement and growth in Whakatu. It pays tribute to the exploration of the South Pacific Ocean and arrival to Aotearoa.

On 21 November 2018 a dawn mauri stone ceremony was held by local iwi.

On 2 February 2019, a dawn unveiling ceremony was held and iwi gifted the name

"Te Whatu Mangā Nui Ki Te Tai - Great eyed shark on the tide" to the taurapa. This name refers to looking to the future, and symbolises kotahitanga (strength in unity) of people. The artist and representatives of the eight iwi of Te Taihū o Te Waka a Māui (Top of the South) were in attendance.



Nau mai ki toku Ahuru Mōwai
Welcome to my safe home
to my sheltered haven

Juan Jose Novella
2012

Rev 0.1

MUST be sent or delivered by 31/10/23 4pm to:

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

Environmental.planning@ncc.govt.nz

Submitter

Full Name: Jan Maree Jordan

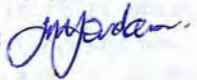
Address:

NOT FOR PUBLIC RECORD!

Telephone:

NOT FOR PUBLIC RECORD!

Email: jjnelson33@xtra.co.nz

Signature of Submitter: 

Date: 30 October 2023

I **COULD NOT** obtain an advantage in trade competition through this submission.

I **DO NOT WISH** to be heard in support of my submission.

I **OPPOSE** Plan Change 29 (PC29) in its entirety,
AND SEEK the withdrawal of the Plan Change by Council prior to the calling of Further Submissions,
AND (if Council does not withdraw it accordingly) **SEEK** dismissal / cancellation by the Commissioner
and/or Council.

If such opposition / withdrawal be not accepted / agreed, then these are some, but not all, of my
points...

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.

- f) Despite numerous requests, Nelson City Council (NCC) has refused to contact by email or letter, all it's ratepayers. We will all be affected, either directly or indirectly, by PC29 and so it is essential that all property owners are notified directly. At the very least, those property owners who will be directly affected by their property's zone being changed, should be notified by email or letter. My reason for requesting this, which I stated in my requests, is that many property owners were in other parts of the country or overseas, when PC29 was publicly notified and are therefore likely to be unaware that their property is to be rezoned. This is even more likely this year, as we have a multi-cultural population, and following years of restricted overseas travel, this has been the first winter that people have been able to easily travel abroad to have a holiday or visit friends and family. Essentially, not all Nelson property owners are aware of PC29, or its implications, on their property and their tenants.
- g) Over 19 submissions (313367, 31432, 31483, 31518, 31541, 31641, 31612, 31619, 31621, 31631, 31651, 31672, 31694, 31698, 31722, 31741, 31746, 31781, 31794, 31355) were lodged opposing the Nelson Tasman Future Development Strategy (NTFDS) proposal that areas in Tahunanui be zoned suitable for 6 storey buildings. All these submissions have obviously been ignored, as PC 29 proposes HDZ for that part Tahunanui. Also, I could not find 1 submission supporting the construction of buildings over 2 storeys on the Tahunanui Hills. As a resident, without a professional qualification in making submissions, I can't help wondering if my submission, and those made by many other people in our community, will also be ignored, despite the amount of personal time and effort we have spent making them.
- h) We have often been told at public meetings on PC 29 held by Nelson City Council, that PC 29 is based on the NTFDS and the submissions received on that. It is therefore surprising when reading those submissions to find that in addition to the above mentioned 19 submissions opposing multistorey buildings in Tahunanui, there were at least a further 11 submissions (31522, 31525, 31543, 31545, 31557, 31599, 31646, 31716, 31720, 31777, 31830) on the NTFDS, opposing buildings over 4 storeys being built anywhere in Nelson and I could not find 1 submission supporting 5 and 6 storey buildings.

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 Councillor Courtneys proposal to withdraw PC29 at the 14th September Council meeting.
- b) Some members of the panel that will hear submissions from the public on PC29 are apparently not unbiased or impartial, as required by the New Zealand Bill of Rights. The New Zealand Bill of Rights, under the heading 27 Right to Justice, states:

27 Right to justice

- (1) Every person has the right to the observance of the principles of natural justice by any tribunal or other public authority which has the power to make a determination in respect of that person's rights, obligations, or interests protected or recognised by law.

The key principles of "natural justice" in circumstances like the proposed Pan Change 29 are:

1) No one should be a judge in their own cause 4

2) A party should be informed of the allegations against it and be given an opportunity to answer those allegations

3) A party is entitled to have its case heard by an unbiased and impartial tribunal

Principle (1), otherwise known as **Nemo iudex in causa sua** appears relevant in this context because some members of the panel, in their capacity as City Councilors, are also decision-makers on Plan Change 29. As principle (3) notes, parties to a hearing such as on Plan Change 29 under the RMA, are entitled to be heard by an unbiased and impartial tribunal. However, some Councillors who are panel members have indicated a pre-existing bias by voting in support of PC29.

- c) I therefore request that:
 - i) Council appoints an independent Hearing Panel (i.e., no current Councillors) to hear the Submissions, and if that is not possible;
 - ii) I ask the Council to appoint Councillors from either side of the Sept 14th vote, and if that is not possible;
 - iii) I request that at least 2 additional, well qualified people, who are not current Councillors, are added to the Hearing Panel (For example, a demographer, someone familiar with the social impact of / demand for different housing styles or a professional member of Nelson Tasman 2050).

3) NCC's Population forecasts

- 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.
 - ii) I fully support the entire submission on PC 29 by Dr Geoffrey Hayes, as his submission outlines in detail why the population forecasts which NCC is basing PC 29 on, are flawed and exaggerated.

4) Design Led and Not Developer Led Growth.

- a) Nelson is a very special and unique place that needs to be protected with care. It is unlike any other district in NZ. It includes a 'Low Rise' City with a collection of heritage and non-heritage character buildings that have attracted people for generations. Therefore, Nelson has been a cherished holiday destination for many New Zealanders and international travellers, and this is an important part of the local economy.
- b) Residential Neighbourhoods should be protected for future generations to enjoy and new developments thoughtfully designed and planned on a neighbourhood, by neighbourhood basis to maintain the essence of their character.
- c) We need to protect and retain CBD historic facades as an essential part of the character of the Inner City.
- d) Contemporary, Black Iron Clad Boxes built only a few metres from 120-year-old Historic Homes is a thoughtless lack of long-term vision for maintaining the attraction of Nelson for all the future residents and visitors.

- e) Green Spaces, Trees and Landscaping are essential for the look and feel of some of our older neighbourhoods. They help considerably with the wellbeing of the residents and help to provide an essential part of the attraction of Nelson. This must all be considered when developing plans for the growth of Nelson.
 - i) I ask the Council to create a broader level of protection for neighbourhoods beyond the heritage buildings and precincts that still have historic character value from the early settlement years of Nelson.
 - ii) I ask the Council to appoint an Urban Development Agency (UDA) to carefully guide growth and actively facilitate the emergence of cohesive urban neighbourhoods with a variety of high-quality housing choices.
- f) I ask Council to consider advice from Nelson Tasman2050, <https://nelsontasman2050.org.nz/> which 'is an independent think tank of built environment professionals sketching pathways towards a better future. Our mission is to help create vibrant communities through advocating, promoting and supporting our transition to resilient, sustainable, affordable, equitable and community-focussed urban environments through Quality Intensification'.

5) Sunlight Recession Planes and Shading Effects

- a) Sunlight is a **CRITICAL** part of living in Nelson. It is called the 'Sunshine Capital of NZ' for a very good reason. It is well documented that people relocate to Nelson because of the Sun and accept reduced wages called 'Sunshine Wages' for that privilege. When people purchase a property in Nelson, the cost is often directly related to the amount of sunshine that that property gets and so it is abhorrent that this sunshine could be taken away without a property owners consent.
- b) TDC even 'Encourage the Sun into your home'. See <https://www.tasman.govt.nz/my-property/building-and-alteration/heating-and-insulation/energy-efficiency-and-heating-your-home/>
- 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 foot print, are all exasperated due to a large portion of Nelson housing being old, and so have un-insulated walls and single glazing which 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, and especially those who depend on passive solar heating, may not be able to 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 if they **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: 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 minimised, 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 neighbour is residential. This philosophy applies whether the building is on an adjoining site or across a street.

- viii) If a property gets less sunshine, it will be more expensive to maintain, and landlords will find it more difficult to attract suitable tenants.
- ix) PC29 is supposed to be based on the Nelson Tasman Future Development Strategy (NTFDS). As part of that strategy, the 'Housing Preference Survey 2021' shows that the **most** important feature of a dwelling, after 'Safe from Crime', was 'Freehold Title' and '**Sunny**'. For renters, after Safety, 'Sunny' was the highest-ranking property feature. Over 97% of people rated 'Sunny' as being the top property feature.
- x) There is a Nelson home that is one of the most sustainable in the country: <https://www.stuff.co.nz/nelson-mail/nelson-top-stories/132536829/nelson-home-one-of-most-sustainable-in-the-country> There could be many more homes like this in Nelson, and we could be a world showcase for such homes, but this won't happen and homes like this won't be built if there is a risk that a property will lose some of its sunshine hours.
- xi) I am aware that Nelson is one of New Zealand's prime areas for fruit and vegetable production due to its climate (especially sunshine) and soils. By reducing the sunshine hours that people get on their property, you reduce the ability for people, and especially families, to grow their own food. You therefore take away an essential part of sustainable living. By taking away this right, not only do you affect people's ability to live sustainably, but you also impact on their overall health, and in particular, their mental health, as gardening is renowned for having many mental health benefits.
- xii) I, and most Nelson residents, bought our homes in an area where we knew that there was existing legal protection of residential amenities (in particular as to height and sunlight); and we reasonably expected that to continue.

6) Privacy and Outlook

- a) Privacy is a critical part of enjoying a property.
 - i) 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]** have a reasonable degree of privacy as well as encourage residential units to be orientated towards the street or public open space'.

7) Intensification

- a) 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.
- b) I am strongly opposed to all new 'Green Field' developments being used for only single storey dwellings as it is a complete underutilisation of land that can accommodate increased intensification.
 - i) I ask Council to ensure a minimum of two storey dwellings be built on all new green field developments. Eg Golden Elms in Toi Toi, Ngawhatu Valley, Tasman Heights, Marsden Valley, and Bayview in Atawhai.
- c) Building holiday apartments that sit empty for long periods, does not solve our intensification, growth, and affordability dilemma, and yet it locks up our valuable housing resource. Eg Rocks Road, Haven Road, and the Ocean View Apartments on Beach Road, have many empty apartments, that are used solely, or mainly, for Air BnB and other holiday accommodation.
 - i) I ask Council to consider solutions to mitigate against new-build empty holiday apartments.
- d) I oppose the increase of residential units beyond 2, as a **restricted discretionary** activity that does **NOT** require notification and written approval from neighbours.
 - i) I ask Council to ensure that more than 2 units requires notification, to restrict large 'out of character' accommodation blocks spanning multiple sections and taking up lots of on-street car parking spaces, popping up in a residential street, without warning.
- e) Bigger, older properties could be better utilised and help with our growth if they were more easily allowed to be divided into multi-dwellings.
- f) Building inner city apartments that offer an alternative solution to 'retirement villages', can free up the bigger homes for new families to occupy. The 'retired' occupants may also be less likely to be reliant on a vehicle, which may more closely suit the growth model desired.
- g) Designing Inner-City roof gardens and balconies with green spaces for commercial hospitality use or places for apartment living residents to relax and enjoy the Nelson Sun.
- h) Incentivise rate paying residents to demolish or relocate their house in favour of replacing more units on the same section providing they comply with the suitable character or heritage of the neighbourhood.
- i) There is no equity with PC29.
 - Large developers, social housing providers and government organisations are the only ones that can afford to take advantage of PC29 allowing multiple storied buildings.
 - Homeowners and small property investors will be reluctant to invest in their properties and build affordable additional dwellings if there is any risk of a developer building a multi-storey building without their consent on a neighbouring property and thus reducing the value and desirability of that investment. As both a home owner and landlord I won't be investing in providing additional homes for people if there is any risk of the neighbouring property owners building higher buildings and taking away the

sunlight and views without my consent, as this would make them less desirable and therefore more difficult to rent or eventually sell.

- Property owners will also be reluctant to invest in property upgrades, such as garden and solar power or heating systems, if their property's sunshine hours could be reduced by nearby developments (which would make these improvements inefficient and therefore worthless).
- j) I do not oppose multistorey residential buildings in the centre of Nelson, and perhaps up to 2-3 stories in the commercial zoned area of Stoke, but these should ideally be permitted on a case-by-case basis, requiring a resource consent application and approval from neighbours.
- k) The implications of future garaging and carparking, which is not included in site coverage, taking up green space, needs to be assessed, as this will potentially have a dramatic affect on stormwater discharge from properties.

8) Progressively Phased Intensification

- a) Firstly, Inner City should be the starting place to have the most significant intensification, before forcing it onto the residential neighbourhoods, this can give more time to complete a better design vision for our residential neighbourhoods.
 - i) I ask Council to make better utilisation of Car Only spaces, by developing them into shared spaces, with Accommodation overhead. 'Nelsust' highlights 44% of the Inner City as Car only spaces.
 - ii) I ask Council to retain para ICd.11 'The zone enables and encourages an increase in the density and diversity of quality housing in the City Centre by enabling residential activity above ground floor level. It is expected that over time, more people will choose to live in the City Centre because of its easy access to offices, shops, entertainment and varied open spaces and experiences'.
- b) Secondly, City Fringe would be the next zone to phase in for intensification.
 - i) I ask Council to negotiate and/or incentivise Industry and car yards to relocate, to less essential land, from that which can be better used for residential units.
- c) Finally, the Residential Zones would be the last area to be phased in, by working out from the City Fringe Zone (and Central Stoke).
 - i) I would support Medium Density Residential Zones (3 storey 11m high) progressively expanding from the CBD (and Central Stoke) **if required and over time**, providing AP15 Daylight Admission Protection rules remain in force for existing properties.

9) Intensification in hazard zones

- a) I ask Council to apply no greater than General Residential Zoning rules in all Hazard overlays, because these areas have been assessed as vulnerable and given that we are in a climate crisis, with increasing record-breaking weather events, affecting increasing areas of Nelson in ways not seen before then, I believe those areas should be treated with caution.

10) On-street carparking

- a) Increased intensification will result in more on-street car parking and the narrow streets of Nelson will become a hazard to pedestrians, mobility scooters, cyclists, refuse collection and Emergency Service vehicles. This will cause fracturing of neighbourly relations and communities.

- i) I ask Council to provide a 'Comprehensive car parking management plan' as strongly encouraged by Policy 11 of the NPSUD 2020, to mitigate against these issues.
- ii) I ask Council to use traffic calming solutions that do not lose on-street car parking spaces e.g. Speed Humps, instead of Choke Points.
- iii) I ask Council to utilise smaller 6m long buses in as many areas as possible, as opposed to the current 12.5m long buses being used, to minimise the amount of car parking that is lost to bus stops, and bus access to those stops. E.g., On Moana Ave, which only has parking on one side of the road, 7 carparks are lost to just 1 bus stop.

11) Social Housing

- a) Significant care and attention must be considered with all social housing because there are too many examples across the country where this has resulted in disharmony in communities.
- b) High density living for the homeless and vulnerable will not result in healthy outcomes for all concerned.
- c) Careful design controls from the concept stage onwards, will be rewarded in the long run, with less support required by Mental Health Services, Charity Services, Police and Social Services.
 - i) I would like to see Council working closely with Kainga Ora, to provide a 'transparent' way of creating new Social Housing Developments that 'Fit' with the long-term design vision of Nelson.
 - ii) I would like to see Council have more fit for purpose controls for antisocial behaviour that affects the existing neighbour's enjoyment of their property.
- d) The impacts on mental health of living in multistorey buildings providing social housing need to be considered prior to multistorey social housing developments being given consent, as studies have found that multistorey buildings can have a detrimental effect on residents mental health. E.g., <https://www.mdpi.com/2078-1547/10/2/34> **High-Rise Apartments and Urban Mental Health—Historical and Contemporary Views**

12) Infrastructure

- a) I ask the Council to include a plan to mitigate against future drought situations with a greater demand on the same amount of water from the Maitai Dam, for a greater population.
- b) I ask the Council to include a plan to mitigate against the increased capacity requirements for our wastewater systems.
- c) I ask the Council to include a plan to mitigate against the increased capacity requirements for storm water.
- d) If Council does not or is unwilling to provide the infrastructure required to allow for intensification, and instead stipulates that this must be paid for by developers, then the opportunities for development and intensification will not be equitable. This is because only large developers, social housing providers and government organisations like Kainga Ora, will be able to meet this extra cost. Other ratepayers will generally not be able to afford such a surcharge and therefore will not be able to develop their properties to help meet the need for intensification.

13) Social Impact Study

I ask that Council identify and assess the social impact of PC29 and identify strategies that might mitigate any potential effects associated with proposed Plan Change 29 on people's wellbeing and Nelson society in general.

14) Section 32 Evaluation Report is inadequate.

This report does not fully consider the risk and impact to people's health, lifestyle and property value if a multistorey building, and especially one over 2 stories, is built next to them.

15) Affordable Housing For many reasons, including those already mentioned and due to the broad-brush approach of PC29, it is less likely to provide healthy affordable housing than a more fit for purpose plan change that has resulted from community consultation and advice from professionals from many different professions, including but not limited to, property investors, developers, builders, architects, social housing providers, engineers, climate change specialists, demographers and social impact specialists.

16) My husband and I oppose the proposed Tahunanui High Density Zone and here are our reasons:

1. Slope instability

It is apparent that there has been no consideration of geotechnical issues when deciding on the proposed zoning of the area. Our biggest concern is that high density development will increase the potential severity of future slips on the Tahunanui Hills. The proposed HDZ in the Tahunanui Hills is an area potentially affected by the significant natural hazard of slope instability. Plan change 29 Housing and Hazards on the Nelson City Council website stated that intensification should not include areas potentially affected by significant natural hazards:

"Enabling the intensification of development on land currently zoned for residential and commercial uses (Residential Zone, Inner City Zone, and Suburban Commercial Zone), that is not within areas potentially affected by significant natural hazards"

There is an instability hazard overlay on 8 of the properties out of the 44 in the new proposed HDZ for Tahunanui Hills. This includes 4 Tamaki Street, 113 and 111 Tahunanui Drive, and 13, 15, 17, 23 and 19 Tosswill Rd. Beca's 2022 report on slope instability said that damage observed along these old sea wall slopes post-August 2022 indicate they pose an elevated risk due to over-steepened slope profile and weathering.

Furthermore, all of the properties covered by the proposed HDZ (including our house) have a condition (Condition 1) on their property title with the Council. Condition 1 is on the NCC NRMP register and states that the land may be of suspect stability and conditions must be in place including geotechnical reports for any developments. This has resulted in geotechnical reports being completed where property owners have undertaken development. Geotechnical reports have recognised the instability of the steep hill and required extensive foundations and work even for single story buildings. The proposed hazard overlays for slope stability do not include these Condition 1 properties but that does not mean there is no risk now especially with higher intensity of rainfall and intensification of the land. Beca produced a slope stability report in 2021 that stated regarding the Tahunanui Hills that (emphasis added):

"The distribution of mapped landslide deposits identifies locations of deep-seated landslides which may be re-activated during heavy rainfall, seismic events, and/or due to construction activities.

Triggers for slope movement may include rainfall, earthquakes, physical and/or chemical weathering, and land development"

Many properties in the proposed HDZ have already experienced slips, such as at Tosswill Road where slips have blocked Tosswill Road several times. Many owners have geotechnical reports that show areas unsuitable for building and where remedial action may be needed.

Dr M. R. Johnston Consulting Geologist (in a 2018 report) recommends that all developments in hill areas other than minor structures and earthworks involving cut and fill faces less than 1m in height and thickness and/or fill comprising no more than 3m³, on sloping ground be subject to geotechnical input so as to minimise the risk of slope instability:

"It is recommended that the Hill area is requiring geotechnical assessment or Geotechnical assessment requirements for hillsides..."

One specific geotechnical condition is C418 that applies to the abandoned sea cliff that extends along the former waterfront from Annesbrook to Tahunanui. These cliffs are cut in relatively weak rock whose stability is decreasing as weathering progresses. The areas referred to in C418 could be, subject to a revision of its boundaries, incorporated into a slope risk overlay".

We have observed in dry weather large cracks on the dirt and grass around our house and other houses on the hill. We have cracks in our concrete and in neighbours concrete due to movement on the hill.

During our time living on Tamaki Street, we have experienced high rainfall events where access to our home has been cut off after slips have occurred on Tosswill Road. We have often watched water pour down steep Tamaki Street after a storm. We have observed weeping coming through new seal in lower Tamaki Street from small springs after heavy rain, and the amount of water and frequency of this seepage appears to have increased following the building of just 1 new home. Seismic activity combined with a storm event in a high-density area could be a disaster as mentioned in several reports on the Tahunanui slump.

There has been no geotechnical input into what intensification (of up to six-storeys) will do to the stability of the Tahunanui Hills. Climate change will increase adverse weather events with even greater potential to create slips on the hill.

The Beca Report on slope stability zones (dated 9/12/2021) recommended future work for land earmarked for future development as follows (underlines added):

1. The physical extent of the slope instability overlay may additionally be expanded to include areas of interest outside those included in this study, such as land earmarked for future development.
2. The overlay set out in the Beca report has been prepared from desk study only. refinement of the instability and run-out zones may be completed from field mapping. This step may be applicable for developed areas on land particularly prone to landslides and/or land earmarked for future development.
3. Report does not identify full extent of areas impacted by slope instability across hillslopes.

4. Risk assessments require additional considerations, including likelihood of slope failure and the potential consequences to a particular element at risk. Neither of these are considered in our susceptibility overlay given its primary purpose is to inform the need for further geotechnical assessment.
5. Does not show deep seated failures (i.e. Tāhunanui Slump), nor areas of hill creep. The maximum downslope extent of solid debris difficult to determine.
6. Tāhunanui - An extensive scarp formed along the head scarp of the Tāhunanui slump core below Princes Drive. Deep seated movement impacting multiple residential properties was recorded in this area. Shallow slope failures were additionally observed along the abandoned sea cliff along Tāhunanui Drive and near Port Nelson

2. Amenities

The NCC planning team stated that the Tāhunanui Hills were chosen for the proposed high-density development because of their closeness to amenities. The amenities referred to (being the school and shops) are down a steep set of stairs and across State Highway 1, not easily or safely accessible for young families, the elderly, or the mobility impaired without a vehicle. There are no supermarkets within walking distance of the proposed HDZ in Tāhunanui which would be a serious issue for all the HDZ residents with no vehicles.

3. Traffic

The Tāhunanui Hills is serviced by narrow, winding streets which in our opinion are inappropriate to service high traffic volumes. NCC recently installed speed bumps along Tosswill Road to slow down traffic which uses this road as a thoroughfare to and from Nelson City. The road is very narrow and from our time living here, we have seen several incidents and near misses due to the narrow winding nature of the road where cars often cross the centre line. In addition, accessing Tāhunanui Drive from Tosswill Road can be very difficult and dangerous and would need significant upgrading before this scale of development could be accommodated on the hill. We consider that the potential traffic produced by high-density development in this area has not been considered in enough detail as to whether it is appropriate. The same is likely for other infrastructure provisions to the area, such as Three Waters servicing. There are several reoccurring slip zones onto Tosswill Rd that make it even more dangerous.

4. Sunlight and Shading Effects

Sunlight is an essential part of living in Nelson and why we chose to live on the Tāhunanui Hills. Our house has been built for the sun and for the garden to receive sun. It will be subjected to the loss of sunlight by neighbouring intensification with the following possible effects:

- All 5 edges of our property could have 6 story high apartments one metre from the boundary completely enclosed our property in a very high box of buildings. This could compromise our health.
- Hill properties like ours already have additional shading issues directly from the hill which is another reason for not having high density development on hills.
- The lack of sunlight could result in existing homes, many still with single glazing becoming dark and damp with associated mould and mildew.
- The value of our house is likely to decrease if it is surrounded by apartments.
- Privacy and outlook are a critical part of enjoying a property and the reason for our purchase, we would lose both of these if apartments of 3 or more storey were built next to us.

5. Trees and Gardens in the Tāhunanui Hills HDZ

There are many established large trees (over 6 metres high) in this Tāhunanui Hill HDZ that are helping stabilise the ground and providing a habitat for our native birds. These will be lost when there is no sun to support their growth or removed to make way for intensive development.

There are approximately 1200 trees over 6 metres in height in the Tāhunanui Hill high density zone. They form part of the green garden canopy. There are direct benefits for maintaining and increasing the leaf area index, or green spaces, in our suburb particularly with climate change increasing temperatures and heat extremes. Access to green spaces leads to an improvement in mental and physical wellbeing. Trees help with air pollution. They also play a vital role in storing and filtering water which helps prevent slips on the hill.

Trees provide a habit for our native birds, thus improving biodiversity in our urban setting. The Tāhunanui community has actively been killing rats and we now have established communities of Weka, Tui, Kereru and Piwakawaka. We see these birds every day on our property. Their habit could be destroyed with high density development. Most Tāhunanui Hill residents have productive gardens with fruit and nut trees and vegetables which will no longer be viable with the shading.

6. Recreation

Tamaki Street is one of the steepest streets in New Zealand and it has over 400 steps at the top to Princess Drive. Many walkers, runners, tourists and locals walk daily from the bottom of Tamaki Street up the hill for fitness, well-being and to enjoy the peaceful beautiful view down the hill to the sea. We estimate around 100 walkers a day walk up and down Tamaki Street. They enjoy the established gardens and birdlife. This city walking trail would lose some of its amenity value and views, whilst also becoming more shaded and dangerous with the increase in traffic from any intensification.

7. Intensification

It will be expensive for developers to fulfil the requirements to build 6 storey buildings on the hill. The resulting apartments therefore would be fewer in number and expensive to buy. The Tāhunanui HDZ could easily become developments of expensive holiday apartments that sit empty for long periods. This does not solve our intensification, growth, and affordability dilemma, and yet it locks up our valuable housing resource. Such developments can only be achieved by large development companies or government agencies and are at the expense of other residents who cannot afford to compete with the height and size of neighbouring developments.

We are opposed to new 'green field' developments being used for only single storey dwellings as it is a complete underutilisation of land that can accommodate increased intensification without affecting existing suburbs. The inner city should be the starting place for the most significant intensification before moving onto existing residential neighbourhoods.

I SEEK the following decision:

- 1 Rejection of the whole Plan Change 29;

and if that is not accepted, **I SEEK**

- 2 the deletion of the HDZ from PC 29;

and if that is not accepted, **I SEEK**

- 3 the inclusion in PC 29 of a maximum height of 10 metres in the areas proposed to be HDZ;
- 4 the amendment of PC 29 to ensure that all Recession Planes (and commencement height and degree angle of the same) remain as detailed in the NRMP.

and

- 5 An amendment to ensure that any non-compliance with Rules REr.18J or REr.19J (both as to height), and/or REr.18K or REr.19K (both as to daylight admission) be considered as “non-complying” – and not as Restricted Discretionary or Discretionary;
- 6 an amendment to ensure that, if at least one car park is not provided for each residential unit in the areas presently proposed to be zoned HDZ or MDZ; any failure to comply strictly with all other Rules in Rules REr.18 or REr.19 set out in the PC 29 will mean that the proposal is to be considered as “non-complying”;
- 7 an amendment to ensure that height limitations for developments in Inner City Fringe ensure that properties actually adjoining a Residential Zone are obliged to meet the height limitation applicable within such Residential zone together with a re-drafting of Objectives and Policy portions of the Plan Change to appropriately reflect all the foregoing;
- 8 The complete removal of MDZ and HDZ from the Tahunanui Hills as this unstable area of land is obviously unsuitable for such development due to the many aforementioned reasons.
- 9 Stop using the flawed population projections of 2020 as a planning tool. Cease using this projection for the next FDS or in support of plan changes such as PC29. Release the population projections prepared by DOT consulting for public scrutiny and commentary.

I REQUEST that Council appoints an independent Panel (i.e., no present Councillors) to hear the Submissions.

RMA Submission Form for Publicly Notified Plan Change 29 *Housing and Hazards*

31 October 2023

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

OFFICE USE
Submission No: S755
Date Received Stamp: 31/10/2023
NDOCs No: 539570224-17830

Submitter Details

Full Name ---
Organisation Nelson North Limited
Contact Person Mark Lile
Postal Address Landmark Lile Limited, PO Box 343, Nelson 7040
Mobile Phone
Email mark@landmarklile.co.nz

Trade Competition

I/we **could not** gain an advantage in trade competition through this submission.

Council Hearing

I **do** wish to be heard in support of my submission.

I would **not** be prepared to consider presenting my submission in a joint case with others.



.....
Signature of Submitter
(or authorised person)

Dated: 31 October 2023

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

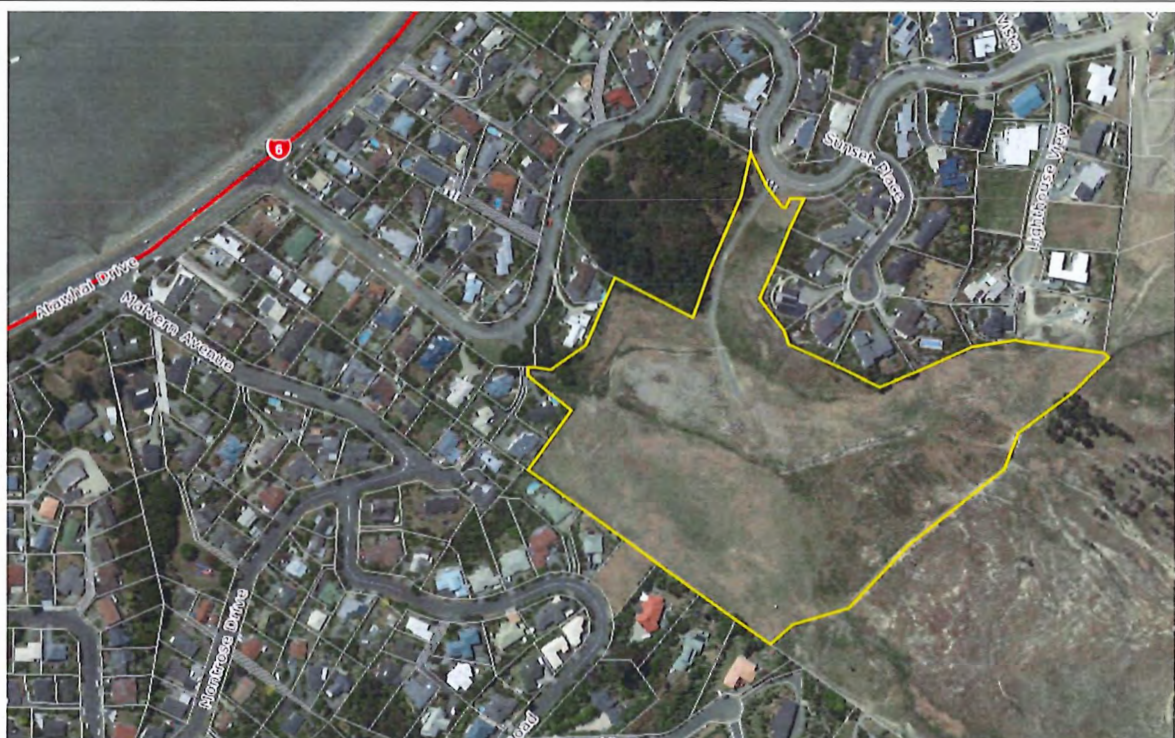
I/we:	☒	Oppose the Plan Change in part	☒	Oppose the Plan Change
	☐	Support the Plan change in part	☐	Support the Plan Change
	☐	Are Neutral about the Plan Change	☒	Request amendments to the Plan Change

My submissions and the relief sought are as follows:

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

Submission

Nelson North Limited is the owner of the 5.3977-hectares of residential land contained within Lot 1 DP 552620 and accessed off Bayview Road.



Nelson North site – Bayview Road

Nelson North Limited has gathered a high level of information on geotechnical risks for its site and this is considered to contrast (in part) with the mapping of hazards forming part of PC29. As set out in more details below, these new slope instability and fault hazard provisions are considered to be

inaccurate as to the risks mapped, and inappropriate when assessed against section 32 of the Resource Management Act 1991.

These hazards bear no relationship to the geotechnical conditions that exist not only on this site, but on many other sites across the City. The methodology used to determine slope instability risks is considered to lack a coherent scientific or quantifiable basis. In addition, while the rules propose to manage risks on a relative basis, the background technical assessment (BECA) clearly states that is not a risk-based assessment. Hence, not only is there a lack of sound basis, but are also misleading in terms of what they represent.

Natural hazards also create a stigma to land which impose significant costs to landowners at the time of development, but also increasingly in terms of long-term insurance consequences. It is therefore for this reason that the identification of land susceptible to hazards needs to be accurate and reasonable.

Another concerning component of PC29 is the change to the Services Overlay. The Services Overlay has long been an integral part of the NRMP and also reconfirmed and amended as such in the decision on PC28. The fundamental basis upon which infrastructure constraints are to be managed (under PC29) is considered to lack sufficient transparency for all involved. It is considered that PC29 will lead to ad hoc and inefficient outcomes.

With regard to the intensification provided for by PC29 in the General Residential Zone, it is considered that in conjunction with the known servicing constraints, this will also lead to outcomes that do not achieve the purpose of the Act and outcomes sought by the NPS-UD.

Planning Maps		
	Overlays	Support/oppose
Map	Fault Deformation Overlay <u>Reasons</u> The graphical extent / boundaries of the Fault Deformation Overlay are considered to be inaccurate. Sufficient care has not been taken to utilise the detailed geotechnical information available on Council property and resource consent files. In some cases, the fault position has been accurately identified and so the Overlay boundaries should be significantly narrowed. Combined with the wider planning framework forming PC29, as outlined in other parts of this submission, the use of inaccurate base information will lead to significant and unreasonable implications for property owners. The impacts and costs are not considered to be justified under section 32 of the Act and will not achieve the sustainable management of natural and physical resources. <u>Relief Sought</u> Amend the graphical extent / boundaries of the Fault Deformation Overlay to ensure they are accurate.	Oppose in part
Map	Fault Awareness Overlay <u>Reasons</u> The graphical extent / boundaries of the Fault Awareness Overlay are considered to be inaccurate. Sufficient care has not been taken to utilise the detailed geotechnical information available on Council property and resource consent files. In some cases, the fault position has been accurately identified and so the Overlay boundaries should be significantly narrowed. Combined with the wider planning framework forming PC29, as outlined in other parts of this submission, the use of inaccurate base information will lead to significant and unreasonable implications for property owners. The impacts and costs are not considered to be justified under section 32 of the Act and will not achieve the sustainable management of natural and physical resources. <u>Relief Sought</u> Amend the graphical extent / boundaries of the Fault Awareness Overlay to ensure they are accurate.	Oppose in part
Map	Slope Instability Area 2 Overlay <u>Reasons</u> The graphical extent / boundaries of the Slope Instability Area 2 Overlay are considered to be inaccurate. Sufficient care has not been taken to utilise the detailed geotechnical information available on Council property and resource consent files. While it is accepted that some undeveloped land contains some inherent slope instability risk, the very broad basis upon which the slope instability risks have been mapped has resulted in engineer certified and stable land from being included in this natural hazard overlay. Combined with the wider planning framework forming PC29, as outlined in other parts of this submission, the use of inaccurate base information will lead to significant and unreasonable implications for property owners. The impacts and costs are not considered to be justified under section 32 of the Act and will not achieve the sustainable management of natural and physical resources. <u>Relief Sought</u> (a) Reassess the risks associated with all land within the Area 2 overlay, and (b) Amend the graphical extent / boundaries of the Slope Instability Area 2 Overlay to ensure they are accurate.	Oppose

Map	Slope Instability Area 3 Overlay	Oppose
<u>Reasons</u> The graphical extent / boundaries of the Slope Instability Area 3 Overlay are considered to be inaccurate. Sufficient care has not been taken to utilise the detailed geotechnical information available on Council property and resource consent files. While it is accepted that some undeveloped land contains some inherent slope instability risk, the very broad basis upon which the slope instability risks have been mapped has resulted in engineer certified and stable land from being included in this natural hazard overlay. Combined with the wider planning framework forming PC29, as outlined in other parts of this submission, the use of inaccurate base information will lead to significant and unreasonable implications for property owners. The impacts and costs are not considered to be justified under section 32 of the Act and will not achieve the sustainable management of natural and physical resources. <u>Relief Sought</u> Either: (a) Remove the Slope Instability Area 3 Overlay; or (b) Reassess the risks associated with all land within the Area 3 overlay, and (c) Amend the graphical extent / boundaries of the Slope Instability Area 3 Overlay to ensure they are accurate.		
Volume 1		
MW.iii	Meaning of Words	Support/oppose
	Natural Hazard Overlay <u>Reasons</u> Given the changes to all the provisions relating to natural hazards, the proposed changes to this definition are for the most part necessary and appropriate. The inclusion of slope instability area three overlay is however generally opposed as it is considered the risks do not warrant the inclusion of the land within this definition. As set out elsewhere in this submission, the basis upon which the slope instability areas have been identified is considered to be highly questionable and unreliable. While the need and importance of identifying hazards is fully recognised, it is considered fundamentally important for new provisions to have a sound basis and so for plan changes for the provisions to be fully justified under section 32. <u>Relief Sought</u> Remove slope instability area three overlay from the definition.	
Volume 2		
	Rules – General Residential Zone rules	
REr.17A	Residential activity	Oppose in part
	<u>Reasons</u> This new rule, in conjunction with the proposed changes to REr.108 and other associated provisions, fundamentally changes the resource management framework in relation to servicing infrastructure and the use of the Services Overlay. The costs and benefits of these changes have not been thoroughly assessed in the supporting section 32 assessment. For example: • How do PC29 address transport deficiencies? • How will individual property owners know, or at what stage will they realise, whether they can add / intensify their existing properties? Once a building consent is submitted? • While individual servicing connections may compliant, what is the trigger to manage the wider servicing constraints? <u>Relief Sought</u> Either: (a) Delete REr.17A and retain the Services Overlay; or (b) Make necessary changes to the planning framework only after a thorough section 32 assessment has been undertaken of the relevant costs and effects.	

	Rules relating to overlays on Planning Maps	
RER.73	Fault Deformation Overlay – Building or network utility	Oppose in part
	<u>Reasons</u> PC29 proposes to significantly change RER.73 which is currently entitled Fault Hazard Overlay. As set out in the tracked changes below, the current rule (clause (a)) permits building in the Overlay if the fault trace can be precisely located and buildings are setback at least 5m. RER.73.1 ~~Erection, extension or alteration of~~ In the Fault Deformation Overlay a building within the Fault Hazard Overlay or a network utility (except an accessory building or an addition to a building or a network utility) is permitted provided that: ~~where not a fault trace can be identified and precisely located by reference to the Council conditions book, subdivision files, site files, or GIS database, then the building is set back at least 5m from that fault trace permitted activity.~~ ~~no setback is required in the portion of the Fault Hazard Overlay between Seymour Avenue, and Cambria Street for any building used for residential purposes which are not more than 7.5m in height and designed for the permanent occupation of fewer than 20 persons.~~ The new rule reverses this, requiring consent for any new building or network utility as a restricted discretionary activity. Discretion is restricted to a number of matters, including reference to risks as set out within a "statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards". This new consenting requirement would cause a significant new expense and hassle for all allotments located within the Fault Deformation Area. These changes are therefore opposed on the basis that: 1) as set out above in relation to the mapping, the area covered by the deformation area is inaccurate and can in some locations be accurately positioned; and 2) an exception should be provided to those allotments that have been created with a supporting geotechnical assessment. <u>Relief Sought</u> Amend rule to provide an exemption for allotments that have already received engineering certification.	
RER.73A	Fault Deformation Overlay - Addition to an existing building or network utility	Oppose
	<u>Reasons</u> This is a new rule that states: RER.73A.1 In the Fault Deformation Overlay an addition to an existing building or network utility is a permitted activity provided that the gross floor area of the addition does not exceed 10m². This introduces a very small threshold for permitted activities, despite the geotechnical risks have already been fully investigated, reviewed, and addressed in approved resource consents. Given this, the rule is not considered to be appropriate for justified under section 32 of the Act. <u>Relief Sought</u> Amend rule to provide an exemption for allotments that have already received engineering certification.	
RER.73B	Fault Deformation Overlay – Accessory building	Oppose in part
	<u>Reasons</u> This new rule states: RER.73B.1 In the Fault Deformation Overlay an accessory building is a permitted activity provided that: a. the gross floor area of the building does not exceed 10m²; and b. the building is accessory to an existing residential unit on the site or accessory to a residential unit that can occur on the site as a permitted activity or has resource consent granted. This new rule is opposed for the same reasons set out in relation to RER.73A above.	

	This introduces a very small threshold for permitted activities, despite the geotechnical risks have already been fully investigated, reviewed, and addressed in approved resource consents. Given this, the rule is not considered to be appropriate for justified under section 32 of the Act. <u>Relief Sought</u> Amend rule to provide an exemption for allotments that have already received engineering certification.
RER.73C	Fault Awareness Overlay – New Residential units Oppose in part <u>Reasons</u> PC29 proposes a significant new rule that states: REr.73C.1 <i>In the Fault Awareness Overlay a new residential unit is not a permitted activity</i> RE.73C.3 <i>In the Fault Awareness Overlay a new residential unit is a restricted discretionary activity.</i> <i>Discretion is restricted to:</i> i. <i>the level of fault hazard on the site; and</i> ii. <i>the location, scale and nature of the activity proposed for the site; and</i> iii. <i>the level of risk including to people, property and infrastructure, both onsite and off the site; and</i> iv. <i>mitigation measures recommended to reduce the risk including setback from the fault or fault zone if it can be determined; and as detailed in an assessment of the fault hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and</i> v. <i>the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented.</i> The new rule requires a resource consent as a <i>restricted discretionary activity</i>. Discretion is restricted to a number of matters, including reference to risks as set out within a “<i>statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards</i>”. This rule, in its current form, does not recognize that there will be numerous titles created around Nelson City that have been developed with appropriate geotechnical assessment and certification. This new rule will therefore trigger the need for another resource consent irrespective of the robust process that some subdivision applications have been through, increasing the costs and hassle for landowners. Given this, the rule is not considered to be appropriate for justified under section 32 of the Act. <u>Relief Sought</u> Amend rule to provide an exemption for allotments that have already received engineering certification.
RER.75G	Slope Instability Area 2 Overlay – Stormwater and wastewater Oppose <u>Reasons</u> This rules requires: REr.75G.1 <i>In the Slope Instability Area 2 Overlay:</i> a. <i>a driveway or vehicle standing area is a permitted activity, provided it is sealed.</i> b. <i>discharge of stormwater from any roof, impermeable area or water storage area (including any swimming pool) is a permitted activity, provided it is piped into an approved stormwater system.</i> c. <i>discharge of wastewater is a permitted activity, provided it is piped into an approved wastewater system.</i> The purpose of this rule is to ensure stormwater and wastewater discharges to land do not worsen the risks of slope instability. Resource consent is required as a discretionary activity if an activity does not comply. It is considered likely that there will be a large number of areas around residential dwellings, such as pathways and living court areas, that are impermeable and so would trigger the need for resource consent approval. This will generate a very high number of additional consents, adding significant cost of individual property owners, and also add considerably to the workload of the compliance team at NCC. The costs of the current rule are considered to far outweigh the benefits, and certainly not be justified under section 32 of the Act. Nor is this rule considered to be necessary or appropriate considering the risks the rule serves to manage.

	<u>Relief Sought</u> Either: (a) Delete rule; or (b) Significantly reduce the scope of the requirement and provide for practical exemptions.	
RER.75H	<i>Slope Instability Area 2 Overlay – Earthworks</i> Opposed <u>Reasons</u> This new rule requires: <i>RER.75H.1</i> <i>In the Slope Instability Area 2 Overlay earthworks are a permitted activity provided:</i> a. any cut does not exceed 0.6m in height; and b. on any site the placement of fill does not exceed 3m³ in total volume, and is spread over a minimum area of 30m². A maximum cut height of 0.6m is a 50% reduction from the 1.2m current permitted activity standard. The new restrictions on fill volumes are even more significant as they impose a much greater restriction of fill on a volume basis. It is not that very little land is not located either in Areas 2 or 3. It is considered that this new rule will cause the need for resource consent for even small domestic landscaping structures. This will generate a very high number of additional consents, adding significant cost of individual property owners, and also add considerably to the workload of the compliance team at NCC. The costs of the current rule are considered to far outweigh the benefits, and certainly not be justified under section 32 of the Act. Nor is this rule considered to be necessary or appropriate considering the risks the rule serves to manage. <u>Relief Sought</u> Either: - Delete rule; or - Amend rule to an appropriate standard that is relevant in terms of risks.	
RER.75I	<i>Slope Instability Area 2 Overlay – Structures</i> Opposed <u>Reasons</u> This new rule restrict new structures in Area 2 as follows: <i>RER.75I.1</i> <i>In the Slope Instability Area 2 Overlay structures are permitted provided that the structure does not increase the loading on the site by more than 5,000kg (including 5,000 litres of liquid).</i> This new weight-based rule imposes a new requirement / standard, also adding a likely new resource consent requirement for a large number of new allotments created. Very little land is not located either in Areas 2 (or 3 in Nelson). This will generate a very high number of additional consents, adding significant cost of individual property owners, and also add considerably to the workload of the compliance team at NCC. The costs of the current rule are considered to far outweigh the benefits, and certainly not be justified under section 32 of the Act. Nor is this rule considered to be necessary or appropriate considering the risks the rule serves to manage. <u>Relief Sought</u> Either: - Delete rule; or - Amend rule to an appropriate standard that is relevant in terms of risks.	
RER.75J	<i>Slope Instability Area 2 Overlay – New residential units</i> Opposed <u>Reasons</u> This new rule states: <i>RER.75J.1</i> <i>In the Slope Instability Area 2 Overlay a new residential unit is not a permitted activity.</i> There has already been a large number of allotments approved for development in Area 2 (and 3). These rules do not in any way recognize subdivision consents recently approved, with appropriate geotechnical expertise and information. As a result, for the same reasons as set out above, this new rule will therefore	

	trigger the need for another resource consent irrespective of the robust process that some subdivision applications have been through, increasing the costs and hassle for landowners. Given this, the rule is not considered to be appropriate for justified under section 32 of the Act. <u>Relief Sought</u> Either: • Delete rule; or • Amend rule to an appropriate standard that is relevant in terms of risks.
RER.75K	<i>Slope Instability Area 2 Overlay – Addition to an existing residential unit</i> Oppose <u>Reasons</u> This new rule imposes a restriction of the scale of building extensions: <i>RER.75K.1</i> <i>In the Slope Instability Area 2 Overlay an addition to an existing residential unit is a permitted activity provided the gross floor area of the addition does not exceed 10m².</i> For the same reasons set out above, this new restriction cannot be justified and would lead to a large number of new resource consents on land that has been certified as geotechnical stable. <u>Relief Sought</u> Delete rule.
RER.75L	<i>Slope Instability Area 2 Overlay – Accessory buildings</i> <u>Reasons</u> This new rule states: <i>RER.75L.1</i> <i>In the Slope Instability Area 2 Overlay an accessory building is a permitted activity provided that:</i> <i>the building does not exceed a gross floor area of 10m ; and</i> <i>the building is accessory to an existing residential unit on the site or accessory to a residential unit on the site that has resource consent granted.</i> As set out above, these new rules cannot be justified and are unnecessary for the subdivisions that have been consented on the basis of appropriate geotechnical information. <u>Relief Sought</u> Delete rule.
RER.75M	<i>Slope Instability Area 3 Overlay – Stormwater and wastewater</i> <u>Reasons</u> This new rule states: <i>RER.75M.1</i> <i>In the Slope Instability Area 3 Overlay:</i> <i>discharge of stormwater from any roof, impermeable area or water storage area (including any swimming pool) is a permitted activity, provided it is piped into an approved stormwater system.</i> <i>discharge of wastewater is a permitted activity, provided it is piped into an approved wastewater system.</i> There is no equivalent rule in the current Residential Zone. The purpose of this rule is to ensure stormwater and wastewater discharges to land do not worsen the risks of slope instability. Resource consent is required as a discretionary activity if an activity does not comply. It is considered likely that there will be a large number of areas around residential dwellings, such as pathways and living court areas, that are impermeable and so would trigger the need for resource consent approval. This will generate a very high number of additional consents, adding significant cost of individual property owners, and also add considerably to the workload of the compliance team at NCC. The costs of the current rule are considered to far outweigh the benefits, and certainly not be justified under section 32 of the Act. Nor is this rule considered to be necessary or appropriate considering the risks the rule serves to manage. <u>Relief Sought</u>

	Either: (a) Delete rule; or (b) Significantly reduce the scope of the requirement and provide for practical exemptions.
RER.75N	<i>Slope Instability Area 3 Overlay – Earthworks</i> <u>Reasons</u> This new rule states: <i>RER.75N.1</i> <i>In the Slope Instability Area 3 Overlay earthworks are a permitted activity provided:</i> a. <i>any cut does not exceed 0.6m in height; and</i> b. <i>on any site the placement of fill does not exceed 20m³ in total volume, and is spread over a minimum area of 10m².</i> A maximum cut height of 0.6m is a 50% reduction from the 1.2m current permitted activity standard. The new restrictions on fill volumes are even more significant as they impose a much greater restriction of fill on a volume basis. Very little land is not located either in Areas 2 or 3. It is considered that this new rule will cause the need for resource consent for even small domestic landscaping structures. This will generate a very high number of additional consents, adding significant cost of individual property owners, and also add considerably to the workload of the compliance team at NCC. The costs of the current rule are considered to far outweigh the benefits, and certainly not be justified under section 32 of the Act. Nor is this rule considered to be necessary or appropriate considering the risks the rule serves to manage. <u>Relief Sought</u> Either: • Delete rule; or • Amend rule to an appropriate standard that is relevant in terms of risks.
RER.75O	<i>Slope Instability Area 3 Overlay – Structures</i> <u>Reasons</u> This new rule restricts new structures in Area 3 as follows: <i>RER.75O.1</i> <i>In the Slope Instability Area 3 Overlay structures are a permitted activity provided that the structure does not increase the loading on the site by more than 5,000kg (including 5,000 litres of liquid).</i> This new weight-based rule imposes a new requirement / standard, also adding a likely new resource consent requirement for a large number of new allotments created. Very little land is not located either in Areas 3 (or 2 in Nelson). This will generate a very high number of additional consents, adding significant cost of individual property owners, and also add considerably to the workload of the compliance team at NCC. The costs of the current rule are considered to far outweigh the benefits, and certainly not be justified under section 32 of the Act. Nor is this rule considered to be necessary or appropriate considering the risks the rule serves to manage. <u>Relief Sought</u> Either: • Delete rule; or • Amend rule to an appropriate standard that is relevant in terms of risks.
RER.75P	<i>Slope Instability Area 3 Overlay – New residential units</i> Oppose <u>Reasons</u> These new rules state: <i>RER.75P.1</i> <i>In the Slope Instability Area 3 Overlay a new residential unit is not a permitted activity.</i> There has already been a large number of allotments approved for development in Area 3 (and 2). These rules do not in any way recognize subdivision consents recently approved, with appropriate geotechnical expertise and information. As a result, for the same reasons as set out above, this new rule will therefore

	trigger the need for another resource consent irrespective of the robust process that some subdivision applications have been through, increasing the costs and hassle for landowners. Given this, the rule is not considered to be appropriate for justified under section 32 of the Act. <u>Relief Sought</u> Either: • Delete rule; or • Amend rule to an appropriate standard that is relevant in terms of risks.
RER.75Q	<i>Slope Instability Area 3 Overlay – Addition</i> Oppose <i>to an existing residential unit</i> <u>Reasons</u> This new rule also impose a restriction of the scale of building extensions: <i>RER.75Q.1</i> <i>In the Slope Instability Area 3 Overlay an addition to an existing residential unit is a permitted activity provided the gross floor area of the addition does not exceed 10m².</i> For the same reasons set out above, this new restriction cannot be justified and would lead to a large number of new resource consents on land that has been certified as geotechnical stable. <u>Relief Sought</u> Delete rule.
RER.75R	<i>Slope Instability Area 3 Overlay – Accessory building</i> <u>Reasons</u> These new rules state: <i>RER.75R.1</i> <i>In the Slope Instability Area 3 Overlay an accessory building is a permitted activity provided that</i> <i>the building does not exceed a gross floor area of 10m²; and</i> <i>the building is accessory to an existing residential unit on the site or accessory to a residential unit on the site that has resource consent granted.</i> As set out above, these new rules cannot be justified and are unnecessary for the subdivisions that have been consented on the basis on appropriate geotechnical information. <u>Relief Sought</u> Delete rule.
	<i>Subdivision rules relating to overlays on the Planning Maps</i>
RER.108	<i>Services Overlay</i> Oppose <u>Reasons</u> This removes the Services Overlay from the General Residential Zone, along with other zones. As set out in this submission, PC29 proposes changes that are not supported as the costs and appropriateness of the changes have not been adequately considered under section 32 of the Act. <u>Relief Sought</u> - Reinstate the Services Overlay; and - Extend the Services Overall over all intensification land where servicing constraints exist.
RER.110	<i>Fault Deformation Overlay - Subdivision</i> Neutral <u>Reasons</u> PC29 proposes to change the current version of RER.110.1 and RER.110.3 as follows: <i>RER.110.1</i> <i>Subdivision is not a permitted activity.</i> <i>RER.110.3</i> <i>Subdivision in the Fault Hazard Deformation Overlay is a discretionary, except in that portion of the overlay between Seymour Avenue and Cambria Street where this rule does not apply, if: activity.</i>

	a. <i>the fault trace can be accurately located from existing Council records including the Conditions Book, subdivision files, site files, and GIS database, or</i> b. <i>the consent application is accompanied by a geotechnical assessment by a suitably qualified person which identifies the presence or absence of the fault trace, and where present, its location.</i> Resource consent is already required as a discretionary activity due to the Fault Hazard Overlay. <u>Relief Sought</u> Retain rule.	
RER.110A	<i>Fault Awareness Overlay - Subdivision</i> Neutral <u>Reasons</u> PC29 proposes a new subdivision rule RER.100A as follows: <i>RER.110A.1</i> <i>Subdivision is not a permitted activity.</i> <i>RER.110A.3</i> <i>Subdivision in the Fault Awareness Overlay is a restricted discretionary activity.</i> <i>Discretion is restricted to:</i> i. <i>the level of fault hazard on the site; and</i> ii. <i>the location, scale and nature of activities proposed for the sites created; and</i> iii. <i>the level of risk including to people, property and infrastructure, both onsite and off the site; and</i> iv. <i>mitigation measures recommended to reduce the risk including setback of platforms for buildings from the fault or fault zone if the fault or fault zone can be determined; and as detailed in an assessment of the fault hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and</i> v. <i>the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented; and</i> vi. <i>the relevant matters of control and restricted discretion in RER.107 -Subdivision General.</i> As noted above, this raises the bar in terms of the hazard risk assessment. A geotechnical report would have been required for subdivision in any event. <u>Relief Sought</u> Retain rule.	
RER.112B	<i>Slope Instability Area 2 Overlay - Subdivision</i> Oppose <u>Reasons</u> In addition to the concerns raised above over the broad nature of the slope instability mapping, the discretionary activity for subdivision is considered to be unnecessary and inefficient. There is already a high level of care given in subdivision applications with the involvement of geotechnical engineering experts as a part of dealing with the requirements of the Fourth Schedule and Section 106 of the Act. The relevant and appropriate consideration of geotechnical stability and slope risk is already a part of application triggered under RER.107. <u>Relief Sought</u> Delete RER.112B.	
RER.112C	<i>Slope Instability Area 3 Overlay - Subdivision</i> Oppose <u>Reasons</u> In addition to the concerns raised above over the broad nature of the slope instability mapping, the discretionary activity for subdivision is considered to be unnecessary and inefficient. There is already a high level of care given in subdivision applications with the involvement of geotechnical engineering experts as a part of dealing with the requirements of the Fourth Schedule and Section 106 of the Act. The relevant and appropriate consideration of geotechnical stability and slope risk is already a part of application triggered under RER.107. <u>Relief Sought</u> Delete RER.112C.	

Volume 3

AP11	Access standards	
11.3.1	<i>Design of vehicle access</i> <u>Reasons</u> The provision for rights of ways to be created with between 7 and 20 users is supported. This will not only reduce the number of consents required for rights of ways with more than 6 users, but also provide a more flexible framework that will support the needs of some forms of residential development. <u>Relief Sought</u> Retain rule.	Support

Submission: S756
Rec: 31/10/23
NDocs: 539570224-17826

Form 5

SUBMISSION ON NOTIFIED PLAN CHANGE 29

TO NELSON CITY COUNCIL

NAME LORRAINE MARISE TALLEY

THIS IS A SUBMISSION on the following proposed Plan Change **NELSON CITY COUNCIL PLAN CHANGE 29** ("the proposal")

I COULD NOT OBTAIN an advantage in trade competition through this Submission

I OPPOSE the proposal in its entirety;
and as grounds/reasons I rely on all the grounds set out below;

and if my opposition to the whole of the proposal fails

I OPPOSE that part of the proposal that creates a High Density Zone;
and as grounds/reasons I rely on all the grounds set out below

and if the HDZ aspect of the proposal is to remain

I OPPOSE the following

- 1 the inclusion of recession planes (in Side yards and Rear Yards in any Residential Zone) which commence at a height greater than 3 metres above ground level; and
- 2 the inclusion of recession planes (in any Residential Zone) which are greater than 45 degrees from the horizontal
- 3 all and any maximum height (in any Residential Zone) in excess of 10 metres – i.e. two storeys; or three if originality be included in the design;
- 4 the proposed reduction in rear and side yard Setbacks in Residential Zones:
- 5 the proposed Rule REr 19B.3, 19F.3, 19R.4, and 19S.4 - to have
 - certain development on a site as "restricted discretionary" with no "notification" and affected persons consent not being required; and
 - Council's discretion being restricted: in that the basic premise is that
 - 6 storeys (and/or 19.5 metres of height), and
 - recession angles which are at an angle under which neighbour may at certain periods of the year not see any direct sunlight at any time;anywhere in the HDZ, would be acceptable
- 6 The whole theory of "*planned built character*" of the HDZ as set out in many places of the Rules in Chapter REr. 19, and the use of those three words together (where ever they appear in the proposal); as I interpret that as meaning that Council commences its consideration of the exercise of its "discretion" on the basis that
 - a building 19.5m of height
 - a building with 12 metre walls 1 metre in from the boundaryis appropriate in any area zoned principally for residential activity

- 7 the inclusion of the words *"Resource consent applications for restricted discretionary activities will be considered without notification, or obtaining written approval of affected persons"* in REr.19B.3, REr.19F.3, REr.19R.4, REr.19S.4 and where ever else they appear
- 8 any use under REr.18, and REr.19 which is *"restricted discretionary"*.
- 9 the omission of any encouragement that carparks be provided in any new development in the areas proposed to be zoned HDZ or MDZ
- and all amendments to existing Objectives and Policies under Chapter 7 which have the effect of supporting a High Density Residential Zone ("HDZ")

THE REASONS/GROUNDS for all parts of my Opposition include all grounds detailed by other Submitters opposing those aspects of the proposal that I have opposed; and that there are no substantiable grounds to depart from Policy 1.2c of NRMP: which provided that it was necessary that any development *"does not diminish the amenity of neighbouring site."*

AND A FURTHER REASON that (if implemented) the proposal will affect me, and the amenities I currently enjoy, personally and negatively, in that

- A i my neighbour to the immediate east (currently Nelson Bowling Club) would be entitled (as of right) to build to 12 metres one metre in from my boundary and 19.5 metres slightly further away; thereby blocking morning sunlight and daylight from my property;
- A ii my neighbour generally to the west would be entitled (as of right) to build to 12 metres and 19.5 metres: thereby blocking sunlight all afternoon, and daylight from my property and detrimentally affecting the view and amenity of my property; and
- A iii my neighbour generally to the north would be entitled (as of right) to build to 12 metres and 19.5 metres: thereby blocking sunlight and daylight from my property and detrimentally affecting the view and amenity of my property
- A iv if either of those neighbours to the east or west built apartments (with or without providing parking), the existing traffic problems in Examiner Street caused (or contributed to)
 - by cars dropping/uplifting Nelson College for Girls ("NCG") students daily before and after school, and
 - by cars dropping off/uplifting girls from the NCG Hostel at the start and end of weekends or Terms;
 - workers in the CBD parking in the street
 - Council's decision to have a sinking lid in respect of parking in the CBD and near the CBD
 would be aggravated
- A v if any of those neighbours built apartments the value of the property occupied by me would fall substantially.

AND

- B i Council is not a Tier 1 City, and the proposal (and its supporting papers) includes no reason why the Council has chosen to (in effect) adopt the Tier 1 Rules
- B ii although the Appendices to the Section 32 Report contain some comment (in my submission insufficient) around issues of visual dominance, site amenity, and streetscape: those comments seem to relate to the MDZ. I can not find similar – or any – comment on those aspects in relation specifically to the HDZ

- B iii if the proposal is implemented the amenity effect (especially as to restriction of sunlight and daylight) to a large proportion of the residential areas of central Nelson, will be substantially negative;
- B iv the possible building of several 6 storey blocks of residential apartments in the Residential Zones will change (to the detriment of all residents) the character of Nelson
- B v the only residents' feedback on review or change or update of NRMP that I am aware of asked questions in relation to a 3 storey developments; and no probative evidence has been produced in the proposal or in the Section 32 Report, that residents in this provincial city actually
 - want to live in apartments in a six storey building in a residential zone; or
 - wish to adopt apartment style living arrangements in a residential zone.
- B iv if intensification (to a height greater than 10 metres) is necessary: it can be achieved by encouraging developers
 - to build apartment blocks in the Inner City Zone; or
 - to build two storey houses on allotments as small as 200 square metres in any Residential zone
 - to build several "small" units in several buildings on one allotment: but meeting a maximum height of 10 metres
- B v that the proposal acknowledges that infrastructure has not yet been built to cater for the intensification set out in the proposal. None-the-less Council has acknowledged in writing that if a application for Resource Consent (compliant in every respect beyond three units) the Council would have no ground to refuse it

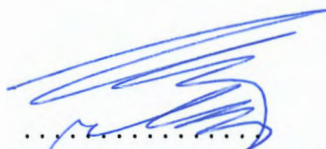
I SEEK the following decision from the local authority the Nelson City Council

- 1 that no portion of the proposal be approved;
and if unsuccessful in that
- 2 that the HDZ portion of the proposal be deleted entirely;
and if unsuccessful in that
- 3
 - i that the maximum height in HDZ be changed to 10 metres
 - ii that the height at boundary in HDZ be changed from 12 metres to 3 metres
 - iii that the recession angles in HDZ be changed to the existing 45 degrees
 - lii that side yards be changed to 1.5 metres
 together with appropriate amendments/additions to the Objectives and Policies to reflect the above sought changes

I WISH / DO NOT WISH to be given the opportunity to be heard in support of my Submissions

IF OTHERS make similar submissions I will consider presenting a joint case with them at the hearing

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



.....
Signature of submitter
Lorraine Marise Talley

Date 30th October 2023

Electronic address for service of submitter: lorraine.talley@icloud.com

Telephone

Postal Address

Contact person

Lorraine Talley

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)

*Required

Submitter Details

Full Name*	Kathryn Mary McDonald		
Organisation	none		
Contact Person	as above		
Postal address*			
Telephone*	03 5484187	Email*	none

OFFICE USE

Submission No: 5757

Date Received Stamp:

31/10/23

NDOCs No:

539570224-17833

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

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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*

3/9/23

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
☐ 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)

Please please do not let this plan change go ahead - it would totally change the character of Nelson and have a negative impact on the population. As a tier two city, Nelson is not required to follow the dictates from Wellington re intensification. Taking away the rights of citizens to object to proposed developments is anti-democratic in the extreme. N.Z. law provides that a landowner may not unreasonably interfere with the use and enjoyment of someone's property. The proposed changes do exactly that - laying Council to the possibility of being sued. "You cannot have infinite growth in a finite world." We need sustainable economics, not large-scale developments which increase global warming and lead to biodiversity loss. Changing the allowed daylight angles will inevitably have a negative effect on people's health and wellbeing. Gradual infill, e.g. as in Tipahi St preserves the character of street frontages. Any development should preserve sufficient space for greenery, including trees. High rise developments have no place in a 'smart little city' such as Nelson. The propaganda concept pictures of the central city proposals give no impression of the reality of the outlook and surroundings for those living in the proposed multi-storey buildings. If the plan change goes ahead it will lead to uncertainty for people wishing to buy or sell properties. The idea of people not being able to object to developments having an impact on them is simply draconian - more like a dictatorship than a modern democracy. Climate change - people would be put off installing solar systems where their rooves might be shaded in future. Having a shaded house increases need for other heating - fires, electric - extra costs for tenants / owners - more need for major infrastructure.

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 proposed plan should be discarded and re-developed in accordance with tier two requirements • perhaps incentives, e.g. interest-free loans could be given to people wishing to subdivide large sections, e.g. for resource consent and infrastructure. • The concept of "sponge cities" should be kept in mind for any developments - more concrete and steel and roading can only lead to increasing the effects of climate change. N.C.C. has already declared a climate emergency - actions speak louder than words • the alternative views put forward by a group of local architects should be considered carefully. Good quality design can have a positive impact on neighbourhoods • the proposed plan change is likely to only benefit developers, not residents • The proposed car-parking space in Halifax St would have potential for apartments to be built above it, and there would likely be other similar opportunities. For Halifax St, proximity to open spaces and the Maitai means residents not having ^{much} personal outdoor space would not be so essential.

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- 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.

• Not part of this submission, but could N.C.C. consider a by-law requiring roofs to be painted in light, heat reflecting colours, not dark heat absorbing colours?

Rec: 31/10/23
Submission: S758
Patrick R. Cronin

Senior Planning Administrator
RMA Plan Submission
Nelson City Council
PO Box 645
Nelson 7040
31 October 2023

Sir/Madam,
Enclosed please find my written submission regarding Plan
Change 29.
I do not wish to speak to the submission to the committee.



Patrick R Cronin

NDCS: 539570224-17835

Submission to City Council re: Plan Change 29.

My name is Patrick Royce Cronin,

I am against Plan change 29 for the following reasons.

Nelson is a small provincial town and its main function and attraction is to be a community hub which meets the needs of the population.

It is misleading to refer to Nelson CBD as though it were identical with the "city." The CBD does not exist primarily to further business interests or be a source of income for developers.

Hence the plan to "Intensify" by "building upwards" will create the same problems that were experienced in post war Britain where high rise accommodation was hailed as the solution to homelessness.

Most of those buildings have since been demolished because they created huge problems to the communities in which they were situated. We should learn from the mistakes of others.

Finally I am dismayed to see that the NCC Councillors Rohan O'Neill-Stevens and Trudy Brand are to be part of the commission of THREE to be hearing the submissions, when both of them have publicly expressed support for Plan Change 29 !!!

How can citizens have confidence that our submissions will be taken seriously?



Patrick Cronin.

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)

*Required

Submitter Details

Full Name*	RICHARD CHADDERTON		
Organisation			
Contact Person			
Postal address*			
Telephone*		Email*	CHAD.INDIGODGMAIL.COM

OFFICE USE
Submission No: 5759
Date Received Stamp: 31/10/23
NDOCs No: 539570224-17837

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.
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- ☐ 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.
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Council Hearing*

- ☒ I/we **do not** wish to be heard in support of my/our submission. *(unless I be said something very clever :))*
- ☐ 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

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Richard Chadderton

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)

31 OCTOBER 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 | ☐ 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)

- o I oppose the plan change in its entirety because it is a plan without a strategy. It follows a concept of more, (higher, greater) and not better. The plan needs to be more imaginative, envisaging Nelson, spatially, in fifty years, eg. combining lots, cross lot development, urban design masterplans & funding/investment (Spatial plan please)
- o A strengthened Urban design Panel is needed to create a 'masterplan', supported by funding & infrastructure development drafted in collaboration with an Urban design Agency.
- o Interspersation needs to be incrementated, from centre out, with context of UDP output. Current Big bang approach is lazy, & lacks vision & purpose - other than 'more'. UDP needs to consider what Nelson, (i) could be (ii) should be (iii) must be - wrt. climate change. All in context of mana whenua please. - Human cities, smart cities
- o Qualitative standards need to be taken away from local councils. They have become bureaucratic, expensive, highly risk averse and

RMA Submission Form for Publicly Notified Plan Change 29

~~I seek the following decision from the Council*:~~ *My submission - continued*

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

- probably the single greatest impediment to development in NZ. (Plenty of better models, internationally)*
- o I would like to see community approved design guides that envisage Nelson in fifty-years. On the one hand this is too difficult if we try to be too prescriptive, However PC29 offers open license on disaggregated design, self interest, incohesiveness, poor 'human' linkages, poor 'natural/nature' linkages & overall missed opportunity.*
 - o Nelson is at an age & stage where the plan changes around the permanent integration of urban centres is ~~being~~ driving a fundamental change to our city. As it has in all great cities around the world. This change requires greater respect than PC29 affords. Thank you. ☺*

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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: 8760
Date Received Stamp: 31/10/23
NDOCs No: 539570224-17839

*Required

Submitter Details

Full Name*	Helen Patricia Paul		
Organisation			
Contact Person			
Postal address*			
Telephone*		Email*	paul5@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.
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Council Hearing*

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Public information

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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)

31/10/2023.
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)

I WOULD LIKE TO MAKE A SUBMISSION IN REGARD TO THE PLAN CHANGE 29. SPECIFICALLY AROUND THE LOSS OF GREEN SPACES. I AM PARTICULARLY CONCERNED WITH THE SPORTS FIELD BETWEEN WATERS RD & REDWICK PLACE AFFECTIONATELY KNOWN AS "LITTLE WEMBLEY". I HAVE CONCERN WITH THIS GREEN SPACE BEING DESIGNATED FOR HIGH DENSITY HOUSING. IT CURRENTLY FUNCTIONS WELL AS A SHARED RECREATIONAL AREA FOR THE SCHOOL AND LOCAL NEIGHBORHOOD. IT IS ENJOYED BY MANY BUT MORE IMPORTANTLY THIS PERMEABLE GREEN SPACE ACTS AS A SPONGE AND PROTECTS THE SURROUNDING HOMES FROM SIGNIFICANT FLOODING. WE LIVE AT THE LOWER END OF THE PARK AND KNOW FIRST HAND HOW WEATHER EVENTS & SIGNIFICANT RAIN AFFECTS OURS AND OTHER PROPERTIES. I BELIEVE IT WOULD BE A HUGE MISTAKE AND ALMOST NEGLIGIBLE TO ALLOW RESIDENTIAL BUIDS ON THE PARK WITHOUT ADEQUATE INFRASTRUCTURES TO ENSURE THAT EXISTING PROPERTIES ARE NOT ADVERSELY AFFECTED. THIS MAY INCLUDE HOLDING TANKS, ADEQUATE STORMWATER PIPES AND INSTALLING KERBING AND CHANNELS TO DIRECT STORMWATER AWAY. IT IS NO COINCIDENCE THAT LARGER CITIES IE - AUCKLAND ARE AWARE OF THE NEED FOR MORE "SPONGE CITIES"

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).

Any major developments require
adequate infrastructure implementation
before plans are approved including
preservation of green spaces,
Storm & Waste Water, Infrastructure,
Roads, including adequate
footpaths kerbing, parking allowances.
Consideration to Climate Change
and significant weather events.

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RMA Submission Form for Publicly Notified Plan Change 29



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Nelson City Council
PO Box 645
Nelson 7040

(Hand delivery or courier to: Ground Floor, Civic House, 110 Trafalgar Street,
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change no.29 in the subject line)

OFFICE USE
Submission No: 5761
Date Received Stamp: 31/10/23
NDOCs No: 539570224-17841

*Required

Submitter Details

Full Name*	Gillian Elizabeth Knight		
Organisation	Private / citizen		
Contact Person			
Postal address*			
Telephone*		Email*	gilleeknight@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.
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Council Hearing*

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(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

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- | | |
|---|--|
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| ☐ Inner City and City Fringe | ☐ Mapping |
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| ☐ 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)

Nelson has a heritage of ^{building} housing that displays where we've come from – this needs to be preserved, along with understanding that past & future need to coincide sympathetically along with understanding that daylight and appropriate spacing affect citizens mood & health.

The City 'caretakers & law-makers' need to listen to and take actions that reflect care & understanding of ^{all} its citizen's well-being.

An example of 'unsympathetic' building was the old "Post Office" building – now housing the City Council offices!

RMA Submission Form for Publicly Notified Plan Change 29

I seek the following decision from the Council*:

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RMA Submission Form for Publicly Notified Plan Change 29

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

31 Oct
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: 5762
Date Received Stamp: 31/10/23
NDOCs No: 539570224-17843

*Required

Submitter Details

Full Name*	GEORGE BERNARD LEATHER
Organisation	RETIRED
Contact Person	JOHN LEATHER
Postal address*	
Telephone*	
Email*	LEATHERSHIP@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.
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Council Hearing*

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

31/10/23
Date*

RMA Submission Form for Publicly Notified Plan Change 29

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|--|--|
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| ☐ Heritage | ☐ Other |

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☐ 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)

Oppose Medium Density and
High Density Residential Zone
on Tahunanui Hills.

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).

Retain the existing Residential Zone,
on Tahunanui Hills.

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RMA Submission Form for Publicly Notified Plan Change 29

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Nelson City Council
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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: S763

Date Received Stamp:

31/10/2023

NDOCs No: 539570224-17845

*Required

Submitter Details

Full Name*	Jilly Blackman Stevens		
Organisation			
Contact Person			
Postal address*			
Telephone*		Email*	whakkydo@yahoo.co.uk

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.

Jilly Blackman Stevens

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)

31/10/2023

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 | ☐ 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)

REJECT IN THE NOTIFIED PLAN CHANGE 29 referencing particularly the following:

1. The creation of a High Density Residential Zone [HDZ] proposing a maximum height greater than 12m in this area which has not been previously mandated.
2. The lack of protection it facilitates for sunlight to adjacent properties: a critical element in all urban residential amenities - enabling energy efficiency, warmth and wellbeing.
3. Infrastructure elements absent from the plan i.e. provision of car parking space per unit: contingent weaknesses in redevelopment proposal in terms of poor water pressure in the area and a weakness in the cities sewage pipeline running along Nile Street.

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).

1. The Council will first consider housing intensification within the city before implementing the current change in zoning.
2. The inclusion of car parking space and consideration of infrastructure weaknesses impacting on the area.
3. The Council enhance the currently cumbersome process residents are dealing with where information is often difficult to follow then equally difficult to respond to: the setting up of an Commissioning Committee of unbiased counsellors [Rohan O'Neill-Stevens muted] to aid clarity and expedition,
4. Take into account the impediment of potential flooding from both Maitai and Brook Stream with a fault line running through the entire block and the area being a liquefaction zone.

Note:

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- 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

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

Submitter:
Full Name: JILL BLACKMAN STEVENS

Email: whakkyo6@yahoo.co.uk

I do 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 12m, as it is not mandated under NPS-UD 2020
2. the loss of the existing protection for sunlight to all properties, because it is a critical component of residential amenity in a city as it provides warmth and energy efficiency
3. The omission of any requirement to provide car parks 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 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 100% reject Plan change 29 in its entirety – but if it is not rejected then I would like to request the following change

I ask for the Council to remove the block of Domett Street/ Hardy Street/ Tasman Street and Nile Street from Plan 29 High Density Residential Zone (HDZ) and it be given the same classification as the other half of Domett Street/Bridge St block or The Wood area of Residential – Comprehensive Area/Residential Lower Density Area. This area should be removed due to the potential of flooding from the Maitai River and Brook Stream. This area should also be removed because the fault line is going through the middle of the block together with the whole block being in a liquefaction zone.

I ask that the Council complete further investigations into the flood hazard risks as I understand Tim Bayley of 52 Domett Street has shown that there is a large discrepancy in Tonkin and Taylors flood map overlay – Tonkin and Taylors report has been used as the basis of plan 29 and could be misleading to Nelson residents if it is found to be inaccurate.

It should be noted that after a report by Tonkin and Taylor, showing possible flooding from the Brook Stream the Kainga Ora development at 107 Nile St has been made to lift it's buildings 700 mm above ground. This flood report was not shown on any Plan29 flood overlay maps.

For further in-depth information please refer to our neighbourhood group submission.

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

Submitter signature Jill Blackman Stevens Date 21 October 2023
to be delivered or emailed to environmental.planning@ncc.govt.nz by 4pm 31/10/2023

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: 5764

Date Received Stamp:

31/10/23

NDOCs No:

539570224-17846

*Required

Submitter Details

Full Name*	Elise Miritea Tull		
Organisation			
Contact Person			
Postal address*			
Telephone*		Email*	elise.buxton@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.
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- ☐ 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

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x E.M. Tull

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*

31.10.23

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
☒ 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)

- The grounds for my objection are that:-
 (in relation to Plan Change 29 - Stoke + suburbs.)
- * 81 Neale Ave This site borders on commercial use, super markets, parking, + infrastructure.
 - * There is an elderly population, and growing here, which appreciates the lifestyle + pace.
 - * Impact of slips + flooding from creek, bordering on proposed three bedroom homes. Fault lines could be problematic.
 - * Much more research needed -
 - * Could promote unease for nearby residents regarding general valuation of their homes and sections.
 - * No total garaging provided, as opposed to carports.
 - * If black or dark roofing - would attract more heat, thus an environmental issue.
 - * Remove Stoke from high density zone for the impact it would have on residents.

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).

- * Remove Stoke from the high density zone for the impact it would have on residents. Direct this to greater Nelson CBD.
- * Move research - refer Nelson Leader, October 26.10.23 P3 "Can we intensify Nelson without a design" by Timo Neubauer.
- * Provide total garaging as cars still an option.
- * Provide suitable roofing colour, material.
- * Strengthen infrastructures.
- * Respect the ages & lifestyles of all residents.

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 - 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: 5765

Date Received Stamp:

31/10/23

NDOCs No:

539570224-17849

*Required

Submitter Details

Full Name*	Amara Blanche Mynning-Kilworth		
Organisation			
Contact Person			
Postal address*			
Telephone*		Email*	amara@dmk-law.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.
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- ☐ 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.
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Council Hearing*

- ☒ I/we **do not** wish to be heard in support of my/our submission.
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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*

31/10/2023

RMA Submission Form for Publicly Notified Plan Change 29

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- ☒ 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)

I support the new high density residential zone (HRZ) areas proposed.

These are city fringe properties where more intensive residential development is much needed - we need a more vibrant & populated inner city. This also prevents urban sprawl into productive land.

My view is the proposed 19.5 (6 story) height limit is too high in this zone. It will cause shading to neighbours. A 15 story height limit is more appropriate.

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).

x I propose reducing the High Density (HRZ) height limit from 6 storeys to 4 storeys.
• We need neighbourhood plans drawn up for the city outlining specific goals for each area with an independent design committee to provide a cohesive & carefully considered approach over time. We don't want a piecemeal approach.

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 - b. discloses no reasonable or relevant case.
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 - 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 *Housing and Hazards*



31 October 2023

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

OFFICE USE
Submission No: S766
Date Received Stamp: 31/10/2023
NDOCs No: 539570224-17851

Submitter Details

Full Name ---
Organisation 588 Limited
Contact Person Mark Lile
Postal Address Landmark Lile Limited, PO Box 343, Nelson 7040
Mobile Phone
Email mark@landmarklile.co.nz

Trade Competition

I/we **could not** gain an advantage in trade competition through this submission.

Council Hearing

I **do** wish to be heard in support of my submission.

I would **not** be prepared to consider presenting my submission in a joint case with others.

Signature of Submitter
(or authorised person)

Dated: 31 October 2023

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 submissions and the relief sought are as follows:

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

Submission

588 Atawhai Drive is the owner of the 5386m² land contained within Lot 1 DP 551852 and has also purchased additional land off Bayview Nelson as a part of developing a residential subdivision.



588 Atawhai Drive

588 Limited has gathered a high level of geotechnical information which has been thoroughly reviewed by consultants on behalf of the consent authority. That information has also included the exposure of the fault trace along the northern face of the site. Likewise, the geological features of the site have been comprehensively mapped as a part of the subdivision and development process, with slope risks stabilised and certified as stable and suitable for residential use under section 106.

The outcomes for current and future purchasers of new titles created by 588 Limited is that they are not required to address slope instability risks long term. It is against this background that 588 Limited strongly opposes (as a whole) the new natural hazard provisions making up PC29. As set out in more details below, these new slope instability and fault hazard provisions are considered to be inaccurate as to the risks mapped, and inappropriate when assessed against section 32 of the Resource Management Act 1991.

These hazards bear no relationship to the geotechnical conditions that exist not only on this site, but on many other sites across the City. The methodology used to determine slope instability risks is considered to lack a coherent scientific or quantifiable basis. In addition, while the rules propose to manage risks on a relative basis, the background technical assessment (BECA) clearly states that is not a risk-based assessment. Hence, not only is there a lack of sound basis, but are also misleading in terms of what they represent.

Natural hazards also create a stigma to land which impose significant costs to landowners at the time of development, but also increasingly in terms of long-term insurance consequences. It is therefore for this reason that the identification of land susceptible to hazards needs to be accurate and reasonable.

Another concerning component of PC29 is the change to the Services Overlay. The Services Overlay has long been an integral part of the NRMP and also reconfirmed and amended as such in the decision on PC28. The fundamental basis upon which infrastructure constraints are to be managed (under PC29) is considered to lack sufficient transparency for all involved. It is considered that PC29 will lead to ad hoc and inefficient outcomes.

With regard to the intensification provided for by PC29 in the General Residential Zone, it is considered that in conjunction with the known servicing constraints, this will also lead to outcomes that do not achieve the purpose of the Act and outcomes sought by the NPS-UD.

Planning Maps		
	Overlays	Support/oppose
Map	Fault Deformation Overlay <u>Reasons</u> The graphical extent / boundaries of the Fault Deformation Overlay are considered to be inaccurate. Sufficient care has not been taken to utilise the detailed geotechnical information available on Council property and resource consent files. In some cases, the fault position has been accurately identified and so the Overlay boundaries should be significantly narrowed. Combined with the wider planning framework forming PC29, as outlined in other parts of this submission, the use of inaccurate base information will lead to significant and unreasonable implications for property owners. The impacts and costs are not considered to be justified under section 32 of the Act and will not achieve the sustainable management of natural and physical resources. <u>Relief Sought</u> Amend the graphical extent / boundaries of the Fault Deformation Overlay to ensure they are accurate.	Oppose in part
Map	Fault Awareness Overlay <u>Reasons</u> The graphical extent / boundaries of the Fault Awareness Overlay are considered to be inaccurate. Sufficient care has not been taken to utilise the detailed geotechnical information available on Council property and resource consent files. In some cases, the fault position has been accurately identified and so the Overlay boundaries should be significantly narrowed. Combined with the wider planning framework forming PC29, as outlined in other parts of this submission, the use of inaccurate base information will lead to significant and unreasonable implications for property owners. The impacts and costs are not considered to be justified under section 32 of the Act and will not achieve the sustainable management of natural and physical resources. <u>Relief Sought</u> Amend the graphical extent / boundaries of the Fault Awareness Overlay to ensure they are accurate.	Oppose in part
Map	Slope Instability Area 2 Overlay <u>Reasons</u> The graphical extent / boundaries of the Slope Instability Area 2 Overlay are considered to be inaccurate. Sufficient care has not been taken to utilise the detailed geotechnical information available on Council property and resource consent files. While it is accepted that some undeveloped land contains some inherent slope instability risk, the very broad basis upon which the slope instability risks have been mapped has resulted in engineer certified and stable land from being included in this natural hazard overlay. Combined with the wider planning framework forming PC29, as outlined in other parts of this submission, the use of inaccurate base information will lead to significant and unreasonable implications for property owners. The impacts and costs are not considered to be justified under section 32 of the Act and will not achieve the sustainable management of natural and physical resources. <u>Relief Sought</u> (a) Reassess the risks associated with all land within the Area 2 overlay, and (b) Amend the graphical extent / boundaries of the Slope Instability Area 2 Overlay to ensure they are accurate.	Oppose

Map	<i>Slope Instability Area 3 Overlay</i> Oppose <u>Reasons</u> The graphical extent / boundaries of the Slope Instability Area 3 Overlay are considered to be inaccurate. Sufficient care has not been taken to utilise the detailed geotechnical information available on Council property and resource consent files. While it is accepted that some undeveloped land contains some inherent slope instability risk, the very broad basis upon which the slope instability risks have been mapped has resulted in engineer certified and stable land from being included in this natural hazard overlay. Combined with the wider planning framework forming PC29, as outlined in other parts of this submission, the use of inaccurate base information will lead to significant and unreasonable implications for property owners. The impacts and costs are not considered to be justified under section 32 of the Act and will not achieve the sustainable management of natural and physical resources. <u>Relief Sought</u> <i>Either:</i> (a) Remove the Slope Instability Area 3 Overlay; or (b) Reassess the risks associated with all land within the Area 3 overlay, and (c) Amend the graphical extent / boundaries of the Slope Instability Area 3 Overlay to ensure they are accurate.
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Volume 1		
MW.iii	Meaning of Words	Support/oppose
	<i>Natural Hazard Overlay</i> <u>Reasons</u> Given the changes to all the provisions relating to natural hazards, the proposed changes to this definition are for the most part necessary and appropriate. The inclusion of slope instability area three overlay is however generally opposed as it is considered the risks do not warrant the inclusion of the land within this definition. As set out elsewhere in this submission, the basis upon which the slope instability areas have been identified is considered to be highly questionable and unreliable. While the need and importance of identifying hazards is fully recognised, it is considered fundamentally important for new provisions to have a sound basis and so for plan changes for the provisions to be fully justified under section 32. <u>Relief Sought</u> Remove slope instability area three overlay from the definition.	

Volume 2

Ch.7	Rules – General Residential Zone rules
RER.17A	Residential activity Oppose in part <u>Reasons</u> This new rule, in conjunction with the proposed changes to REr.108 and other associated provisions, fundamentally changes the resource management framework in relation to servicing infrastructure and the use of the Services Overlay. The costs and benefits of these changes have not been thoroughly assessed in the supporting section 32 assessment. For example: • How do PC29 address transport deficiencies? • How will individual property owners know, or at what stage will they realise, whether they can add / intensify their existing properties? Once a building consent is submitted? • While individual servicing connections may be compliant, what is the trigger to manage the wider servicing constraints? <u>Relief Sought</u> Either: (a) Delete REr.17A and retain the Services Overlay; or (b) Make necessary changes to the planning framework only after a thorough section 32 assessment has been undertaken of the relevant costs and effects.

	Rules relating to overlays on Planning Maps
RER.73	Fault Deformation Overlay – Building or network utility Oppose in part <u>Reasons</u> PC29 proposes to significantly change REr.73 which is currently entitled Fault Hazard Overlay. As set out in the tracked changes below, the current rule (clause (a)) permits building in the Overlay if the fault trace can be precisely located and buildings are setback at least 5m. RER.73.1 ~~Erection, extension or alteration of~~ In the Fault Deformation Overlay a building within the Fault Hazard Overlay or a network utility (except an accessory building or an addition to a building or a network utility) is permitted provided that: a. ~~where not a fault trace can be identified and precisely located by reference to the Council conditions book, subdivision files, site files, or GIS database, then the building is set back at least 5m from that fault trace permitted activity.~~ b. ~~no setback is required in the portion of the Fault Hazard Overlay between Seymour Avenue, and Cambria Street for any building used for residential purposes which are not more than 7.5m in height and designed for the permanent occupation of fewer than 20 persons.~~ The new rule reverses this, requiring consent for any new building or network utility as a restricted discretionary activity. Discretion is restricted to a number of matters, including reference to risks as set out within a "statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards". This new consenting requirement would cause a significant new expense and hassle for all allotments located within the Fault Deformation Area. These changes are therefore opposed on the basis that: 1) as set out above in relation to the mapping, the area covered by the deformation area is inaccurate and can in some locations be accurately positioned; and 2) an exception should be provided to those allotments that have been created with a supporting geotechnical assessment. <u>Relief Sought</u> Amend rule to provide an exemption for allotments that have already received engineering certification.

RER.73A	Fault Deformation Overlay - Addition to an existing building or network utility Oppose <u>Reasons</u> This is a new rule that states: RER.73A.1 <i>In the Fault Deformation Overlay an addition to an existing building or network utility is a permitted activity provided that the gross floor area of the addition does not exceed 10m².</i> This introduces a very small threshold for permitted activities, despite the geotechnical risks have already been fully investigated, reviewed, and addressed in approved resource consents. Given this, the rule is not considered to be appropriate for justified under section 32 of the Act. <u>Relief Sought</u> Amend rule to provide an exemption for allotments that have already received engineering certification.
RER.73B	Fault Deformation Overlay – Accessory building Oppose in part <u>Reasons</u> This new rule states: RER.73B.1 <i>In the Fault Deformation Overlay an accessory building is a permitted activity provided that:</i> <i>a. the gross floor area of the building does not exceed 10m²; and</i> <i>b. the building is accessory to an existing residential unit on the site or accessory to a residential unit that can occur on the site as a permitted activity or has resource consent granted.</i> This new rule is opposed for the same reasons set out in relation to RER.73A above. This introduces a very small threshold for permitted activities, despite the geotechnical risks have already been fully investigated, reviewed, and addressed in approved resource consents. Given this, the rule is not considered to be appropriate for justified under section 32 of the Act. <u>Relief Sought</u> Amend rule to provide an exemption for allotments that have already received engineering certification.
RER.73C	Fault Awareness Overlay – New Residential units Oppose in part <u>Reasons</u> PC29 proposes a significant new rule that states: RER.73C.1 <i>In the Fault Awareness Overlay a new residential unit is not a permitted activity</i> RER.73C.3 <i>In the Fault Awareness Overlay a new residential unit is a restricted discretionary activity.</i> <i>Discretion is restricted to:</i> <i>i. the level of fault hazard on the site; and</i> <i>ii. the location, scale and nature of the activity proposed for the site; and</i> <i>iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and</i> <i>iv. mitigation measures recommended to reduce the risk including setback from the fault or fault zone if it can be determined; and as detailed in an assessment of the fault hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and</i> <i>v. the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented.</i> The new rule requires a resource consent as a <i>restricted discretionary activity</i>. Discretion is restricted to a number of matters, including reference to risks as set out within a “statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards”. This rule, in its current form, does not recognize that there will be numerous titles created around Nelson City that have been developed with appropriate geotechnical assessment and certification. This new rule

	will therefore trigger the need for another resource consent irrespective of the robust process that some subdivision applications have been through, increasing the costs and hassle for landowners. Given this, the rule is not considered to be appropriate for justified under section 32 of the Act. <u>Relief Sought</u> Amend rule to provide an exemption for allotments that have already received engineering certification.
RER.75G	<i>Slope Instability Area 2 Overlay – Stormwater and wastewater</i> Oppose <u>Reasons</u> This rules requires: <i>RER.75G.1</i> <i>In the Slope Instability Area 2 Overlay:</i> <i>a driveway or vehicle standing area is a permitted activity, provided it is sealed.</i> <i>discharge of stormwater from any roof, impermeable area or water storage area (including any swimming pool) is a permitted activity, provided it is piped into an approved stormwater system.</i> <i>discharge of wastewater is a permitted activity, provided it is piped into an approved wastewater system.</i> The purpose of this rule is to ensure stormwater and wastewater discharges to land do not worsen the risks of slope instability. Resource consent is required as a discretionary activity if an activity does not comply. It is considered likely that there will be a large number of areas around residential dwellings, such as pathways and living court areas, that are impermeable and so would trigger the need for resource consent approval. This will generate a very high number of additional consents, adding significant cost of individual property owners, and also add considerably to the workload of the compliance team at NCC. The costs of the current rule are considered to far outweigh the benefits, and certainly not be justified under section 32 of the Act. Nor is this rule considered to be necessary or appropriate considering the risks the rule serves to manage. <u>Relief Sought</u> Either: - Delete rule; or - Significantly reduce the scope of the requirement and provide for practical exemptions.
RER.75H	<i>Slope Instability Area 2 Overlay – Earthworks</i> Opposed <u>Reasons</u> This new rule requires: <i>RER.75H.1</i> <i>In the Slope Instability Area 2 Overlay earthworks are a permitted activity provided:</i> <i>any cut does not exceed 0.6m in height; and</i> <i>on any site the placement of fill does not exceed 3m³ in total volume, and is spread over a minimum area of 30m².</i> A maximum cut height of 0.6m is a 50% reduction from the 1.2m current permitted activity standard. The new restrictions on fill volumes are even more significant as they impose a much greater restriction of fill on a volume basis. It is not that very little land is not located either in Areas 2 or 3. It is considered that this new rule will cause the need for resource consent for even small domestic landscaping structures. This will generate a very high number of additional consents, adding significant cost of individual property owners, and also add considerably to the workload of the compliance team at NCC. The costs of the current rule are considered to far outweigh the benefits, and certainly not be justified under section 32 of the Act. Nor is this rule considered to be necessary or appropriate considering the risks the rule serves to manage. <u>Relief Sought</u> Either: - Delete rule; or - Amend rule to an appropriate standard that is relevant in terms of risks.

REr.75I	<i>Slope Instability Area 2 Overlay – Structures</i> Opposed <u>Reasons</u> This new rule restrict new structures in Area 2 as follows: <i>REr.75I.1</i> <i>In the Slope Instability Area 2 Overlay structures are permitted provided that the structure does not increase the loading on the site by more than 5,000kg (including 5,000 litres of liquid).</i> This new weight-based rule imposes a new requirement / standard, also adding a likely new resource consent requirement for a large number of new allotments created. Very little land is not located either in Areas 2 (or 3 in Nelson). This will generate a very high number of additional consents, adding significant cost of individual property owners, and also add considerably to the workload of the compliance team at NCC. The costs of the current rule are considered to far outweigh the benefits, and certainly not be justified under section 32 of the Act. Nor is this rule considered to be necessary or appropriate considering the risks the rule serves to manage. <u>Relief Sought</u> Either: • Delete rule; or • Amend rule to an appropriate standard that is relevant in terms of risks.
REr.75J	<i>Slope Instability Area 2 Overlay – New residential units</i> Opposed <u>Reasons</u> This new rule states: <i>REr.75J.1</i> <i>In the Slope Instability Area 2 Overlay a new residential unit is not a permitted activity.</i> There has already been a large number of allotments approved for development in Area 2 (and 3). These rules do not in any way recognize subdivision consents recently approved, with appropriate geotechnical expertise and information. As a result, for the same reasons as set out above, this new rule will therefore trigger the need for another resource consent irrespective of the robust process that some subdivision applications have been through, increasing the costs and hassle for landowners. Given this, the rule is not considered to be appropriate for justified under section 32 of the Act. <u>Relief Sought</u> Either: • Delete rule; or • Amend rule to an appropriate standard that is relevant in terms of risks.
REr.75K	<i>Slope Instability Area 2 Overlay – Addition to an existing residential unit</i> Oppose <u>Reasons</u> This new rule imposes a restriction of the scale of building extensions: <i>REr.75K.1</i> <i>In the Slope Instability Area 2 Overlay an addition to an existing residential unit is a permitted activity provided the gross floor area of the addition does not exceed 10m².</i> For the same reasons set out above, this new restriction cannot be justified and would lead to a large number of new resource consents on land that has been certified as geotechnical stable. <u>Relief Sought</u> Delete rule.

RER.75L	<i>Slope Instability Area 2 Overlay – Accessory buildings</i> <u>Reasons</u> This new rule states: <i>RER.75L.1</i> <i>In the Slope Instability Area 2 Overlay an accessory building is a permitted activity provided that:</i> <i>the building does not exceed a gross floor area of 10m ; and</i> <i>the building is accessory to an existing residential unit on the site or accessory to a residential unit on the site that has resource consent granted.</i> As set out above, these new rules cannot be justified and are unnecessary for the subdivisions that have been consented on the basis of appropriate geotechnical information. <u>Relief Sought</u> Delete rule.
RER.75M	<i>Slope Instability Area 3 Overlay – Stormwater and wastewater</i> <u>Reasons</u> This new rule states: <i>RER.75M.1</i> <i>In the Slope Instability Area 3 Overlay:</i> <i>discharge of stormwater from any roof, impermeable area or water storage area (including any swimming pool) is a permitted activity, provided it is piped into an approved stormwater system.</i> <i>discharge of wastewater is a permitted activity, provided it is piped into an approved wastewater system.</i> There is no equivalent rule in the current Residential Zone. The purpose of this rule is to ensure stormwater and wastewater discharges to land do not worsen the risks of slope instability. Resource consent is required as a discretionary activity if an activity does not comply. It is considered likely that there will be a large number of areas around residential dwellings, such as pathways and living court areas, that are impermeable and so would trigger the need for resource consent approval. This will generate a very high number of additional consents, adding significant cost of individual property owners, and also add considerably to the workload of the compliance team at NCC. The costs of the current rule are considered to far outweigh the benefits, and certainly not be justified under section 32 of the Act. Nor is this rule considered to be necessary or appropriate considering the risks the rule serves to manage. <u>Relief Sought</u> Either: - Delete rule; or - Significantly reduce the scope of the requirement and provide for practical exemptions.
RER.75N	<i>Slope Instability Area 3 Overlay – Earthworks</i> <u>Reasons</u> This new rule states: <i>RER.75N.1</i> <i>In the Slope Instability Area 3 Overlay earthworks are a permitted activity provided:</i> <i>any cut does not exceed 0.6m in height; and</i> <i>on any site the placement of fill does not exceed 20m³ in total volume, and is spread over a minimum area of 10m².</i> A maximum cut height of 0.6m is a 50% reduction from the 1.2m current permitted activity standard. The new restrictions on fill volumes are even more significant as they impose a much greater restriction of fill on a volume basis. Very little land is not located either in Areas 2 or 3. It is considered that this new rule will cause the need for resource consent for even small domestic landscaping structures. This will generate a very high number of additional consents, adding significant cost of individual property owners, and also add considerably to the workload of the compliance team at NCC. The costs of the current rule are considered to far outweigh the benefits, and certainly not be justified

	under section 32 of the Act. Nor is this rule considered to be necessary or appropriate considering the risks the rule serves to manage. <u>Relief Sought</u> Either: • Delete rule; or • Amend rule to an appropriate standard that is relevant in terms of risks.
RER.750	<i>Slope Instability Area 3 Overlay – Structures</i> <u>Reasons</u> This new rule restricts new structures in Area 3 as follows: <i>RER.750.1</i> <i>In the Slope Instability Area 3 Overlay structures are a permitted activity provided that the structure does not increase the loading on the site by more than 5,000kg (including 5,000 litres of liquid).</i> This new weight-based rule imposes a new requirement / standard, also adding a likely new resource consent requirement for a large number of new allotments created. Very little land is not located either in Areas 3 (or 2 in Nelson). This will generate a very high number of additional consents, adding significant cost of individual property owners, and also add considerably to the workload of the compliance team at NCC. The costs of the current rule are considered to far outweigh the benefits, and certainly not be justified under section 32 of the Act. Nor is this rule considered to be necessary or appropriate considering the risks the rule serves to manage. <u>Relief Sought</u> Either: • Delete rule; or • Amend rule to an appropriate standard that is relevant in terms of risks.
RER.75P	<i>Slope Instability Area 3 Overlay – New residential units</i> Oppose <u>Reasons</u> These new rules state: <i>RER.75P.1</i> <i>In the Slope Instability Area 3 Overlay a new residential unit is not a permitted activity.</i> There has already been a large number of allotments approved for development in Area 3 (and 2). These rules do not in any way recognize subdivision consents recently approved, with appropriate geotechnical expertise and information. As a result, for the same reasons as set out above, this new rule will therefore trigger the need for another resource consent irrespective of the robust process that some subdivision applications have been through, increasing the costs and hassle for landowners. Given this, the rule is not considered to be appropriate for justified under section 32 of the Act. <u>Relief Sought</u> Either: • Delete rule; or • Amend rule to an appropriate standard that is relevant in terms of risks.
RER.75Q	<i>Slope Instability Area 3 Overlay – Addition to an existing residential unit</i> Oppose <u>Reasons</u> This new rule also impose a restriction of the scale of building extensions: <i>RER.75Q.1</i> <i>In the Slope Instability Area 3 Overlay an addition to an existing residential unit is a permitted activity provided the gross floor area of the addition does not exceed 10m².</i> For the same reasons set out above, this new restriction cannot be justified and would lead to a large number of new resource consents on land that has been certified as geotechnical stable. <u>Relief Sought</u> Delete rule.

REr.75R	<i>Slope Instability Area 3 Overlay – Accessory building</i> <u>Reasons</u> These new rules state: <i>REr.75R.1</i> <i>In the Slope Instability Area 3 Overlay an accessory building is a permitted activity provided that</i> <i>the building does not exceed a gross floor area of 10m²; and</i> <i>the building is accessory to an existing residential unit on the site or accessory to a residential unit on the site that has resource consent granted.</i> As set out above, these new rules cannot be justified and are unnecessary for the subdivisions that have been consented on the basis on appropriate geotechnical information. As set out above, these new rules cannot be justified and are unnecessary for the subdivisions that have been consented on the basis on appropriate geotechnical information. <u>Relief Sought</u> Delete rule.
	<i>Subdivision rules relating to overlays on the Planning Maps</i>
REr.107	<i>Subdivision - General</i> Oppose <u>Reasons</u> While it is accepted that some residential areas are suitable for residential allotments down to 200m², it is considered that Bayview is not one such area. This is because considerable time and resources have been invested into planning for a subdivision density and character that is sympathetic to the topography, but also planned in a coordinated manner in conjunction with the management of infrastructure constraints. This submission is made alongside those made against REr.17A, REr.17B and REr.108 below. These submissions must be considered collectively. <u>Relief Sought</u> Delete change.
REr.108	<i>Services Overlay</i> Oppose <u>Reasons</u> This removes the Services Overlay from the General Residential Zone, along with other zones. As set out in this submission, PC29 proposes changes that are not supported as the costs and appropriateness of the changes have not been adequately considered under section 32 of the Act. <u>Relief Sought</u> - Reinstate the Services Overlay; and - Extend the Services Overall over all intensification land where servicing constraints exist.
REr.110	<i>Fault Deformation Overlay - Subdivision</i> Neutral <u>Reasons</u> PC29 proposes to change the current version of REr.110.1 and REr.110.3 as follows: <i>REr.110.1</i> <i>Subdivision is not a permitted activity.</i> <i>REr.110.3</i> <i>Subdivision in the Fault Hazard Deformation Overlay is a discretionary, except in that portion of the overlay between Seymour Avenue and Cambria Street where this rule does not apply, if: activity.</i> <i>the fault trace can be accurately located from existing Council records including the Conditions Book, subdivision files, site files, and GIS database, or</i> <i>the consent application is accompanied by a geotechnical assessment by a suitably qualified person which identifies the presence or absence of the fault trace, and where present, its location.</i> Resource consent is already required as a discretionary activity due to the Fault Hazard Overlay. <u>Relief Sought</u> Retain rule.

REr.110A	Fault Awareness Overlay - Subdivision Neutral <u>Reasons</u> PC29 proposes a new subdivision rule REr.100A as follows: REr.110A.1 <i>Subdivision is not a permitted activity.</i> REr.110A.3 <i>Subdivision in the Fault Awareness Overlay is a restricted discretionary activity.</i> <i>Discretion is restricted to:</i> i. <i>the level of fault hazard on the site; and</i> ii. <i>the location, scale and nature of activities proposed for the sites created; and</i> iii. <i>the level of risk including to people, property and infrastructure, both onsite and off the site; and</i> iv. <i>mitigation measures recommended to reduce the risk including setback of platforms for buildings from the fault or fault zone if the fault or fault zone can be determined; and as detailed in an assessment of the fault hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and</i> v. <i>the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented; and</i> vi. <i>the relevant matters of control and restricted discretion in REr.107 -Subdivision General.</i> As noted above, this raises the bar in terms of the hazard risk assessment. A geotechnical report would have been required for subdivision in any event. <u>Relief Sought</u> Retain rule.
REr.112B	Slope Instability Area 2 Overlay - Subdivision Oppose <u>Reasons</u> In addition to the concerns raised above over the broad nature of the slope instability mapping, the discretionary activity for subdivision is considered to be unnecessary and inefficient. There is already a high level of care given in subdivision applications with the involvement of geotechnical engineering experts as a part of dealing with the requirements of the Fourth Schedule and Section 106 of the Act. The relevant and appropriate consideration of geotechnical stability and slope risk is already a part of application triggered under REr.107. <u>Relief Sought</u> Delete REr.112B.
REr.112C	Slope Instability Area 3 Overlay - Subdivision Oppose <u>Reasons</u> In addition to the concerns raised above over the broad nature of the slope instability mapping, the discretionary activity for subdivision is considered to be unnecessary and inefficient. There is already a high level of care given in subdivision applications with the involvement of geotechnical engineering experts as a part of dealing with the requirements of the Fourth Schedule and Section 106 of the Act. The relevant and appropriate consideration of geotechnical stability and slope risk is already a part of application triggered under REr.107. <u>Relief Sought</u> Delete REr.112C.

Volume 3		
AP11	Access standards	
11.3.1	<i>Design of vehicle access</i> Support <u>Reasons</u> The provision for rights of ways to be created with between 7 and 20 users is supported. This will not only reduce the number of consents required for rights of ways with more than 6 users, but also provide a more flexible framework that will support the needs of some forms of residential development. <u>Relief Sought</u> Retain rule.	

RMA Submission Form for Publicly Notified Plan Change 29 *Housing and Hazards*

31 October 2023

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

OFFICE USE
Submission No: S767
Date Received Stamp: 31/10/2023
NDOCs No: 539570224-17853

Submitter Details

Full Name ---
Organisation Bayview Nelson Limited
Contact Person Mark Lile
Postal Address Landmark Lile Limited, PO Box 343, Nelson 7040
Mobile Phone
Email mark@landmarklile.co.nz

Trade Competition

I/we **could not** gain an advantage in trade competition through this submission.

Council Hearing

I **do** wish to be heard in support of my submission.

I would **not** be prepared to consider presenting my submission in a joint case with others.



.....

Signature of Submitter
(or authorised person)

Dated: 31 October 2023

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 submissions and the relief sought are as follows:

Submission

This submission is from Bayview Nelson Limited (BNL). BNL has been actively developing the residential land at the end of Bayview Road, and has also been a core part of Private Plan Change 28 which received a very positive recommendation by the Independent Commissioner Panel that was adopted by NCC.

A total of 232 allotments off Bayview Road (and Frenchay Drive) have been consented with 61 already titled and a further 19 to be titled in the next few weeks.



Bayview Nelson Limited

BNL has gathered a high level of geotechnical information which has been thoroughly reviewed by consultants on behalf of the consent authority. That information has also included the exposure of the fault trace along the northern face of the site. Likewise, the geological features of the site have been comprehensively mapped as a part of the subdivision and development process, with slope risks stabilised and certified as stable and suitable for residential use under section 106.

The outcomes for current and future purchasers of new titles created by BNL is that they are not required to address slope instability risks long term. It is against this background that BNL strongly opposes (as a whole) the new natural hazard provisions making up PC29. As set out in more details below, these new slope instability and fault hazard provisions are considered to be inaccurate as to the risks mapped, and inappropriate when assessed against section 32 of the Resource Management Act 1991.

These hazards bear no relationship to the geotechnical conditions that exist not only on this site, but on many other sites across the City. The methodology used to determine slope instability risks is considered to lack a coherent scientific or quantifiable basis. In addition, while the rules propose to manage risks on a relative basis, the background technical assessment (BECA) clearly states that is not a risk-based assessment. Hence, not only is there a lack of sound basis, but are also misleading in terms of what they represent.

Natural hazards also create a stigma to land which impose significant costs to landowners at the time of development, but also increasingly in terms of long-term insurance consequences. It is therefore for this reason that the identification of land susceptible to hazards needs to be accurate and reasonable.

Another concerning component of PC29 is the change to the Services Overlay. The Services Overlay has long been an integral part of the NRMP and also reconfirmed and amended as such in the decision on PC28. The fundamental basis upon which infrastructure constraints are to be managed (under PC29) is considered to lack sufficient transparency for all involved. It is considered that PC29 will lead to ad hoc and inefficient outcomes.

With regard to the intensification provided for by PC29 in the General Residential Zone, it is considered that in conjunction with the known servicing constraints, this will also lead to outcomes that do not achieve the purpose of the Act and outcomes sought by the NPS-UD.

Planning Maps		
	Overlays	Support/oppose
Map	Fault Deformation Overlay <u>Reasons</u> The graphical extent / boundaries of the Fault Deformation Overlay are considered to be inaccurate. Sufficient care has not been taken to utilise the detailed geotechnical information available on Council property and resource consent files. In some cases, the fault position has been accurately identified and so the Overlay boundaries should be significantly narrowed. Combined with the wider planning framework forming PC29, as outlined in other parts of this submission, the use of inaccurate base information will lead to significant and unreasonable implications for property owners. The impacts and costs are not considered to be justified under section 32 of the Act and will not achieve the sustainable management of natural and physical resources. <u>Relief Sought</u> Amend the graphical extent / boundaries of the Fault Deformation Overlay to ensure they are accurate.	Oppose in part
Map	Fault Awareness Overlay <u>Reasons</u> The graphical extent / boundaries of the Fault Awareness Overlay are considered to be inaccurate. Sufficient care has not been taken to utilise the detailed geotechnical information available on Council property and resource consent files. In some cases, the fault position has been accurately identified and so the Overlay boundaries should be significantly narrowed. Combined with the wider planning framework forming PC29, as outlined in other parts of this submission, the use of inaccurate base information will lead to significant and unreasonable implications for property owners. The impacts and costs are not considered to be justified under section 32 of the Act and will not achieve the sustainable management of natural and physical resources. <u>Relief Sought</u> Amend the graphical extent / boundaries of the Fault Awareness Overlay to ensure they are accurate.	Oppose in part
Map	Slope Instability Area 2 Overlay <u>Reasons</u> The graphical extent / boundaries of the Slope Instability Area 2 Overlay are considered to be inaccurate. Sufficient care has not been taken to utilise the detailed geotechnical information available on Council property and resource consent files. While it is accepted that some undeveloped land contains some inherent slope instability risk, the very broad basis upon which the slope instability risks have been mapped has resulted in engineer certified and stable land from being included in this natural hazard overlay. Combined with the wider planning framework forming PC29, as outlined in other parts of this submission, the use of inaccurate base information will lead to significant and unreasonable implications for property owners. The impacts and costs are not considered to be justified under section 32 of the Act and will not achieve the sustainable management of natural and physical resources. <u>Relief Sought</u> (a) Reassess the risks associated with all land within the Area 2 overlay, and (b) Amend the graphical extent / boundaries of the Slope Instability Area 2 Overlay to ensure they are accurate.	Oppose

Map	<i>Slope Instability Area 3 Overlay</i> Oppose <u>Reasons</u> The graphical extent / boundaries of the Slope Instability Area 3 Overlay are considered to be inaccurate. Sufficient care has not been taken to utilise the detailed geotechnical information available on Council property and resource consent files. While it is accepted that some undeveloped land contains some inherent slope instability risk, the very broad basis upon which the slope instability risks have been mapped has resulted in engineer certified and stable land from being included in this natural hazard overlay. Combined with the wider planning framework forming PC29, as outlined in other parts of this submission, the use of inaccurate base information will lead to significant and unreasonable implications for property owners. The impacts and costs are not considered to be justified under section 32 of the Act and will not achieve the sustainable management of natural and physical resources. <u>Relief Sought</u> <i>Either:</i> (a) Remove the Slope Instability Area 3 Overlay; or (b) Reassess the risks associated with all land within the Area 3 overlay, and (c) Amend the graphical extent / boundaries of the Slope Instability Area 3 Overlay to ensure they are accurate.
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Volume 1		
MW.iii	Meaning of Words	Support/oppose
	<i>Natural Hazard Overlay</i> Oppose <u>Reasons</u> Given the changes to all the provisions relating to natural hazards, the proposed changes to this definition are for the most part necessary and appropriate. The inclusion of slope instability area three overlay is however generally opposed as it is considered the risks do not warrant the inclusion of the land within this definition. As set out elsewhere in this submission, the basis upon which the slope instability areas have been identified is considered to be highly questionable and unreliable. While the need and importance of identifying hazards is fully recognised, it is considered fundamentally important for new provisions to have a sound basis and so for plan changes for the provisions to be fully justified under section 32. <u>Relief Sought</u> Remove slope instability area three overlay from the definition.	

Volume 2

Ch.7	Rules – General Residential Zone rules
RER.17A	Residential activity Oppose in part <u>Reasons</u> This new rule, in conjunction with the proposed changes to RER.108 and other associated provisions, fundamentally changes the resource management framework in relation to servicing infrastructure and the use of the Services Overlay. The costs and benefits of these changes have not been thoroughly assessed in the supporting section 32 assessment. For example: • How does PC29 address transport deficiencies? • How will individual property owners know, or at what stage will they realise, whether they can add / intensify their existing properties? Once a building consent is submitted? • While individual servicing connections may be compliant, what is the trigger to manage the wider servicing constraints? <u>Relief Sought</u> Either: (a) Delete RER.17A and retain the Services Overlay; or (b) Make necessary changes to the planning framework only after a thorough section 32 assessment has been undertaken of the relevant costs and effects.
RER.17B	Residential units Oppose <u>Reasons</u> This rule provides for: <i>Development of up to three residential units on a site is a permitted activity, provided that the development complies with all the permitted conditions in this Rule Table.</i> In conjunction with other parts of PC29 that are addressed in this submission, this could lead to a situation where current servicing constraints are exceeded by new development given the absence of sufficient development controls. Considerable effort and resources have been invested to ensure this subdivision is both appropriate for the site (in terms of layout and density), but has also progressed in line with serving constraints. This new rule significantly compromises those efforts. <u>Relief Sought</u> Delete change.

	Rules relating to overlays on Planning Maps
RER.73	Fault Deformation Overlay – Building or network utility Oppose in part <u>Reasons</u> PC29 proposes to significantly change RER.73 which is currently entitled Fault Hazard Overlay. As set out in the tracked changes below, the current rule (clause (a)) permits building in the Overlay if the fault trace can be precisely located and buildings are setback at least 5m. RER.73.1 ~~Erection, extension or alteration of~~ In the Fault Deformation Overlay a building within the Fault Hazard Overlay or a network utility (except an accessory building or an addition to a building or a network utility) is permitted provided that: a. ~~where not a fault trace can be identified and precisely located by reference to the Council conditions book, subdivision files, site files, or GIS database, then the building is set back at least 5m from that fault trace permitted activity.~~ b. ~~no setback is required in the portion of the Fault Hazard Overlay between Seymour Avenue, and Cambria Street for any building used for residential purposes which are not more than 7.5m in height and designed for the permanent occupation of fewer than 20 persons.~~ The new rule reverses this, requiring consent for any new building or network utility as a restricted discretionary activity. Discretion is restricted to a number of matters, including reference to risks as set out

	within a “statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards”. This new consenting requirement would cause a significant new expense and hassle for all allotments located within the Fault Deformation Area. These changes are therefore opposed on the basis that: 1) as set out above in relation to the mapping, the area covered by the deformation area is inaccurate and can in some locations be accurately positioned; and 2) an exception should be provided to those allotments that have been created with a supporting geotechnical assessment. <u>Relief Sought</u> Amend rule to provide an exemption for allotments that have already received engineering certification.
RER.73A	<i>Fault Deformation Overlay - Addition to an existing building or network utility</i> Oppose <u>Reasons</u> This is a new rule that states: <i>RER.73A.1</i> <i>In the Fault Deformation Overlay an addition to an existing building or network utility is a permitted activity provided that the gross floor area of the addition does not exceed 10m².</i> This introduces a very small threshold for permitted activities, despite the geotechnical risks have already been fully investigated, reviewed, and addressed in approved resource consents. Given this, the rule is not considered to be appropriate for justified under section 32 of the Act. <u>Relief Sought</u> Amend rule to provide an exemption for allotments that have already received engineering certification.
RER.73B	<i>Fault Deformation Overlay – Accessory building</i> Oppose in part <u>Reasons</u> This new rule states: <i>RER.73B.1</i> <i>In the Fault Deformation Overlay an accessory building is a permitted activity provided that:</i> <i>a. the gross floor area of the building does not exceed 10m²; and</i> <i>b. the building is accessory to an existing residential unit on the site or accessory to a residential unit that can occur on the site as a permitted activity or has resource consent granted.</i> This new rule is opposed for the same reasons set out in relation to RER.73A above. This introduces a very small threshold for permitted activities, despite the geotechnical risks have already been fully investigated, reviewed, and addressed in approved resource consents. Given this, the rule is not considered to be appropriate for justified under section 32 of the Act. <u>Relief Sought</u> Amend rule to provide an exemption for allotments that have already received engineering certification.
RER.73C	<i>Fault Awareness Overlay – New Residential units</i> Oppose in part <u>Reasons</u> PC29 proposes a significant new rule that states: <i>RER.73C.1</i> <i>In the Fault Awareness Overlay a new residential unit is not a permitted activity</i> <i>RE.73C.3</i> <i>In the Fault Awareness Overlay a new residential unit is a restricted discretionary activity.</i> <i>Discretion is restricted to:</i> <i>i. the level of fault hazard on the site; and</i> <i>ii. the location, scale and nature of the activity proposed for the site; and</i> <i>iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and</i> <i>iv. mitigation measures recommended to reduce the risk including setback from the fault or fault zone if it can be determined; and as detailed in an assessment of the fault hazard risk provided in a</i>

	<i>statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and</i> v. <i>the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented.</i> The new rule requires a resource consent as a <i>restricted discretionary activity</i>. Discretion is restricted to a number of matters, including reference to risks as set out within a “<i>statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards</i>”. This rule, in its current form, does not recognize that there will be numerous titles created around Nelson City that have been developed with appropriate geotechnical assessment and certification. This new rule will therefore trigger the need for another resource consent irrespective of the robust process that some subdivision applications have been through, increasing the costs and hassle for landowners. Given this, the rule is not considered to be appropriate for justified under section 32 of the Act. <u>Relief Sought</u> Amend rule to provide an exemption for allotments that have already received engineering certification.
RER.75G	<i>Slope Instability Area 2 Overlay – Stormwater and wastewater</i> Oppose <u>Reasons</u> This rule requires: <i>RER.75G.1</i> <i>In the Slope Instability Area 2 Overlay:</i> <i>a driveway or vehicle standing area is a permitted activity, provided it is sealed.</i> <i>discharge of stormwater from any roof, impermeable area or water storage area (including any swimming pool) is a permitted activity, provided it is piped into an approved stormwater system.</i> <i>discharge of wastewater is a permitted activity, provided it is piped into an approved wastewater system.</i> The purpose of this rule is to ensure stormwater and wastewater discharges to land do not worsen the risks of slope instability. Resource consent is required as a discretionary activity if an activity does not comply. It is considered likely that there will be a large number of areas around residential dwellings, such as pathways and living court areas, that are impermeable and so would trigger the need for resource consent approval. This will generate a very high number of additional consents, adding significant cost of individual property owners, and also add considerably to the workload of the compliance team at NCC. The costs of the current rule are considered to far outweigh the benefits, and certainly not be justified under section 32 of the Act. Nor is this rule considered to be necessary or appropriate considering the risks the rule serves to manage. <u>Relief Sought</u> Either: - Delete rule; or - Significantly reduce the scope of the requirement and provide for practical exemptions.
RER.75H	<i>Slope Instability Area 2 Overlay – Earthworks</i> Oppose <u>Reasons</u> This new rule requires: <i>RER.75H.1</i> <i>In the Slope Instability Area 2 Overlay earthworks are a permitted activity provided:</i> <i>any cut does not exceed 0.6m in height; and</i> <i>on any site the placement of fill does not exceed 3m³ in total volume, and is spread over a minimum area of 30m².</i> A maximum cut height of 0.6m is a 50% reduction from the 1.2m current permitted activity standard. The new restrictions on fill volumes are even more significant as they impose a much greater restriction of fill on a volume basis. It is not that very little land is not located either in Areas 2 or 3. It is considered that this new rule will cause the need for resource consent for even small domestic landscaping structures. This will generate a very high number of additional consents, adding significant cost of individual property owners, and also add considerably to the workload of the compliance team at NCC. The costs of the current rule are considered to far outweigh the benefits, and certainly not be justified

	under section 32 of the Act. Nor is this rule considered to be necessary or appropriate considering the risks the rule serves to manage. <u>Relief Sought</u> Either: • Delete rule; or • Amend rule to an appropriate standard that is relevant in terms of risks.
RER.75I	<i>Slope Instability Area 2 Overlay – Structures</i> Oppose <u>Reasons</u> This new rule restrict new structures in Area 2 as follows: <i>RER.75I.1</i> <i>In the Slope Instability Area 2 Overlay structures are permitted provided that the structure does not increase the loading on the site by more than 5,000kg (including 5,000 litres of liquid).</i> This new weight-based rule imposes a new requirement / standard, also adding a likely new resource consent requirement for a large number of new allotments created. Very little land is not located either in Areas 2 (or 3 in Nelson). This will generate a very high number of additional consents, adding significant cost of individual property owners, and also add considerably to the workload of the compliance team at NCC. The costs of the current rule are considered to far outweigh the benefits, and certainly not be justified under section 32 of the Act. Nor is this rule considered to be necessary or appropriate considering the risks the rule serves to manage. <u>Relief Sought</u> Either: • Delete rule; or • Amend rule to an appropriate standard that is relevant in terms of risks.
RER.75J	<i>Slope Instability Area 2 Overlay – New residential units</i> Oppose <u>Reasons</u> This new rule states: <i>RER.75J.1</i> <i>In the Slope Instability Area 2 Overlay a new residential unit is not a permitted activity.</i> There has already been a large number of allotments approved for development in Area 2 (and 3). These rules do not in any way recognize subdivision consents recently approved, with appropriate geotechnical expertise and information. As a result, for the same reasons as set out above, this new rule will therefore trigger the need for another resource consent irrespective of the robust process that some subdivision applications have been through, increasing the costs and hassle for landowners. Given this, the rule is not considered to be appropriate for justified under section 32 of the Act. <u>Relief Sought</u> Either: • Delete rule; or • Amend rule to an appropriate standard that is relevant in terms of risks.
RER.75K	<i>Slope Instability Area 2 Overlay – Addition to an existing residential unit</i> Oppose <u>Reasons</u> This new rule imposes a restriction of the scale of building extensions: <i>RER.75K.1</i> <i>In the Slope Instability Area 2 Overlay an addition to an existing residential unit is a permitted activity provided the gross floor area of the addition does not exceed 10m².</i> For the same reasons set out above, this new restriction cannot be justified and would lead to a large number of new resource consents on land that has been certified as geotechnical stable. <u>Relief Sought</u> Delete rule.

RER.75L	Slope Instability Area 2 Overlay – Accessory buildings Oppose <u>Reasons</u> This new rule states: RER.75L.1 <i>In the Slope Instability Area 2 Overlay an accessory building is a permitted activity provided that:</i> <i>the building does not exceed a gross floor area of 10m ; and</i> <i>the building is accessory to an existing residential unit on the site or accessory to a residential unit on the site that has resource consent granted.</i> As set out above, these new rules cannot be justified and are unnecessary for the subdivisions that have been consented on the basis of appropriate geotechnical information. <u>Relief Sought</u> Delete rule.
RER.75M	Slope Instability Area 3 Overlay – Stormwater and wastewater Oppose <u>Reasons</u> This new rule states: RER.75M.1 <i>In the Slope Instability Area 3 Overlay:</i> <i>discharge of stormwater from any roof, impermeable area or water storage area (including any swimming pool) is a permitted activity, provided it is piped into an approved stormwater system.</i> <i>discharge of wastewater is a permitted activity, provided it is piped into an approved wastewater system.</i> There is no equivalent rule in the current Residential Zone. The purpose of this rule is to ensure stormwater and wastewater discharges to land do not worsen the risks of slope instability. Resource consent is required as a discretionary activity if an activity does not comply. It is considered likely that there will be a large number of areas around residential dwellings, such as pathways and living court areas, that are impermeable and so would trigger the need for resource consent approval. This will generate a very high number of additional consents, adding significant cost of individual property owners, and also add considerably to the workload of the compliance team at NCC. The costs of the current rule are considered to far outweigh the benefits, and certainly not be justified under section 32 of the Act. Nor is this rule considered to be necessary or appropriate considering the risks the rule serves to manage. <u>Relief Sought</u> Either: - Delete rule; or - Significantly reduce the scope of the requirement and provide for practical exemptions.
RER.75N	Slope Instability Area 3 Overlay – Earthworks Oppose <u>Reasons</u> This new rule states: RER.75N.1 <i>In the Slope Instability Area 3 Overlay earthworks are a permitted activity provided:</i> <i>any cut does not exceed 0.6m in height; and</i> <i>on any site the placement of fill does not exceed 20m³ in total volume, and is spread over a minimum area of 10m².</i> A maximum cut height of 0.6m is a 50% reduction from the 1.2m current permitted activity standard. The new restrictions on fill volumes are even more significant as they impose a much greater restriction of fill on a volume basis. Very little land is not located either in Areas 2 or 3. It is considered that this new rule will cause the need for resource consent for even small domestic landscaping structures. This will generate a very high number of additional consents, adding significant cost of individual property owners, and also add considerably to the workload of the compliance team at NCC.

	The costs of the current rule are considered to far outweigh the benefits, and certainly not be justified under section 32 of the Act. Nor is this rule considered to be necessary or appropriate considering the risks the rule serves to manage. <u>Relief Sought</u> Either: • Delete rule; or • Amend rule to an appropriate standard that is relevant in terms of risks.
RER.750	<i>Slope Instability Area 3 Overlay – Structures</i> Oppose <u>Reasons</u> This new rule restricts new structures in Area 3 as follows: <i>RER.750.1</i> <i>In the Slope Instability Area 3 Overlay structures are a permitted activity provided that the structure does not increase the loading on the site by more than 5,000kg (including 5,000 litres of liquid).</i> This new weight-based rule imposes a new requirement / standard, also adding a likely new resource consent requirement for a large number of new allotments created. Very little land is not located either in Areas 3 (or 2 in Nelson). This will generate a very high number of additional consents, adding significant cost of individual property owners, and also add considerably to the workload of the compliance team at NCC. The costs of the current rule are considered to far outweigh the benefits, and certainly not be justified under section 32 of the Act. Nor is this rule considered to be necessary or appropriate considering the risks the rule serves to manage. <u>Relief Sought</u> Either: • Delete rule; or • Amend rule to an appropriate standard that is relevant in terms of risks.
RER.75P	<i>Slope Instability Area 3 Overlay – New residential units</i> Oppose <u>Reasons</u> These new rules state: <i>RER.75P.1</i> <i>In the Slope Instability Area 3 Overlay a new residential unit is not a permitted activity.</i> There has already been a large number of allotments approved for development in Area 3 (and 2). These rules do not in any way recognize subdivision consents recently approved, with appropriate geotechnical expertise and information. As a result, for the same reasons as set out above, this new rule will therefore trigger the need for another resource consent irrespective of the robust process that some subdivision applications have been through, increasing the costs and hassle for landowners. Given this, the rule is not considered to be appropriate for justified under section 32 of the Act. <u>Relief Sought</u> Either: • Delete rule; or • Amend rule to an appropriate standard that is relevant in terms of risks.
RER.75Q	<i>Slope Instability Area 3 Overlay – Addition to an existing residential unit</i> Oppose <u>Reasons</u> This new rule also impose a restriction of the scale of building extensions: <i>RER.75Q.1</i> <i>In the Slope Instability Area 3 Overlay an addition to an existing residential unit is a permitted activity provided the gross floor area of the addition does not exceed 10m².</i> For the same reasons set out above, this new restriction cannot be justified and would lead to a large number of new resource consents on land that has been certified as geotechnical stable. <u>Relief Sought</u> Delete rule.

REr.75R	<i>Slope Instability Area 3 Overlay – Accessory building</i> Oppose <u>Reasons</u> These new rules state: <i>REr.75R.1</i> <i>In the Slope Instability Area 3 Overlay an accessory building is a permitted activity provided that</i> <i>the building does not exceed a gross floor area of 10m²; and</i> <i>the building is accessory to an existing residential unit on the site or accessory to a residential unit on the site that has resource consent granted.</i> As set out above, these new rules cannot be justified and are unnecessary for the subdivisions that have been consented on the basis on appropriate geotechnical information. As set out above, these new rules cannot be justified and are unnecessary for the subdivisions that have been consented on the basis on appropriate geotechnical information. <u>Relief Sought</u> Delete rule.
<i>Subdivision rules relating to overlays on the Planning Maps</i> Support/Oppose	
REr.107	<i>Subdivision - General</i> Oppose <u>Reasons</u> While it is accepted that some residential areas are suitable for residential allotments down to 200m², it is considered that Bayview is not one such area. This is because considerable time and resources have been invested into planning for a subdivision density and character that is sympathetic to the topography, but also planned in a coordinated manner in conjunction with the management of infrastructure constraints. This submission is made alongside those made against REr.17A, REr.17B and REr.108 below. These submissions must be considered collectively. <u>Relief Sought</u> Delete change.
REr.108	<i>Services Overlay</i> Oppose <u>Reasons</u> This removes the Services Overlay from the General Residential Zone, along with other zones. As set out in this submission, PC29 proposes changes that are not supported as the costs and appropriateness of the changes have not been adequately considered under section 32 of the Act. <u>Relief Sought</u> - Reinstate the Services Overlay; and - Extend the Services Overall over all intensification land where servicing constraints exist.
REr.110	<i>Fault Deformation Overlay - Subdivision</i> Neutral <u>Reasons</u> PC29 proposes to change the current version of REr.110.1 and REr.110.3 as follows: <i>REr.110.1</i> <i>Subdivision is not a permitted activity.</i> <i>REr.110.3</i> <i>Subdivision in the Fault Hazard Deformation Overlay is a discretionary, except in that portion of the overlay between Seymour Avenue and Cambria Street where this rule does not apply, if: activity.</i> <i>the fault trace can be accurately located from existing Council records including the Conditions Book, subdivision files, site files, and GIS database, or</i> <i>the consent application is accompanied by a geotechnical assessment by a suitably qualified person which identifies the presence or absence of the fault trace, and where present, its location.</i> Resource consent is already required as a discretionary activity due to the Fault Hazard Overlay. <u>Relief Sought</u> Retain rule.

REr.110A	Fault Awareness Overlay - Subdivision Neutral <u>Reasons</u> PC29 proposes a new subdivision rule REr.100A as follows: REr.110A.1 <i>Subdivision is not a permitted activity.</i> REr.110A.3 <i>Subdivision in the Fault Awareness Overlay is a restricted discretionary activity.</i> <i>Discretion is restricted to:</i> i. <i>the level of fault hazard on the site; and</i> ii. <i>the location, scale and nature of activities proposed for the sites created; and</i> iii. <i>the level of risk including to people, property and infrastructure, both onsite and off the site; and</i> iv. <i>mitigation measures recommended to reduce the risk including setback of platforms for buildings from the fault or fault zone if the fault or fault zone can be determined; and as detailed in an assessment of the fault hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and</i> v. <i>the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented; and</i> vi. <i>the relevant matters of control and restricted discretion in REr.107 -Subdivision General.</i> As noted above, this raises the bar in terms of the hazard risk assessment. A geotechnical report would have been required for subdivision in any event. <u>Relief Sought</u> Retain rule.
REr.112B	Slope Instability Area 2 Overlay - Subdivision Oppose <u>Reasons</u> In addition to the concerns raised above over the broad nature of the slope instability mapping, the discretionary activity for subdivision is considered to be unnecessary and inefficient. There is already a high level of care given in subdivision applications with the involvement of geotechnical engineering experts as a part of dealing with the requirements of the Fourth Schedule and Section 106 of the Act. The relevant and appropriate consideration of geotechnical stability and slope risk is already a part of application triggered under REr.107. <u>Relief Sought</u> Delete REr.112B.
REr.112C	Slope Instability Area 3 Overlay - Subdivision Oppose <u>Reasons</u> In addition to the concerns raised above over the broad nature of the slope instability mapping, the discretionary activity for subdivision is considered to be unnecessary and inefficient. There is already a high level of care given in subdivision applications with the involvement of geotechnical engineering experts as a part of dealing with the requirements of the Fourth Schedule and Section 106 of the Act. The relevant and appropriate consideration of geotechnical stability and slope risk is already a part of application triggered under REr.107. <u>Relief Sought</u> Delete REr.112C.

Volume 3

AP11	Access standards	
11.3.1	<i>Design of vehicle access</i> <u>Reasons</u> The provision for rights of ways to be created with between 7 and 20 users is supported. This will not only reduce the number of consents required for rights of ways with more than 6 users, but also provide a more flexible framework that will support the needs of some forms of residential development. <u>Relief Sought</u> Retain rule.	Support